

Appendix IID-2D
USACE Correspondence



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

July 14, 2020

Compliance Branch

SUBJECT: Acknowledgement of Request

Ashley Thompson
Golder Associates, Inc.
14950 Heathrow Forest Parkway, Suite 280
Houston, Texas 77032

This is to acknowledge receipt by email on July 9, 2020 of a request, on behalf of USA Waste of Texas Landfills, Inc., for an approved jurisdictional determination on an approximate 253-acre tract for the proposed expansion of the Hawthorn Park Landfill. The tract is located northeast of the West Beltway 8 and Tanner Road intersection, in Houston, Harris County, Texas.

We will use the information provided combined with other site-specific data/information to determine the presence and/or absence of aquatic resources on the site and their jurisdictional status as it pertains to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. For ease and future reference please note the following information has been assigned to this request:

File Number:	SWG-1992-01983
Compliance Regulator	Lee Hardy
Telephone number	409-766-3119
E-mail	Lee.M.Hardy@usace.army.mil

By submitting this request you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the jurisdictional determination. If you do not have this authorization you need to immediately notify the compliance regulator above.

This information may be shared with the Department of Justice and other federal, state and local governmental agencies, and the public and may be made available as part of a public notice as required by federal law. Your name and property location(s) where federal jurisdiction is to be determined will be included. Note that with approved jurisdiction determinations (AJD) this information will be made available to the public on the District's website and on the Headquarters USACE website. Submission of the requested information is voluntary; however if the information is not provided the request for an AJD cannot be evaluated nor can an AJD be issued.

It should be noted that at the present time our response time to finalize determinations often exceeds 120 days. Please contact the Compliance regulator working on this request for any concerns and/or questions that you may have pertaining to this action.

Appendix IID-2E

State Wetland and Waterbody Assessment



January 27, 2021

Project No. 189426901

Mr. Charles A. Rivette, P.E.

Director, Planning and Development
USA Waste of Texas Landfills, Inc.
24275 Katy Freeway, Suite 450
Katy, Texas 77494

RE: STATE WETLANDS ASSESSMENT FOR THE HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY EXPANSION IN HOUSTON, HARRIS COUNTY, TEXAS

Dear Mr. Rivette

This letter report documents Golder Associates Inc. (Golder) findings regarding the assessment of state criteria for wetlands as defined in Title 30 of the Texas Administrative Code (TAC), Chapter 307 (30 TAC §307.3(85)). Activities associated with the assessment were pursued as part of permitting activities for the USA Waste of Texas Landfills, Inc (USA Waste) proposed expansion of the Hawthorn Park Recycling and Disposal Facility (referred to hereinafter as "Hawthorn Park RDF," or "facility"). The purpose of this evaluation was to determine if existing aquatic resources within the proposed expansion area meet the state wetland criteria as relative to the Texas Commission on Environmental Quality (TCEQ) requirements for the permitting and operation of Municipal Solid Waste (MSW) Landfills. USA Waste is proposing expansion of the existing Hawthorn Park RDF currently permitted as TCEQ MSW Permit No. 2185 (see figure in Part II, Figure II-20). This evaluation has been completed in compliance with applicable TCEQ MSW permitting requirements for Wetlands (30 TAC §§330.61(m)(2) and (3) and 330.553).

SURVEY METHODS

Golder biologists conducted a routine wetland delineation for the facility on March 9-12, 2020. The field delineation was performed in accordance with the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic Gulf Coastal Plains Region* (Version 2.0) (U.S. Army Corps of Engineers [USACE], 2012). Golder followed USACE standard procedures to evaluate wetlands and waterbodies, including wetlands subject to regulation under the Clean Water Act (CWA) (Jurisdictional Waters), as established in the Regional Supplement and the USACE Jurisdictional Determination Form Instructional Guidebook (USACE, 2007).

The state definition of wetlands is defined within TAC §307.3 (85) and is as follows:

Wetland--An area (including a swamp, marsh, bog, prairie pothole, or similar area) having a predominance of hydric soils that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances supports the growth and regeneration of hydrophytic vegetation. The term "hydric soil" means soil that, in its undrained condition, is saturated, flooded, or ponded

long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation. The term "hydrophytic vegetation" means a plant growing in: water or a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content. The term "wetland" does not include irrigated acreage used as farmland; a man-made wetland of less than one acre; or a man-made wetland where construction or creation commenced on or after August 28, 1989, and that was not constructed with wetland creation as a stated objective, including but not limited to an impoundment made for the purpose of soil and water conservation that has been approved or requested by soil and water conservation districts. If this definition of wetland conflicts with the federal definition in any manner, the federal definition prevails.

SURVEY RESULTS

Golder biologists delineated one wetland area within the facility permit boundary (see figure in Part II, Figure II-20) that exhibited the three positive indicators of a wetland within the facility. The wetland is approximately 0.04 acre and classified as palustrine emergent (PEM). Waterbodies were also identified that include approximately 5.68 acres (17,845 linear feet) of manmade ditches that are part of the existing permitted surface water drainage system at the facility. Five of the ditches were classified as ephemeral and one was classified as intermittent.

Golder assessed if the wetlands met the state criteria as defined within 30 TAC §307.3(85). The wetland (WG1HA001) is manmade likely due to the surrounding land use and is less than one acre in size; therefore, this feature is not considered a state wetland per 30 TAC §307.3(85). Mapping exhibits; datasheets documenting hydrology, vegetation, and soil conditions; and photographs taken at the site depicting conditions documented within the facility are provided in Part II, Appendix IID-2B and Appendix IID-2C (USACE Approved Jurisdictional Determination [AJD] Request and Wetland Delineation Report). Table 1 provides a summary of the wetland identified within the facility. In addition, six manmade ditches were delineated within the facility permit boundary and are part of the existing permitted surface water drainage system. All features are currently proposed as non-jurisdictional under the CWA within the AJD request to the USACE.

Table 1 – Wetlands within the Facility Permit Boundary.

Wetland ID	Cowardin Class	Location	Acreage	State wetland Under 30 TAC §307.3(85)	Proposed Jurisdictional within USACE AJD Request
WG1HA001	PEM	29.855149, -95.558600	0.04	No	No
Total			0.04		

USA Waste has submitted a request for an AJD from the USACE (Part II, Appendix IID-2B and Appendix IID-2C) for the wetland and waterbodies delineated within the facility. Within that request, Golder has proposed that the wetlands and waterbodies located within the facility are isolated and/or manmade features, lacking connection to waters of the U.S. In addition, since the wetland (WG1HA001) is manmade likely due to the surrounding land use and less than one acre in size, the wetland would not be considered a state wetland as defined within 30 TAC §307.3(85). In addition, the wetlands and waterbodies within the facility are currently proposed as non-jurisdictional features within the May 15, 2020 AJD request currently under review by the USACE.

CLOSING

Please contact us at (941) 773-1848 or Ashley_thompson@golder.com if you have any questions or need additional information concerning this matter.

Sincerely,

Golder Associates Inc.



Ashley Thompson
Senior Biologist



Jake Trahan
Senior Consultant