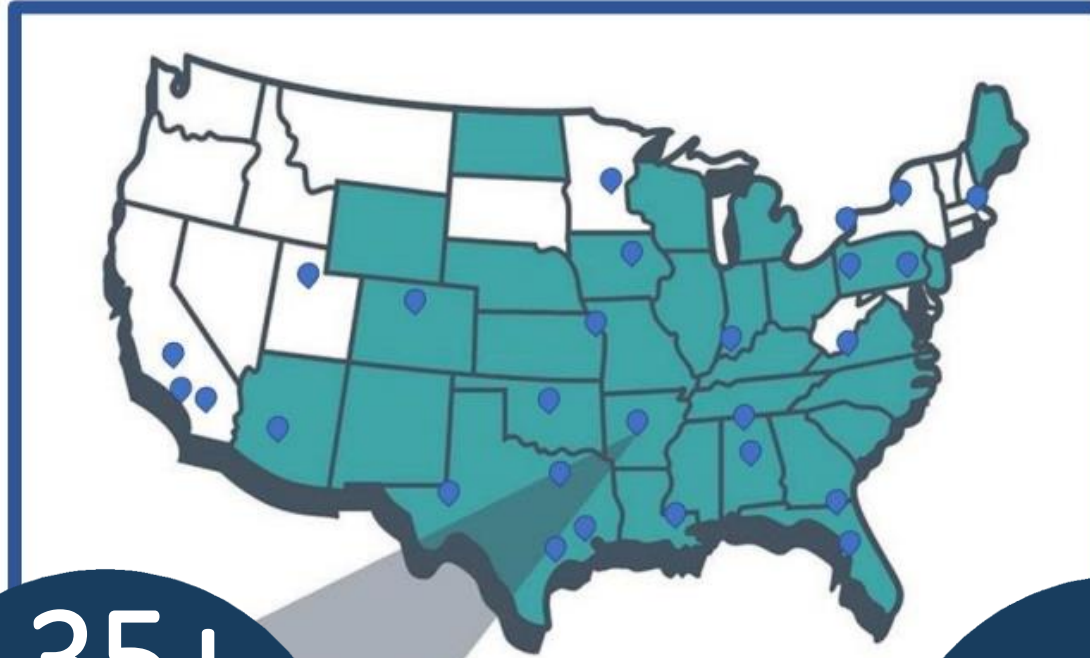




Maneuvering Through Water Related Regulatory Requirements for a Facility Expansion in 2023, WOTUS to WLA

**CIBO Fall Technical Conference
September 12-13, 2023**

Little Bit About Us: Alliance Technical Group



35+

With 35+ locations nationwide and a team with diversified experience, ATG is ready to tackle all your environmental issues

1

As one unified team of professionals, we are dedicated to our mission and the individual success of each of our clients.

38

Our team of biologists, engineers, and environmental scientists have experience with regulatory and environmental support across 38 states as well as one Canadian province.

Stack Testing and Emissions Monitoring

- Stack Testing
- Ambient Air Monitoring

Alliance.....

**NOT JUST FOR STACK
TESTING ANYMORE!**

Ex

Our
strat
parti
custo
envir
reco

*technical solution provider
for compliance and risk
reduction*

- Groundwater Monitoring
- Statistical Data Analysis
- SPCC
- Section 404/408

- NSPS
- RMP

Experience

- **Speed of response and service delivery to meet and exceed deadline expectations**
- **Deep expertise across our service lines**
- **Reputation for the highest quality and reliability**
- **Consistency in service delivery and results to achieve high customer satisfaction**

Natural Resources

- Section 404 Permitting
- Mitigation Services
- Ecological Restoration/Enhancement
- Threatened & Endangered Species
- Wildlife and Habitat Surveys
- Wetlands Program Development and Management
- NEPA Support (EA, EIS, Tier 2/3, etc.)
- Climate Change Risk Analysis

Environmental Engineering

- Site Remediation (Brownfields, Elective Site Cleanups)
- Solid Waste Management (RCRA Compliance, Permitting)
- Wastewater Treatment System Assessments
- Non-point Source Storm Water Contamination Investigations
- Condition of Property Assessments (ASTM Phase I/II)
- Low Impact Development
- Soil and Erosion Control

GIS

- ArcGis, QGIS
- Google Earth
- Geodatabases
- Spatial analysis
- 3-D mapping and rendering
- Modeling
- Web maps

What Are Your Permitting Needs?

- What type of Industry do you work in?
- Do you have a wastewater discharge to a Water of the US?
- Do you have air emissions?
- How about solid waste permits?
- Are you in a flood zone?
- Any streams, ponds or wetlands on your site?
- Seen any eagles or ivory billed woodpeckers lately?
- How about ancient burial grounds?

What May Be Required

Federal

- **Section 404 permit**
- Section 10 or 408
- **T&E Clearance**
- Cultural Resources Clearance
- EPA review of State Permits
- NEPA

State and Local

- **Air Permit Mod**
- **NPDES Permit Mod**
- Solid Waste/RCRA
- Land Application
- Cultural Resources
- **Construction Stormwater**
- Floodplain permit
- 401 Water Quality Cert
- State/Local Wetlands permit
- **City/County Environmental permits**

Section 404/10/408

• USAC

• Sect

• WOT

• Impa

• Type

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• Pre-construction notice or Permit application

• Avoidance and minimization

• Mitigation Plan (if over threshold)

• Most trigger T&E and Section 106 review

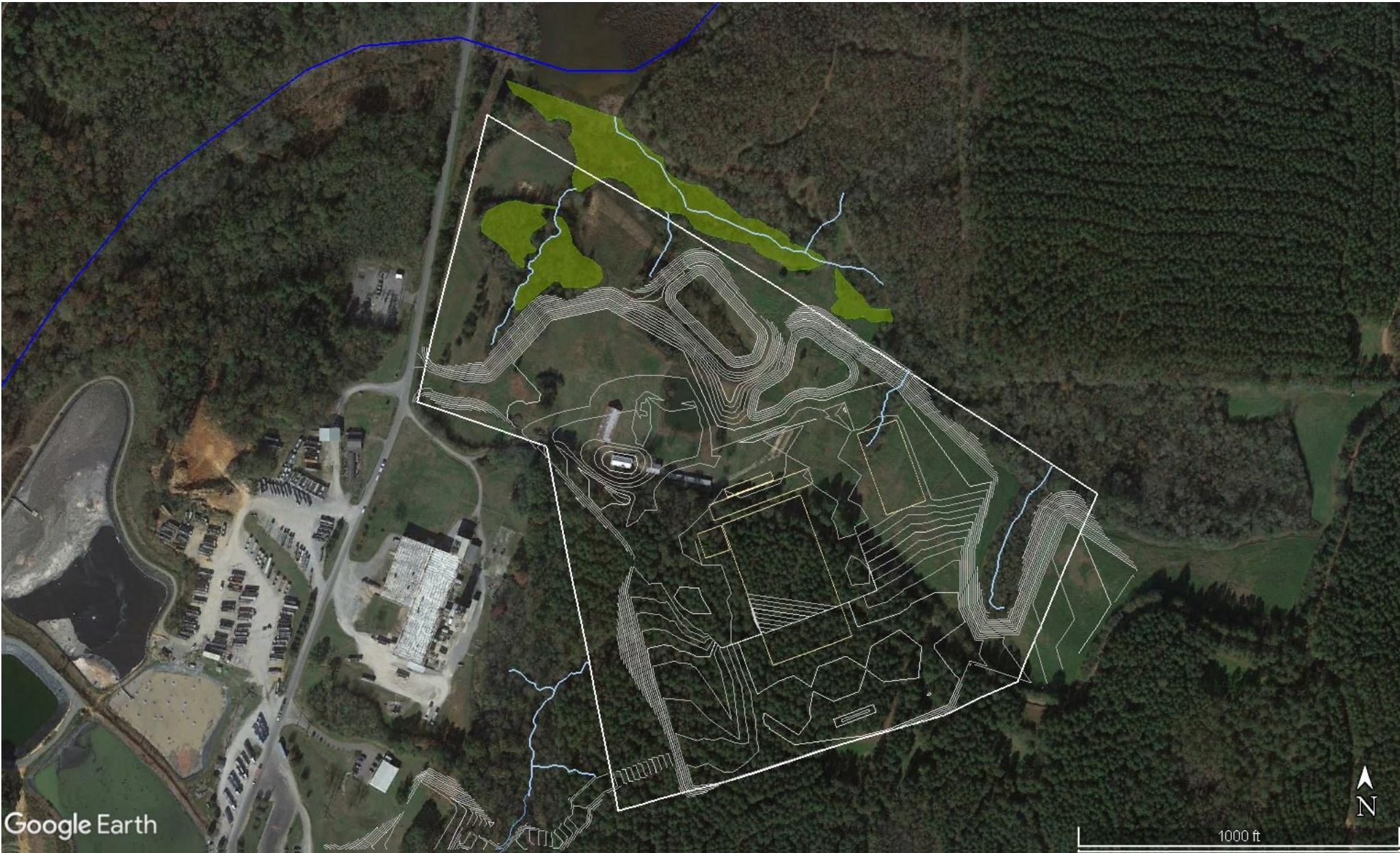
All timelines offered are generalizations, and in no way are guarantees. You are on government time now!!

-90 days
hs (+)

JD - Field Work Required



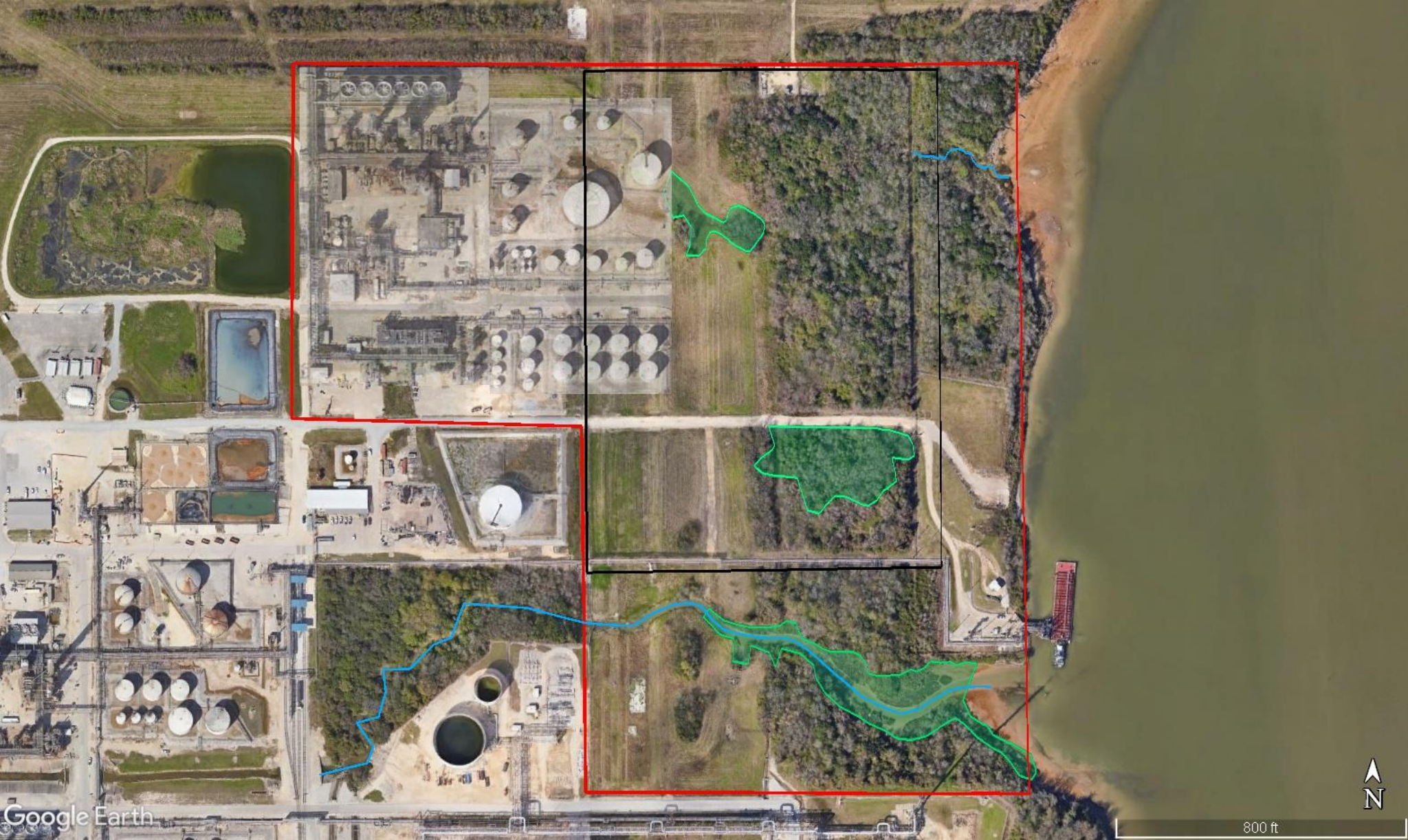
Poultry Facility Expansion in Alabama



Google Earth

1000 ft

Chemical Manufacturing Expansion in Texas



Section 10/408

- Section 10 = Navigable Waters Permit
- Section 408 = Affect on Corps land, projects or flowage easement
- Applications for both same as 404
 - Section 10 will require more detail of structures in Section 10 waters
- These factors can delay 404 issuance

Section 404/10/408

What to expect after application is submitted:

- Time.....60-90 days for easy ones.....6-12 months or more for difficult ones
- Mitigation - Compensatory Mitigation is required if:
 - Impacts >0.1 acres of wetlands
 - Impacts >0.02 acres of stream channel
- Options for mitigation:
 - Mitigation Bank (MB)
 - In-Lieu Fee (ILF)
 - Permittee responsible mitigation (PRM)
- Costs can be high
 - Wetlands – \$20,000/acre - \$200,000/acre (+)
 - Streams - \$60/foot of stream - \$250/foot (+)

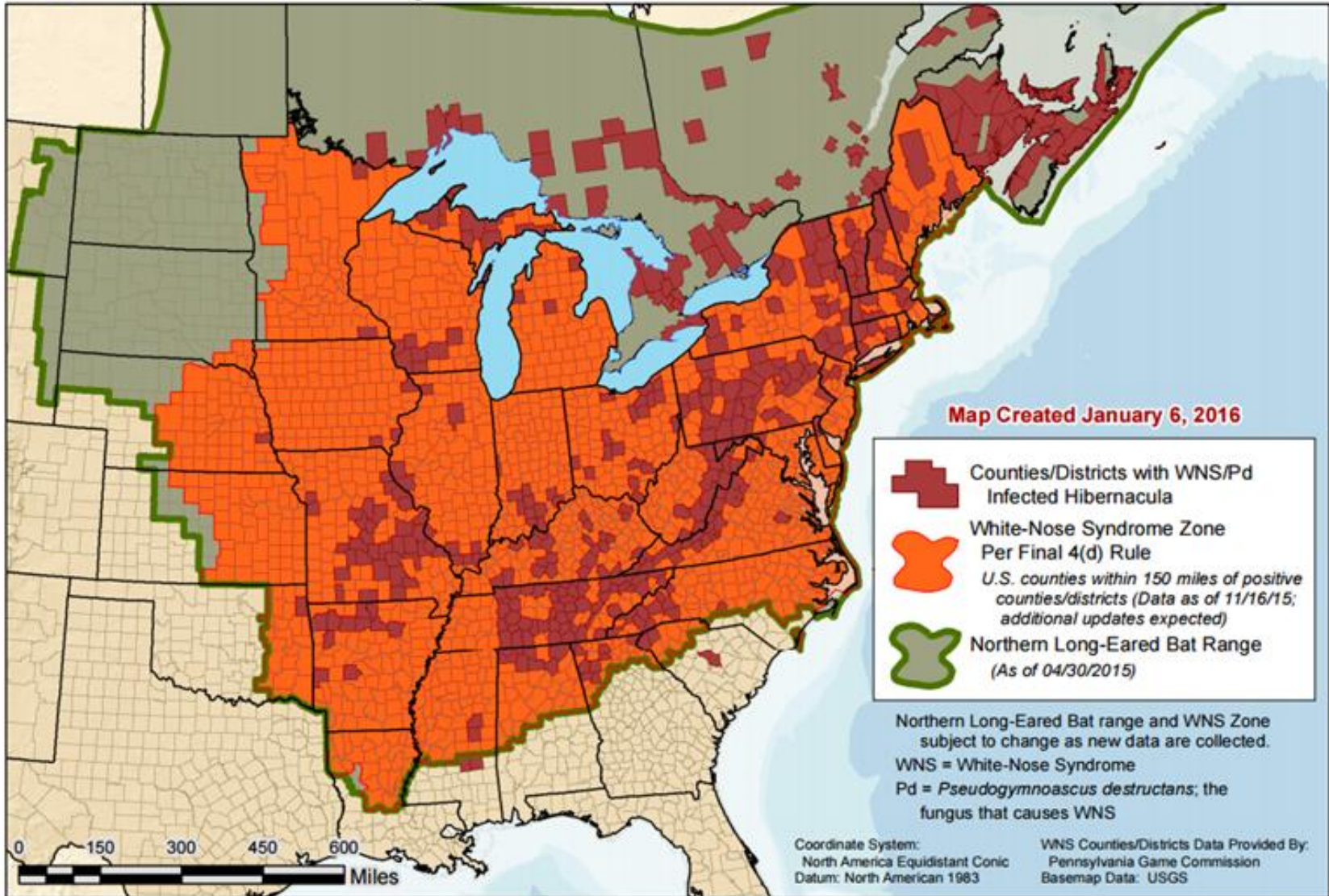
Allow 90 days for
NWP
Allow 12 months
for IP/SP



U.S. Fish & Wildlife Service

Northern Long-Eared Bat Final 4(d) Rule

White-Nose Syndrome Zone Around WNS/Pd Positive Counties/Districts



Section 106 Review (Cultural Resources)

- Triggered by any federal permit (404)
- Can be triggered by state requirements
- USACE archeologist and/or state archeologist decide if there is a potential issue.
- If there is a potential issue:
 - Complete Phase 1 CRS
 - 60-120 days
 - \$\$
- If there is a site/find of significance discovered
 - Can it be avoided?
 - Complete additional studies (Phase 2/3 CRS) to assess significance and mitigation potential
 - Additional time required can be lengthy
 - \$\$\$

Section 401 Water Quality Certification

- Issued by state environmental agency
- Permits activities that will break WQS for a short time
- Required for Standard USACE permits
- 60 – 90 days - Can be longer for major impacts or critical water resources

Quick Note on Air Permitting

Usually Managed by State Environmental Agency

- Changes in production load?
- Changes in equipment?
- Changes in property boundary?

NOTE: Air Permit might be needed prior to receiving a construction permit for new equipment with emissions or new emissions reduction equipment.

NPDES Permit

Usually Managed by State (DC, MA, NH, NM not delegated)

- Permit Modification Needed?
 - Increase in flow? Increase in pollutant conc/load? New pollutants?
 - EFG – Change in production level or processes?
 - Prepare the application including applicable EPA forms
- Any changes to WWTP?
 - Construction permit needed
- Changes to oxygen demanding wastes (ammonia, BOD)?
 - WLA needed? Desktop or calibrated? Field study?
- Antidegradation Review
 - Loading increases
 - 303(d) listed segment? Study required??
 - Socio-economic review
- 316B Regulated?
 - Cooling water usage change
- Environmental Impact Assessment?
- Public notice/review?

**Basic
Application
Allow 180
Days, but....**

NPDES WLA Field Study

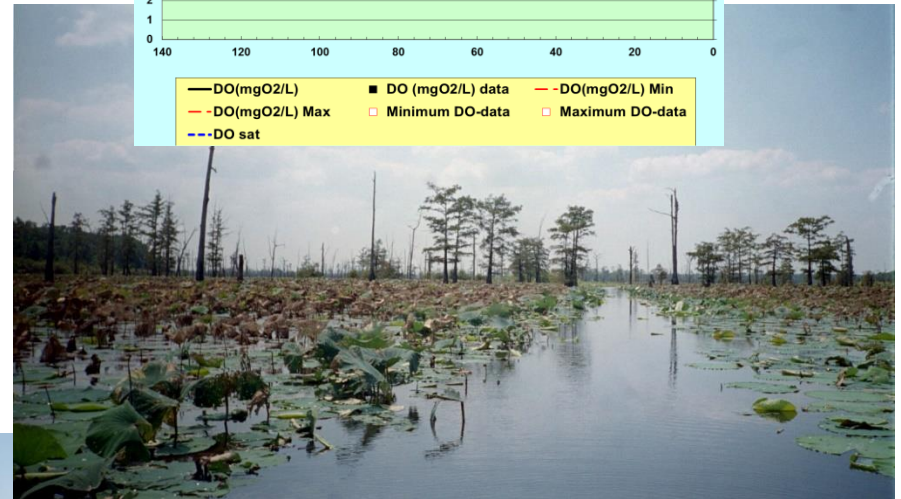
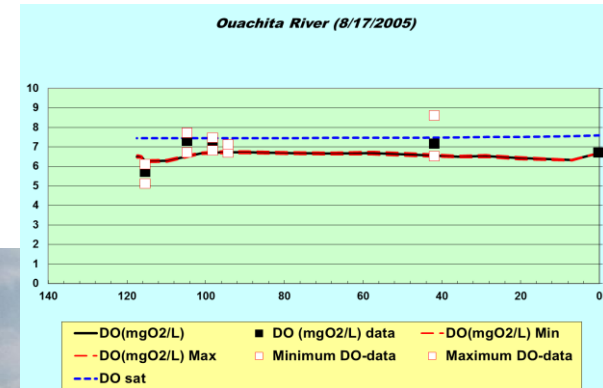


NPDES Antideg Bioassessment



NPDES Support Ouachita Joint Pipeline

- Most complicated permit in Arkansas
- Coordinated development of a joint wastewater pipeline to the Ouachita River supporting two municipal WWTPs and three industrial WWTPs
- Extensive sampling of river and NPDES outfalls
- Water quality modeling of river and Felsenthal lake system
- NPDES permitting
- Routine DMR support (Net-DMR)
- Routine pipeline and compliance support/inspections



NPDES

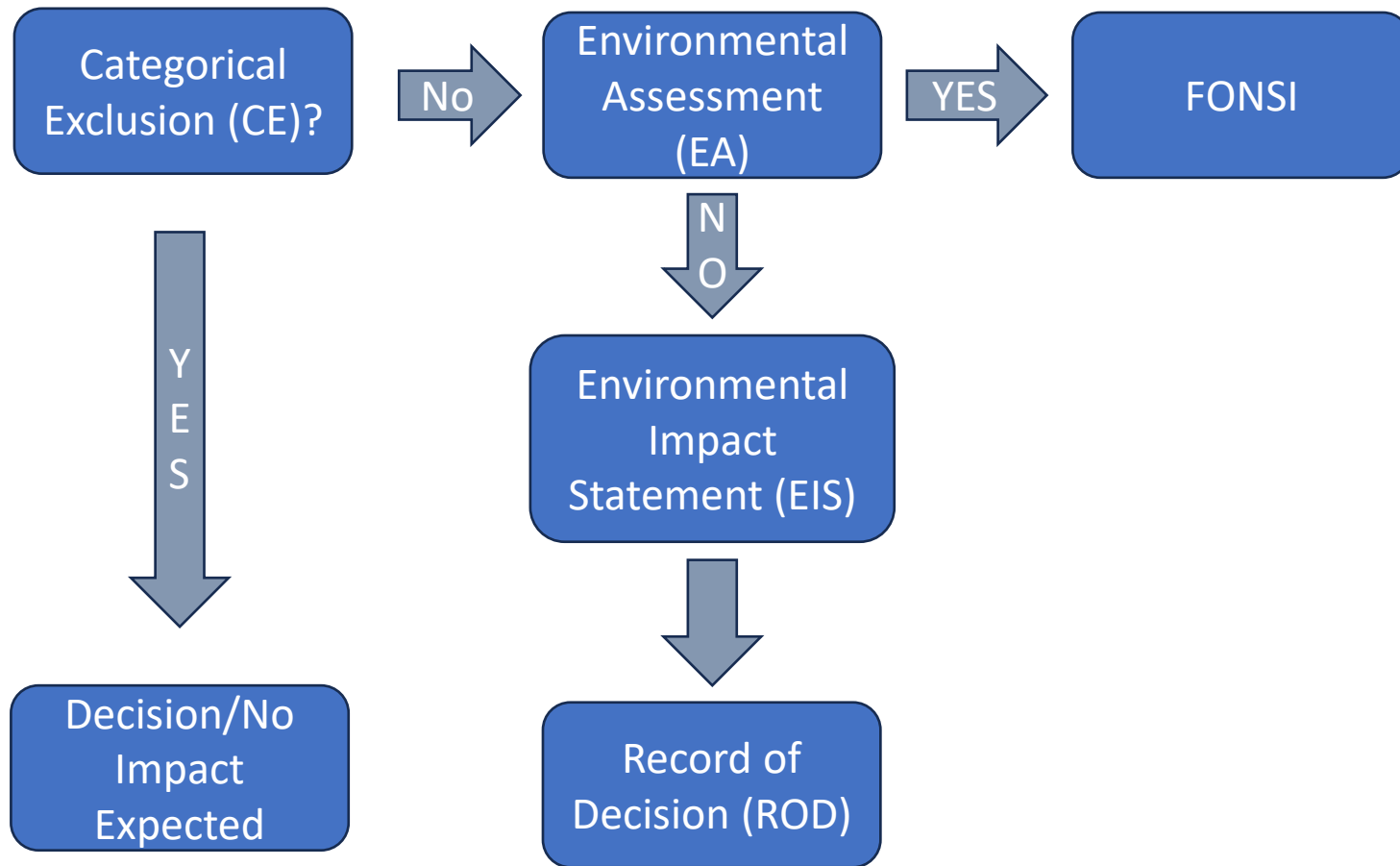
- If a new WLA is required
 - Screen early for need to complete any required modeling and if a desktop model is sufficient for approval
 - If it triggers antidegradation
 - If flow or conc causes a significant loading increase
 - If there was no model completed before
 - Field calibrated models can take a year to complete.
- Antidegradation review can take time
- Baseline studies required?
 - 303(d) listed stream?
 - Major changes in flow/load?
 - If so, allow a year to complete....some states might require multi-year studies.

Additional studies can add a year or more to the NPDES process!



NEPA

Will your project affect federal land or is it federally funded?





Saline County
Unincorporated Areas
050191

City of
Benton
050192

05125C0360E
eff. 6/5/2020

LOMR-14-06-1117P
eff. 12/10/2014

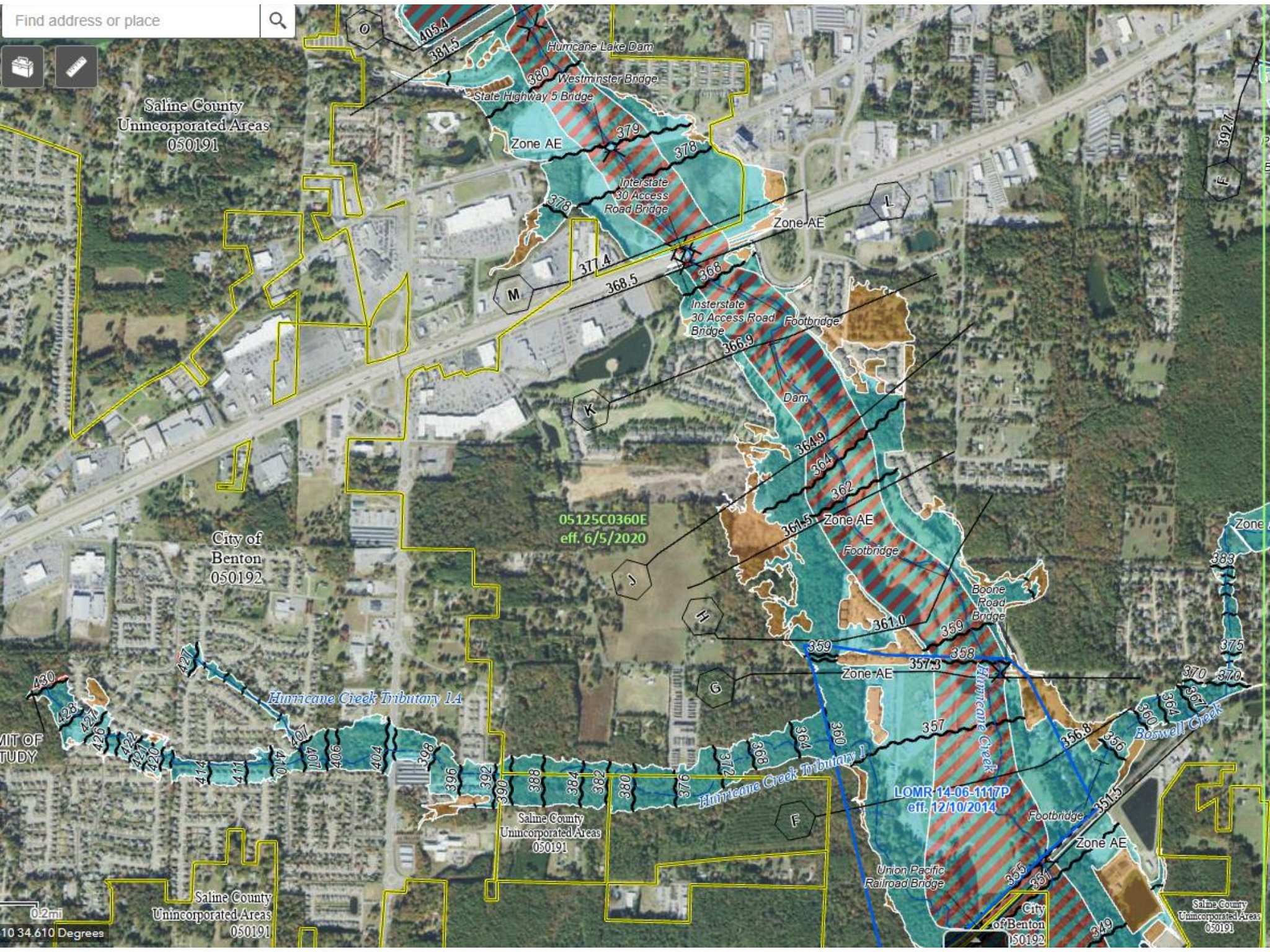
MIT OF
STUDY

Saline County
Unincorporated Areas
050191

Saline County
Unincorporated Areas
050191

City
of Benton
050192

Saline County
Unincorporated Areas
050191



Other Environmental Permits

Most Usually Managed by State

- Common State and Local Permits
 - Wetlands
 - Environmental Impact Analysis
 - Levee permits
 - Water withdrawal/usage
- RCRA, Solid Waste, Land Application
 - Will a new waste be added
 - Is a new location or expansion needed

Main Things to Remember

- Start Planning Early – at least 1 year before breaking ground.
 - USACE 404 – address at beginning of project
 - Section 10/408 can add time
- NPDES - For major increases in effluent flow or load – may have to complete a new WLA and/or Antidegradation Review
 - Study(s) could be required – a year or longer
- T&E or Cultural Resources = more time
- Flood Zones? – Plan ahead!
- NEPA? – Allow another year



Questions??



Thank You

We appreciate your time and attention today!

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amanda.gallagher@alliancetg.com

If you have any questions or need any other information do not hesitate to contact us using the info at the left.

www.alliancetg.com