



Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-WRR
NAO-1988-00021

February 28, 2025

**NOTICE OF AVAILABILITY
FINAL ENVIRONMENTAL IMPACT STATEMENT
THE SOUTHEASTERN PUBLIC SERVICE AUTHORITY'S (SPSA)
PROPOSED REGIONAL LANDFILL EXPANSION**

PURPOSE OF PUBLIC NOTICE: To inform you that the U.S. Army Corps of Engineers, Norfolk District (Corps) has prepared a Final Environmental Impact Statement (FEIS) for SPSA's proposal to expand the Regional Landfill at 1 Bob Foeller Drive off merged U.S. Routes 58, 13, and 460 in Suffolk, Virginia. The Notice of Availability for the Final EIS was published in the Federal Register on February 28, 2025. Federal, State and Local agencies, as well as private individuals, organizations or groups, are invited to provide comment for our consideration as we work towards development of a Record of Decision (ROD). The FEIS is not the decision document. Rather, its purpose is to inform the public and other agencies of potential impacts associated with the Applicant's proposal. The Corps will execute a final decision regarding the proposed action and complete a ROD no sooner than 30 days (March 31, 2025) following publication of the Notice of Availability of the Final EIS.

AVAILABILITY OF FEIS: The FEIS is electronically available in the following locations:

<https://projects.vhbapps.com/spsa-eis/>

<http://www.nao.usace.army.mil/Missions/Regulatory/SPSAPermit/>

For persons who cannot access the FEIS electronically, please contact Melissa Nash at 757-201-7489.

BACKGROUND: SPSA submitted a Joint Permit Application proposing to impact 109.64 acres of forested wetlands for the expansion into Cells VIII and IX at the existing Regional Landfill at 1 Bob Foeller Drive in Suffolk, Virginia. As stated in the Code of Virginia §15.2-5102.1, SPSA is responsible for the management of the safe and environmentally sound disposal of regional waste for its Member Localities: the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach, and the counties of Isle of Wight and Southampton. SPSA's stated purpose of the proposed project is to expand its operations into Cells VIII and IX to create approximately 16 million CY of disposal capacity at the existing Regional Landfill, in order to continue to

meet the region's long-term solid waste disposal needs in a safe and environmentally sound manner. The Norfolk District has reviewed the applicant's purpose and need and has determined that the underlying purpose and need, from a public interest perspective, is to provide safe and environmentally sound solid waste management for the region through approximately 2060, consistent with the RSWMP for southeastern Virginia and the Use and Support Agreements with the member localities. Based on current and anticipated municipal waste tonnages to be processed by SPSA, the existing landfill area at the Regional Landfill in Suffolk, Cells V and VI, will run out of capacity in 2027. In 2002, the Corps and the State of Virginia authorized an additional landfill, Cell VII. Once in operation, Cell VII will provide approximately 10 additional years of disposal capacity, through 2037. Though there may be permitted MSW capacity through approximately 2037, SPSA is planning to meet capacity through 2060 as part of its July 1, 2024, Strategic Operating Plan because development of a landfill requires extensive planning and permitting, including coordination with the public and completing environmental consultations, as well as lengthy dewatering and construction timeframes. Based on analysis of demand for capacity, USACE has determined that approximately 16 million CY of disposal capacity is needed to provide capacity through 2060.

A copy of the joint permit application can be found on the Virginia Marine Resources Commission's website ([23-1262](#)).

ALTERNATIVES: This EIS analyzes four alternatives: the No-Action Alternative (Alternative A) and three action alternatives (Alternatives B, C, and E). The No Action Alternative involves hauling waste to existing, private landfills and would not require a Corps permit. During the initial stages of the EIS process, SPSA proposed to impact 129 acres of wetlands. After redesigning the expansion cells, SPSA proposed 117.36 acres of wetland impacts and that design was reviewed as Alternative B in the FEIS. Using a combination of onsite alternatives, SPSA was able to reduce the need within the Expansion Area and avoid approximately 7.72 acres of wetlands, which equated to 109.64 acres of wetland impacts. This onsite alternative (Alternative C), which includes expansion into Cells VIII and IX and utilizing the airspace between Cells V and VII within their current active facility boundary, is SPSA's preferred alternative and was reviewed as such in the FEIS. Alternative E is a Hybrid of the No Action and Alternative C, as it analyzes two waste diversion scenarios. One site, Site SU02, was dismissed from further analysis in the DEIS because the conceptual development plan for a landfill at this site would have resulted in greater wetland impacts than that of the applicant's preferred alternative (Alternative C). The off-site Alternative D (Site SH30) was evaluated in the DEIS but has been determined not practicable and dismissed from further analysis in this FEIS.

COMPENSATORY MITIGATION: SPSA has proposed compensation for the 109.64 acres of forested wetland impact through the purchase of 159 credits from established mitigation banks (2:1 ratio) and preservation of at least 602.80 acres of forested wetland (10:1 ratio) to obtain the remaining 60.28 credits. SPSA has indicated that the purchase of these mitigation bank credits would meet the no net loss requirement with a total of

114 acres of wetlands generated by creation or restoration. SPSA purchased 83 credits from the Chesapeake Mitigation Bank, which is approximately 6.5 miles east of the Expansion Site. SPSA also purchased 76 wetland credits from the Davis Wetlands Bank, which is approximately 15 miles southeast of the Expansion Site. SPSA proposes the conservation of 742.56 acres of primarily forested wetland habitat within the sub watershed (020802080105- Nansemond River-Cedar Lake), with 629.67 acres sanctioned for wetland compensatory mitigation and 112.89 acres partitioned for canebrake rattlesnake habitat. These properties were selected to compensate for impacts associated with Cells VIII and IX due to their proximity to the impact area, similar history, and ecological characteristics. The preservation areas include the former Cells X, XI and XII, which were previously included as future landfill development. SPSA proposes to utilize a conservation easement held by a third-party entity.

MEMORANDUM OF AGREEMENT UNDER SECTION 106: The Nansemond Indian Nation expressed concerns that the project would adversely affect a Traditional Cultural Property (TCP) of significance to the Tribe. Evaluation of a potential TCP requires consideration under Section 106 of the National Historic Preservation Act. In consultation with the Nansemond Indian Nation, Norfolk District has identified a TCP within the project area. The Norfolk District determined that the project would have an adverse effect on the TCP and has developed a draft Memorandum of Agreement (MOA) to address adverse impacts. The draft MOA is attached as Appendix H of the FEIS.

COMMENT PERIOD: Comments on the FEIS should be in writing and sent to Ms. Melissa Nash by either email to spsa-eis@usace.army.mil, or by regular mail, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WRR), 803 Front Street, Norfolk, VA 23510-1011, and must be received by the close of business on March 31, 2025.

With respect to the FEIS, comments should be as specific as possible. It is also helpful if comments refer to chapters and pages of the FEIS along with any sources that support your comments. Comments may address the adequacy of specific analyses in the FEIS and the merits of the alternatives formulated and discussed in the document. Substantive comments will be addressed in the ROD.

PRIVACY AND CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project, this Public Notice, or the permit process, contact Ms. Melissa Nash at spsa-eis@usace.army.mil or 757-201-7489.