



Public Notice

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Applicant: Port Clinton
Landfill, Inc.

Published: July 5, 2016
Expires: August 4, 2016

Application No: 1996-05054
Section: OH

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
Regulatory Branch (Attn:) Paul Wetzel
1776 Niagara Street
Buffalo, NY 14207

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Port Clinton Landfill, Inc.

WATERWAY & LOCATION: Unnamed wetlands on a 53.5-acre site located at 530 North Camp Road, Port Clinton, Ottawa County, Ohio 43452

LATITUDE & LONGITUDE: Latitude North: 41.522064
Longitude West: -83.025477

EXISTING CONDITIONS:

The project site is located immediately southeast of the existing Port Clinton Landfill. Land cover on the site includes agricultural fields, mowed lawn, successional woods, emergent wetlands, scrub/shrub wetlands, and forested wetlands.

Description of delineation of waters of the US, if applicable: A preliminary jurisdictional determination (JD) was issued for the project site on January 20, 2016. This Preliminary JD identified four wetlands: Wetland A (11.307 acres), Wetland B (0.069 acre), Wetland C (0.158 acre), and Wetland D (0.482 acre), totaling 12.016 acres (Sheet 3 of 7).

PROPOSED WORK:

Background: The Corps of Engineers issued a permit for the proposed landfill expansion project on November 18, 2004 for impacts to 6.58 acres of federally jurisdictional wetlands on the property. As compensatory mitigation for wetland impacts, the applicant was required to restore wetlands on landfill property located east of Tettau Road and north of LaCarpe Creek (Mitigation Area Phase I Sheet 1 and 2 of 7). Subsequent to the issuance of the permit, the mitigation project was constructed but the authorized impacts to the wetlands did not occur prior to the permit expiration on November 18, 2007.

Current Proposed Work: Since the permit and original JD had expired, the wetlands on the site were re-delineated in 2015 and reviewed by the Corps of Engineers and a preliminary JD was issued in January 2016. As a result of this new wetland delineation, the wetland boundaries expanded compared to the original 2003 wetland delineation. The 2015 wetland delineation includes a total of 12.016 acres of federally jurisdictional wetlands on site (Sheet 3 of 7).

The current proposed site design and footprint is the same as what was authorized in 2004 but the acreage of wetland impact is larger as a result of the wetland becoming larger in size. The applicant proposes to discharge fill into 10.054 acres of Wetland A (Sheet 3 of 7) in order to expand an existing nonhazardous solid waste landfill. This involves construction of access roads, leachate storage tanks, scale house, office, stormwater facilities, and the waste storage area (Sheet 4 of 7).

PROJECT PURPOSE

Basic: nonhazardous solid waste landfill

Overall: Provide nonhazardous solid waste landfill capacity to meet the projected waste disposal needs of north central Ohio for the next 30 years.

Water Dependency Determination: The project does not require access or proximity to or siting within the 10.054 acres of proposed wetland impacts to fulfill its basic purpose. Thus, it is not a water dependent activity and practicable alternatives that do not involve wetlands, or other special aquatic sites, are presumed to be available unless clearly demonstrated otherwise.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has provided information regarding on-site and off-site alternatives that would result in avoidance and minimization of wetland impacts. The applicant has indicated that there are no alternate sites or design alternatives that will enable them to further avoid impacts to wetlands, and still complete their project purpose. This design will result in 10.054 acres of wetland impacts, has a waste area footprint of 26.7 acres, an airspace waste storage volume of 4.2 million cubic yards, and is predicted to have a lifespan up to 33 years. The location of a landfill is limited by many regulatory siting criteria, criteria designed to protect the environment and adjacent communities. The applicant has determined that no alternate location is available that is financially feasible, fulfills all siting criteria, and is within the disposal service area.

PROPOSED MITIGATION: To mitigate for 6.58 acres of federally jurisdictional wetland impacts authorized in 2004, the applicant was required to restore 13.13 acres of wetlands on

landfill property located at the Mitigation Area Phase I (Sheet 5 and 6 of 7). The mitigation project was constructed and currently 15.378 acres of wetland have been restored. This wetland is currently on a successful trajectory to meet the mitigation requirements outlined in the 2004 permit.

The applicant proposes to compensate for the current proposed total of 10.054 acres of federally jurisdictional wetland impacts by constructing/restoring an additional 6.481 acres of wetlands at the Mitigation Area Phase II site (Sheet 7 of 7) immediately north of the existing Mitigation Area Phase I. The total acreage of proposed mitigation is 19.611 acres of compensatory mitigation for federally jurisdictional wetlands at Mitigation Area Phase I and Mitigation Area Phase II. This wetland acreage represents a total of 9.059 acres of forested wetland at a 2:1 mitigation ratio and 0.995 acres of non-forested wetland at a 1.5:1 mitigation ratio. The two mitigation sites will contain a combined total of 23.201 acres of wetland. This acreage includes 3.59 acres of wetland restoration that was required to compensate for isolated wetland impacts that were authorized by Ohio EPA in 2004.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Paul Wetzel, who can be contacted at the above address, by calling (419) 898-3812, or by e-mail at: paul.f.wetzel@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. John Kessler
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Rd.
Columbus, OH 43229-6605
Phone: 614-265-6621
Email: john.kessler@dnr.state.oh.us

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheets 1 and 2 of 7. This notice constitutes initiation of consultation with the Ohio History Connection State Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation

Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), Eastern Prairie fringed orchid (*Platanthera leucophaea*), Lakeside daisy (*Hymenoxys acaulis* var. *glabra*), rufa red knot (*Calidris canutus rufa*), Eastern Massasauga (*Sistrurus catenatus*), Lake Erie watersnake (*Nerodia sipedon insularum*), and the bald eagle (*Haliaeetus leucocephalus*); and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request 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 benefits which reasonably may be expected to accrue from the proposal 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 these 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.

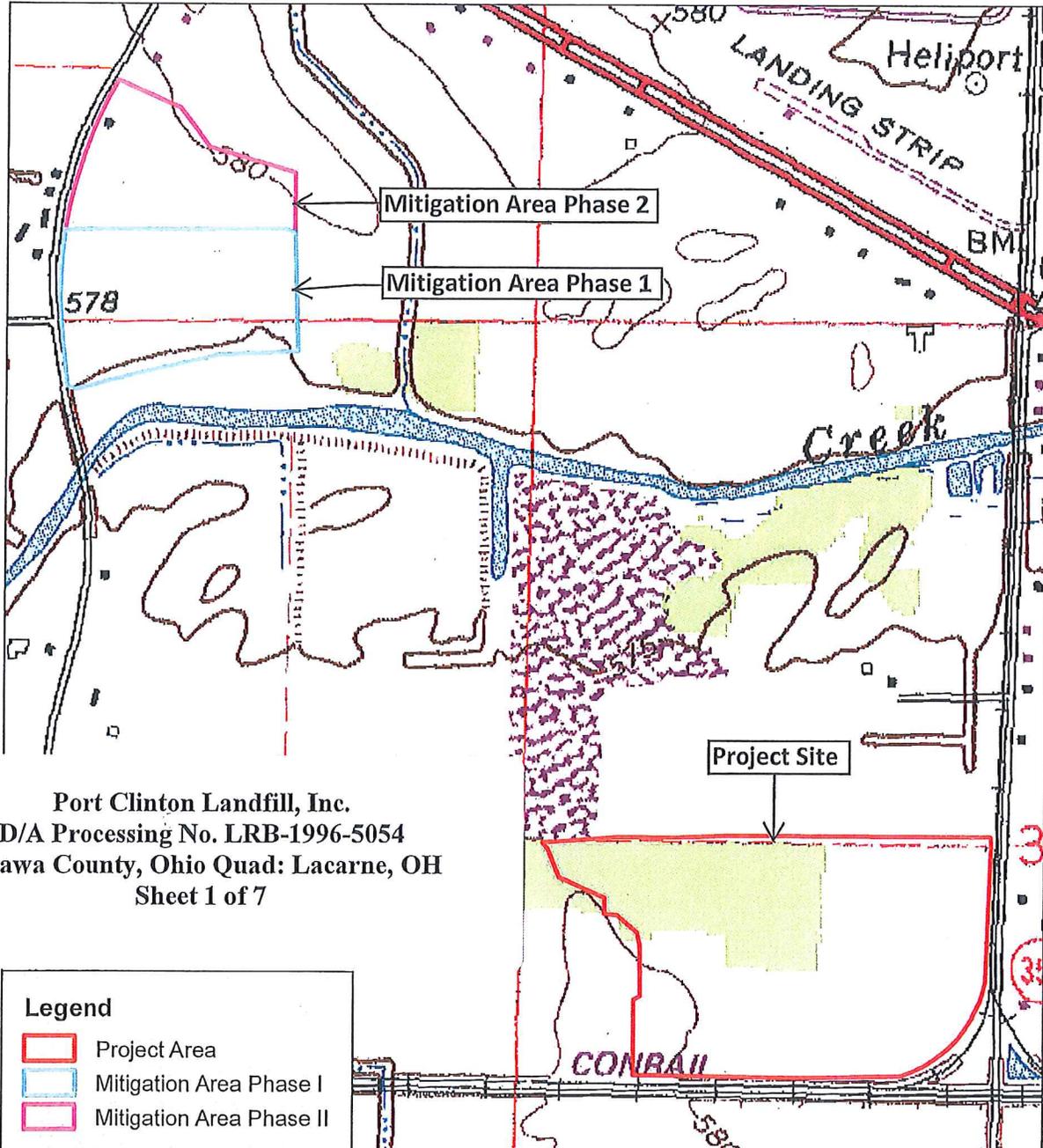
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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 need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

**Location of Project and Mitigation Areas on
USGS 7.5-Minute Topographic Map
(Lacarne Quadrangle)**



Port Clinton Landfill, Inc.
D/A Processing No. LRB-1996-5054
Ottawa County, Ohio Quad: Lacarne, OH
Sheet 1 of 7

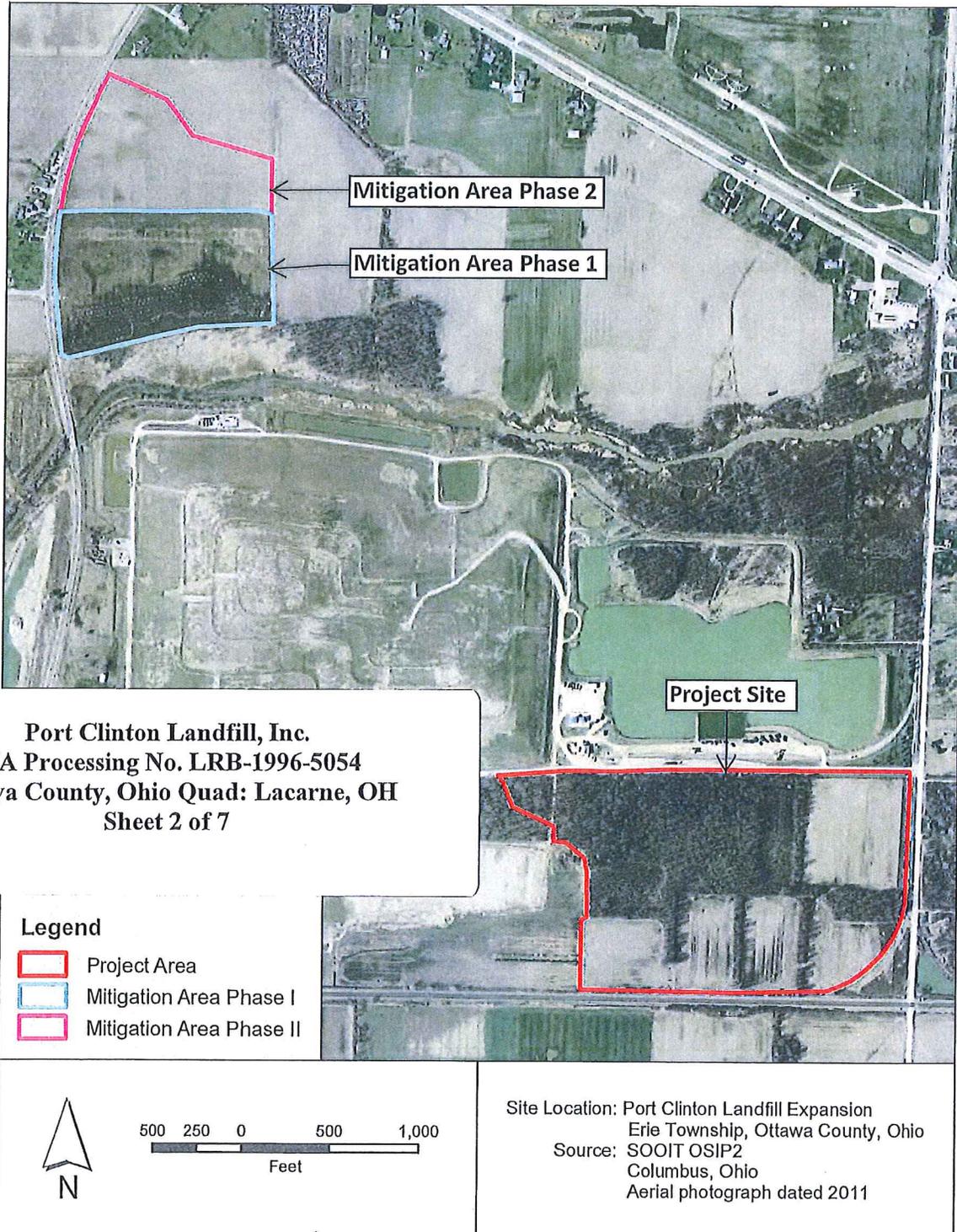
Legend

- Project Area
- Mitigation Area Phase I
- Mitigation Area Phase II

500 250 0 500 1,000
Feet

Site Location: Port Clinton Landfill Expansion
 Erie Township, Ottawa County, Ohio
 Source: U.S. Department of the Interior
 U.S. Geological Survey
 Reston, Virginia
 Photorevised 1980

Location of Project and Mitigation Areas on Aerial Photograph

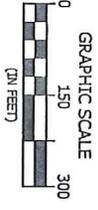


Attachment 2 Water Resources Map

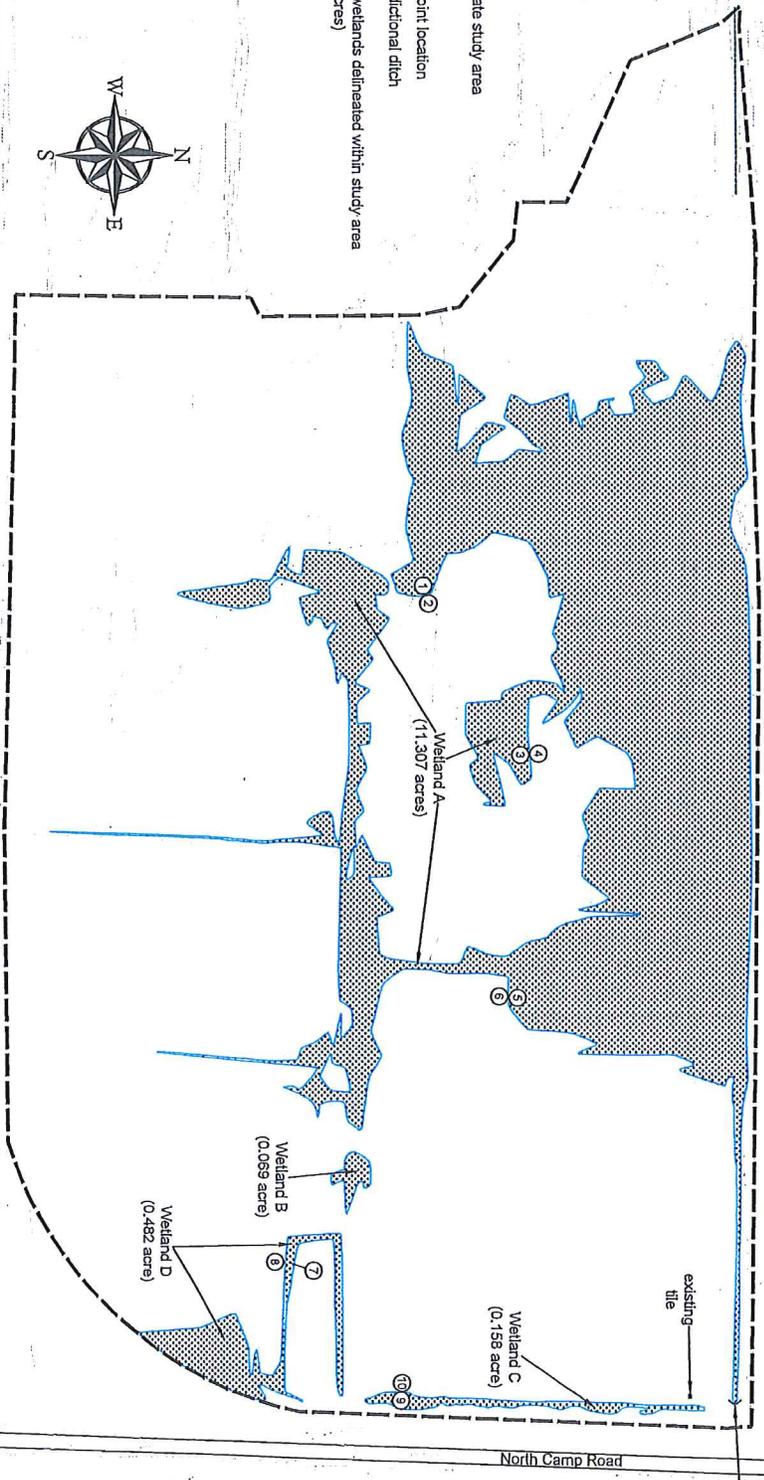
NOTE: Wetlands A and B have increased in size per The United States Army Corps of Engineers (USACE) site visit on November 9, 2015

Prepared for Republic Services, Inc. 53.5 Acres, Port Clinton Landfill North Camp Road, Erie Township Ottawa County, Ohio	Data used to produce this map were collected on June 24, October 2, and November 9, 2015
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- = Approximate study area
- ##### = Railroad
- ① = Sample point location
- = Non-jurisdictional ditch
- [Stippled Area] = Areas of wetlands delineated within study area (12,016 acres)

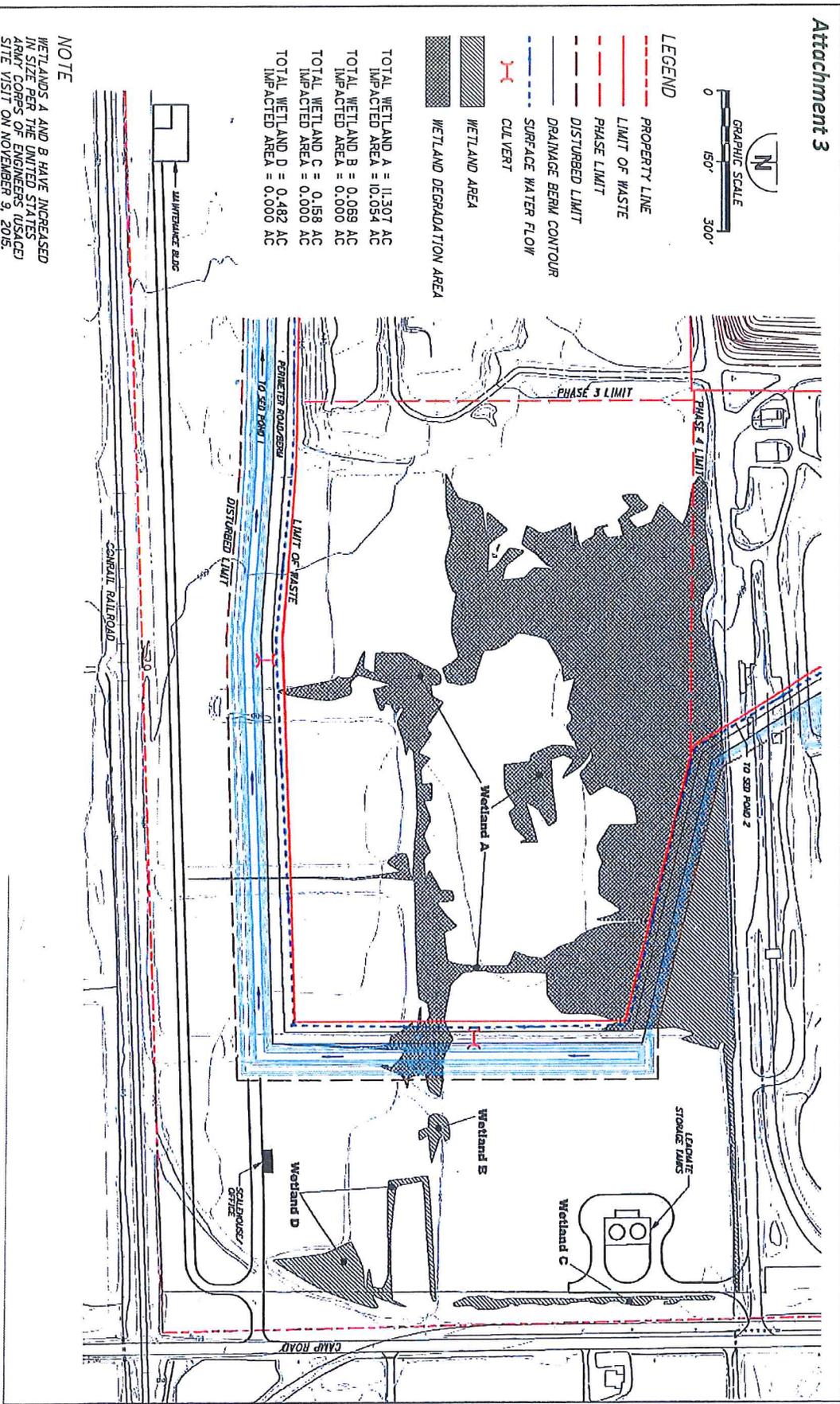


NOTE: Wetlands sizes and stream lengths could change upon overlay of a boundary survey, especially where these features extend outside of or are in close proximity to the shown study limits. Wetlands acreage and stream lengths are estimated for the portion that occurs in the shown study limits.



Port Clinton Landfill, Inc.
 D/A Processing No. LRB-1996-5054
 Ottawa County, Ohio Quad: Lacarne, OH
 Sheet 3 of 7

Attachment 3



PORT CLINTON LANDFILL - 401/404 PERMIT APPLICATION

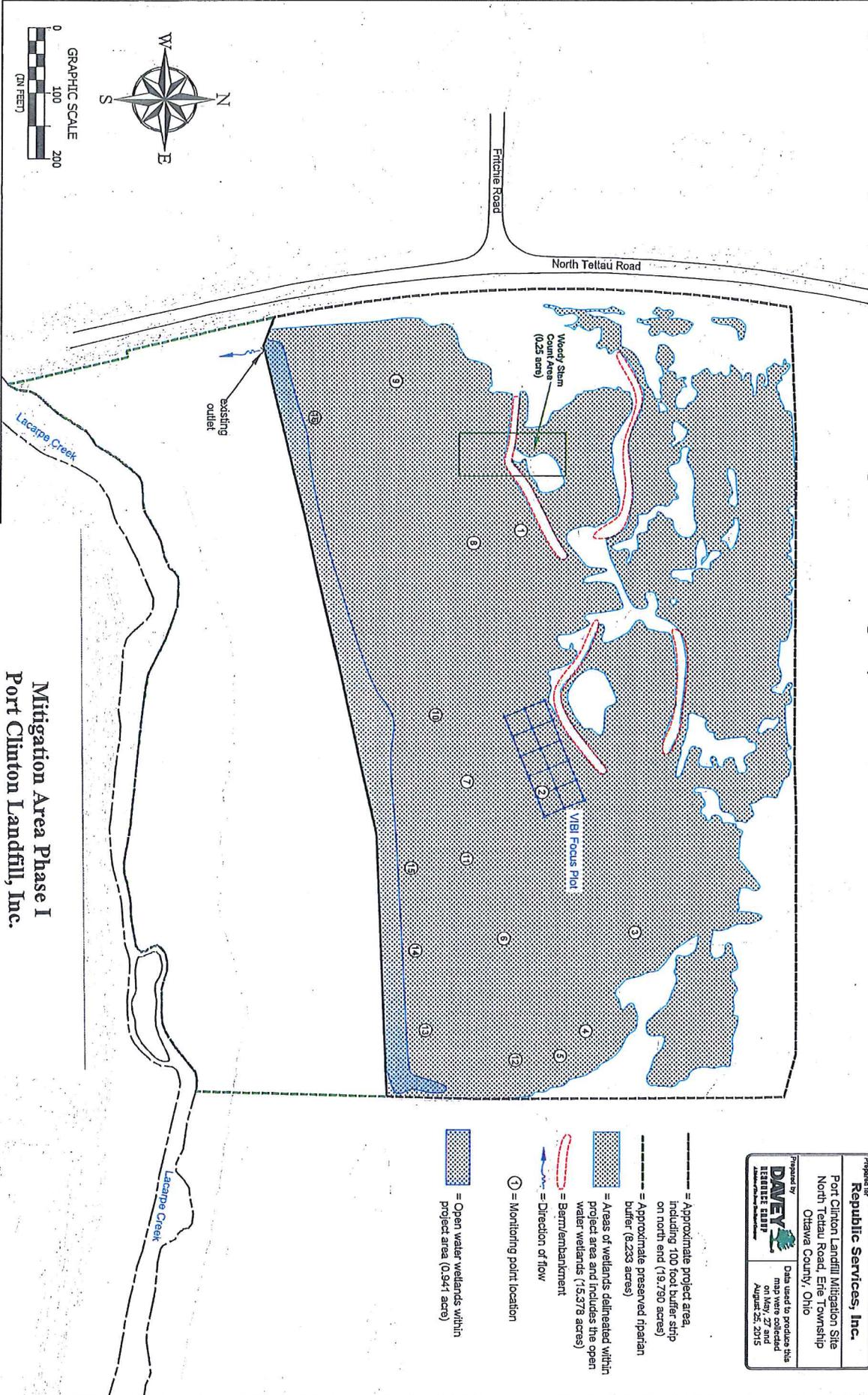
FIGURE 5

PREFERRED DESIGN ALTERNATIVE

NO.	DATE	BY	DESCRIPTION
1	12/15/2015	SW	401/404 SUBMITTAL

Port Clinton Landfill, Inc.
 D/A Processing No. LRB-1996-5054
 Ottawa County, Ohio Quad: Lacarne, OH
 Sheet 4 of 7

Appendix E Year 7 (2015) Port Clinton Landfill Mitigation Monitoring Map



Prepared by
Republic Services, Inc.
 Port Clinton Landfill Mitigation Site
 North Teltau Road, Erie Township
 Ottawa County, Ohio

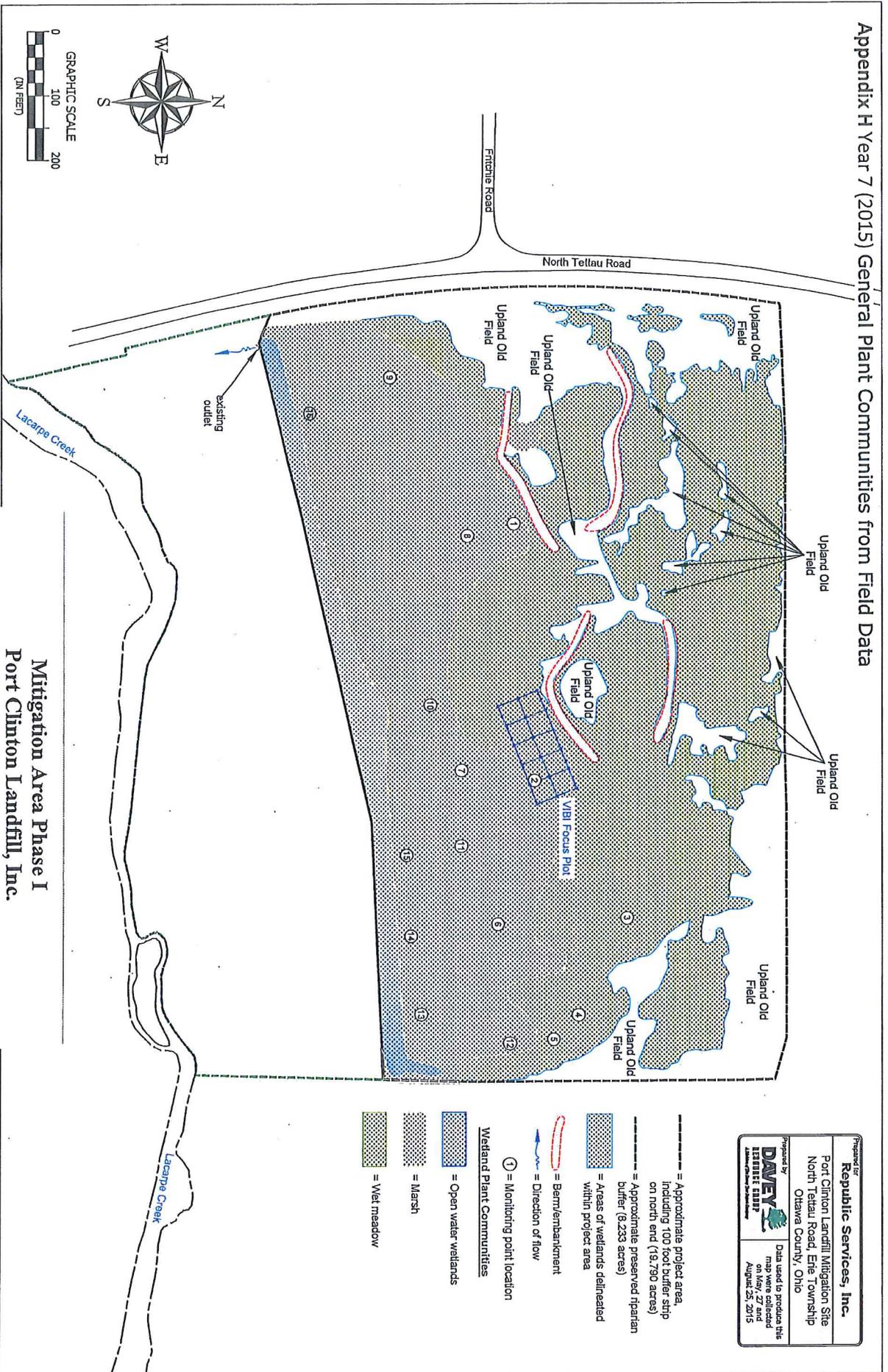
DAVEY
 RESURFACE CORP.
 Environmental Remediation Services

Data used to produce this map were collected on May, 27 and August 25, 2015

- = Approximate project area, including 100 foot buffer strip on north end (19,790 acres)
- = Approximate preserved riparian buffer (8,233 acres)
- ▨ = Areas of wetlands delineated within project area and includes the open water wetlands (13,378 acres)
- = Berm/embankment
- = Direction of flow
- ① = Monitoring point location
- ▨ = Open water wetlands within project area (0.941 acre)

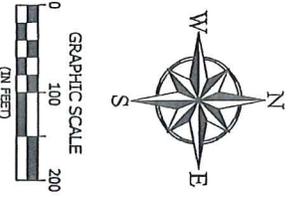
Mitigation Area Phase I
 Port Clinton Landfill, Inc.
 D/A Processing No. LRB-1996-5054
 Ottawa County, Ohio Quad: Lacarne, OH
 Sheet 5 of 7

Appendix H Year 7 (2015) General Plant Communities from Field Data



Prepared for Republic Services, Inc. Port Clinton Landfill Mitigation Site North Tettau Road, Erie Township Ottawa County, Ohio	Data used to produce this map on May, 27 and August 25, 2015 Prepared by DAVEY LANDFILL 300P
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- = Approximate project area, including 100 foot buffer strip on north end (19,790 acres)
 - - - = Approximate preserved riparian buffer (8,233 acres)
 - [Pattern] = Areas of wetlands delineated within project area
 - [Pattern] = Barn/embankment
 - [Arrow] = Direction of flow
 - ① = Monitoring point location
- Wetland Plant Communities**
- [Pattern] = Open water wetlands
 - [Pattern] = Marsh
 - [Pattern] = Wet meadow



Mitigation Area Phase I
 Port Clinton Landfill, Inc.
 D/A Processing No. LRB-1996-5054
 Ottawa County, Ohio Quad: Lacarne, OH
 Sheet 6 of 7

