



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.	Issuance Date:
200100545-2	July 11, 2007
Stream: U/T Little Kyger Creek & Ohio River MP 259.5	Closing Date:
	August 10, 2007

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

APPLICANT: Ohio Valley Electric Corporation
Post Office Box 81
Gallipolis, Ohio 45631-0081

LOCATION: The proposed project has two impact areas. The first impact area is within unnamed tributaries of Little Kyger Creek and within wetlands adjacent to these tributaries near Cheshire, Gallia County, Ohio. The second impact area is located along the right descending bank of the Ohio River, 259.5 miles downstream of Pittsburgh, Pennsylvania near Cheshire, Gallia County, Ohio. A project location map is attached as Sheet 1.

DESCRIPTION OF PROPOSED WORK: Under Individual Permit 200100545-1, the applicant received authorization from this office for impacts to the Ohio River associated with the implementation of Powder River Basin (PRB) coal conversion project and a Flue Gas Desulfurization (FGD) retrofit project at the existing coal-fired Kyger Creek Electric Generating Station. Individual Permit 200100545-1 authorized the installation of one anchor cell, four mooring cells, one crane cell and one hopper cell within the Ohio River. The permit also authorized the installation of an access bridge to the proposed crane cell, a maintenance platform between the proposed crane cell and the hopper cell, and a limestone conveyor system. Impacts to the river for the installation of two supporting structures for the access bridge and two supporting structures for the limestone conveyor system were also authorized.

Gypsum Landfill Construction:

Gypsum would be produced as a byproduct of the new FGD system. The applicant has indicated approximately 430,000 tons of gypsum would be generated annually at the facility. The applicant is requesting authorization for impacts to unnamed tributaries of Little Kyger Creek and within wetlands adjacent to these tributaries associated with the construction of a proposed gypsum landfill. The proposed landfill would be within a 454-acre area located approximately 1.8 miles from the plant. The footprint of the proposed landfill would comprise approximately 100-acres and would have an estimated capacity of 20 million cubic yards of material. Construction of the landfill would result in impacts to 4.59 acres of wetland and 14,090 linear feet of stream as shown in Tables 1 and 2 below.

**Table 1
Wetland Impact Summary**

Wetland ID	Wetland Acreage (ac)	Acreage of Impact (ac)
Wetland 3	1.44	1.44
Wetland 4	0.69	0.69
Wetland 5	2.33	2.33
Wetland 9	0.13	0.13
Total Wetland Impacts		4.59 acres

**Table 2
Stream Impact Summary**

Stream ID	Stream Length On-site Linear feet (lf)	Length of Impact (lf)
Stream 1	3,850	3,850
Stream 1-1	780	780
Stream 1-2	610	610
Stream 1-3	750	750
Stream 2	1,250	1,250
Stream 2-1	100	100
Stream 2-2	120	120
Stream 2-3	150	150
Stream 3	460	460
Stream 4	2,600	2,600
Stream 4-1	440	440
Stream 5	1,700	1,700
Stream 5-1	470	470
Stream 15	40	40
Stream 16	520	520
Stream 16-1	250	250
Total Stream Impacts		14,090 linear feet

Construction of the proposed landfill would also include impacts to 2.76 acres of six non-jurisdictional wetlands and 0.62 acres of three non-jurisdictional open water areas as shown in Table 3. Impacts to these wetlands and open water areas are not regulated by this office.

**Table 3
Summary of Impacts to Non-Jurisdictional Waters**

Non-Jurisdictional Water	Resource Type	Acreage (ac)	Acreage of Impact (ac)
Wetland 6	Wetland	1.03	1.03
Wetland 7	Wetland	0.37	0.37
Wetland 8	Wetland	0.17	0.17
Wetland 30	Wetland	0.08	0.08
Wetland 31	Wetland	0.30	0.30
Wetland 32	Wetland	0.81	0.81
Pond 1	Open Water	0.14	0.14
Pond 2	Open Water	0.12	0.12
Open Water area next to Wetland 8	Open Water	0.36	0.36

Construction of the landfill would include the removal of the existing vegetation. Then the area would be contoured for maximum accessibility and storage capacity. An under drain system would be installed to remove groundwater from beneath the landfill and a perimeter drain system would be constructed to divert surface water. Both the under drain and perimeter drain would discharge into a sedimentation pond, which would ultimately outlet into a surface water tributary system. An impermeable clay and synthetic liner would be placed over the under drain system to prevent any movement of dissolved materials from entering the groundwater. A leachate collection drain system would be placed on top of the liner to collect any water that percolated through the landfill material. The leachate would be collected in a lined pond and would be treated, if necessary, before being routed to a permitted and monitored discharge location. The applicant has requested a landfill permit from the Ohio Environmental Protection Agency Division of Solid and Infectious Waste.

The landfill would be developed in stages starting at the upper part of the valley. As each stage is completed, the area will be capped with clay, followed by topsoil and native grass cover. The landfill would have an operational life of approximately 20 years. **Given areas of the site will be filled incrementally, if permitted, the proposed impacts would be approved for a period of 20 years.**

The project also includes the construction of a stackout pad, haul road, access roads and clay borrow sites. Gypsum would be transported from Kyger Creek Station to the landfill via a proposed overland conveyor. Construction of the conveyor system would not include any impacts to jurisdictional streams or wetlands. The proposed conveyor would end at a stackout pad where the FGD material is temporarily stockpiled and allowed to dry. When dry, the gypsum would be loaded into trucks and transported to the landfill.

Clay for the landfill liner and cap would be mined at the landfill site as the site is developed and from adjacent areas. Clay harvesting activities would include the construction of additional access roads and clay storage areas. The landfill area, stackout pad, haul and access roads, sedimentation ponds, leachate ponds, and clay borrow and stockpile areas would be within the 454-acre area. Plans of the proposal are attached to this notice.

Mitigation for Impacts resulting from Landfill Construction: As mitigation for the stream and wetland impacts associated with the landfill construction, the applicant proposes to construct a 15.2 acre wetland area adjacent to Kyger Creek. The location of this mitigation area is shown on the attached plans. The mitigation area would include a small open water area, emergent wetland areas, and scrub-shrub wetland communities. The applicant also proposes to construct a sinuous channel within the mitigation area that would flow during high water flows. The length of this channel would be 3,090 linear feet. Additional stream mitigation measures would include the enhancement of 4,460 linear feet of Kyger Creek. These enhancement measures would include the installation of shallow rock dams, bolder clusters and eddy rocks, rock flow detectors, wing deflectors and gravel riffles. The proposed stream and wetland mitigation areas would be protected with a deed restriction.

Floodway Mitigation Project:

Prior to installing the seven new river cells, the applicant received a Gallia County Construction in the floodway permit. This floodway permit required mitigation for any increase in the 100-year flood elevation associated with the installation of the river cells. HEC-RAS modeling for the cells indicated they result in a rise in the surface water elevation of 0.03 feet (0.36 inches) upstream of the cells. In order to mitigation for this increase and comply with the terms of the floodway permit, the applicant is requesting authorization for impacts to the Ohio River associated with the construction of a mitigation project for impacts to the floodway. The proposed mitigation project would include excavating 15,550 cubic yards of material below the ordinary high water mark of the Ohio River at the location of the upper river cells. The excavation area would include 87,200 square feet (2.0 acres) and was designed for the minimum removal of earth while still restoring floodflow conveyance as per the HEC-RAS modeling. All excavated material would be placed as cover on a closed and capped fly ash pond. No dredged material would be placed within jurisdictional waters of the United States. Based on the location and design of the mitigation area, the applicant has indicated no maintenance dredging of this area would be required. Upon completion of excavation activities, the side slope of the mitigation area would be planted with native vegetation. Plans of the proposal are attached to this notice.

Mitigation for impacts to riparian corridor: As mitigation for the impacts to the Ohio River and its riparian corridor for the floodway mitigation project, the applicant proposes to plant a mixture of hardwood riparian tree species within a 2-acre area adjacent to the Ohio River at the north end of the plant property.

Alternatives Analysis: A total of 4.59 acres of jurisdictional wetland would be filled as a result of the proposal. Construction of the proposal does not require access to or siting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. All practicable alternatives not involving such discharges into special aquatic sites are presumed to have less adverse impacts to the aquatic system. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. The applicant has indicated they would be performing archaeological investigations within the area of the proposed Floodway Mitigation Project, the area of impact for the landfill construction, and the proposed mitigation area for the landfill project. The results of these surveys will be used to determine if these projects would have any affect on historic properties. As noted above, the proposed dredge material disposal site for the Floodway Mitigation Project is a capped fly-ash landfill. Given the current condition and historic disturbance within this area, additional fill placement in this area is not anticipated to have any effect on historic properties.

A copy of this public notice and the reports of the archaeological surveys will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the Indiana bat (E), pink mucket pearly mussel (E) and the sheepsnose mussel (C).

Construction of the floodway mitigation project would result in the removal of approximately 0.63 acre of mature riparian vegetation along the Ohio River. The proposed landfill construction would include removal of mature vegetation from over 400 acres of land. Based on site visits conducted by employees of the United States Fish and Wildlife Service, these areas contain trees that may be suitable roosting habitat for the Indiana bat. Based on the site visit and additional consultation with the USFWS, provided the applicant does not clear suitable habitat trees during the designated roosting period of April 15th to September 15th, this office has determined implementation of the proposal may affect, but would not adversely affect the Indiana bat.

Prior to installation of the new river cells, the applicant conducted a mussel survey within the Ohio River. No live Federally-listed endangered and/or threatened species were identified within the study area. Based on the findings of this mussel survey, provided Best Management Practices are implemented during construction of the project, this office has determined the proposed project may affect but would not adversely affect the pink mucket pearly mussel and the sheepsnose mussel.

PUBLIC INTEREST: Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

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 proposal, must be balanced against its reasonably foreseeable detriments. All factors that 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, floodplain 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. In addition, 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. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

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.

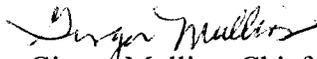
To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

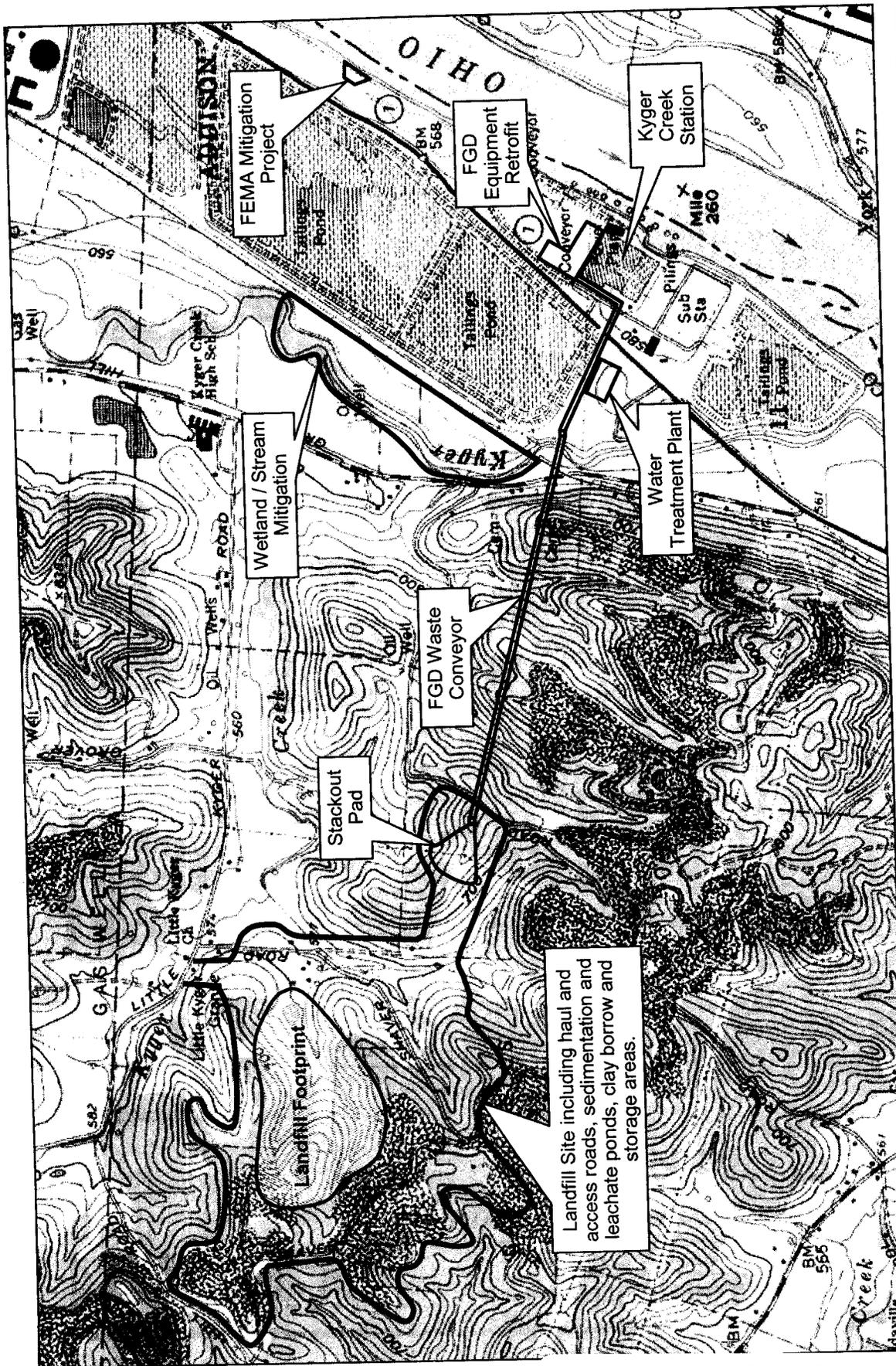
U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200100545-2
502 8th Street
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act.

Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

(O, W)



Ohio Valley Electric Corp.
 Kyger Creek Station
 Flue Gas Desulfurization
 (FGD) Project Overview

05.10.07

Addison & Cheshire, Ohio Quadrangles
 USGS Topographic Map

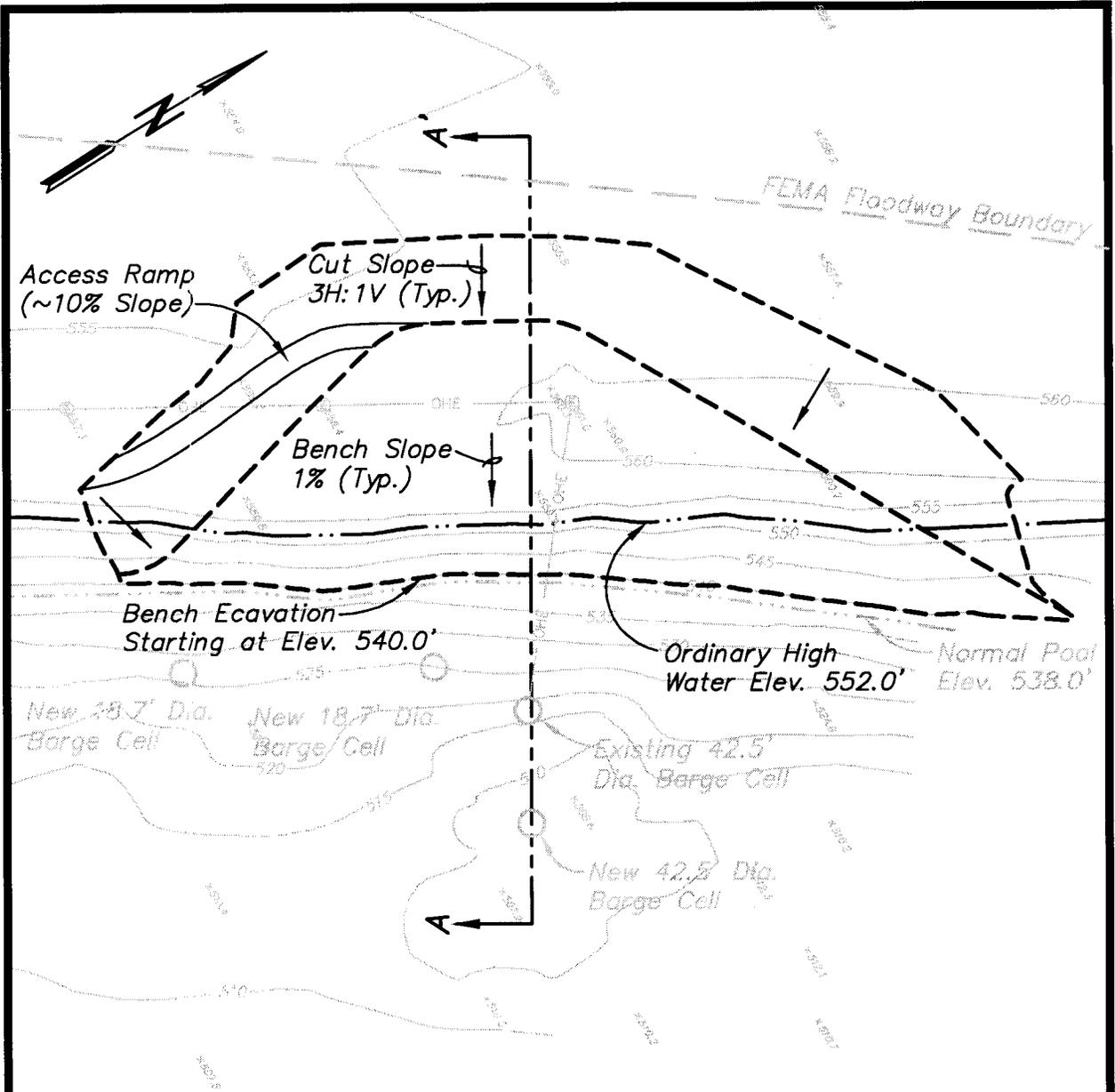
Cheshire, Ohio - Gallia County

1mi
 1/2

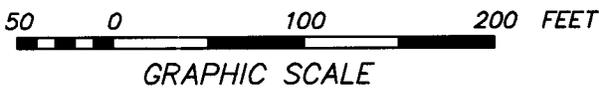
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Water & Ecological
 Resource Services





**PERMIT DRAWING
NOT FOR CONSTRUCTION**



L:\2007027\FIGURE1.DWG



**FLOODWAY MITIGATION
OHIO VALLEY ELECTRIC CORPORATION (OVEC)
AMERICAN ELECTRIC POWER (AEP)
KYGER CREEK PLANT
GALLIA COUNTY, OHIO**

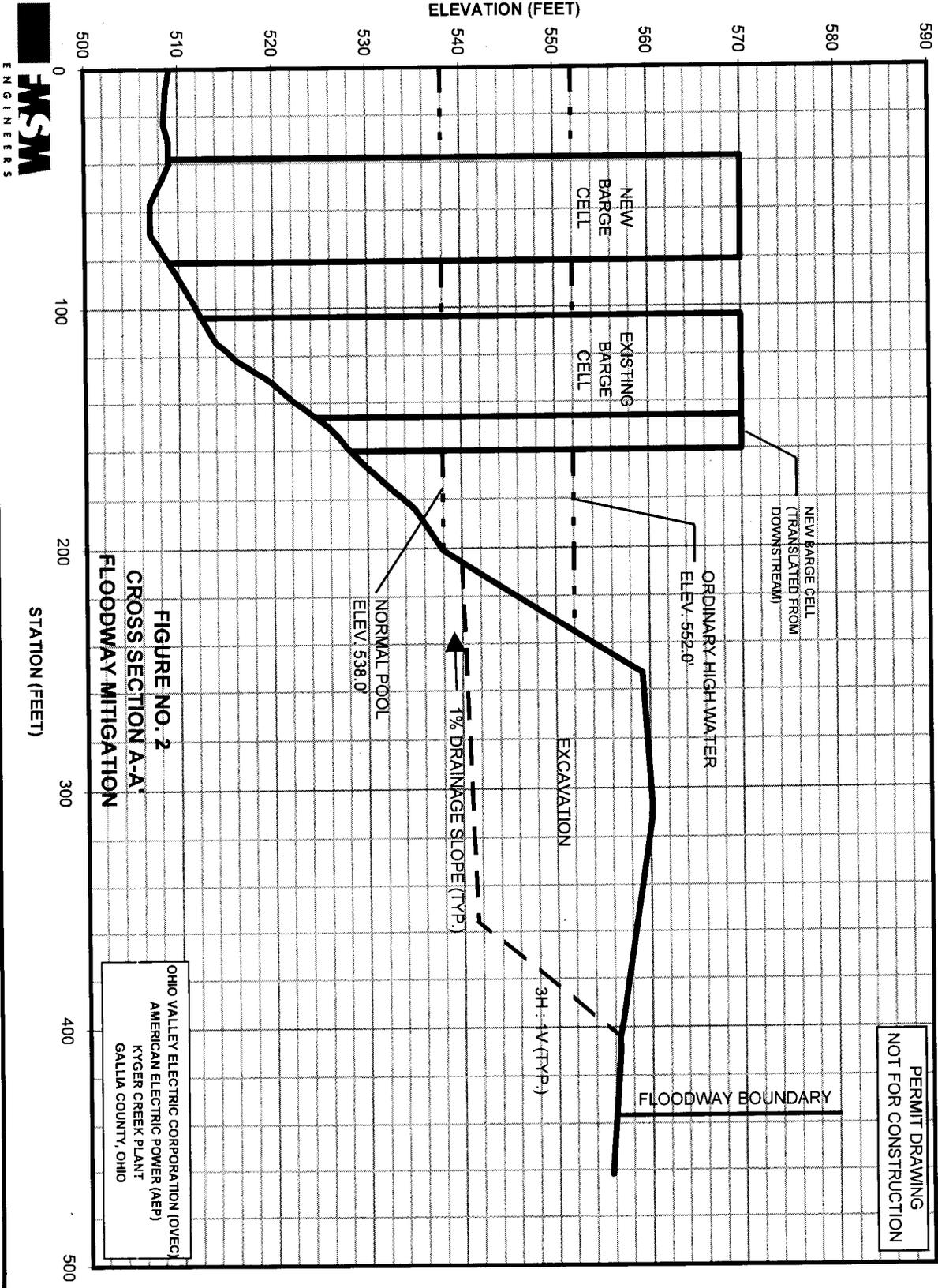


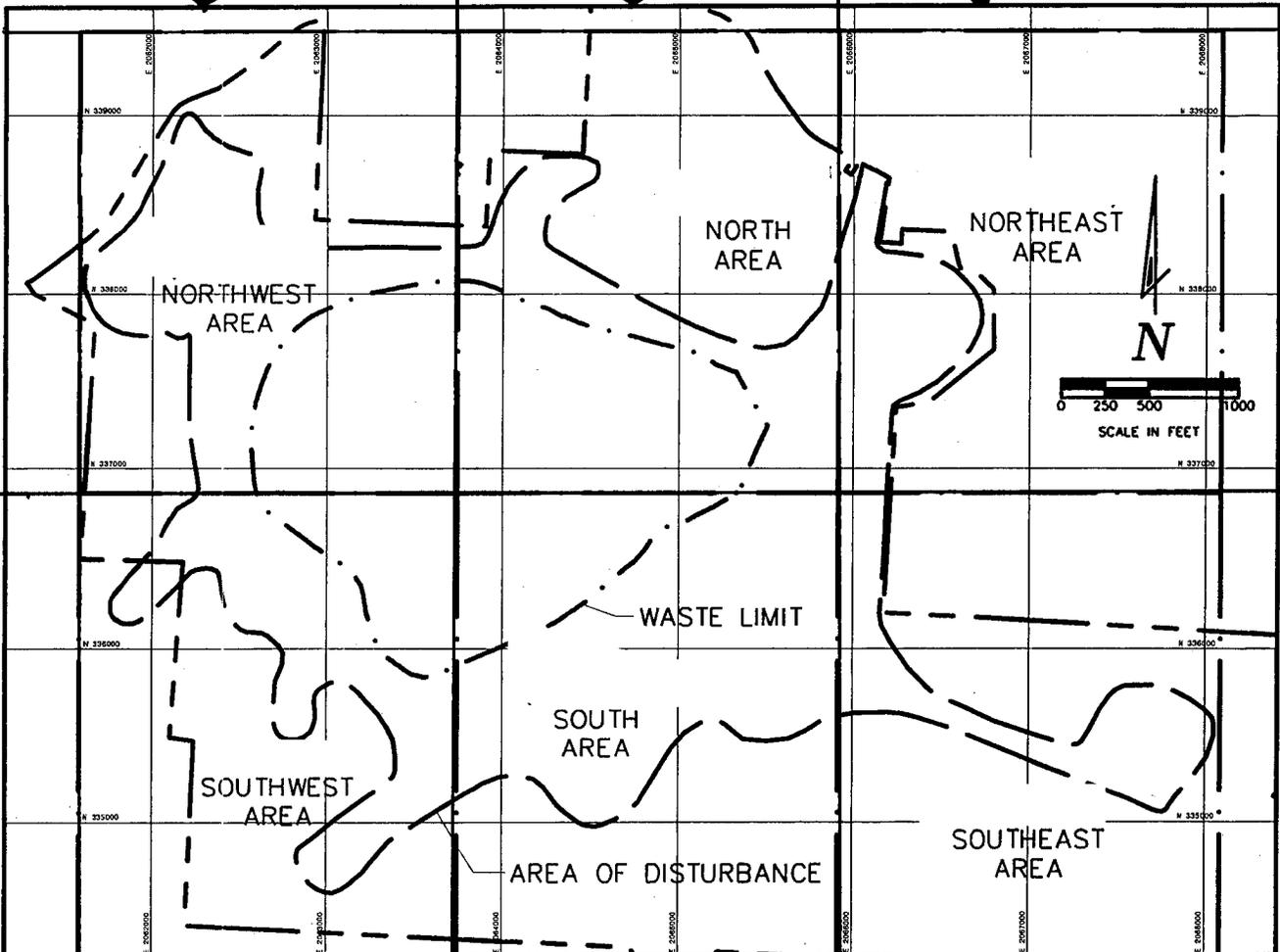
FIGURE NO. 2
CROSS SECTION A-A
FLOODWAY MITIGATION

OHIO VALLEY ELECTRIC CORPORATION (OVEC)
AMERICAN ELECTRIC POWER (AEP)
KYGER CREEK PLANT
GALLIA COUNTY, OHIO

see Sheet 5 of 12

See Sheet 6 of 12

See Sheet 7 of 12



See Sheet 8 of 12

See Sheet 9 of 12

See Sheet 10 of 12

LEGEND - EXISTING

- PROPERTY LINE
- == ROADS

LEGEND - PROPOSED

- . - . - WASTE LIMIT
- MATCHLINE
- AREA OF DISTURBANCE
-  WETLANDS TO BE IMPACTED AND MITIGATED
- . . . - JURISDICTIONAL STREAM

See sheets 5-10 for expanded plan view of the 6 segments above

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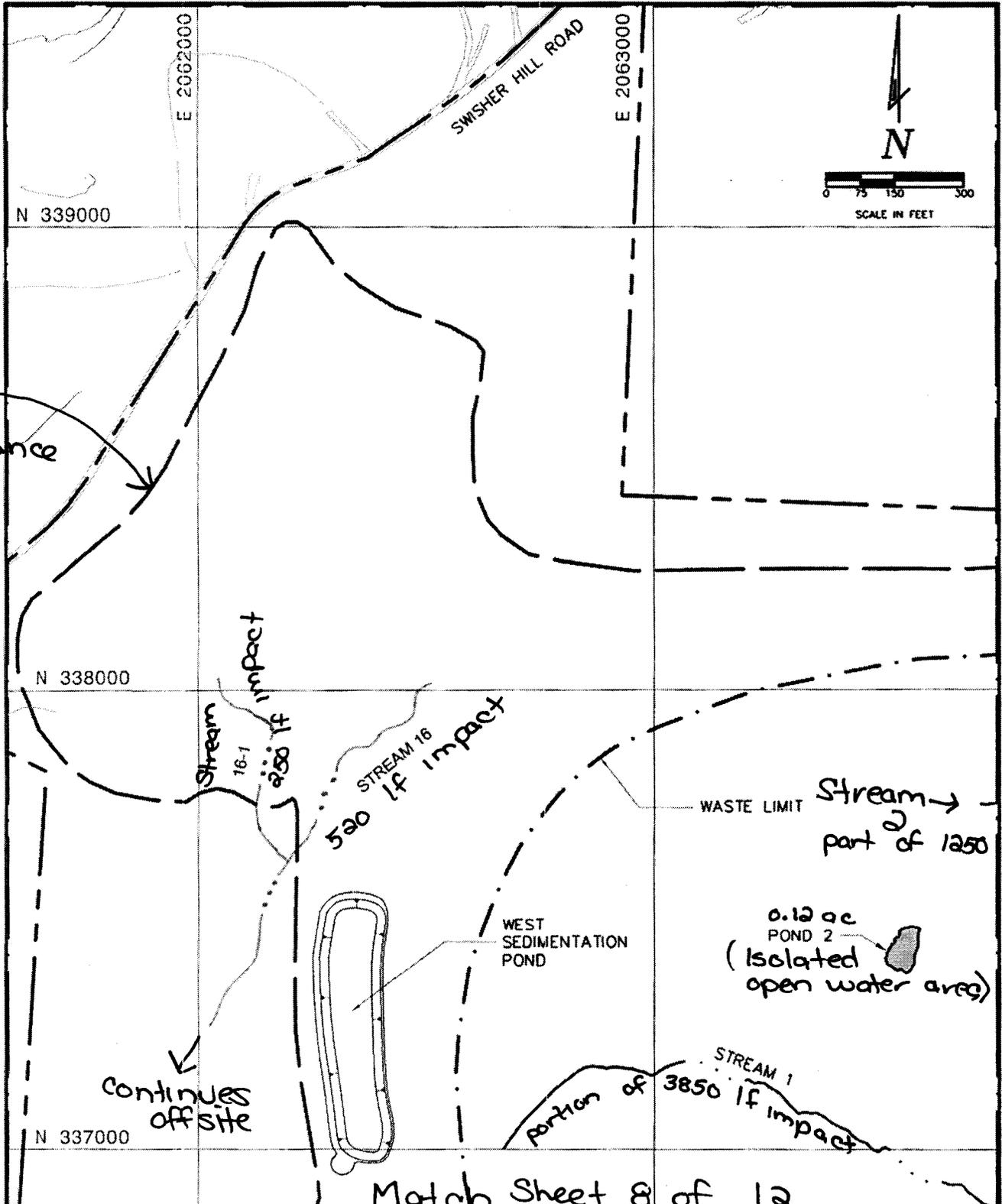
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OHIO VALLEY ELECTRIC CORPORATION
KYGER CREEK STATION FGD LANDFILL
SECTION 404 PERMIT DRAWING

Ohio Valley Elec. Corp. – Kyger Creek Station
200100545-2 - Ohio River 259.5

Gallia County, Ohio

Plan View & Segment Location Map – Landfill Area
Sheet 4 of 12



Match Sheet 6 of 12

Match Sheet 8 of 12

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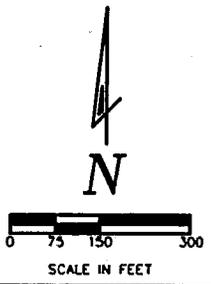
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Ohio Valley Elec. Corp. – Kyger Creek Station
 200100545-2 - Ohio River 259.5
 Gallia County, Ohio
 Plan View – Northwest Area of Landfill
 Sheet 5 of 12

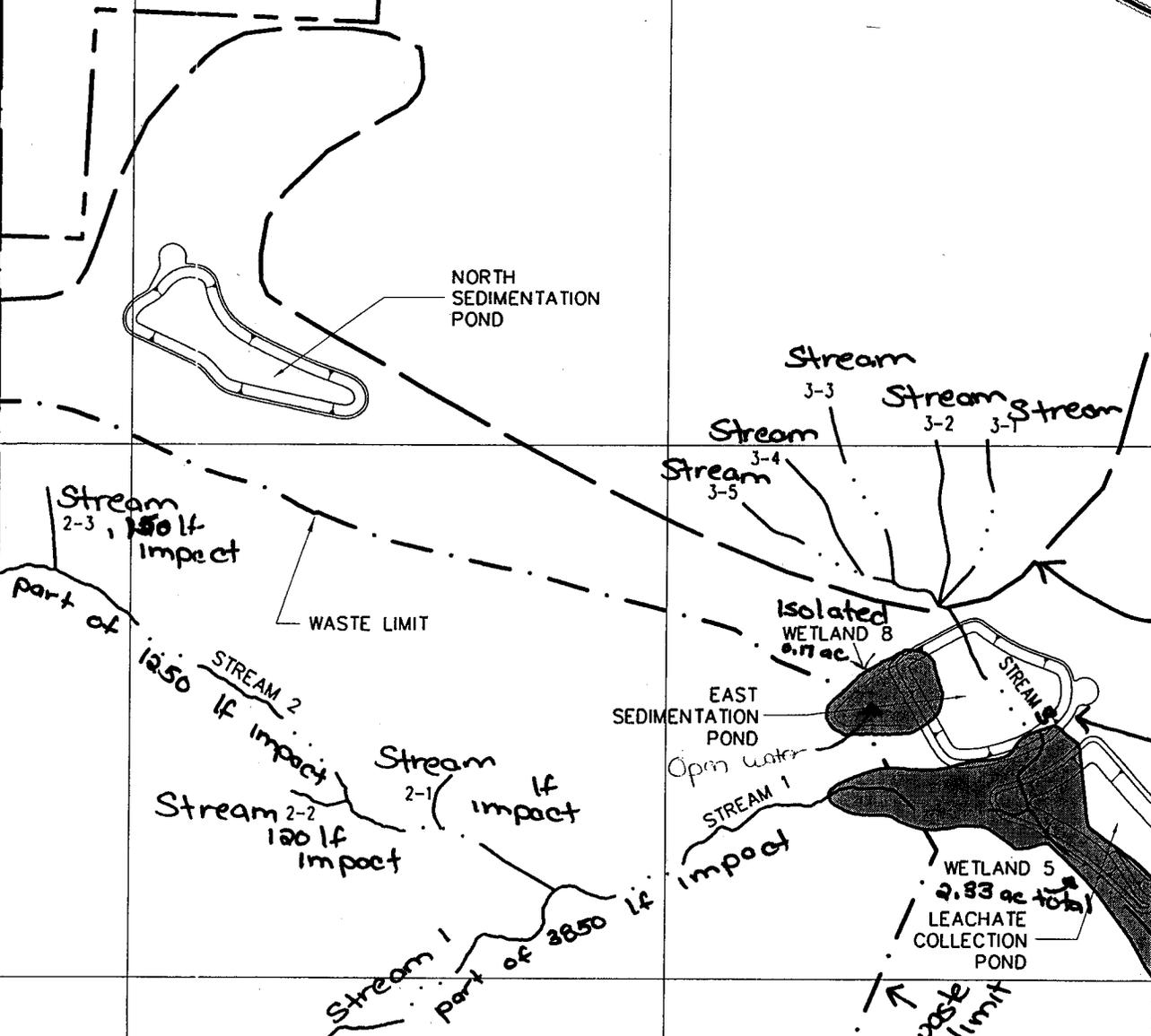
E 2064000

E 2065000



Match Sheet 5 of 12

Match Sheet 7 of 12



limits of disturbance

Stream 3 460 lf impact

Wetland 5

Match Sheet 9 of 12

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200100545-2 - Ohio River 259.5
Gallia County, Ohio
Plan View - North Area of Landfill
Sheet 6 of 12

E 2066000

E 2067000

E 2068000



SCALE IN FEET

N 339000

N 338000

N 337000

Match Sheet 6 of 12

LITTLE KYGER ROAD

SHAVER ROAD

limits of disturbance

LITTLE KYGER CREEK

LEACHATE COLLECTION POND

Stream 5

Stream 3

Wetland 5
2.33 ac total impact

Wetland 4
0.69 ac total impact

Match Sheet 10 of 12

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KYGER CREEK STATION FGD LANDFILL
SECTION 404 PERMIT DRAWING

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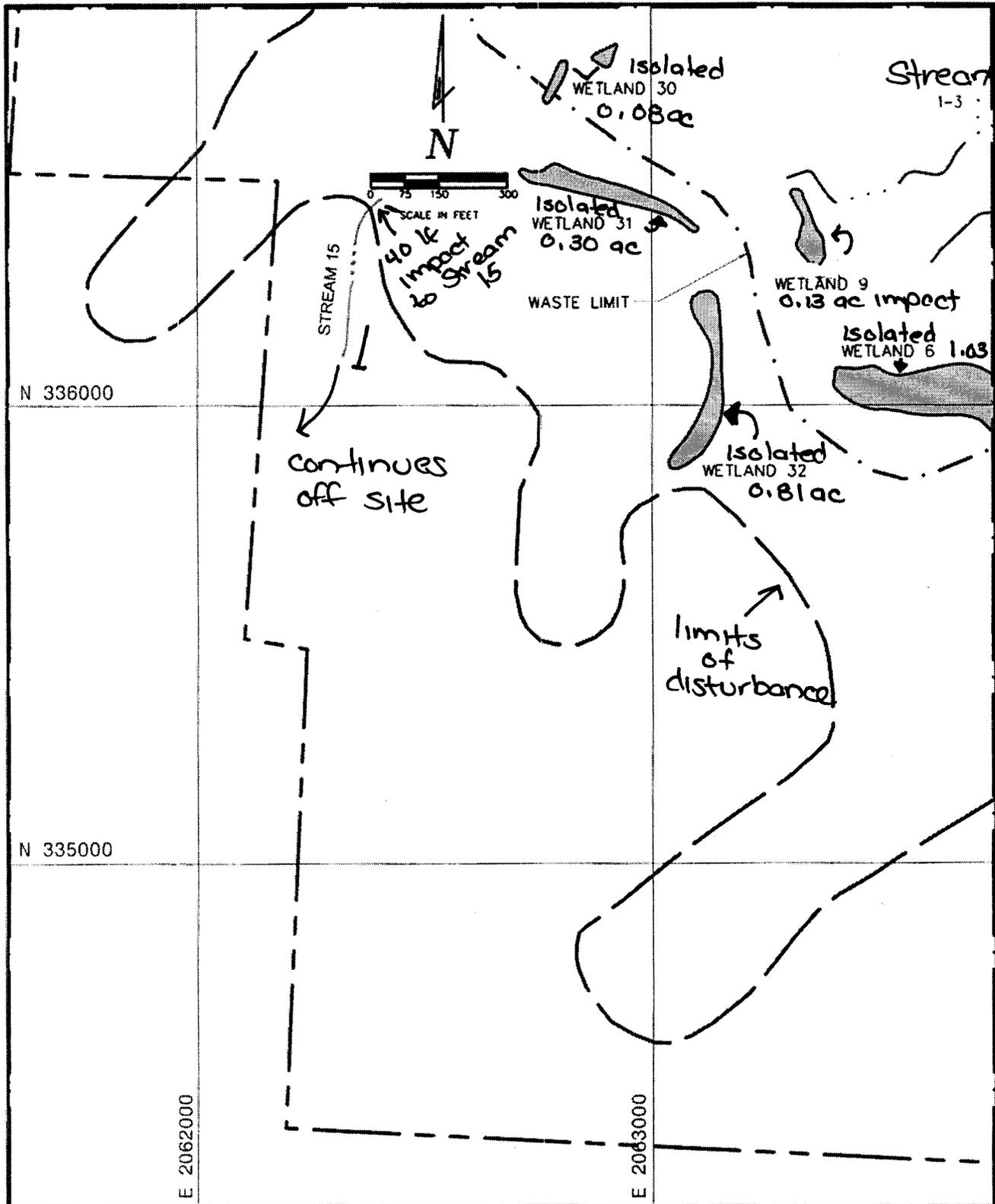
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200100545-2 - Ohio River 259.5
Gallia County, Ohio
Plan View - Northeast Area of Landfill
Sheet 7 of 12

Match Sheet 5 of 12



Stream 1-3 part of 40 ft impact

Stream 1-2 part of 60 ft impact

Match Sheet 9 of 12

N 336000

N 335000

E 2062000

E 2063000

continues off site

limits of disturbance

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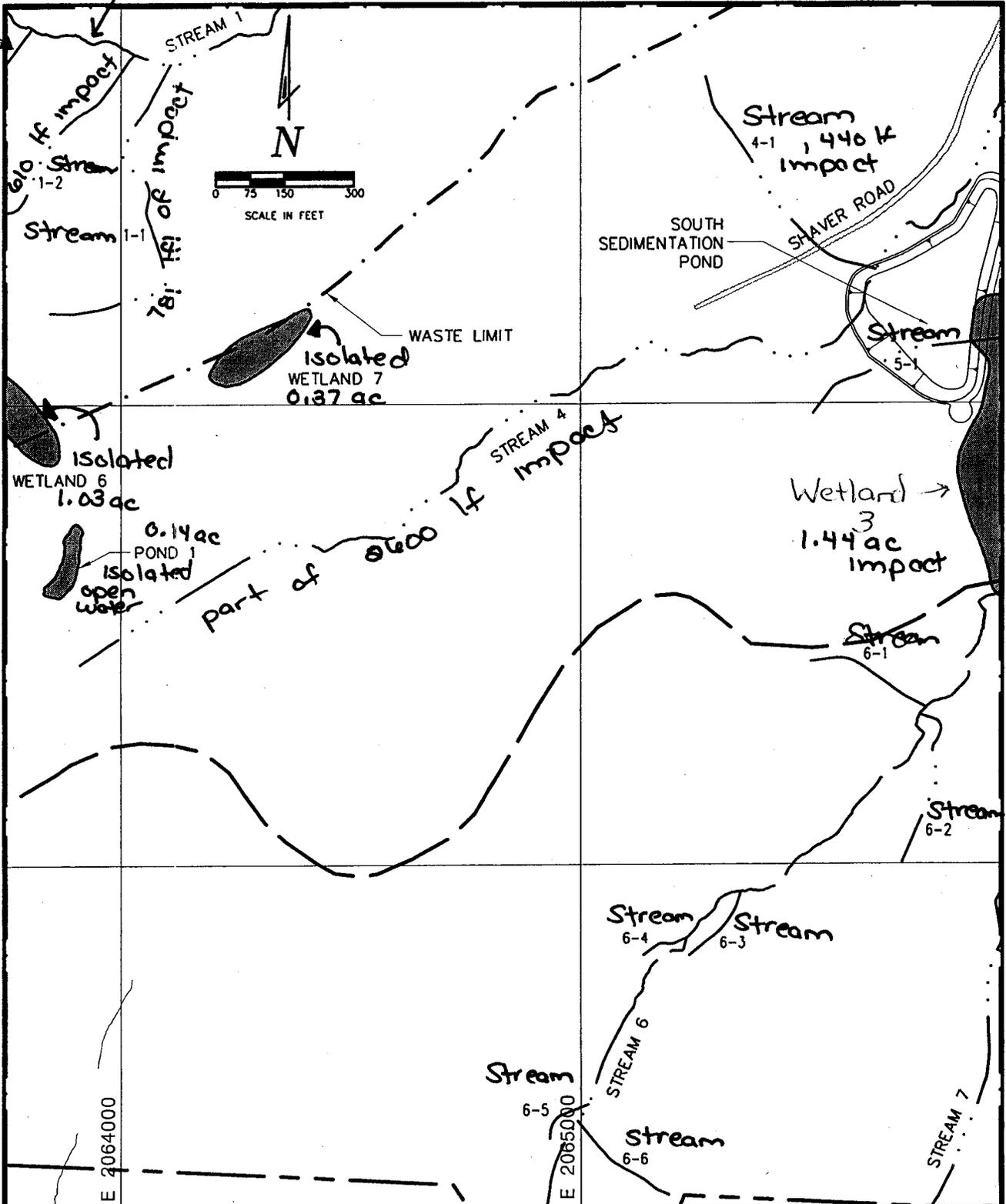
Ohio Valley Elec. Corp. – Kyger Creek Station
 200100545-2 - Ohio River 259.5
 Gallia County, Ohio
 Plan View – Southwest Area of Landfill
 Sheet 8 of 12

part of 3850 lf
Impact to
Stream 1

Match Sheet 6 of 12

Stream 1-3

part of
750 lf
Impact



Match Sheet 8 of 12

Match Sheet 10 of 12

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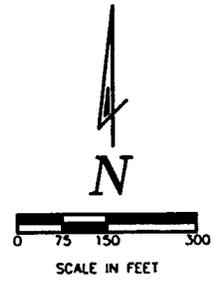
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SECTION 404 PERMIT DRAWING

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200100545-2 - Ohio River 259.5
Gallia County, Ohio
Plan View – South Area of Landfill
Sheet 9 of 12

Wetland 4
0.69 ac Impact

Match Sheet 7 of 12



Match Sheet 9 of 12

Stream 5

WETLAND 3
1.44 ac
Impact

Stream 7

STREAM 5

PROPOSED STACKOUT PAD

OLIVER ROAD

N 336000

N 335000

E 2066000

E 2067000

E 2068000

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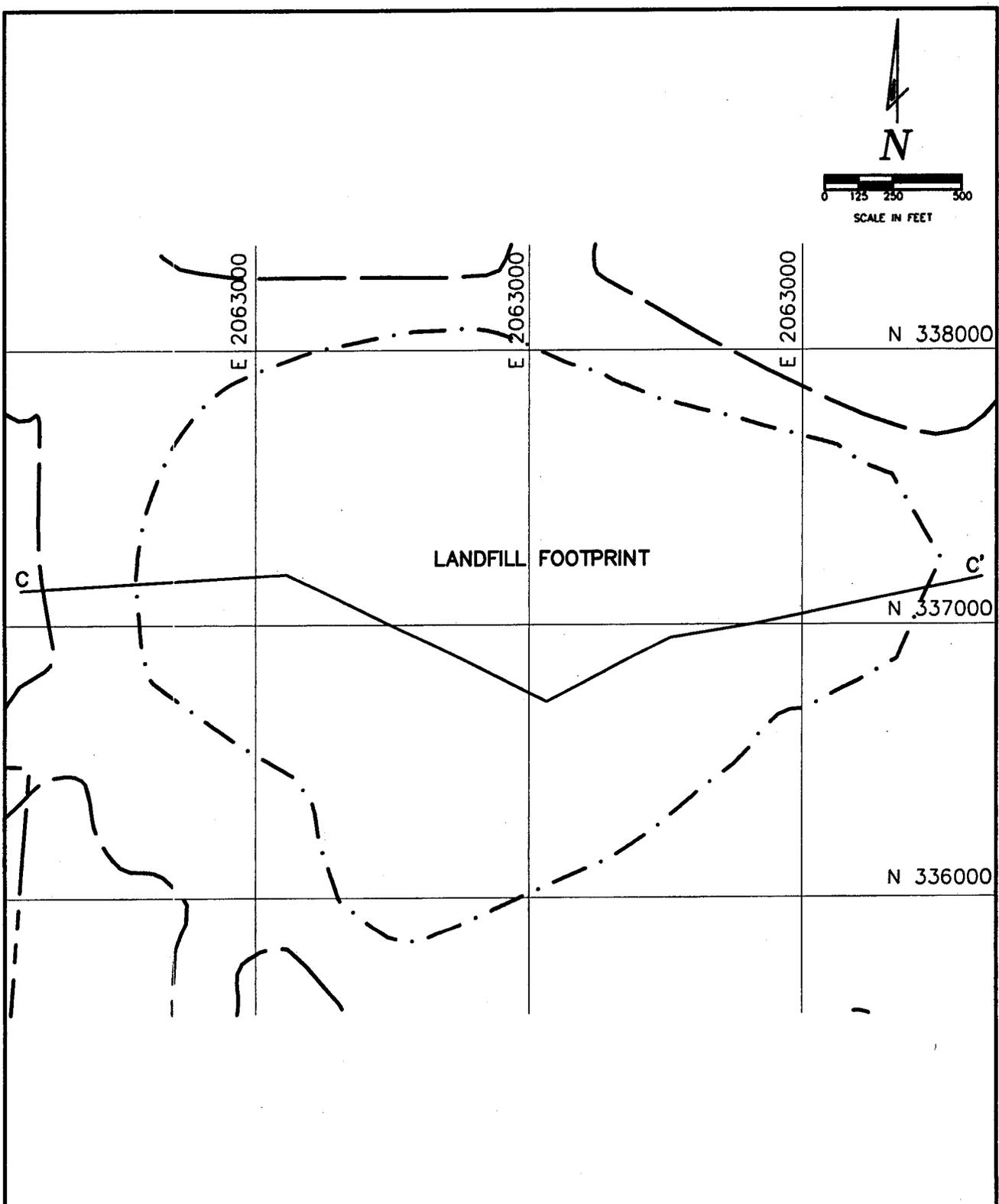
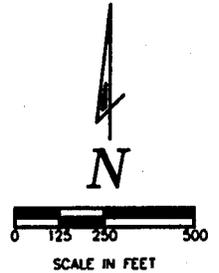
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200100545-2 - Ohio River 259.5
Gallia County, Ohio
Plan View – Southeast Area of Landfill
Sheet 10 of 12



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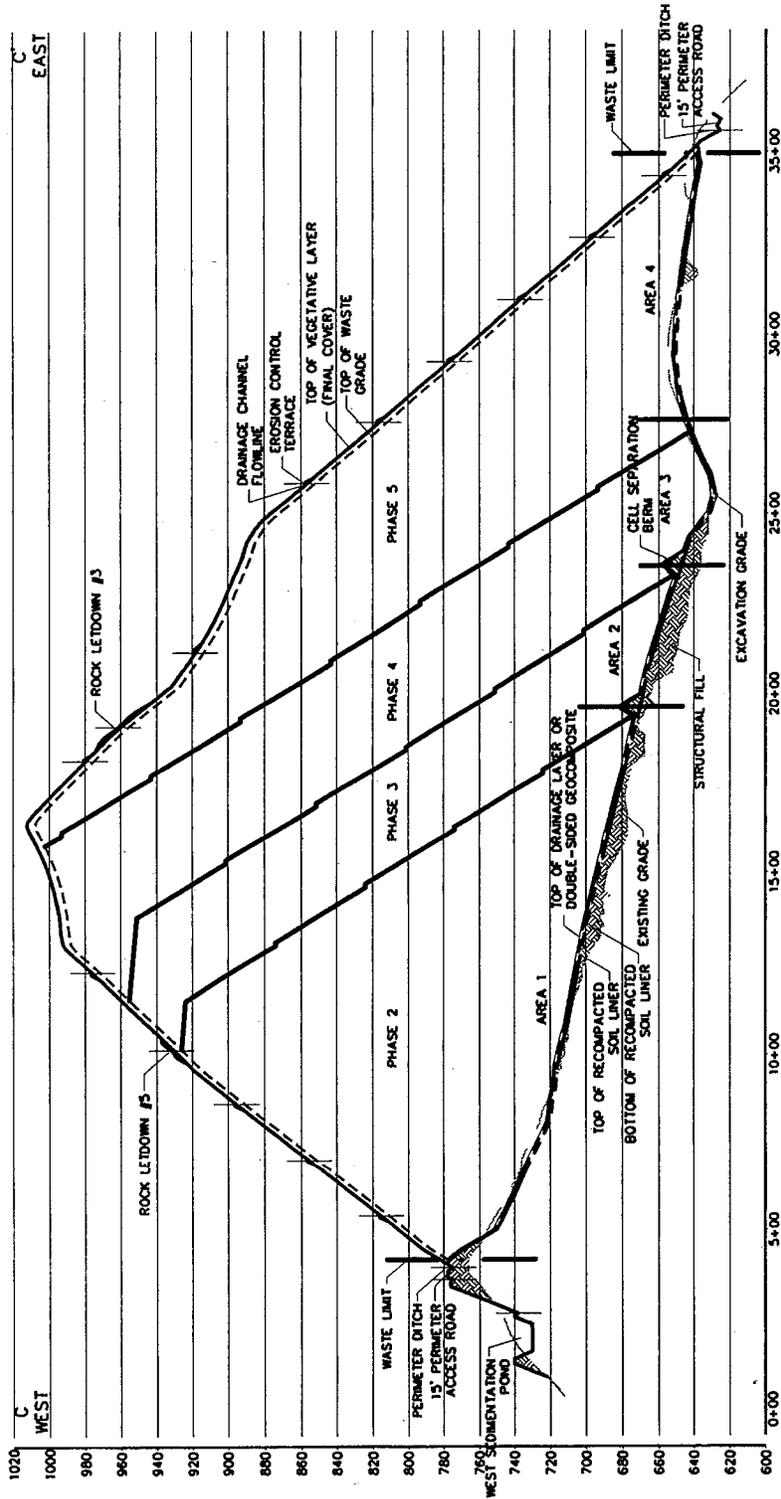
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Ohio Valley Elec. Corp. – Kyger Creek Station
200100545-2 - Ohio River 259.5
Gallia County, Ohio
Cross Section Location Map - Landfill
Sheet 11 of 12



© LANDFILL CROSS-SECTION C-C'

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 SECTION 404 PERMIT DRAWING

CROSS-SECTION C-C'

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 200100545-2 - Ohio River 259.5
 Gallia County, Ohio
 Cross Section - Landfill
 Sheet 12 of 12