

Legal Notice Below

NOTICE OF INTENT TO CERTIFY
DEPARTMENT OF ENVIRONMENT AND ENERGY
DRINKING WATER & GROUNDWATER DIVISION
LINCOLN, NEBRASKA

In accordance with Section 401 of the federal Clean Water Act (33 U.S.C. Par. 1251 et seq.), certification that Title 117 – Nebraska Surface Water Quality Standards (Nebraska Administrative Code) will not be violated has been applied for to the Nebraska Department of Environment and Energy (NDEE) by the persons listed below for discharges requiring Federal permits or licenses.

Western Sand and Gravel Company has applied for a Section 404 permit from the U.S. Army Corps of Engineers (USACE) to conduct activities in Waters of the United States. The proposed project requires state Water Quality Certification in accordance with Clean Water Act (CWA) Section 401(a)(1), which states that:

- (1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this title.

Western Sand and Gravel Company is seeking a 404 permit to authorize dredge and fill activities at the Louisville sand and gravel mine. The project is located near the Platte River in Section 17, 18, 19 and 20; Township 12 North; Range 11 East, Sarpy County. The applicant intends to mine sand and gravel to provide aggregate for use in concrete-related construction. The proposed project will mine 174 acres of land over 28 years. These activities will occur in six phases. A total of 17.556 acres of wetlands, 0.118 acres of PUB open water and 0.282 acres of channel below the ordinary high-water mark will be impacted. The applicant intends to mitigate permanent impacts to aquatic resources.

In order to evaluate the impacts of these permits on the water resources of the State of Nebraska, NDEE encourages interested citizens to submit favorable or unfavorable written comments. Comments should be limited to the scope of state WQC under Section 401 of the CWA. Persons may comment upon or object to the application, by submitting written comments within 30 days after this publication date of this notice to:

CWA Section 401 Coordinator
Nebraska Department of Environmental Quality

245 Fallbrook Blvd, Suite 100
Lincoln, NE 68521

Persons may also request information about the application, or request copies of documents for inspection, at the same address Monday through Friday during the hours from 8:00 am until 5:00 pm. Please notify NDEE in advance if alternate formats of documents are needed. Our switchboard phone number is 402-471-2186. TDD users please call 711 and ask the relay operator to call us at 402-471-2186.

Persons may request a public hearing. Please submit requests by writing to:

Section 401 Coordinator
Nebraska Department of Environment and Energy
245 Fallbrook Blvd, Suite 100
Lincoln, NE 68521

A request for a hearing must state the nature of the issues to be raised and all arguments and actual grounds supporting such position. Such comments shall be considered prior to making a final decision regarding the request. Copies of all materials are available for inspection and copying at NDEE offices, 245 Fallbrook Blvd, Suite 100, between 8:00 a.m. and 5:00 p.m., weekdays.

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