



**US Army Corps
of Engineers**
Omaha District

SPECIAL PUBLIC NOTICE

**TO CONSIDER CONTINUATION OF PROHIBITION or
RESTRICTION OF DISCHARGES OF SPECIFIED
MATERIALS INTO WATERS OF THE UNITED
STATES WITHIN THE REGULATORY BOUNDARIES
OF THE OMAHA DISTRICT**

Issue Date: July 1, 2011

Expiration Date: August 1, 2011

Corps of Engineers No: 2011-015

On January 28, 2011, the U.S. Army Corps of Engineers, Omaha District (Corps) issued a public notice notifying interested parties that the Corps was considering continuing the 2003 prohibition/restriction regarding discharges of specified materials into waters of the United States under Section 404 of the Clean Water Act within the Omaha District. That public notice requested comments on proposed changes to the Corps' 2003 prohibited/restricted materials. Numerous comments were received in response to the public notice. After review and consideration of the comments received, the Corps is now proposing to modify the 2003 prohibited/restricted materials within the Omaha District to the following:

PROHIBITED/RESTRICTED MATERIALS

1. Vehicle bodies, farm machinery and metal junk, including appliances and metal containers, is prohibited.
2. The use of old or used asphalt paving material as a fill material and the use of new or used asphalt for bank stabilization or erosion control is prohibited.
3. The use of organic debris as fill material is prohibited. (Properly anchored trees, treetops, root wads, logs, and hay bales may be allowed on a case-by-case basis.)
4. Any material subject to leaching when in an aquatic environment is prohibited (for example, but not limited to, chemically-treated building material, roofing material, and wood debris).
5. Individual or unanchored tires are prohibited. (Tires may be allowed on a case-by-case basis when placed in the form of a mat or other design and anchored so that the risk of design failure is unlikely.)
6. Small aggregate (i.e. less than 6 inches) may not be placed below the ordinary high water mark of a water body for the purpose of bank stabilization or erosion control when such aggregate will be unstable or subject to frequent failure.

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7. Slab material, regardless of source, must be broken before placement so that the largest dimension will not be more than 3.5 times the smallest dimension (unless justified by a qualified engineer).

8. The use of clean brick, broken concrete and cinder block for erosion control or bank stabilization will be considered on a case-by-case basis. If allowed, the broken concrete must be free of exposed rebar and wire mesh, asphalt paving material, paint, and other erodible materials. Broken concrete must range in size from 6 to 36 inches (unless justified by a qualified engineer).

Evaluation: The decision whether to (1) modify the 2003 prohibitions and restrictions, or (2) continue the existing 2003 prohibitions and restrictions, or (3) discontinue the prohibitions and restrictions will be based on an evaluation of the probable impact, including cumulative impacts, on the public interest. The decision will also reflect the national concern for both the protection and use of our natural resources. The benefits associated with these prohibitions and restrictions must be balanced against the reasonably foreseeable detriments. All factors relevant to this proposal will be considered and may include conservation, economics, aesthetics, wetlands, fish and wildlife, cultural resources, flood hazards, floodplain values, navigation, erosion and accretion, water quality, energy needs, safety, consideration of private property and the general needs and welfare of the public.

Comments: The Corps is soliciting comments from the general public as well as Federal, state and local agencies and Indian Tribes. All comments received will be included in the Corps' final decision. Any comments on the above described proposal should reference the U.S. Army Corps of Engineers number 2011-015 and reach this office no later than the expiration date of this public notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

Mrs. Cheryl Goldsberry
U.S. Army Corps of Engineers, Omaha District
Regulatory Branch
1616 Capitol Avenue
Omaha, Nebraska 68102-4901

For additional information you may contact Mrs. Cheryl Goldsberry at telephone 402-995-2462 or by electronic mail at Cheryl.S.Goldsberry@usace.army.mil