
Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2007-463 Date: March 16, 2009

Public Notice No. 09-08

Closing Date: April 16, 2009

1. TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. APPLICANT: Consol Pennsylvania Coal Company, LLC.
P. O. Box J, 1525 Pleasant Grove Road
Claysville, PA 15323
POC: Mr. Ed Suter (724) 663-3034

AGENT: Civil & Environmental Consultants, Inc.
333 Baldwin Road
Pittsburgh, PA 15205
POC: Mr. Mike Shema (412) 429-2324

3. LOCATION: Unnamed tributaries and adjacent wetlands to Owens Run, Richhill Township, Greene County, Pennsylvania.

4. PURPOSE AND DESCRIPTION OF WORK: Consol Pennsylvania Coal Company (CPC) operates the Bailey and Enlow Fork longwall coal mines located in Washington and Greene Counties, PA. Raw coal from these mines is processed at the Bailey Central Mine Complex (BCMC). The coal cleaning process generates a byproduct of coarse and fine coal refuse as a waste product. The current permitted refuse area utilized for the fine coal refuse slurry will be exhausted in 2012 and the coarse coal refuse disposal area will reach allotted capacity by 2013. To continue long-term coal production for the BCMC, the applicant proposes to construct additional disposal areas numbers 5 & 6 located in 2 valley's containing approximately 706 acres adjacent to the existing facilities. This disposal area will provide for approximately 52.7 million cubic yards (mcy) of coarse coal refuse disposal over 13 years and 38 mcy of fine coal refuse over 7.5 years. This disposal area has been accepted by the Pennsylvania Department of Environmental Protection, California District

Mining Office, during the Alternatives Analysis & Site Selection Study as the preferred site of multiple areas that were considered. To facilitate development of this expansion project, fill material will be placed in 25,835 feet of stream channel and 5.68 acres of wetlands. The streams are tributaries to Owens Run, which is a tributary to Enlow Fork, that drains to Wheeling Creek, and then into the Ohio River. The streams to be impacted by the project include 24,585 feet of headwater perennial and intermittent streams, and 1,250 feet of ephemeral streams. The wetland impacts include 5.4 acres of emergent wetland and 0.28 acres of shrub/scrub and forested wetlands.

Proposed compensatory mitigation for the unavoidable wetland impacts consist of the construction of a minimum of 5.68 acres of replacement wetlands and upland buffer habitat in an abandoned hayfield located along the right descending bank of Crabapple Creek, located in Richhill Township, Greene County, PA. Crabapple Creek is a tributary to Dunkard Creek, which drains into Wheeling Creek. The replacement wetlands will consist of shrub/wet meadow, shallow and deep marsh, and open water. For stream mitigation the applicant proposes to construct the Presto-Sygan Acid Mine Drainage (AMD) Remediation Project to treat a deep mine discharge from abandoned underground coal mines located near Bridgeville in South Fayette Township, Allegheny County, PA. The acidic discharge flow is approximately 500 gallons/minutes with high levels of iron and aluminum. The discharge severely degrades more than 3 acres of emergent wetlands, 1,600 feet of Miller Run, a tributary to Chartiers Creek, which flows directly into the Ohio River. A passive treatment system is proposed and is expected to remove approximately 700 pounds of acidity, 400 pounds of iron, and 100 pounds of aluminum per day resulting in the removal of more than 200 tons of pollutants from entering the streams annually. Final design plans for the treatment system have not been prepared. Drawings of the proposed project and project location maps for the compensatory mitigation sites are attached.

5. PENNSYLVANIA WATER QUALITY CERTIFICATION: The applicant is required to obtain State 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection,
California District Mining Office
25 Technology Drive
Coal Center, PA 15423
(724) 769-1100

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service

for any additional information they may have on whether any listed, or proposed to be listed, endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: In a letter dated June 20, 2008, the Pennsylvania Historical and Museum Commission (PHMC) determined that the project area has low archaeological potential and consequently, the project should have no effect upon significant archaeological resources. However, the PHMC has determined that potentially significant historic sites are located in or near the project area that could be adversely affected. CPCC is currently working to conduct Phase III and IV studies to address potential historic impacts. Prior to a permit decision being made, a clearance letter will be required from the PHMC. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. 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 proposals, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal 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, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers 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 proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify,

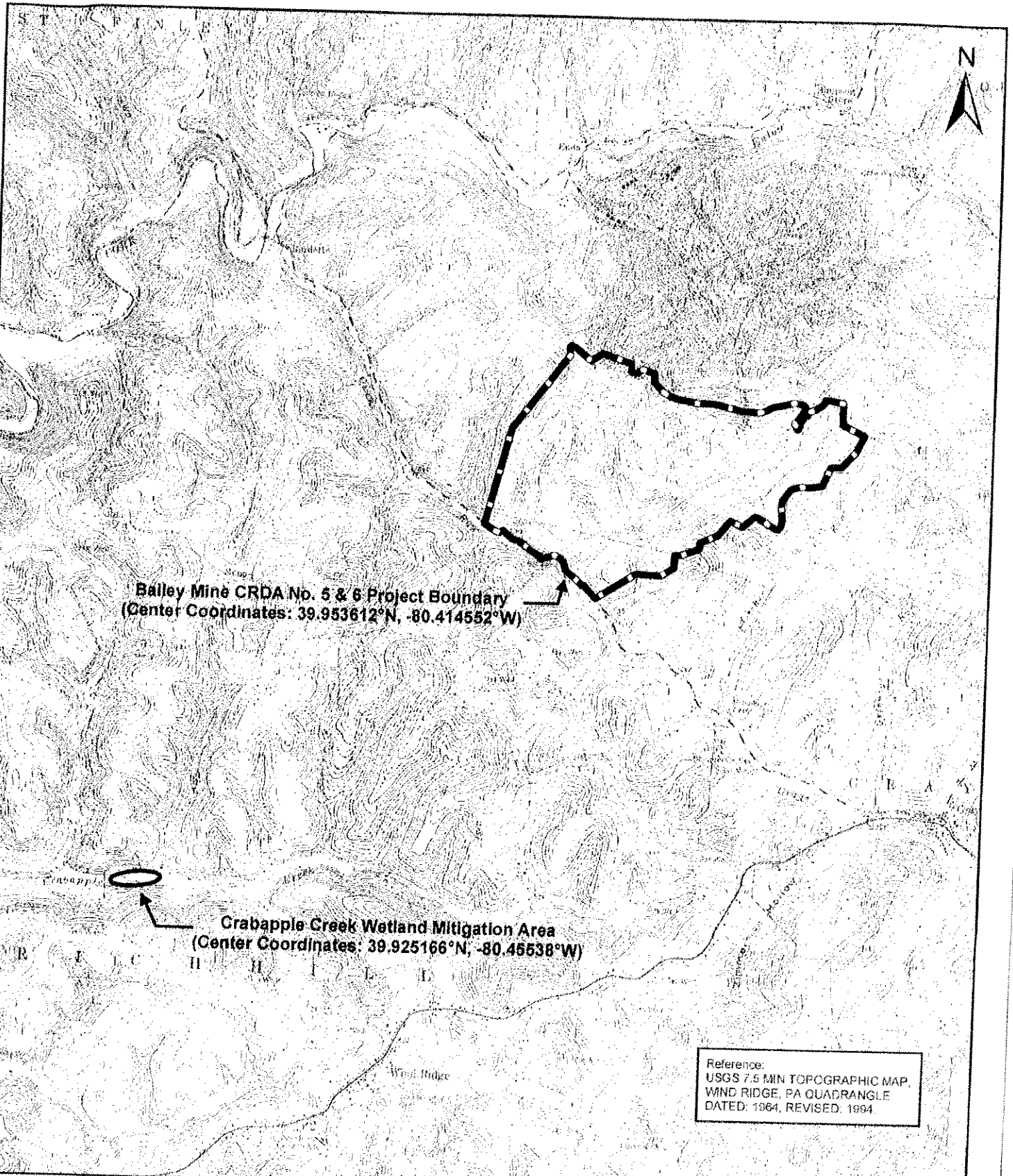
condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, ATTN: Marcia H. Haberman, at the above address, by telephoning (412) 395-7361, or by e-mail at Marcia.H.Haberman@usace.army.mil. Please refer to CELRP-OP-F 2007-463 in all responses.

FOR THE DISTRICT ENGINEER:

//signed//

Scott A. Hans
Chief, Regulatory Branch





Bailey Mine CRDA No. 5 & 6 Project Boundary
 (Center Coordinates: 39.953612°N, -80.414552°W)


Grabapple Creek Wetland Mitigation Area
 (Center Coordinates: 39.925166°N, -80.45538°W)


Reference:
 USGS 7.5 MIN TOPOGRAPHIC MAP,
 WIND RIDGE, PA QUADRANGLE
 DATED: 1964, REVISED: 1994.

DRAWN BY: CLC
 CHECKED BY: MLS
 APPROVED BY: MRIH
 SCALE: 1" = 3,000'
 DATE: 2/24/2009

Legend

-  Project Boundary
-  Wetland Mitigation Area

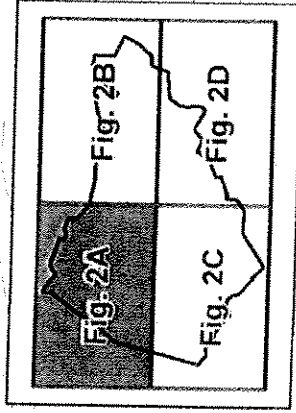
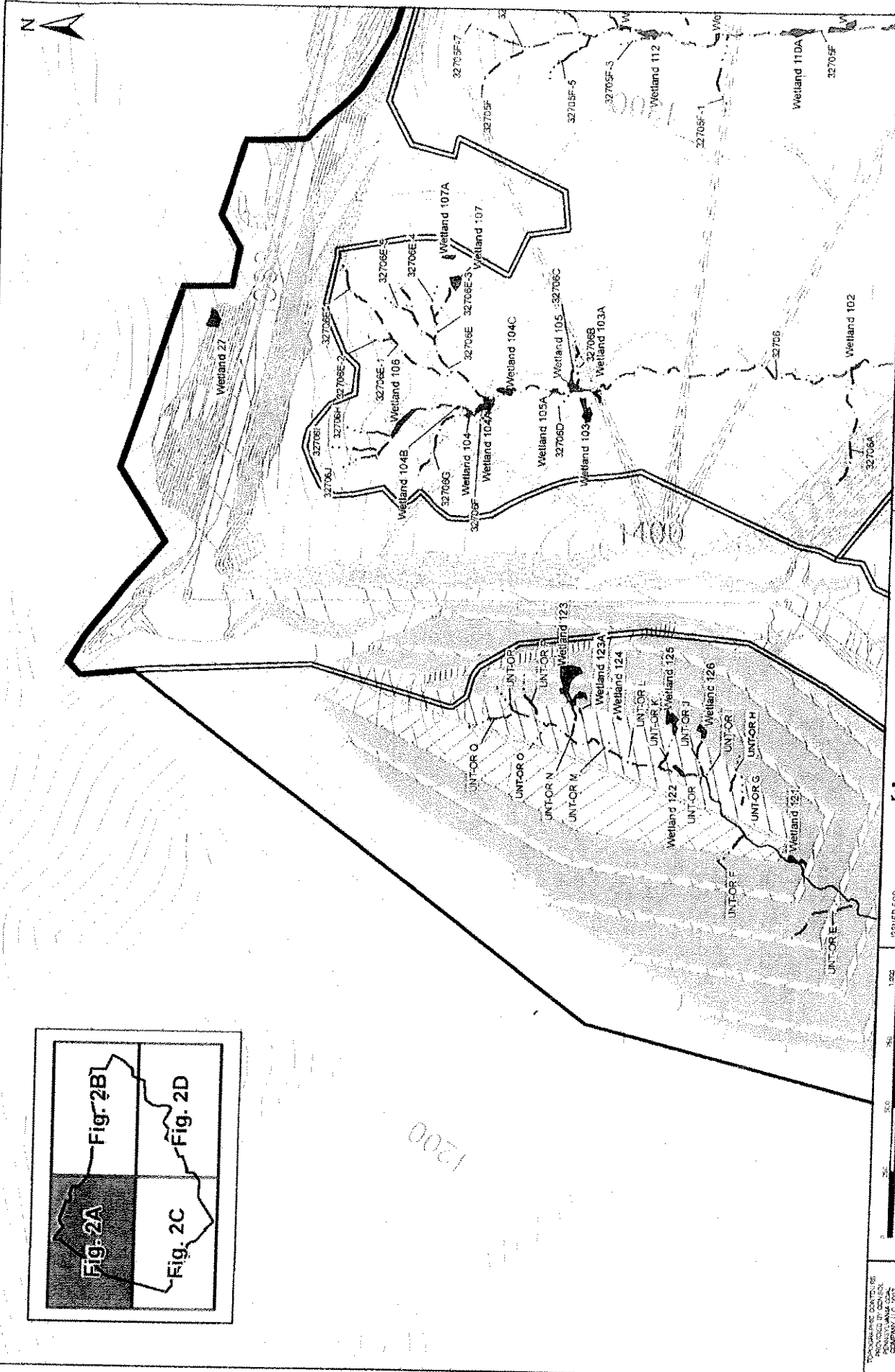
ISSUED FOR:  **CONSOL ENERGY**

ISSUED BY:  **CIVIL & ENVIRONMENTAL CONSULTANTS, INC.**
 333 Balhwa Road
 Pittsburgh, PA 15205-9702
 1-800-365-2324

WETLAND MITIGATION LOCATION MAP
 BAILEY CRDA NO. 5 & 6
 CONSOL PENNSYLVANIA COAL COMPANY LLC
 GREENE COUNTY, PENNSYLVANIA

PROJECT NO.: 071-522-0005 FIGURE: 3

P.N. 09-08
 s/11



STREAM AND WETLAND IMPACT PLAN
 BAILEY CRDA NO. 5 AND 6
 CONSOL PENNSYLVANIA COAL COMPANY LLC
 GREENE COUNTY, PENNSYLVANIA

ISSUED FOR
 CONSOL ENERGY

DESIGNED BY
 CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
 333 Baldwin Road
 Pittsburgh, PA 15226-8702
 1-800-385-2324
 Columbus, OH • Cincinnati, OH • Indianapolis, IN • Nashville, TN • Chicago, IL • St. Louis, MO • Export, PA • Detroit, MI

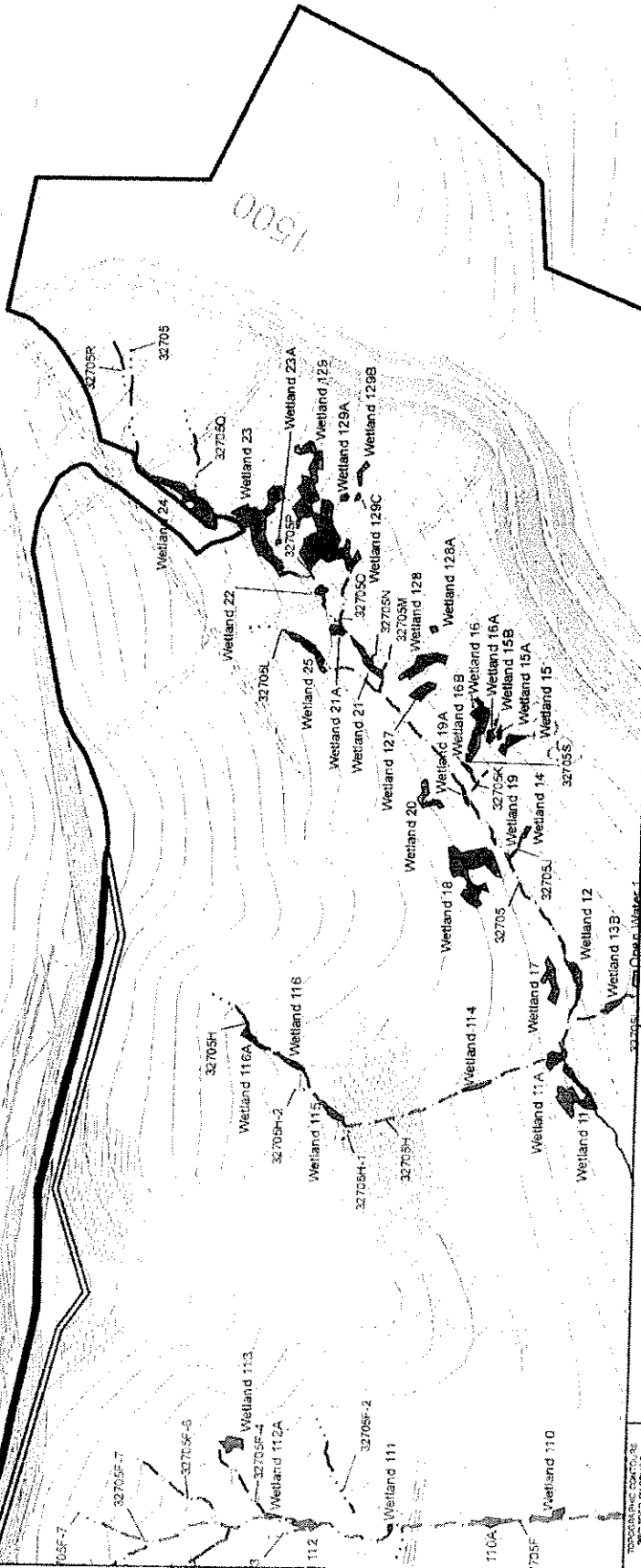
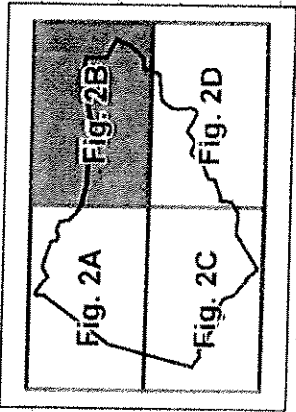
Legend



- Permit Boundary
- Project Boundary
- Wetland
- Biological Monitoring Station
- Proposed Erosion Grading
- Hydrographically Related Disturbance
- Perennial Stream
- Intermittent Stream
- Seasonal Stream
- Surface Water Connection

Scale: 1 inch equals 500 feet
 DATE: 12/20/08

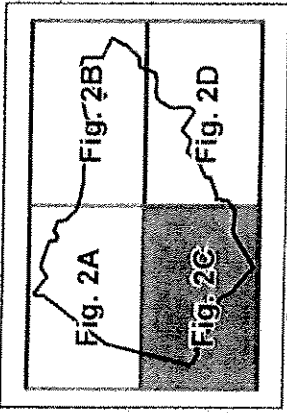
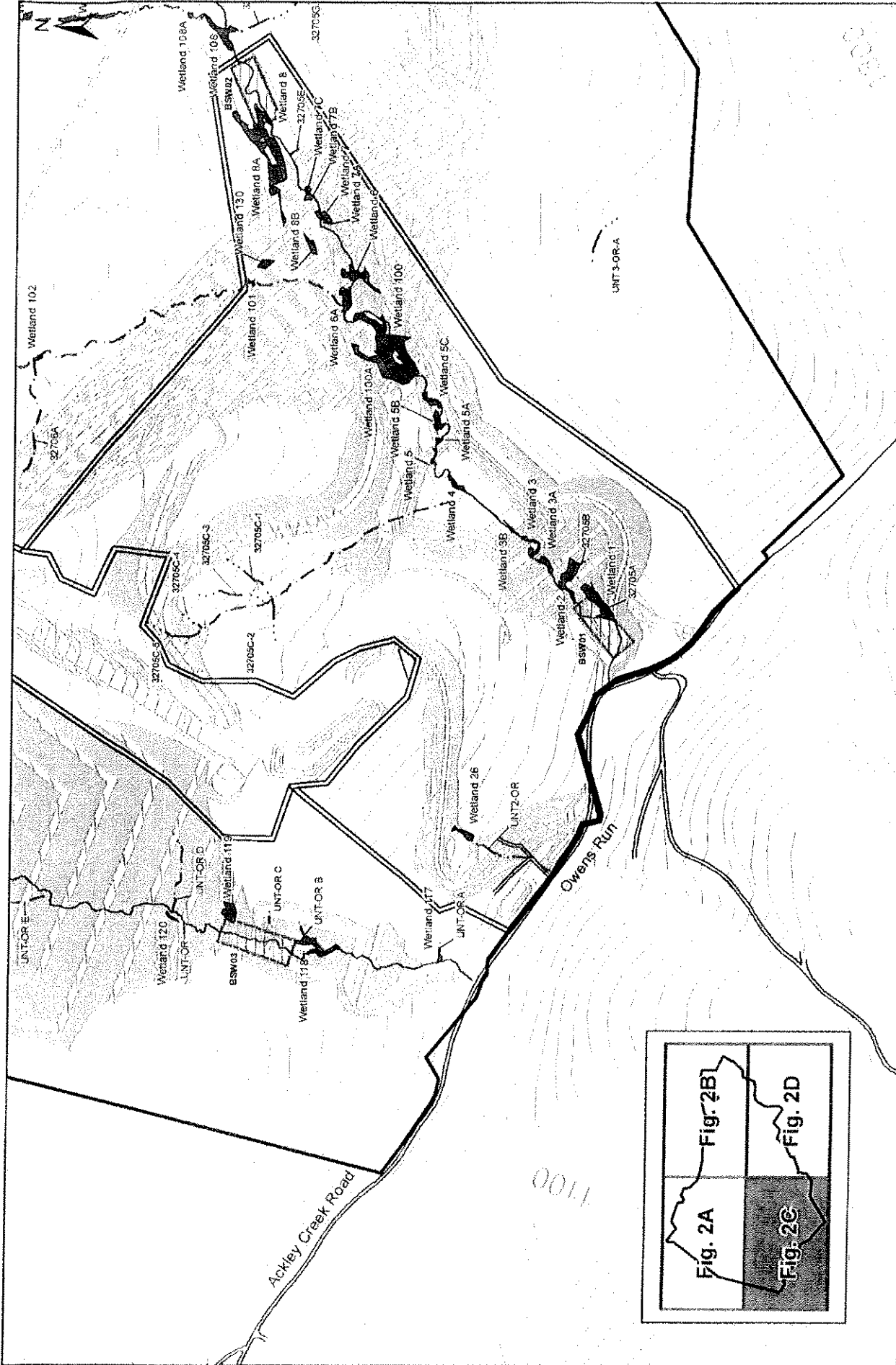
PROJECT NO.: 071-522-0005
 FIGURE: 2A

P.N. 09-08



 CONSOL ENERGY				STREAM AND WETLAND IMPACT PLAN BAILEY CRDA NO. 5 AND 6 CONSOL PENNSYLVANIA COAL COMPANY LLC GREENE COUNTY, PENNSYLVANIA			
 CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 324 Salsman Road Pittsburgh, PA 15205-5720 1-800-365-2324				PROJECT NO: 071-322 0055 FIGURE 2B			
CONSULTING ENGINEER REGISTERED PROFESSIONAL ENGINEER PENNSYLVANIA NO. 4034 COMPACT LTD 2007				ISSUED BY:			
DRAFT BY:				SCALE: AS SHOWN			
CHECKED BY:				1 inch = 300 feet			
APPROVED BY:				DATE: 10/20/2008			
LEGEND Wetland Boundary Phase Boundary Wetland Wetland Monitoring Station Proposed Paving Grading Hydrologically Isolated Wetland				Stream Intermittent Stream Ephemeral Stream Seasonal Stream Surface Water Connection			

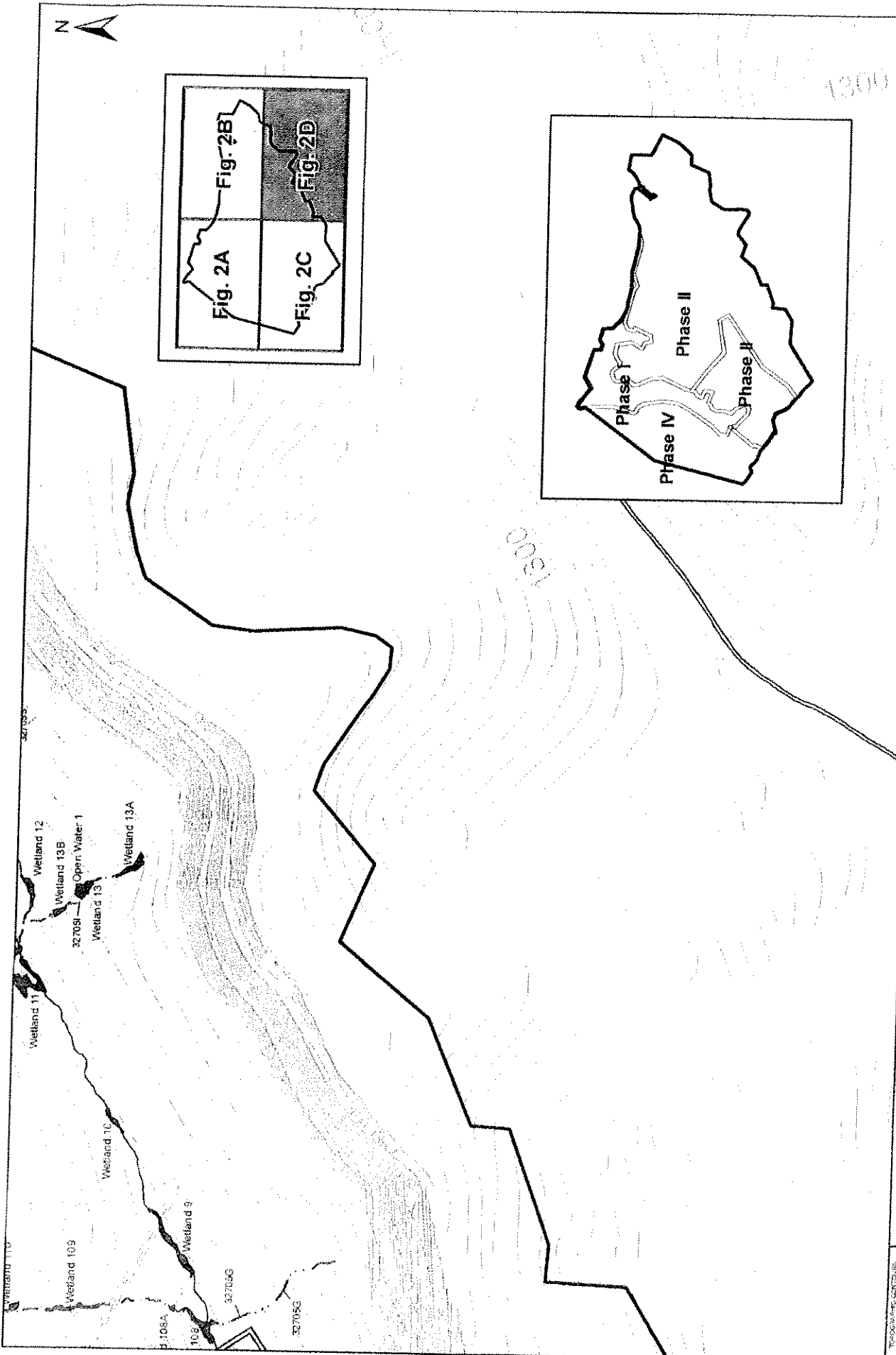
7/11



<p>CONSOL ENERGY</p> <p>CIVIL & ENVIRONMENTAL CONSULTANTS, INC.</p> <p>333 S. State St. • Suite 1100 • Erie, PA 16501-1100 814.343.2324</p>		<p>ISSUED FOR: [Blank]</p> <p>ISSUED BY: [Blank]</p>	
<p>PROJECT NO: 071-522-0005</p>		<p>FIGURE: 2C</p>	
<p>STREAM AND WETLAND IMPACT PLAN BAILEY CRDA NO. 5 AND 6 CONSOL PENNSYLVANIA COAL COMPANY LLC GREENE COUNTY, PENNSYLVANIA</p>			

P.N. 09-08

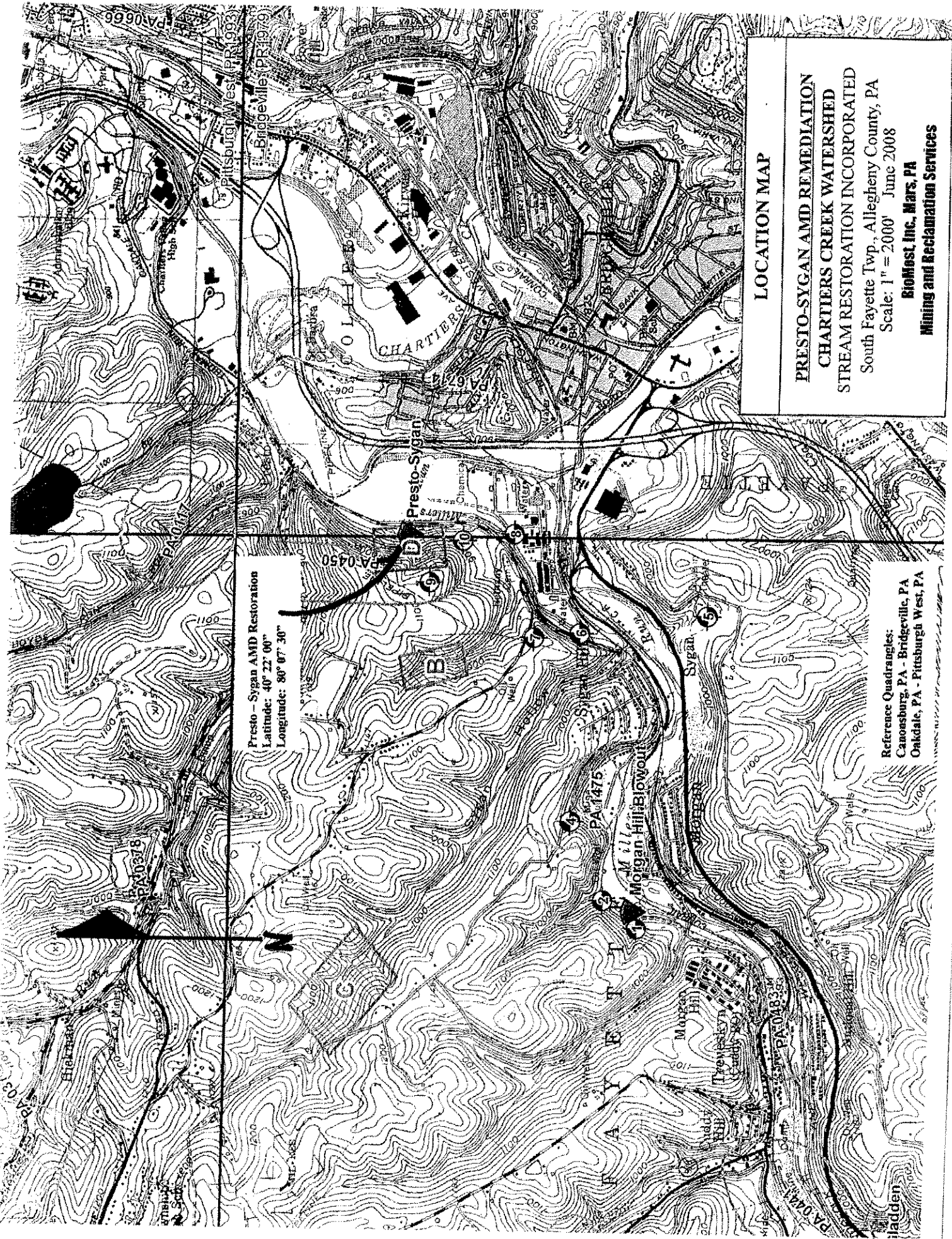
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<p>CONSOL ENERGY</p> <p>ISSUED FOR</p>		<p>STREAM AND WETLAND IMPACT PLAN BAILEY CRDA NO. 5 AND 6 CONSOL PENNSYLVANIA COAL COMPANY LLC GREENE COUNTY, PENNSYLVANIA</p>	
<p>ISSUED BY</p>		<p>PROJECT NO: C71-522.0005</p>	
<p>CONSOL ENERGY</p> <p>333 Bulletin Road Pittsburgh, PA 15205-9700 1-800-388-2324</p>		<p>FIGURE 20</p>	
<p>PREPARED BY CONSOL ENERGY</p>		<p>FIGURE 20</p>	
<p>CHECKED BY M.B.</p>		<p>FIGURE 20</p>	
<p>DATE 12/29/2006</p>		<p>FIGURE 20</p>	
<p>DATE 12/29/2006</p>		<p>FIGURE 20</p>	

P.A. 09-08

9/11



Presto - Sygan AMD Restoration
 Latitude: 40° 22' 00"
 Longitude: 80° 07' 30"

Reference Quadrangles:
 Canonsburg, PA - Bridgeville, PA
 Oakdale, PA - Pittsburgh West, PA

LOCATION MAP

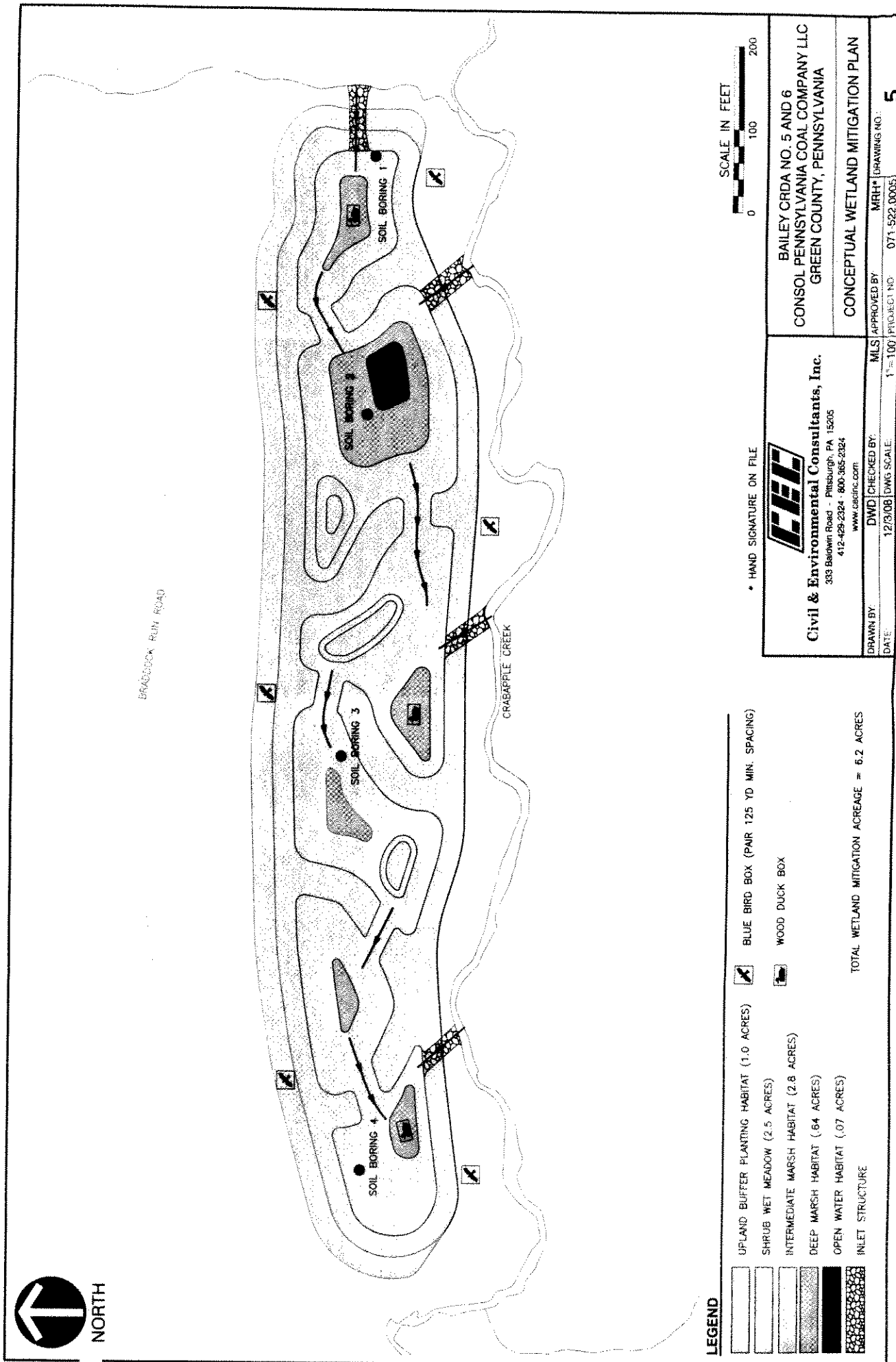
**PRESTO-SYGAN AMD REMEDIATION
 CHARTERS CREEK WATERSHED
 STREAM RESTORATION INCORPORATED**

South Fayette Twp., Allegheny County, PA
 Scale: 1" = 2000' June 2008

BioMost, Inc., Mars, PA
 Mining and Reclamation Services

P.M. 09-08

11/01



BRADDOCK RUN ROAD

CRABAPPLE CREEK

SOIL BORING 1

SOIL BORING 2

SOIL BORING 3

SOIL BORING 4

LEGEND

- UPLAND BUFFER PLANTING HABITAT (1.0 ACRES)
- SHRUB WET MEADOW (2.5 ACRES)
- INTERMEDIATE MARSH HABITAT (2.8 ACRES)
- DEEP MARSH HABITAT (.64 ACRES)
- OPEN WATER HABITAT (.07 ACRES)
- INLET STRUCTURE
- BLUE BIRD BOX (PAIR 125 YD MIN. SPACING)
- WOOD DUCK BOX

TOTAL WETLAND MITIGATION ACREAGE = 6.2 ACRES

* HAND SIGNATURE ON FILE

Civil & Environmental Consultants, Inc.
 333 Baldwin Road - Pittsburgh, PA 15205
 412-429-2324 - 800-365-2324
 www.cesinc.com



BAILEY CRDA NO. 5 AND 6
 CONSOL PENNSYLVANIA COAL COMPANY LLC
 GREEN COUNTY, PENNSYLVANIA

CONCEPTUAL WETLAND MITIGATION PLAN

DATE: 12/03/08 DWG SCALE: 1" = 100' PROJECT NO: 071-522-0005
 DRAWN BY: DWD CHECKED BY: MRH*
 PLOTTED BY: MRH* DRAWING NO.: 5

P.A. 09-08