

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526
and
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N SAC-1995-10646 (REVISED)

May 2, 2022

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. Fred Chan
Nan-Ya Plastics Corporation of America (NPCA)
140 East Beulah Road
Lake City, South Carolina 29560

for a permit to construct a warehouse for the storage of recycled plastic chips in wetlands adjacent to

Smith Creek

located at 140 E Beulah Road, in Lake City, Williamsburg and Florence Counties, South Carolina (Latitude: 33.8320°N, Longitude: -79.7649°W), Lake City West Quad Sheet.

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

15 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of expanding the existing facility by constructing an onsite warehouse necessary for the storage of recycled plastic chips necessary for implementation into the production process. The wetlands proposed to be impacted are located within an area preserved in perpetuity by deed restrictive covenants associated with Department of the Army (DA)

permit SAC-1995-10646, issued on September 14, 1995. In detail, the applicant has requested to modify the restrictive covenants by releasing the restrictions on a portion of the preserved area (5.08 acres) and discharging fill material into 5.08 acres of previously preserved freshwater wetlands. According to the applicant, the expansion and subsequent warehouse is necessary to meet the requirements from their customers that the resin product they currently produce be formulated to contain a designated percentage of recycled material. This expansion is necessary for the facility to continue operations.

The applicant has determined that, in accordance with current mitigation requirements, 53.34 credits are necessary to compensate for the proposed impact to 5.08 acres of preserved wetlands. The applicant is proposing to provide double the number of mitigation credits for compensatory mitigation by purchasing 106.7 credits from the Carter-Stilley Wetland and Stream Mitigation Bank.

The project purpose is to facilitate the expansion and operational capacity of the existing NPCA facility and to meet specific requirements to incorporate recycled material into their products.

NOTE: This public notice and associated plans are available on the Corps' website at:
<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 5.08 acres of protected wetlands upstream from estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the applicant has provided a protected species survey for the property associated with the activity described above. The original DA permit # SAC-1995-10646 included special conditions regarding an active Red cockaded woodpecker (RCW) colony located approximately one-half mile from the proposed project. Based upon this report, and consulting the most recently available information, the District Engineer has determined that the project is not likely to adversely affect the RCW or any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(I)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

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 activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. **When providing comments, please reference the project number and provide written comments to the following address (emailing comments is the preferred method):**

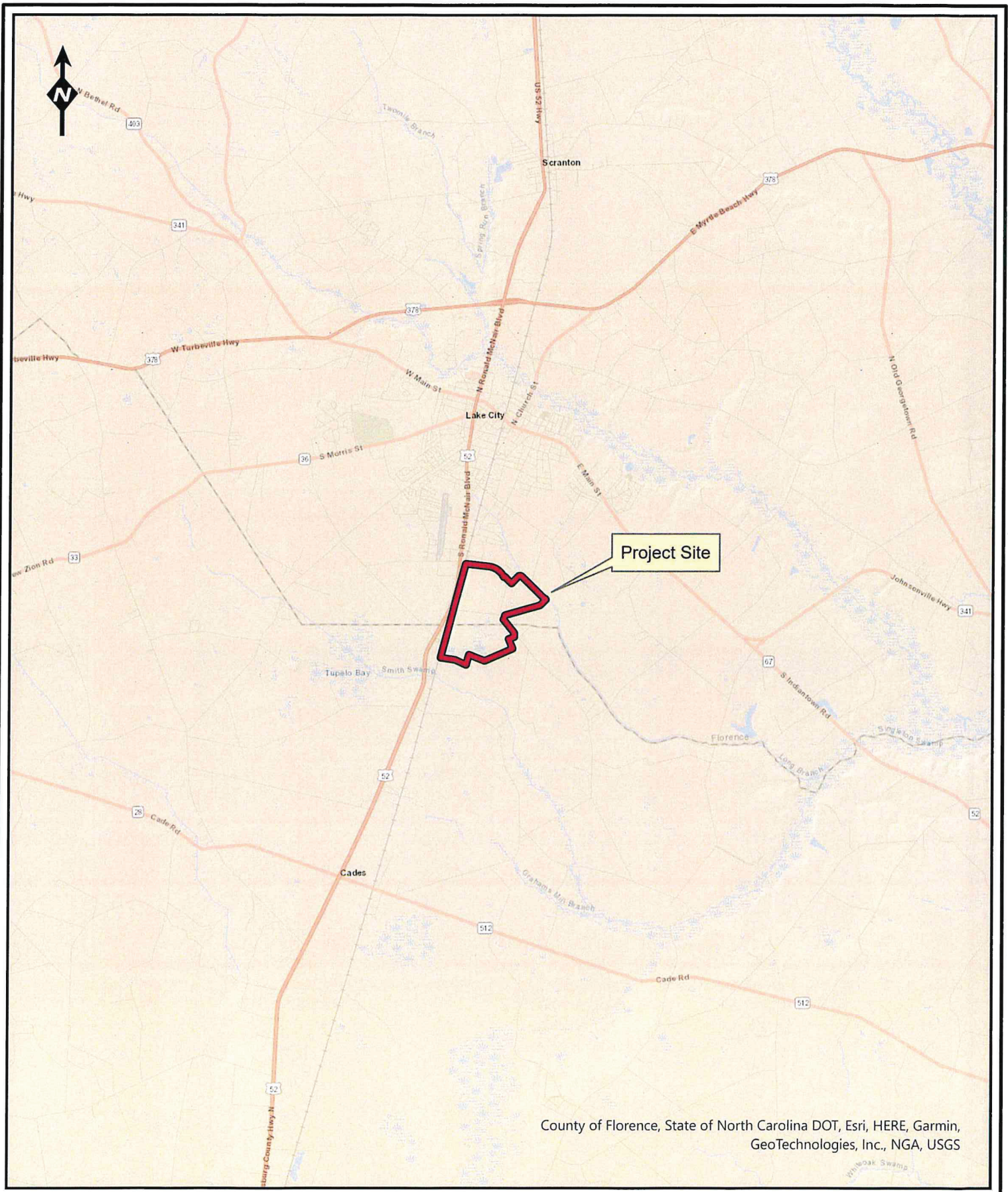
SAC.RD.Conway@usace.army.mil

or mail to:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526**

NOTE: This is a revised public notice to the one previously advertised on August 20, 2021. Only comments received in response to this public notice will be considered.

If there are any questions concerning this public notice, please contact Wiley Bracey, Team Lead, at (843) 365-1707, or by email at Wiley.C.Bracey@usace.army.mil.

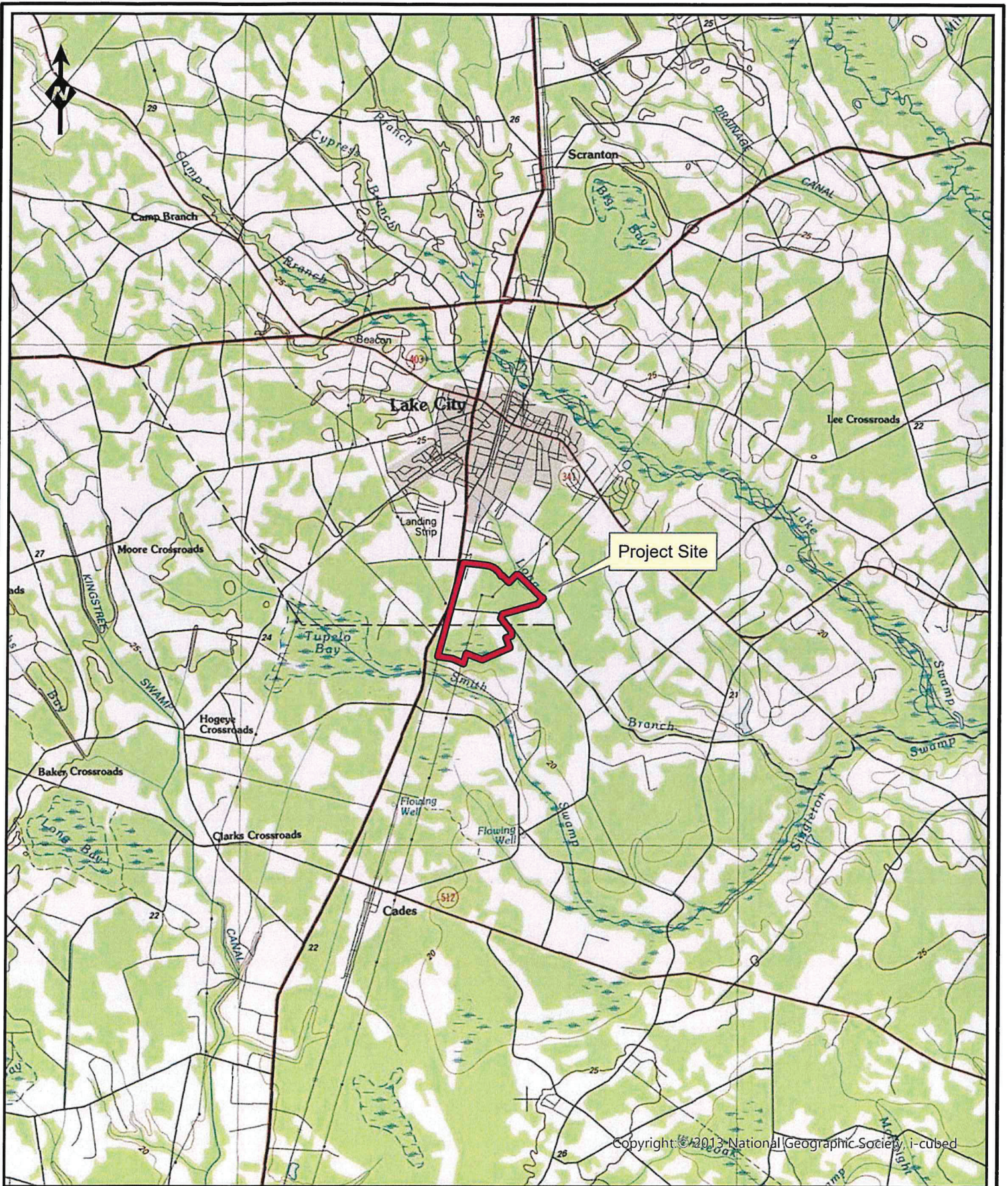


County of Florence, State of North Carolina DOT, Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS



Project Vicinity
 NPSA, SC Recycle Content Warehouse
 Williamsburg County
 Date: 7/16/21
 Application No. SAC-1995-10646 Sheet 1 of 4

Proposed Activity: Unavoidable impact to Jurisdictional Wetland
 Applicant: NPCA, SC



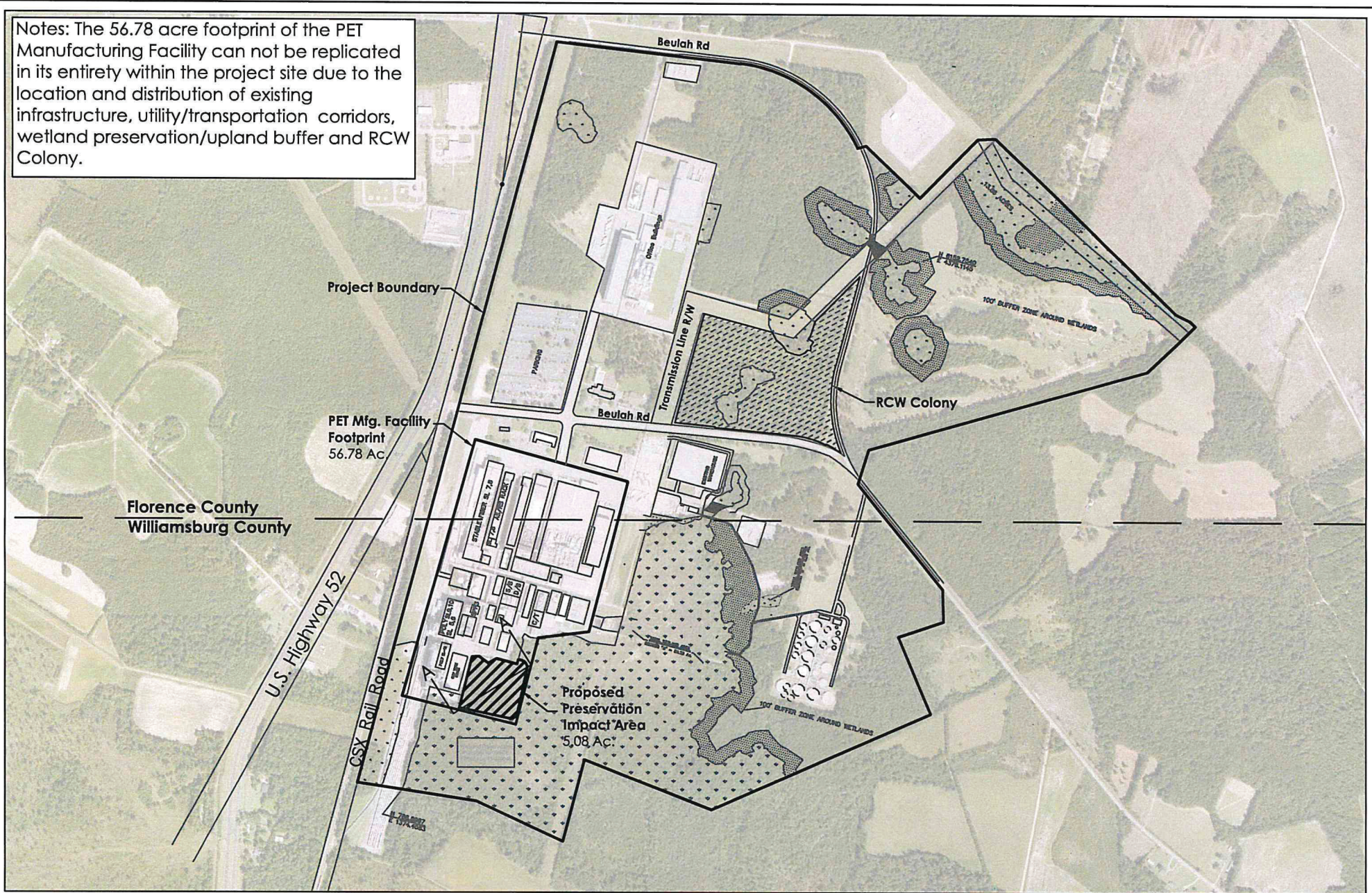
Copyright © 2013 National Geographic Society, i-cubed



USGS Topographic Map
 NPSCA, SC Recycle Content Warehouse
 Williamsburg County
 Date: 7/16/21
 Application No. SAC-1995-10646 Sheet 2 of 4

Proposed Activity: Unavoidable impact to Jurisdictional Wetland
 Applicant: NPSCA, SC

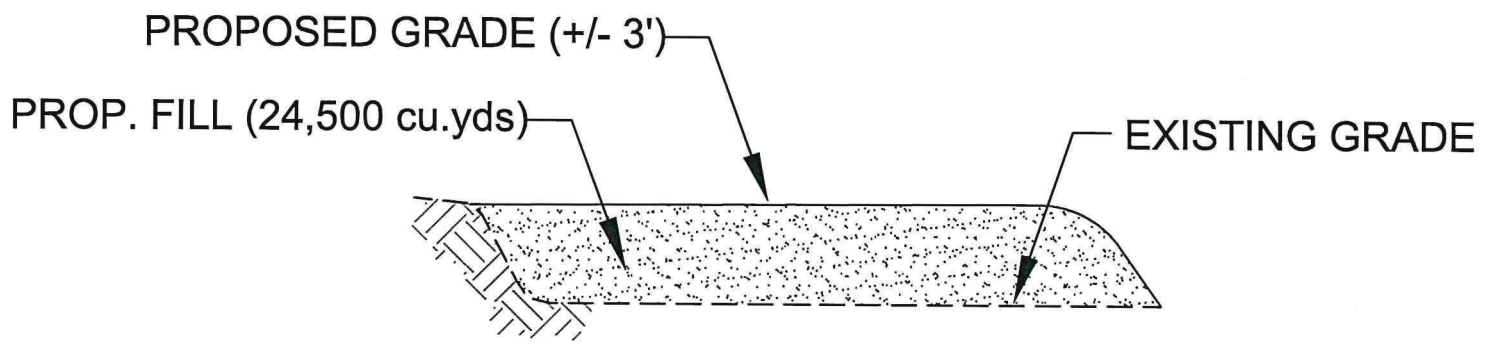
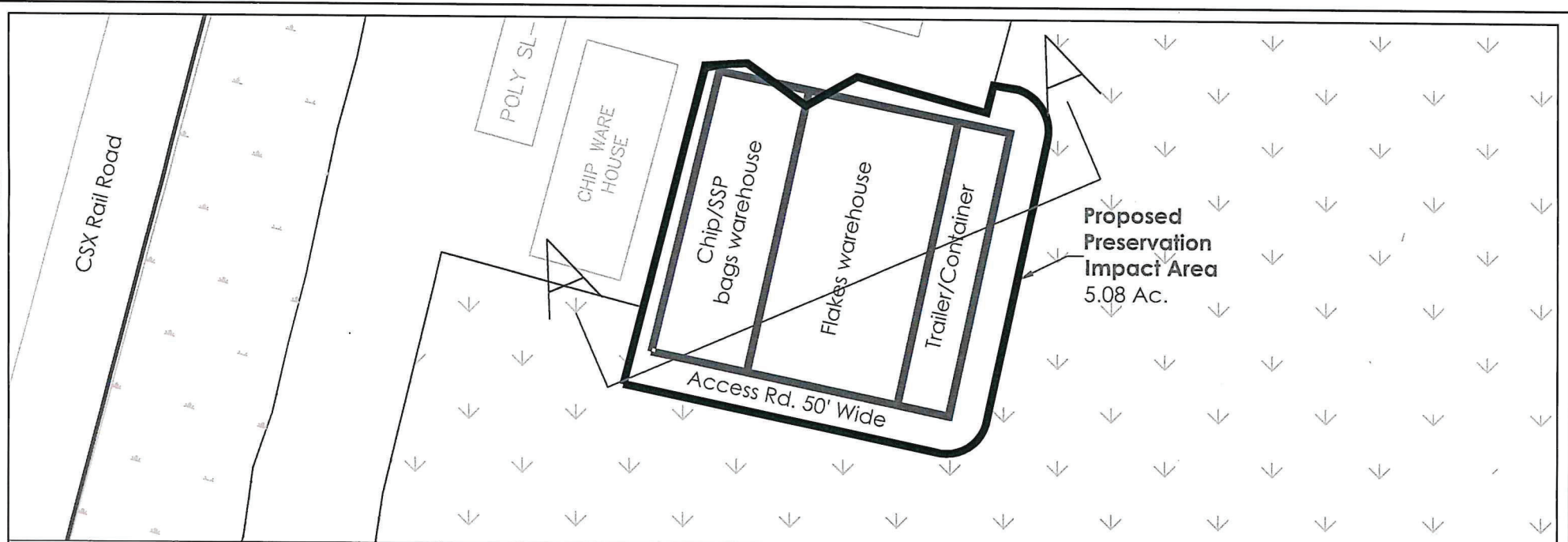
Notes: The 56.78 acre footprint of the PET Manufacturing Facility can not be replicated in its entirety within the project site due to the location and distribution of existing infrastructure, utility/transportation corridors, wetland preservation/upland buffer and RCW Colony.



Overall Plan View
 NPCA, SC Recycle Content Warehouse
 Williamsburg and Florence County
 Date: 7/16/21- Revised 2/9/2022 to reflect total project area.
 Application No. **SAC-1995-10646**

Sheet 3 of 4

Proposed Activity: Unavoidable impact to Jurisdictional Wetland
 Applicant: NPCA, SC
 SCALE IN FEET
 1100' 0 1100'



SECTION A-A
not to scale



TBC
THE BRIGMAN CO.

Detail View/Section View
NPCA, SC Recycle Content Warehouse
Williamsburg and Florence County
Date: 7/16/21 - Revised 2/9/2022
Application No. SAC-1995-10646

Sheet 4 of 4

Proposed Activity: Unavoidable impact to Jurisdictional Wetland
Applicant: NPCA, SC