
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. 2010-346
Public Notice No. 10-67 **Amended**

Date: December 23, 2010
Closing Date: January 12, 2010

1. **TO ALL 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). **This Public Notice is amended to change the dates, opening December 23, 2010 and closing January 12, 2010.**
2. **APPLICANT:** Meadowfill Landfill, Inc.
Attn: Doug Hill
Route 2, Box 68
Bridgeport, WV 26330
3. **LOCATION:** The site is located approximately 1.8 miles south of the community of Saltwell, Harrison County, West Virginia, Latitude 39° 20' 19" / Longitude -80° 15' 25". The project is located on Smith Run, a tributary of Simpson Creek which is a tributary of the West Fork River.
4. **PURPOSE AND DESCRIPTION OF WORK:** Meadowfill Landfill, Inc. proposes the addition of a new "stormwater management/sediment pond" (Sediment Pond 1C) to allow for the expansion of the existing Meadowfill Landfill. Wetlands 1, 2, and 5 comprising 0.31 acres of jurisdictional "Palustrine Emergent Wetland" (PEM) and 475 linear feet of a jurisdictional intermittent stream channel (Smith Run), classified by the Corps as a seasonal "Relatively Permanent Water" (RPW), will be permanently impacted by the construction of this pond. Wetlands 1, 2, and 5 abut Smith Run.

Meadowfill Landfill, Inc. is proposing wetland mitigation on-site at a ratio of more than 2:1, thus 0.70 acres of wetland will be constructed on-site. Stream mitigation will be accomplished by the treatment of two "acid mine drainage" (AMD) seeps, Outfall 005 and Outfall 006 seeps. These seeps will be treated by directing them into two existing sediment ponds for physical treatment. Outfall 005 seep will be directed to Sediment Pond 2A and Outfall 006 seep will be directed to Sediment Pond 1A.

5. WEST VIRGINIA WATER QUALITY CERTIFICATION: A West Virginia State 401 Water Quality Certification will be required and is under review by the WVDEP.

West Virginia Department of Environmental Protection
Office of Water Resources, Attn: Lyle Bennett
601 57th Street SE
Charleston, WV 25304-2345

6. IMPACT ON NATURAL RESOURCES: The District Engineer 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. The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, pre-historical, 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: Greg Currey, at the above address, by telephoning (412) 395-7517, or by e-mail at gregory.currey@usace.army.mil. Please refer to CELRP-OP-F 2010-346 in all responses.

FOR THE DISTRICT ENGINEER:

Marcia H. Haberman
Chief, Southern Section
Regulatory Branch