



**US 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. 2003-1526

Date: February 10, 2010

Notice No. 10-09

NOTICE OF PUBLIC HEARING

Notice is hereby given that a joint Public Hearing will be held by the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency on The Ohio Valley Coal Company (TOVCC), Casey Run application. This 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 Hearing is being conducted to ensure that every effort is made to identify and weigh all beneficial and adverse effects of the proposed activity as part of the National Environmental Policy Act and the Corps' Public Interest Review.

Background:

TOVCC currently plans to construct a 12,908 acre-foot coal slurry impoundment (No. 3 Slurry Impoundment) that will receive slurry from both the Powhatan No. 6 D-0360 and American Energy Corporation D-0425 wash plants. The proposed project would directly impact approximately 29,928 linear feet (LF) of streams (6,426 LF Ephemeral, 13,928 LF Intermittent, and 9,574 LF Perennial) and 18 small wetlands (ranging in size from 0.003 acre to 0.11 acre) totaling 0.46-acres of wetlands. The proposed impoundment will be approximately 130 acres and have a total affected area of approximately 304 acres. Construction of the No. 3 Slurry Impoundment will be completed in three stages, plus a reclamation stage, that will provide 16 years of coarse and fine refuse disposal capacity. Additional details on the proposed activity can be found on Public Notice 04-38 dated December 5, 2009

Hearing date, time, and location:

Date: Thursday, March 11, 2010

Time: Early registration to begin at 5:30 PM
Start of hearing 6:00 PM

Location: Beallsville High School
52682 Ohio Ave. (S.R. 145)
Beallsville, OH 43716

All interested parties, including officials from local government, association, or private citizens whose interest may be affected by the proposed activity, are invited to be present at the above time and location. Oral statements supporting or opposing the proposed activity will be heard and written statements will be accepted. All statements will become part of the official

CELRP-OP-F
Public Notice No. 10-09

record of the application and will be recorded accordingly. Individuals who wish to give oral statements may do so by registering at the hearing registration desk the evening of the hearing. Public speaking times may be limited to five minutes or less based on the number of individuals wishing to speak. Additional comments may be submitted in writing the day of the hearing or by mail to the attention of Regulatory Branch at the address at the top of this Public Notice until 4:00 PM on March 21, 2010.

If you have any questions concerning this Public Notice, please contact Allen Edris, Regulatory Project Manager, at (412) 395-7158, or by e-mail at allen.r.edris@usace.army.mil.

FOR THE DISTRICT ENGINEER:

~~SIGNED~~

Scott A. Hans
Chief, Regulatory Branch