



**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

Application No. 2012-310

Date: October 17, 2012

Notice No. 12-65

Closing Date: November 15, 2012

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.
2. **APPLICANT:** Republic Services Inc.
8100 South Stateline Road
Lowellville, OH 44436
3. **LOCATION:** Wetlands and unnamed tributaries to the Mahoning River in Poland Township, Mahoning County, Ohio.
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant proposes to construct a passive drainage system at their Carbon Limestone Landfill in order to achieve positive drainage and manage groundwater at the site. Currently an active pumping system is being utilized which continuously pumps ground water from old quarry ponds. As a result of the proposed passive drainage system, 2.27 acres of jurisdictional wetlands, 1,339 linear feet of jurisdictional unnamed tributaries to the Mahoning River, and 1.62 acres of jurisdictional ponds would be impacted. Additionally 0.26 acre of wetland would be impacted at the mitigation site during stream and wetland mitigation construction. Wetland mitigation totaling 6.7 acres of palustrine emergent and palustrine shrub scrub wetland is proposed to be constructed. Additionally, 2,068 linear feet of stream mitigation is proposed by pulling drainage tiles from an old field and redesigning channelized drainage ditches to form natural stream channels. Drawings of the proposed project and mitigation plan may be found at the following website by clicking on them just below Public Notice Number 12-65. http://www.lrp.usace.army.mil/or/or-f/public_notice.htm
5. **WATER QUALITY CERTIFICATION:** A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
PO Box 1049
Columbus, Ohio 43266-0149
Telephone Number: 614-644-2001
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 species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical given adherence to the U.S. Fish and Wildlife Service email dated March 30, 2012. This email indicated that while no suitable habitat exists in the western passive drainage system, a seasonal tree clearing restriction will be necessary in the northern portion of the eastern passive drainage system to ensure no impacts to Indiana bats. 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. Additionally a letter received from the Ohio Historic Preservation Office, dated April 17, 2012, indicates the proposed project will not affect properties listed in or eligible for listing in the National Register of Historic Places. 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

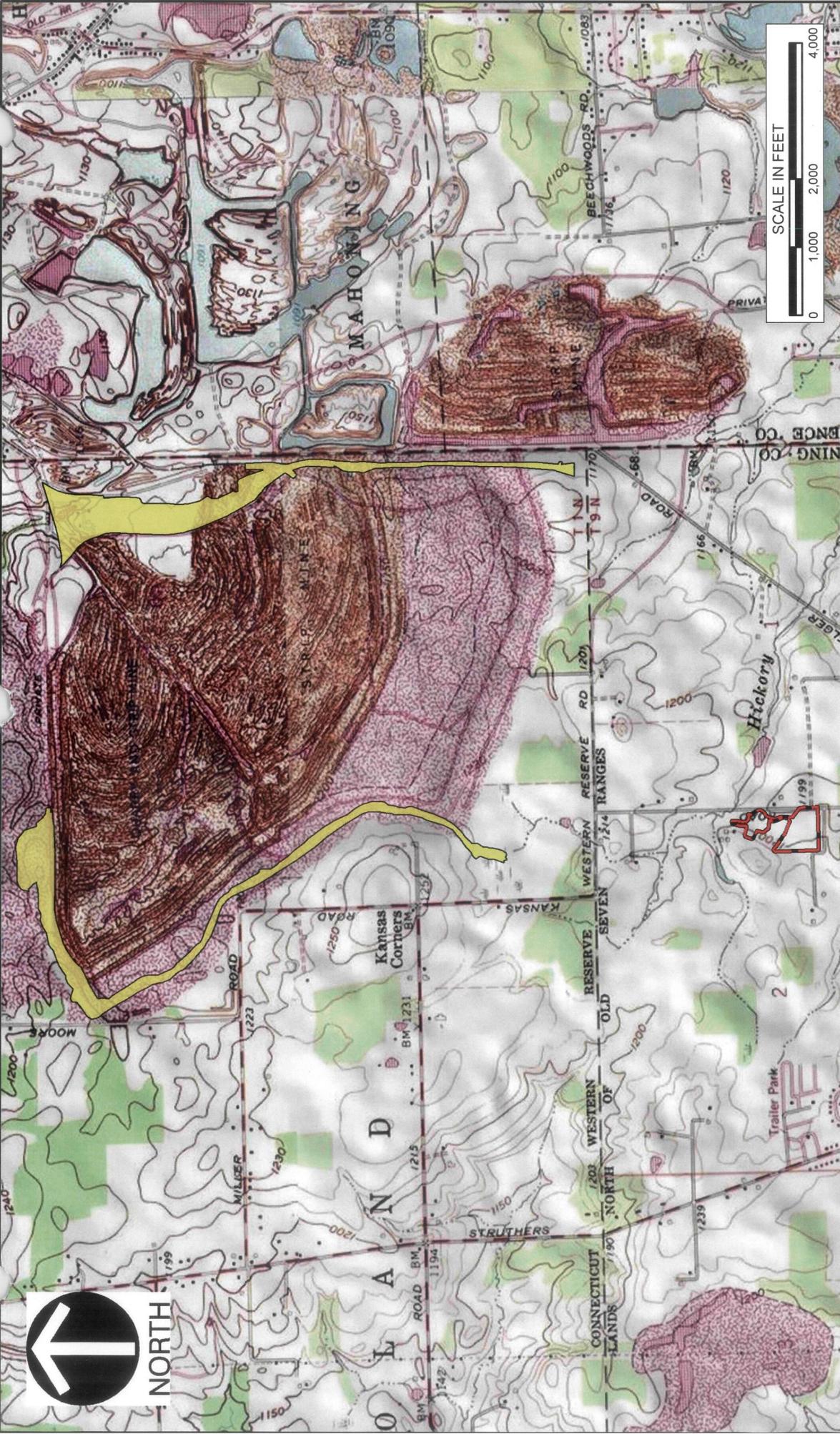
used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental 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 Tyler Bintrim at the above address, by telephoning (412) 395-7115, or by e-mail at tyler.j.bintrim@usace.army.mil. Please refer to CELRP-OP-F 2012-310 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//
By Karen Kochenbach for

Scott A. Hans
Chief, Regulatory Branch



LEGEND

- Project Study Areas
- Mile One Mitigation Area

REFERENCE

Topographic Basemap provided by ESRI via USA Topo Maps web service.
 USGS 7.5 Minute Topographic Map
 Quadrangle coverages include Campbell, OH (Dated: 1963, revised: 1979)
 and New Middletown, OH (Dated: 1963, Revised: 1978)



Civil & Environmental Consultants, Inc.

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REPUBLIC SERVICES, INC. PASSIVE DRAINAGE SYSTEM CARBON LIMESTONE LANDFILL MAHONING COUNTY, OHIO	
MILE ONE MITIGATION AREA SITE LOCATION MAP	
DRAWN BY:	CLC
CHECKED BY:	WWT
DATE:	6/18/2012
MAP SCALE:	1" = 2,000'
APPROVED BY:	*MRH
PROJECT NO.:	111-546
FIGURE NO.:	4