



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. 200400270

Date: July 7, 2004

Notice No. 04-35

Closing Date: July 27, 2004

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).
2. APPLICANT: Apex Energy, Inc.
P. O. Box 1298
Steubenville, OH 43952
3. LOCATION: in unnamed tributaries to Goose Creek and adjacent wetlands, in Springfield Township, Jefferson County, Ohio.
4. PURPOSE AND DESCRIPTION OF WORK: To amend Public Notice 04-13 previously issued on March 12, 2004, to construct a 117-acre licensed sanitary landfill in Jefferson County, Ohio. Additional impacts are required as part of the proposed mitigation plan and railroad infrastructure improvements. In Public Notice 04-13, a wetland study was conducted on approximately 200 acres that would be disturbed as part of the earth disturbance for the landfill footprint within the 1285 acre parcel owned by Apex Energy. A revised Jurisdictional Determination was submitted to include a new study area which included approximately 425 acres of which now identifies 28.70 acres of jurisdictional wetlands and 1.61 acres of isolated wetlands. Remote sensing was conducted outside the new study area on the remaining 860 acres and resulted in approximately 52.25 acres of additional aquatic resources. Total wetlands and waters on the Apex Energy property both surveyed, and remote sensed now total approximately 82.56 acres. In addition to the previously requested 4.8 acres of impact proposed for the landfill footprint an additional 0.34 acre is being proposed for the dam repair and shallow water enhancement currently being proposed as part of the mitigation plan. An existing railroad line that crosses the Apex property is also being proposed to be improved and reconditioned as part of the revised landfill development. Widening of the railroad grade for the installation of siding tracks will affect approximately 2000 linear feet of the existing track. As a result of this activity approximately 300 linear feet of three drainageways would be enclosed in

culverts. The total impacts for the proposed project are now 5.14 acres of wetlands and approximately 300 linear feet of stream channel. Drawings of the proposed project are attached to this notice.

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
P.O. 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. 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, 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

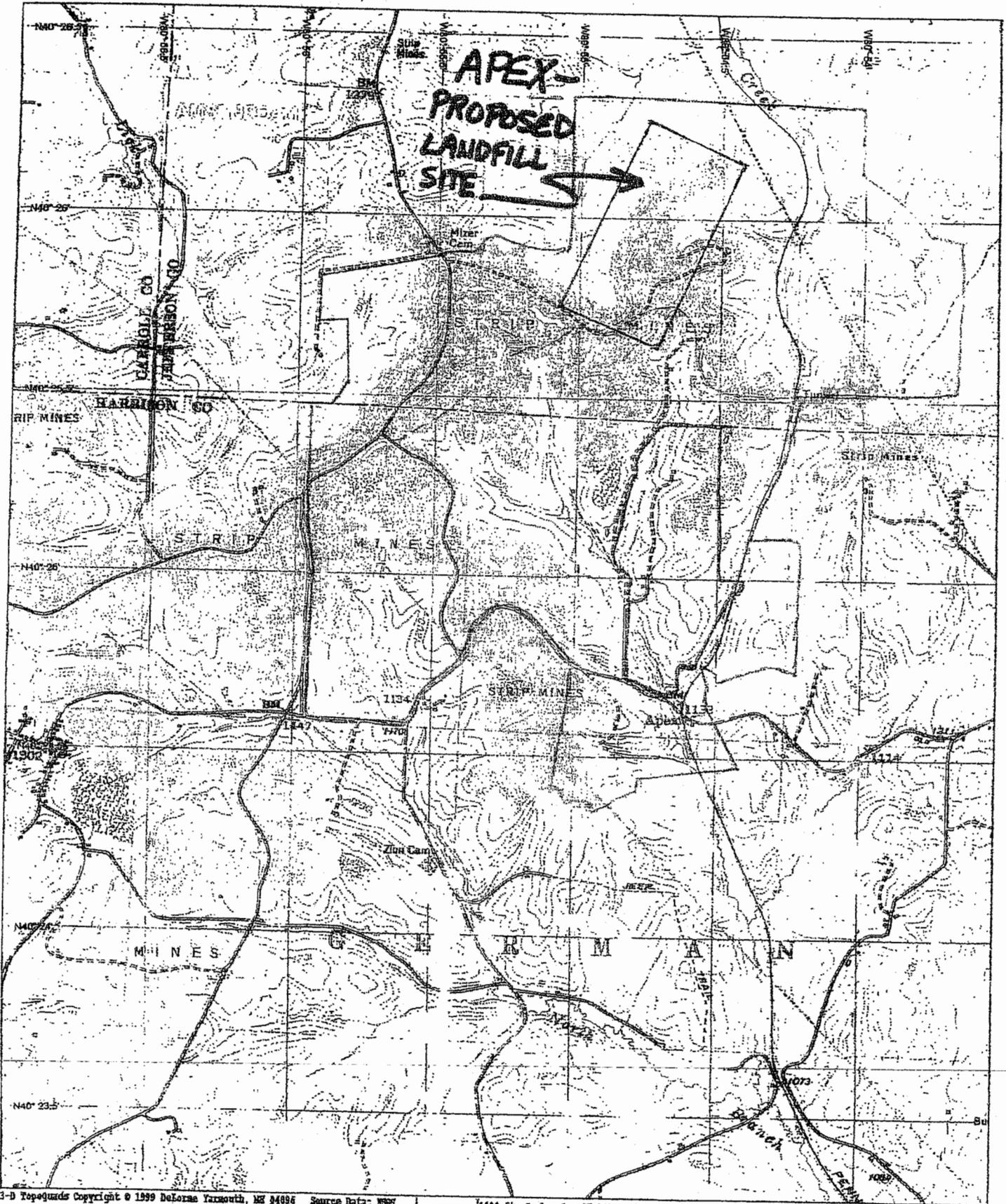
resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, 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 Allen Edris, at the above address, by telephoning (412) 395-7158, or by e-mail at allen.edris@usace.army.mil. Please refer to CELRP-OR-F 200400270 in all responses.

FOR THE DISTRICT ENGINEER:

SIGNED

Scott A. Hans
Acting Chief,
Regulatory Branch



3-D Topoquads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS 1:25,000 Scale: 1 : 25,000 Detail: 13-0 Datum: NAD83

REFERENCE : AMSTERDAM, OHIO 7.5 MIN.
 USGS QUADRANGLE

200400270

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WETLAND AREAS		WETLAND AREAS	
AREA	CLASSIFICATION	AREA	CLASSIFICATION
AREA A	USACE SECTION 404 0.16 acres	AREA F	USACE SECTION 404 13.68 acres
AREA B	USACE SECTION 404 0.31 acres	AREA G	USACE SECTION 404 13.77 acres
AREA C	USACE SECTION 404 0.31 acres	AREA H	USACE SECTION 404 0.31 acres
AREA D	USACE SECTION 404 0.31 acres	AREA I	USACE SECTION 404 0.31 acres
AREA E	USACE SECTION 404 1.25 acres	AREA J	USACE SECTION 404 0.31 acres
AREA F	USACE SECTION 404 1.10 acres	AREA K	USACE SECTION 404 0.31 acres
AREA G	USACE SECTION 404 1.10 acres	AREA L	USACE SECTION 404 0.31 acres
AREA H	USACE SECTION 404 1.10 acres	AREA M	USACE SECTION 404 0.31 acres
AREA I	USACE SECTION 404 1.10 acres	AREA N	USACE SECTION 404 0.31 acres

LEGEND:
 LIGHT OF WASTE
 LIGHT OF CONSTRUCTION
 ADJACENT
 GROUND WATER SEEP SPRINGS
 WETLANDS DELINEATED FROM 1984 FIELD SURVEY BY HANCOCK & EDDY (GROSS-HATCHED)
 WETLANDS AND WETLANDS DELINEATED IN THIS DRAWING (SOLID)

USACE SECTION 404 WETLANDS (SOLID)
 USACE SECTION 404 WETLANDS (GROSS-HATCHED)
 ONE ERY ISOLATED WETLANDS (DOTTED)

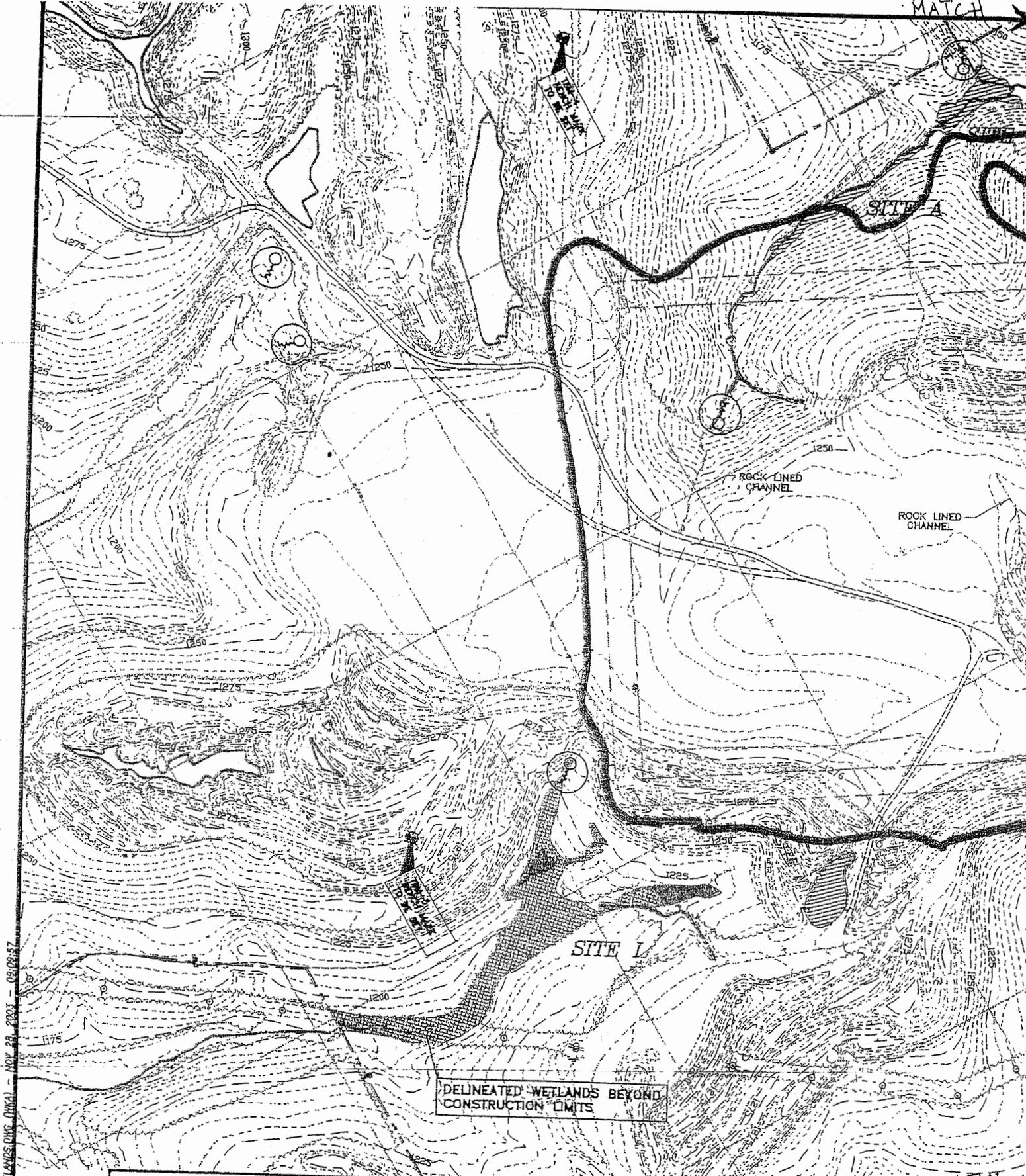
SCALE
 1" = 200'

RZI
 100' 200' 300' 400' 500' 600' 700' 800' 900' 1000'

APEX ENERGY, INC.
 SHEET 1 OF 1

PROJECT NO. -
 DATE: MAR 11/05/03
 PROJECT: APEX SANITARY LANDFILL
 SPRINGFIELD TOWNSHIP
 SPRINGFIELD COUNTY, OHIO
 SHEET TITLE: WETLAND DELINEATION PLAN
 DRAWING NO. PDR/RE 1

APPROVED FOR CONSTRUCTION BY: [Signature]
 DATE: [Date]
 PROJECT ENGINEER: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]
 SHEET TITLE: [Title]
 DRAWING NO.: [Number]



DELINEATED WETLANDS BEYOND CONSTRUCTION LIMITS

WETLAND AREAS					
ID	CLASSIFICATION	AREA	ID	CLASSIFICATION	AREA
SITE A	USCOE-SECTION 404	0.46 acres	SITE H	USCOE-SECTION 404	0.86 acres
SITE B	OHIO EPA-ISOLATED	0.24 acres	SITE I	USCOE-SECTION 404	3.7 acres
SITE C	OHIO EPA-ISOLATED	0.34 acres	SITE J	USCOE-SECTION 404	0.53 acres
SITE D	OHIO EPA-ISOLATED	0.28 acres	SITE K	USCOE-SECTION 404	0.05 acres
SITE E	OHIO EPA-ISOLATED	0.15 acres	SITE L	USCOE-SECTION 404	0.13 acres
SITE F	USCOE-SECTION 404	1.23 acres	SITE M	USCOE-SECTION 404	0.43 acres
SITE G	USCOE-SECTION 404	1.10 acres	SITE N	OHIO EPA-ISOLATED	0.60 acres

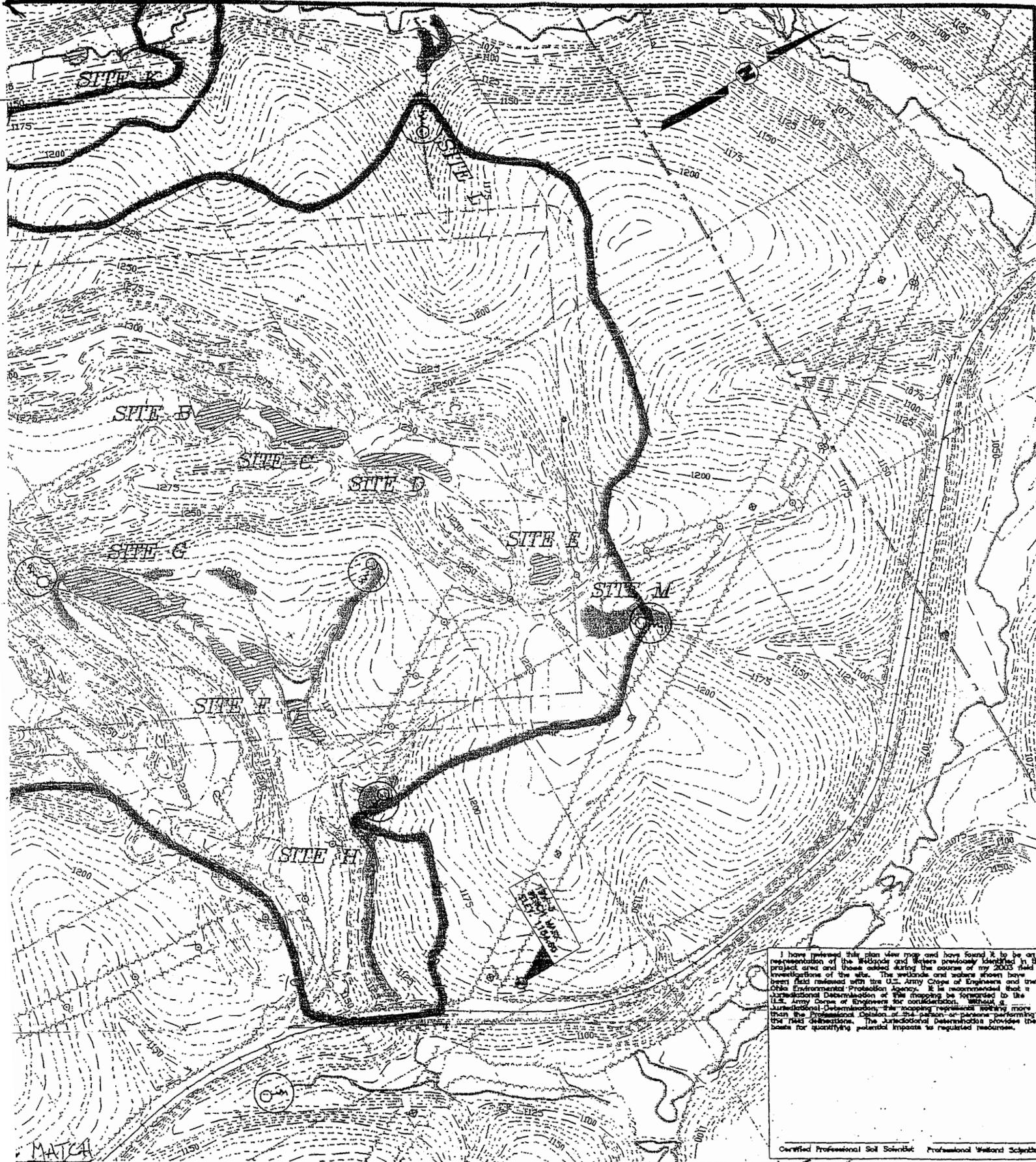
LEGEND:

-  LIMIT OF WASTE
-  LIMIT OF CONSTRUCTION ACTIVITY
-  GROUND WATER SEEP / SPRING
-  WETLAND DELINEATION

PROJECT AREA: WETLANDS DELINEATION - NOV 28, 2003 - 09:09:57

REFERENCES:
1. PERMIT DRAWING 24-1 SHOWING 1984 WETLAND DELINEATION

MATCH



I have prepared this plan view map and have found it to be an representation of the Wetlands and Waters previously identified in the project area and those added during the course of my 2003 field investigations of the site. The wetlands and waters shown have been field reviewed with the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency. It is recommended that a Jurisdictional Determination of the mapping be forwarded to the U.S. Army Corps of Engineers for consideration. Without a Jurisdictional Determination, the mapping represents wetlands more than the Professional Engineer of the nation or persons performing the field delineations. The Jurisdictional Determination provides the basis for quantifying potential impacts to regulated resources.

Certified Professional Soil Scientist Professional Wetland Scientist

WETLANDS DELINEATION FROM 1994 SURVEY BY MATCALF & EDDY. (CROSS-HATCHED)

-  US ACEE SECTION 404 WETLANDS (BLUE)
-  OHIO EPA ISOLATED WETLANDS (GREEN)

SCALE

DES		
DRN	WKA	11/04/03
CHK	RWZ	
REV		
APP		
PROJ.MGR.		

PROJECT NO: -- CAD: WKA 11/05/03

PROJECT: APEX SANITARY LANDFILL
SPRINGFIELD TOWNSHIP
JEFFERSON COUNTY, OHIO

SHEET TITLE: WETLAND DELINEATION PLAN

MATCH