



Public Notice

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

In reply refer to Public Notice No.

2007-920

Issue Date: **JUL 02 2008**

Stream: Unnamed Tributary of Pine Creek

Closing Date: **AUG 01 2008**

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-FS Public Notice No. 2007-920

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

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 watercourse, 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 (U.S.), 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 (DA) Permit under the provisions of Section 404 of the Clean Water Act.

APPLICANT: West Virginia Department of Environmental Protection
Landfill Closure Assistance Program
601 57th Street, SE
Charleston, West Virginia 25304

LOCATION: The proposed project would be located in an unnamed tributary of Pine Creek, approximately one mile west of the Town of Omar, in Logan County, West Virginia (latitude 37° 45' 37" and longitude -82° 01' 02"), in the area indicated on Drawing 1.

PROJECT HISTORY: The project area consists of a ten-acre site as indicated on Drawing 2. The site was used as a disposal area for mine refuse prior to the Clean Water Act and as a municipal landfill from 1977 to 1993. During use as a municipal landfill mine refuse was removed and replaced with municipal solid waste.

The resulting unlined landfill was constructed over a base of porous mine refuse. In addition, the area under the landfill has been mined. The landfill was capped with soil which varies in thickness for three to ten feet with slopes averaging approximately 60%.

The applicant proposes to reclaim the landfill and surrounding disturbed areas by constructing a toe buttress for structural stability. The solid waste within the landfill would be redistributed and regraded to provide structural integrity. The resulting landfill would be capped with layers of soil, a high density polyethylene (HDPE) layer and would include gas and drainage collection layers, a rock underdrain and leachate collection systems.

DESCRIPTION OF THE PROPOSED WORK: An unnamed tributary of Pine Creek, an intermittent seasonal stream, is located at the edge of the existing landfill. The applicant proposes to relocate approximately 2,665 linear feet of stream to accommodate the reconfigured landfill. Stream relocation would result in the discharge of approximately 123 cubic yards of material below the ordinary high-water mark. The existing stream is depicted on Drawing 3 and the proposed relocated stream on Drawing 4. Profile views of the existing and proposed relocated stream are provided on Drawing 5 and Drawing 6.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it was determined there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: 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).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that 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. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. 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 that 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; of 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. 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.

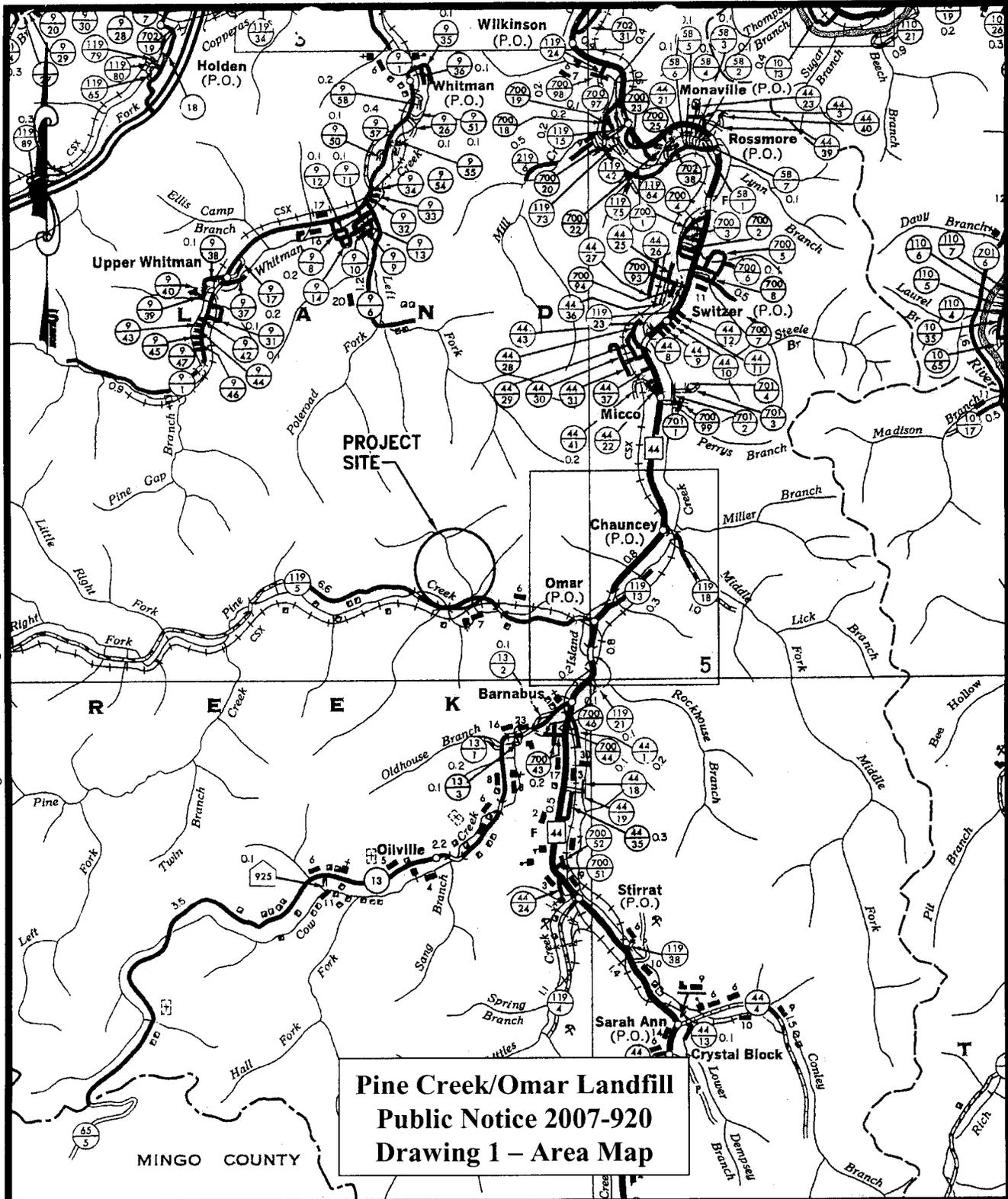
SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. 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. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Richard Hemann, Project Manager, South Regulatory Section, CELRH-OR-FS, USACE Huntington District, 502 Eighth Street, Huntington, West Virginia, 25701-2070. Please note 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 the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning the above, please contact Richard Hemann of the South Regulatory Section at (304) 399-5710.



Ginger Mullins, Chief
Regulatory Branch

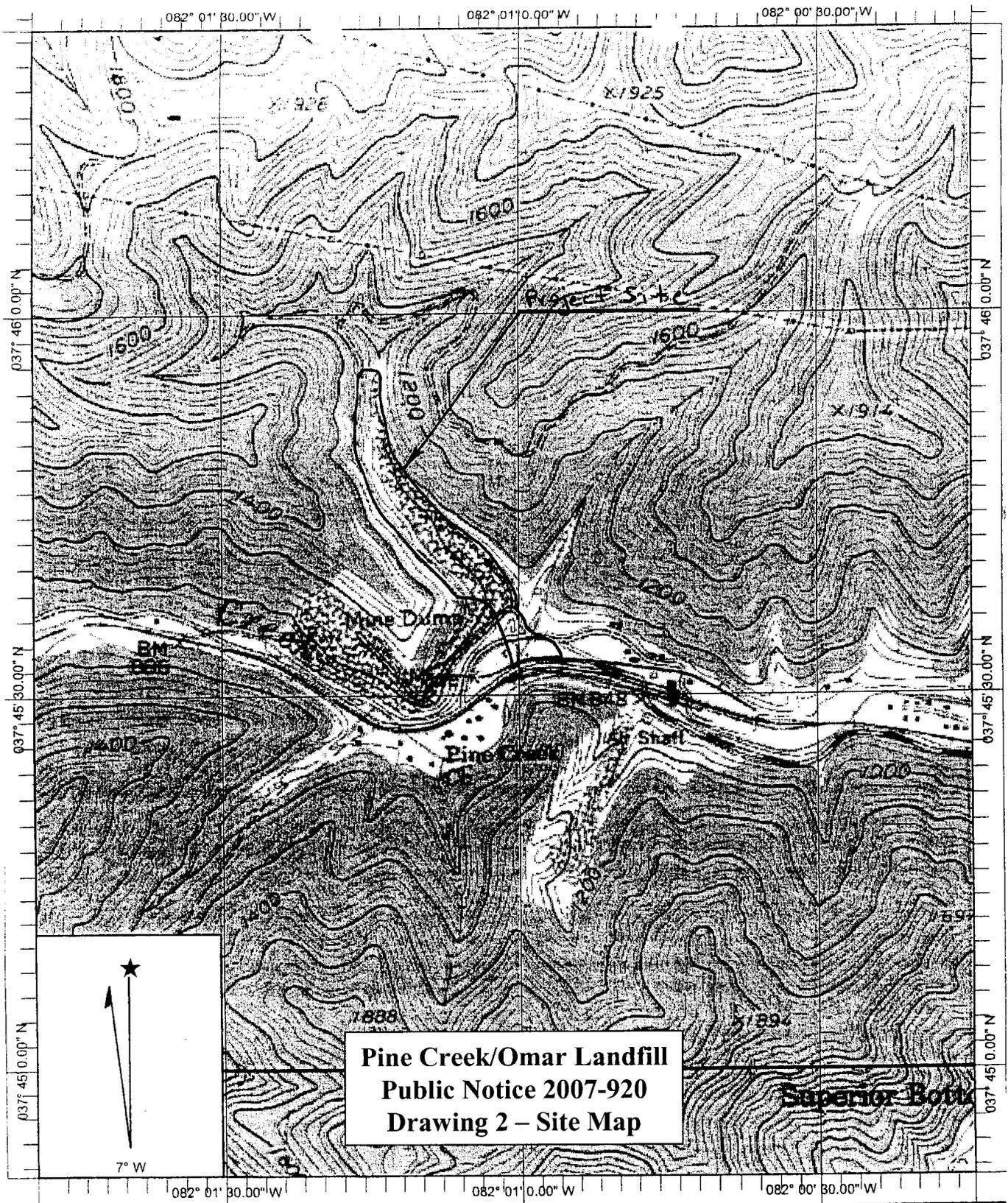
(W)



**Pine Creek/Omar Landfill
Public Notice 2007-920
Drawing 1 – Area Map**

TERRADON CORPORATION
TERRADON
 P.O. Box 519
 Nitro, West Virginia 25143
 (304) 755-8291 FAX 755-2636

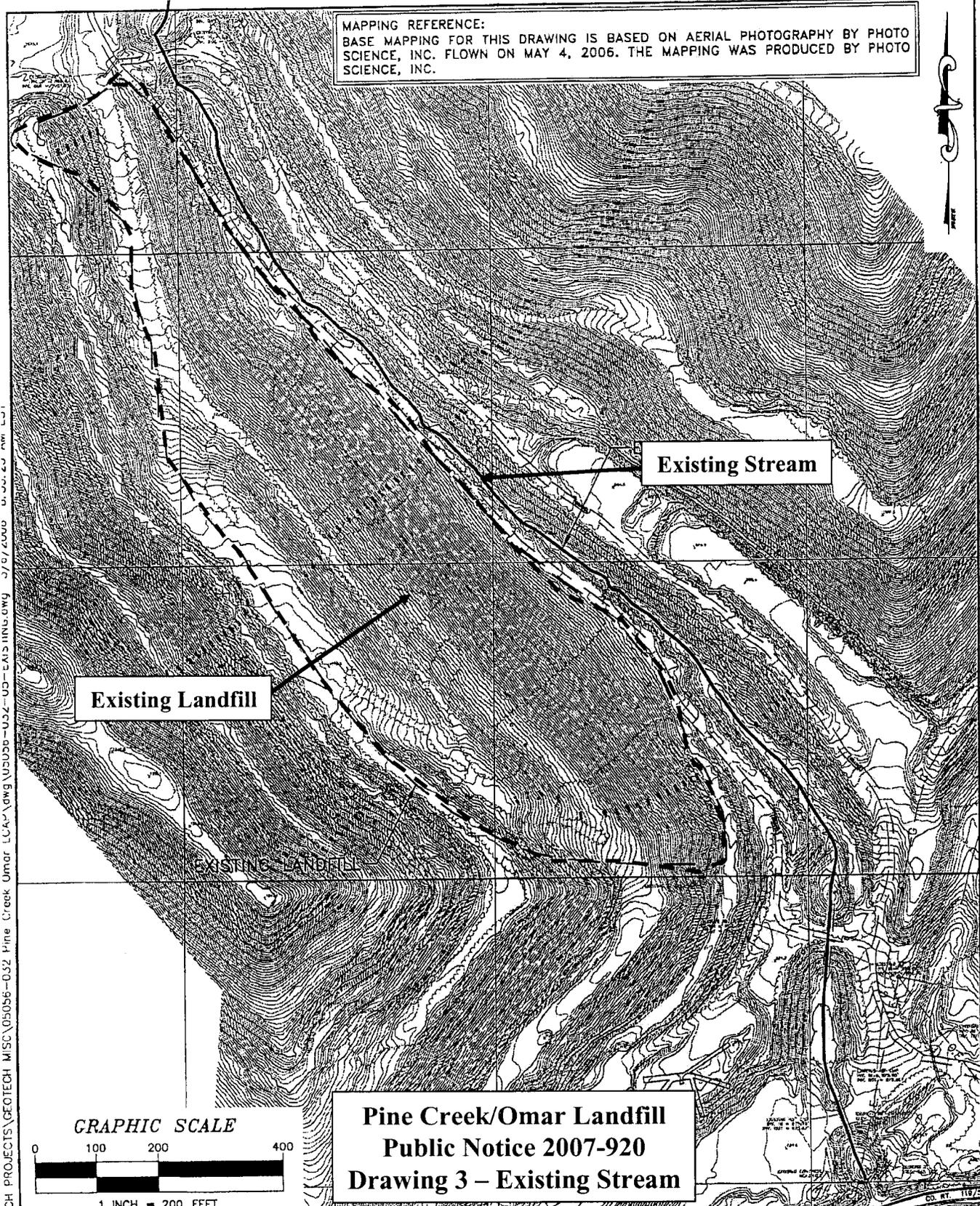
Project	SITE LOCATION MAP PINE CREEK/OMAR LANDFILL LOGAN COUNTY, WV	
Scale	1"=1 MILE	Dwg. No.
Date	4/18/06	



Name: HOLDEN
Date: 10/17/2006
Scale: 1 inch equals 1000 feet

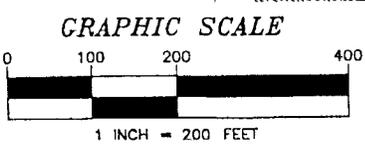
Location: 037° 45' 37.04" N 082° 01' 1.67" W
Caption: Pine Creek/Omar
Landfill Closure Project

MAPPING REFERENCE:
 BASE MAPPING FOR THIS DRAWING IS BASED ON AERIAL PHOTOGRAPHY BY PHOTO SCIENCE, INC. FLOWN ON MAY 4, 2006. THE MAPPING WAS PRODUCED BY PHOTO SCIENCE, INC.



Existing Landfill

Existing Stream



**Pine Creek/Omar Landfill
 Public Notice 2007-920
 Drawing 3 – Existing Stream**

DATE	NO.	REVISION

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 Engineering • Surveying • Landscape Architecture
 P.O. Box 519
 Nitro, West Virginia 25143
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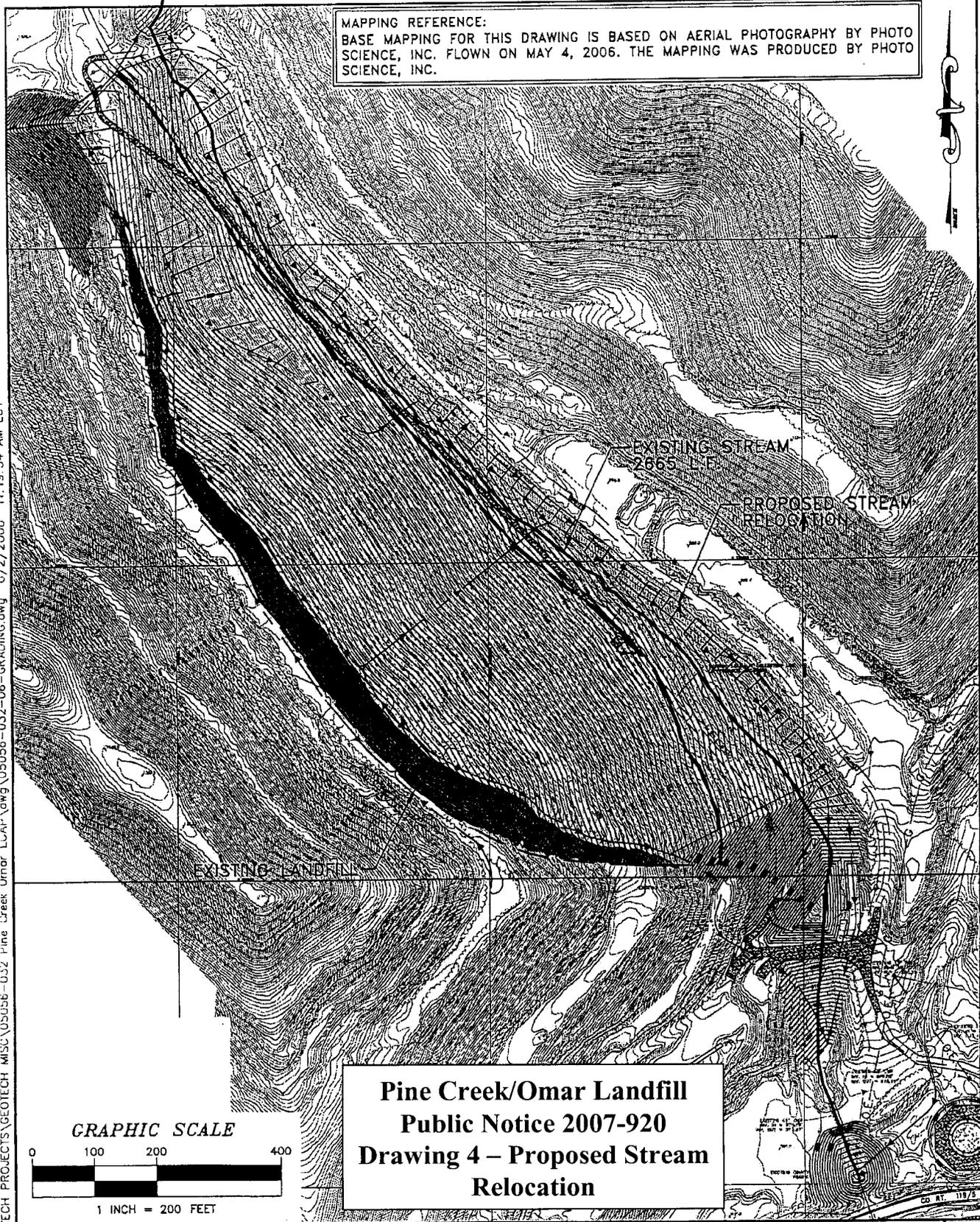
PINE CREEK/OMAR
 EXISTING SITE PLAN
 LOGAN COUNTY
 OMAR, WEST VIRGINIA

Project No.	05058-032
Drawn	MLJ
Checked	JJ
Approved	JJ
Scale	1"=200'
Date	3-30-08
Cell No.	05058-032-08

C1

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MAPPING REFERENCE:
 BASE MAPPING FOR THIS DRAWING IS BASED ON AERIAL PHOTOGRAPHY BY PHOTO SCIENCE, INC. FLOWN ON MAY 4, 2006. THE MAPPING WAS PRODUCED BY PHOTO SCIENCE, INC.



EXISTING LANDFILL

EXISTING STREAM
 2665 L.F.

PROPOSED STREAM
 RELOCATION

GRAPHIC SCALE



1 INCH = 200 FEET

**Pine Creek/Omar Landfill
 Public Notice 2007-920
 Drawing 4 – Proposed Stream
 Relocation**

DATE	NO.	REVISION

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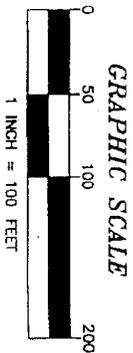
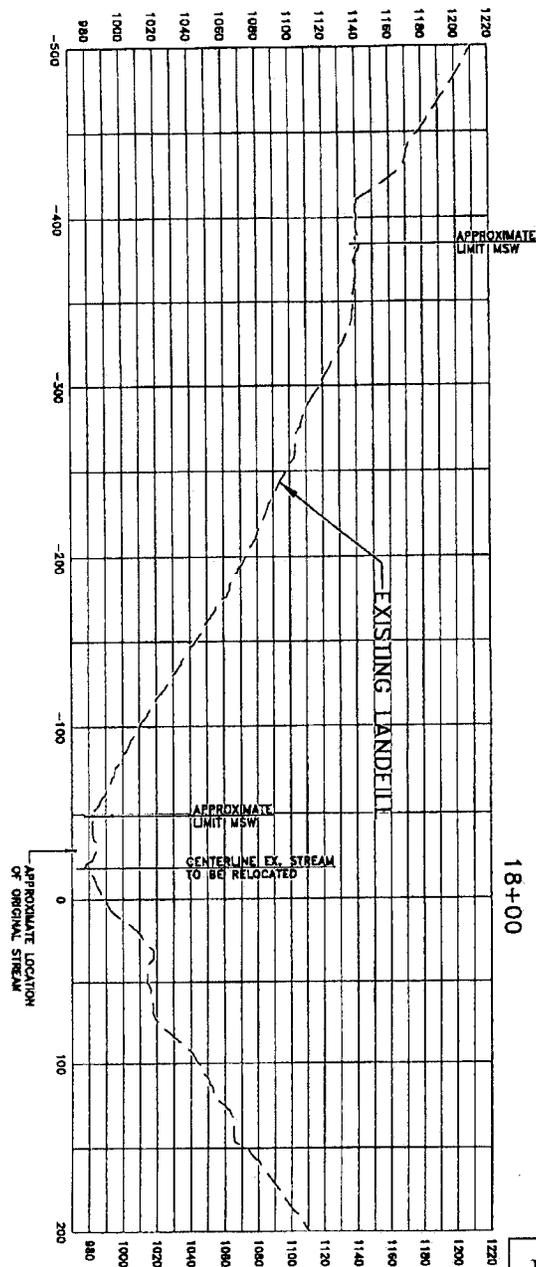
PINE CREEK/OMAR
 PROPOSED SITE PLAN

LOGAN COUNTY
 OMAR, WEST VIRGINIA

Project No.	05058-032
Drawn	W.L.
Checked	J.J.
Approved	J.J.
Scale	1"=200'
Date	8-2-08
Old Proj. #	05058-032-05

C2

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Pine Creek/Omar Landfill
Public Notice 2007-920
Drawing 5 – Existing
Stream Profile

C3

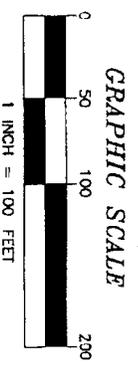
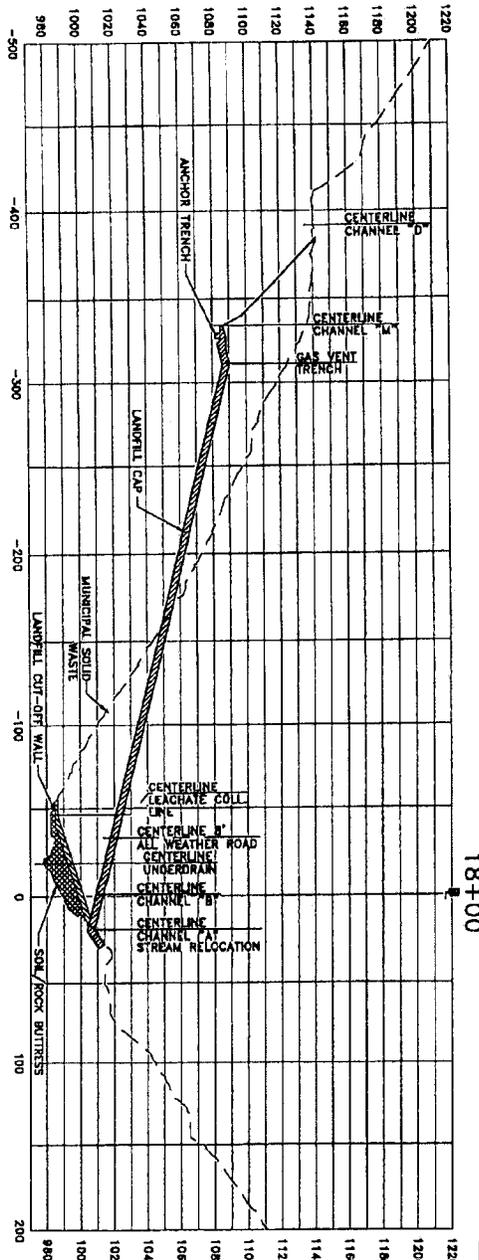
PINE CREEK/OMAR
EXISTING TYPICAL CROSS SECTION

LOGAN COUNTY
OMAR, WEST VIRGINIA

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DATE	NO.	REVISION

TYPICAL SECTION SHOWING
STREAM RELOCATION



Pine Creek/Omar Landfill
Public Notice 2007-920
Drawing 6 – Proposed
Stream Profile

C4	Project No.	070006-022
	Sheet No.	22
	Scale	1"=100'
	Date	6-2-08
Prepared by: JLD Checked by: JLD Drawn by: JLD Title: PINE CREEK/OMAR-022-10		

PINE CREEK/OMAR
PROPOSED TYPICAL CROSS SECTION

LOGAN COUNTY
OMAR, WEST VIRGINIA

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DATE	NO.	REV/SUM