



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

Public Notice

In Reply Refer to
Notice No. below

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

Federal Register / Vol. 74, No. 134

Date: August 14, 2009

Public Notice No. 09-40

Closing Date: September 14, 2009

EXTENSION OF COMMENT PERIOD: PROPOSED SUSPENSION AND MODIFICATION OF NATIONWIDE PERMIT NUMBER 21 IN THE APPALACHIAN REGION OF KENTUCKY, OHIO, PENNSYLVANIA, TENNESSEE, VIRGINIA, AND WEST VIRGINIA

In the July 15, 2009, issue of the Federal Register (74 FR 34311) the U.S. Army Corps of Engineers published a proposal to take two actions concerning Nationwide Permit 21, which authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities.

First, the Corps proposes to modify NWP 21 to prohibit its use to authorize discharges of dredged or fill material into waters of the United States for surface coal mining activities in the Appalachian region of the following states: Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia until it expires on March 18, 2012. The proposed modification would enhance environmental protection of aquatic resources by requiring surface coal mining projects in the affected region to obtain individual permit coverage under the Clean Water Act, which includes increased public and agency involvement in the permit review process, including an opportunity for public comment on individual projects.

Second, the Corps is proposing to suspend NWP 21 to provide an interim means of requiring individual permit reviews in Appalachia, while proposing to undertake the longer-term measure of modifying NWP 21 to prohibit its use to authorize discharges of dredged or fill material into waters of the United States associated with surface coal mining activities in the Appalachian region of these six States. The Corps is also proposing to suspend NWP 21 to provide immediate environmental protection while it evaluates the comments received in response to the proposal to modify NWP 21.

The application of NWP 21 to surface coal mining activities in the rest of the United States would not be affected by this proposed modification or the proposed suspension.

The July 15, 2009, notice stated that public comments and requests for a public hearing must be received by August 14, 2009. Several entities requested an extension of the comment period for

the proposed rule. We have determined that a 30-day extension of the comment period for this proposed rule is warranted. Therefore, the comment period for these proposed actions is extended until September 14, 2009.

For more information, including instructions for submitting comments, please see the attached Federal Register notice.

FOR THE DISTRICT ENGINEER:



Scott A. Hans
Chief, Regulatory Branch