



**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: January 28, 2011
Expiration Date: February 28, 2011
Corps of Engineers No: 2011-015

Interested parties are hereby notified that the U.S. Army Corps of Engineers is considering continuing the prohibition and/or restriction regarding discharges of specified materials into waters of the United States, as described below.

Comments: Comments on the described proposal should reference the U.S. Army Corps of Engineers number shown above and reach this office no later than the above 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:

Mr. David LaGrone
U.S. Army Corps of Engineers, Omaha District
Regulatory Branch
1616 Capitol Avenue
Omaha, Nebraska 68102-4901

Background: The Omaha District (District), U.S. Army Corps of Engineers, by public notice dated April 10, 2002, resubmitted to the public a request for comments on continuation of the District's prohibition against the discharge of specified materials into waters of the United States which were originally established in 1988. After considering the comments received, the District determined that continuation of the prohibitions, with minor modifications, was not contrary to the public interest. By public notice dated August 4, 2003, the District notified the public that the prohibitions, with minor modifications, would continue within the Omaha District.

Present Proposal: The mission of the Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. To meet this mission, and continue to provide strong protection of the Nation's aquatic environment, including wetlands, the District has reevaluated the 2003 Prohibited and Restricted Materials lists, and proposes the following changes:

PROHIBITED MATERIAL

The District has determined that the following materials, if discharged into the Nation's waters may have an adverse effect, and should continue to be prohibited within the boundaries of the Omaha District.

1. Vehicle bodies, farm machinery and metal junk including appliances and metal containers are prohibited.
2. Small aggregate, regardless of source, will 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.
3. 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.
4. The use of organic debris as fill material is prohibited. (However, properly anchored trees, treetops, root wads, logs, and hay bales may be allowed on a case-by-case basis.)
5. Any material subject to leaching when in an aquatic environment is prohibited (for example, chemically-treated building material, roofing material, and wood debris).
6. Individual or un-anchored tires are prohibited. (However, tires may be used when placed in the form of a mat or other design and anchored so that the risk of design failure is unlikely.)

RESTRICTED MATERIAL

Similarly, the District has determined that the following materials could adversely affect the Nation's waters, but potential impacts could be minimized with the following proposed restrictions:

1. 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). 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. 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).
2. All materials placed for erosion control or bank stabilization must be covered with soil material above the ordinary high water mark for function, aesthetics and safety, and seeded with native vegetation.

Evaluation: The decision whether to (1) modify the prohibitions and restrictions, (2) continue the existing 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

SPECIAL PUBLIC NOTICE

interest. The decision will also reflect the national concern for both the protection and wise 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, 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.

The District 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 District's final decision.

Comments must be received on or before February 28, 2011 to be considered a part of the official record. For additional information you may contact Mr. David LaGrone at telephone 402-995-2453 or by electronic mail at David.L.Lagrone@usace.army.mil