

**US Army Corps
of Engineers**
Omaha District

SPECIAL PUBLIC NOTICE

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

Issue Date: October 20, 2011
Corps of Engineers No: 2011-015

On January 28, 2011 and July 1, 2011, the U.S. Army Corps of Engineers, Omaha District issued public notices notifying interested parties that the Omaha District 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. The public notices requested comments on proposed changes to the Corps' 2003 prohibited/restricted materials.

Based on our evaluation of the comments received, both from the regulated public and from within the Omaha District, we have determined that the prohibitions, with modifications, are not contrary to the public interest and should be continued. The prohibitions and restrictions described below become effective upon issuance of this public notice.

PROHIBITED/RESTRICTED MATERIALS

1. Vehicle bodies, farm machinery and metal junk, including appliances and metal containers, are 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 grid with multiple anchoring points to reduce the risk of design failure.)
6. Small aggregate (i.e. less than 6 inches in diameter) may not be placed below the ordinary high water mark (OHWM) of a water body for the purpose of bank stabilization or erosion.

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control when such aggregate will be unstable or subject to frequent failure. Small aggregate may, however, be placed below the OHWM if its purpose is to fill the interstices of a well-graded rock riprap revetment or channel lining.

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

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, wire, 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).

*Other Federal or State agencies may have additional prohibitions or restrictions for materials placed in a Water of the U.S.

This Special Public Notice does not negate the requirement to obtain proper authorization for any discharge of dredged or fill material into a water of the United States. Anyone considering such work is encouraged to contact the nearest field office listed below for information and assistance.

COLORADO

Denver Regulatory Office
9307 South Wadsworth Blvd.
Littleton, CO 80128-6901
(303) 979-4120

SOUTH DAKOTA

Pierre Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, SD 57501
(605) 224-8531

MONTANA

Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, MT 59626
(406) 441-1375

NORTH DAKOTA

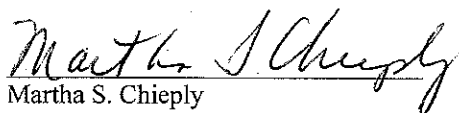
Bismarck Regulatory Office
1513 South 12th Street
Bismarck, ND 58504
(701) 255-0015

WYOMING

Wyoming Regulatory Office
2232 Dell Range Blvd., Suite 210
Cheyenne, WY 82009-4942
(307) 772-2300

NEBRASKA

Wehrspann Regulatory Office
8901 South 154th Street
Omaha, NE 68138-3621
(402) 896-0723


Martha S. Chieply
Chief, Regulatory Branch
Operations Division