



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:	Issuance Date:
Public Notice No. 200101204-1	September 29, 2004
Stream:	Expiration Date:
Little Broad Run	October 29, 2004

Address comments to: US Army Corps of Engineers, Huntington District
602 Eighth Street
ATTN: CELRH-E
Huntington, West Virginia 25701-2070

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 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Appalachian Power - Mountaineer Plant
c/o American Electric Power
1 Riverside Plaza
Columbus, Ohio 43215-2373

LOCATION: The proposed project area is located in Little Broad Run, unnamed tributaries to Little Broad Run and adjacent wetlands to Little Broad Run, approximately two miles southeast of New Haven, in Mason County, West Virginia. The wetlands on-site exhibit surface water connections to Little Broad Run. Little Broad Run, an intermittent stream, flows into the Ohio River, a navigable water of the U.S., at River Mile 243.8. The proposed project area is located on the New Haven USGS quadrangle as depicted on **Drawing 1** titled "Appalachian Power Company Little Broad Run Landfill Boundary." The proposed project area includes the expansion of the currently existing landfill starting at the end of Area 4 (permitted in 1993) and extending to the end of Area 10. This portion is denoted as Areas 6-10 on **Drawing 2** titled "Little Broad Run Landfill Area Boundaries."

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place fill material in waters of the United States in conjunction with the expansion of the currently existing Little Broad Run Landfill. Approximately 6,900 linear feet (0.61) of jurisdictional streams and 0.11 acre of jurisdictional wetlands would be filled to facilitate the landfill expansion. Of the 6,900 linear feet of stream impacts, approximately 3,200 linear feet (0.41 acre) involves intermittent stream impacts while 3,700 linear feet (0.2 acre) involves ephemeral stream impacts.

The proposed disposal site was originally developed within the Little Broad Run valley in 1980 to dispose of fly ash and bottom ash generated by Mountaineer Plant. Currently, it also receives coal combustion by-products from the adjacent Philip Sporn Plant. The ash generated by these facilities is a byproduct of combusting coal as part of the process of generating electricity.

The landfill plan covers much of the valley, but ash has been placed incrementally starting at the upper portion of the valley. The solid waste landfill permit is reissued every five years by West Virginia Department of Environmental Protection (WVDEP) authorizing placement of additional increments of ash. When completely filled, the landfill would not extend beyond that point and would have sufficient capacity to continue disposal until 2012-2015.

To maximize use of the available volume within the landfill boundary, the applicant has indicated it is necessary to fill the streambed of Little Broad Run and numerous unnamed tributaries to Little Broad Run as well as three jurisdictional wetlands. The section, Areas 6-10, containing the jurisdictional waters that are proposed to be filled is shown on **Drawing 2** of this public notice.

The purpose of the proposed project is to enable continued disposal of fly ash. According to the applicant dry landfilling is the best available technology for this activity; leachate generated by infiltration of rainfall is captured in a collection system for treatment before being discharged to waters of the State of West Virginia under a National Pollutant Discharge Elimination System (NPDES) permit issued by the WVDEP. The applicant has received its Solid Waste/NPDES Permit No. WV0077038 from the WVDEP.

Preparation of Areas 6-10 to receive ash for disposal is scheduled to commence in June 2005 and continue in an incremental fashion until 2012-2015. During this timeframe, it is also expected the landfill would receive a gypsum byproduct of flue gas desulfurization (FGD) technology planned for installation at Mountaineer Plant. This air pollution control equipment is scheduled to begin operation in early 2007. FGD systems, commonly called "scrubbers," reduce sulfur dioxide emissions, a contributor to acid rain, by up to 98%.

The landfill is an engineered facility and the material proposed for disposal within jurisdictional waters of the U.S. would be supporting subgrade and liner material after the area is grubbed of vegetation. For the volume of actual streambed that would be filled, the average depth of the intermittent portion was estimated at 12 inches, while the average depth of the ephemeral extent was estimated at 6 inches. The volume of intermittent streambed to be filled is 17,000 cubic feet (~ 630 cubic yards) while the volume of ephemeral streambed proposed for filling is 4,450 cubic feet (~ 165 cubic yards).

Based on a delineation of waters of the U.S. conducted within the landfill's boundary, it was determined and verified the following jurisdictional waters would be filled by the proposed project:

Type of Water	Linear Feet (Extent)	Area (sq. ft.)	Area (acres)
Intermittent Stream (Little Broad Run)	3,200	17,000	0.406
Ephemeral Stream (unnamed tributaries to Little Broad Run)	3,700	8,900	0.204
Total Streams	6,900	26,600	0.61
Wetland 1		1,960	0.045
Wetland 2		2,000	0.046
Wetland 3		900	0.021
Total Wetlands		4,860	0.11
Total Jurisdictional Waters		31,460	0.72

Plans for the proposed project are attached to this public notice. Please be advised preliminary engineering has been performed for Areas 8 through 10 to enable estimating available capacity and laying out the maximum footprint of the proposed landfill. The applicant indicated this "staging" of completing final engineering and associated design drawings is standard procedure necessitated by the need to minimize expenditures and shorten the time between cash outflows and allowable recovery through regulated rates. The applicant has advised final drawings for Areas 8 through 10 will not be available until late 2005. If permitted by the Huntington District Corps of Engineers, the applicant would not be able to discharge fill material into Areas 8 through 10 until final engineering and associated design drawings are submitted and made a part of the Department of the Army permit.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. The applicant submitted an alternative analysis that is currently being reviewed. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

MITIGATION PLAN: The applicant has submitted a compensatory mitigation plan (CMP) to compensate for permanent and temporary impacts to waters of the U.S. regulated by the Department of the Army, Corps of Engineers. Conceptually, the applicant proposes to create 1.5 acres of wetland approximately one mile downstream of the proposed project area as depicted on **Drawing 3** of this public notice. The wetland would be constructed by excavation and would be connected to Little Broad Run at several locations. The wetland would consist of a sinuous channel designed to hold water year around at the same elevation as Little Broad Run. The remainder of the wetland would be engineered as emergent marsh. Buttonbush (*Cephalanthus occidentalis*) would be planted along the constructed channel, but the remainder of the wetland would be allowed to vegetate naturally from the existing seed bank.

The Mountaineer Plant has a wildlife stewardship program that has been certified by the Wildlife Habitat Council, a non-profit organization dedicated to enhancing and restoring wildlife habitat. The osprey platform is the newest wildlife habitat project completed at the Plant. The applicant expects the proposed mitigation wetland would be included into the Plant's stewardship program and would be further enhanced by the addition of bird nesting boxes.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places (NRHP) 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. A copy of this public notice will be sent to the SHPO for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The Huntington District has consulted the most recently available information and has determined 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 that 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.

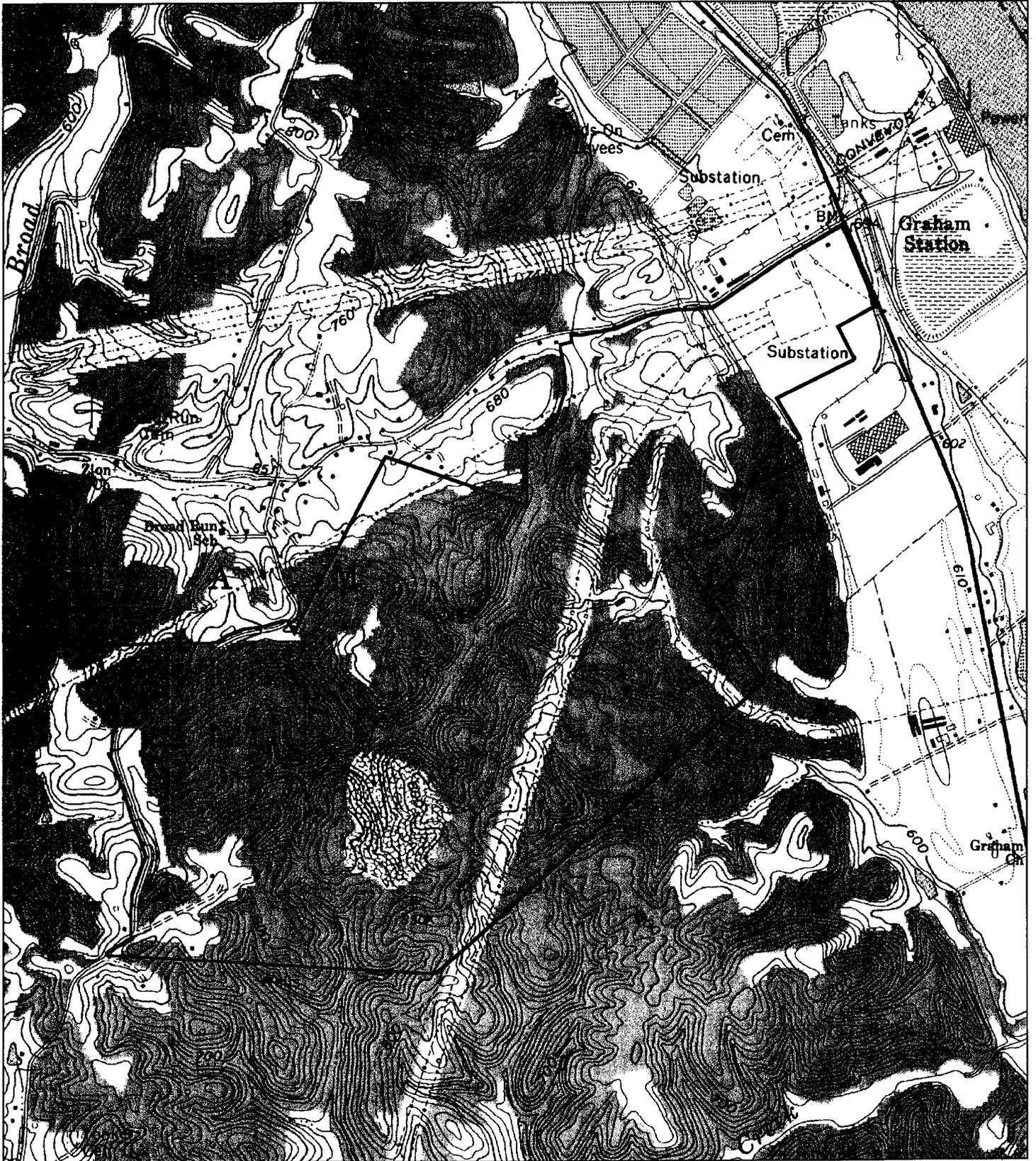
SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative 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 Mrs. Teresa Spagna, Project Manager, South Regulatory Section, CELRH-OR-FS, U. S. Army Corps of Engineers 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 may be made publicly available.

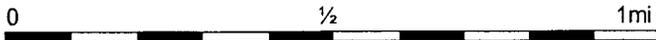
Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Mrs. Teresa Spagna of the South Regulatory Section at 304-399-5710.


Ginger Mullins, Chief
Regulatory Branch

(W)



New Haven, WV-Ohio
 Quadrangle
 USGS Topographic Map



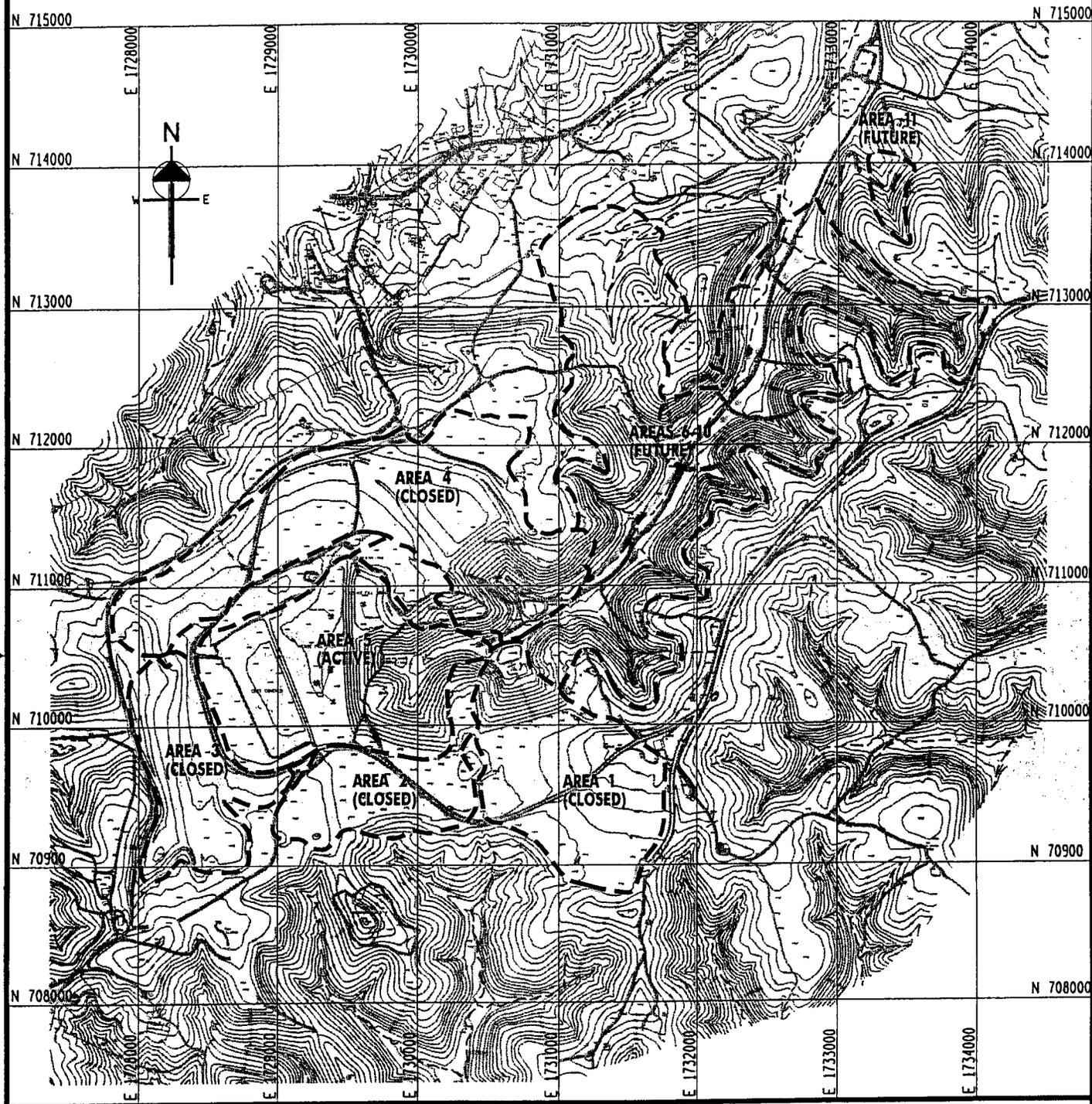
Appalachian Power Co.
 Little Broad Run Landfill
 Boundary

10f8

Water & Ecological
 Resource Services **AEP**

REVISION HISTORY

REV	DESCRIPTION	DATE	APPROVED
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APPALACHIAN POWER COMPANY
MOUNTAINEER PLANT
 NEW HAVEN WEST VIRGINIA

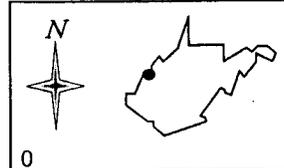
LITTLE BROAD RUN LANDFILL
AREA BOUNDARIES

APPROVED BY:

DR: *Amanda Graphics* DATE:
 CH: DATE:

SIZE: **A** CONTRACT NO.
 SCALE: 1"=1,000'

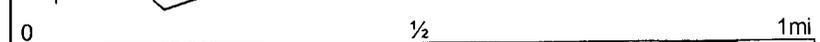
DRAWING NO. **SSK_042204** REV.
 SHEET: **2 of 8**



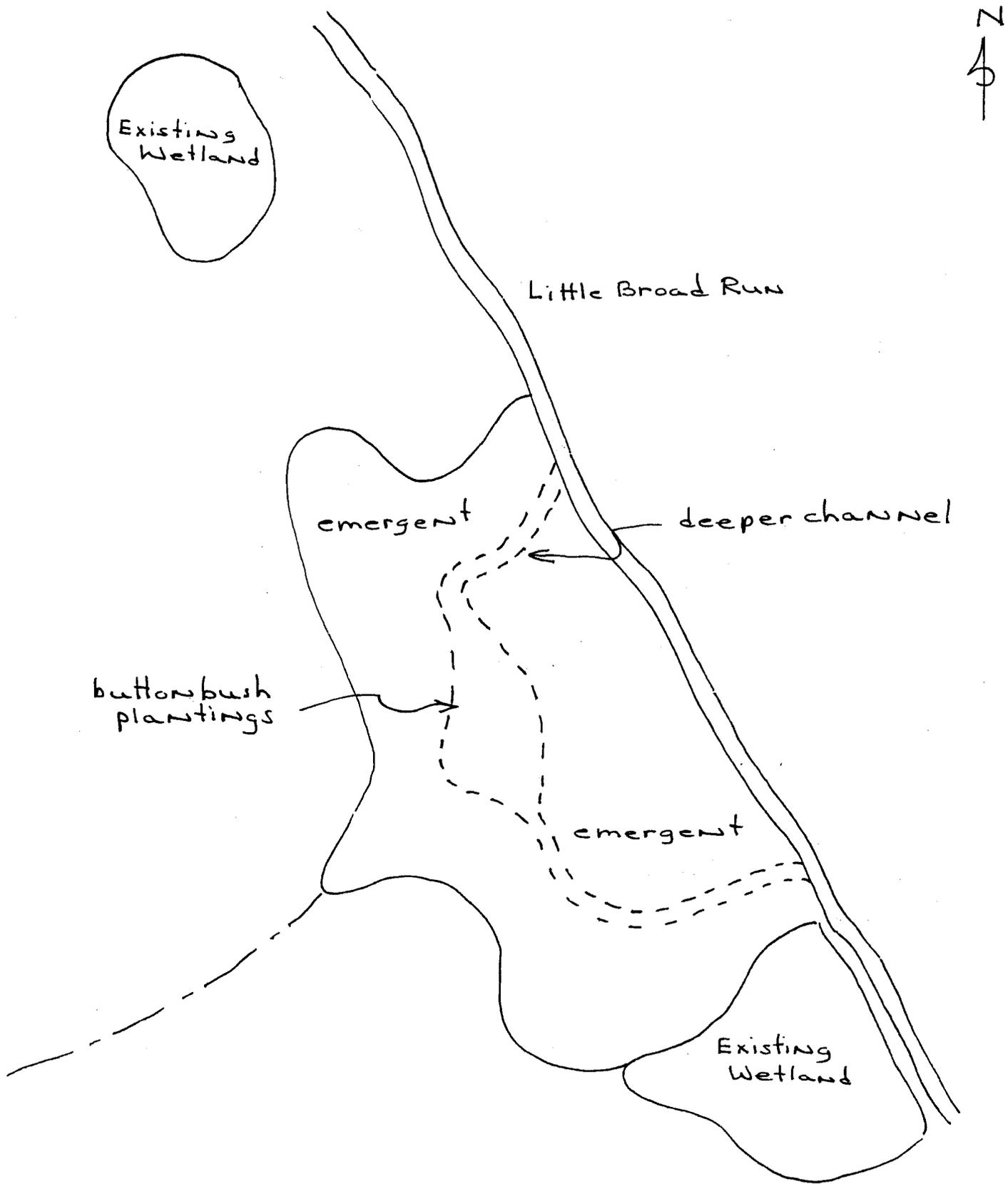
New Haven, WV-Ohio
 Quadrangle
 USGS Topographic Map

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Appalachian Power Co.
Mountaineer Plant
 Landfill Expansion Mitigation Site



Water & Ecological
 Resource Center **AEP**



Conceptual 1.5 Acre Mitigation Wetland
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