

Public Notice

**US ARMY CORPS
OF ENGINEERS**
St. Louis District
Gateway to Excellence

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833

Public Notice No.
P-2774
Public Notice Date
October 29, 2010

Expiration Date
November 29, 2010

Postmaster Please Post Conspicuously Until:

File Number: 2010-524

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Shawn Sullivan

APPLICANT: Charah, Inc., Attn: Mr. Bobby Raia, 12601 Plantside Drive, Louisville, Kentucky 40299.
(502) 245-1353

AGENT: Midwest Testing, Attn: Mr. Andrew McCord, 8606 Page Avenue, St. Louis, Missouri 63114.
(314) 739-2727

LOCATION: The project area is located in Section 13, Township 40 North, Range 5 East, in the City of Festus, Jefferson County, Missouri. The project area is located on the Festus Missouri 7.5 Minute USGS Topographic Quadrangle Map and has coordinate values of latitude 38.194 and longitude -90.411. The property is currently zoned by Jefferson County as Non-Planned Community Commercial, CC2. The Non-Planned Community Commercial District is designed to promote commercial development that provides for service oriented commercial activities with opportunities for multi-use retail/commercial businesses. The project area is depicted on an attached location map.

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling activities in waters of the United States to develop the project area into a multi-use retail/commercial development. The applicant proposes to use approximately 1 to 1.25 million cubic yards of Class C fly ash (fly ash) to raise the project area to a desired elevation of 610 feet National Geodetic Vertical Datum. The fly ash is proposed to be obtained from the AmerenUE Rush Island power plant. AmerenUE currently maintains a beneficial use permit exemption from the Missouri Department of Natural Resources - Solid Waste Management Program (MDNR-SWMP). The permit exemption also applies to those individuals who obtain this material from Ameren provided they are notified of the terms and conditions of the permit exemption letter. The exemption letter allows the beneficial use of all types of fly ash pursuant to Missouri Solid Waste Management Law, Missouri Clean Water Law, and the Missouri Hazardous Waste Law. MDNR-SWMP's guidance for beneficial use of fly

ash allows the use of medium to large quantities of fly ash to bring construction sites to the desired grade to build buildings upon as well as other associated infrastructure.

The most likely way in which fly ash can affect public health and the environment is by contaminating surface or ground water resources. Therefore, the applicant proposes to install a geo-composite clay liner consisting of plastic and bentonite clay between the base of fly ash fill and the ground surface to prevent leaching of metals that are constituents in the fly ash. Fly ash contains a high calcium content which demonstrates strong pozzolanic properties, (i.e., it hardens like concrete after compaction). This has the advantage of reducing the hydraulic conductivity of the fly ash fill to at least 1×10^{-9} cm/sec, which exceeds the impermeability of high-plastic clay. The applicant also proposes to cover the fly ash fill with a 6-foot-thick layer of compacted clay placed on top of the fly ash and 4-foot-thick layer of compacted clay placed on all side-slopes. All structures and/or utilities will be placed within the 6-foot clay layer with pavement sections placed above the 6-foot-thick clay layer, creating a ground surface which is effectively impervious. Consequently, the encapsulation of the fly ash will hinder the ability for rainwater to percolate through the fly ash reducing the ability for the material to contaminate groundwater. An environmental security evaluation has been conducted by the applicant's agent and the review demonstrates the applicant's ongoing actions to ensure that the fill and the fill site selection are protective of the environment and of public health.

In order to create a flat building surface at an elevation accessible from U.S. Highway 67, the applicant proposes to fill all of the waters of the United States identified on the property (see attached wetland delineation and development plan). Most waters of the United States situated on the project area are proposed to be filled with the geo-composite clay that will serve as the liner beneath the fly ash. The waters of the United States to be filled with the clay include; approximately 1,196 linear feet of intermittent Tributary A (except approximately 80 linear feet of tributary that is partly located in a petroleum pipeline easement situated along the eastern site boundary), 203 linear feet of ephemeral Tributary B, and a 0.10 acre emergent wetland. Tributary C will be piped for its entire 383 linear feet beneath the clay liner and will outfall into Tributary A at a point downstream of the fill.

An analysis of alternative locations and configurations for the proposed multi-use retail/commercial development has been prepared by the applicant, with input from the agent. The applicant contends there are no equivalent locations, which meet the essential criteria of the proposed multi-use retail/commercial development, available. Thus, there is no practicable alternative to avoid and minimize impacts to waters of the United States on the identified project area.

To comply with the requirements of 40 CFR Part 230 and 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule the applicant proposes to offset unavoidable stream and wetland impacts by purchasing an appropriate number of stream and wetland mitigation credits through an approved mitigation bank or the Missouri Conservation Heritage Foundation - Stream Stewardship Trust Fund. However, there are no approved mitigation banks within the watershed within which the proposed impacts will occur.

LOCATION MAPS AND DRAWINGS: See Attached

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Shawn Sullivan, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8580. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to shawn.f.sullivan@usace.army.mil

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: The project plans have been submitted to the Missouri Department of Natural Resources, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered 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; consideration of property ownership; and in general the needs and welfare of the people.

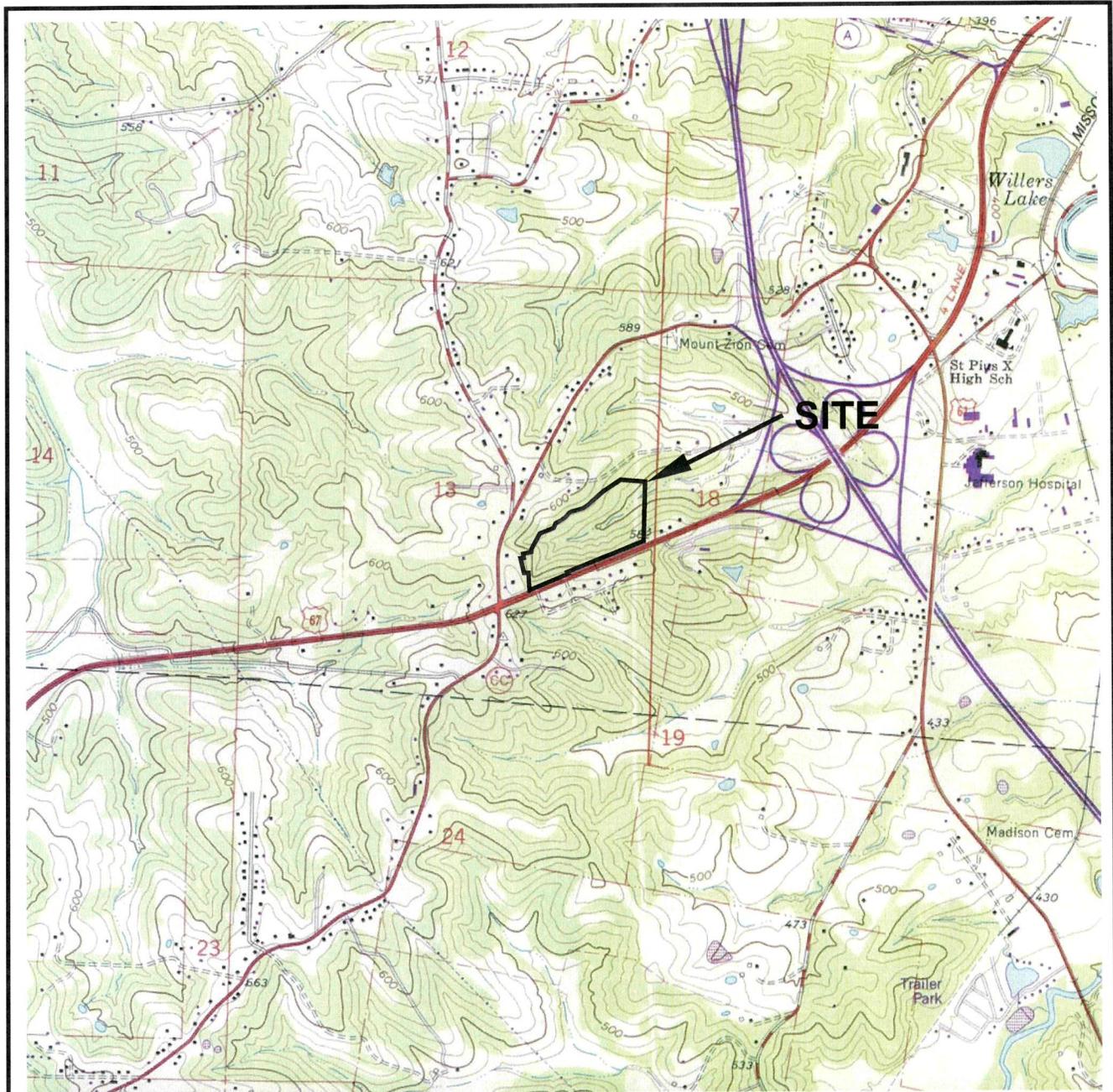
SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army 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 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.


DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.



1964 (Photorevised 1982) Festus, Missouri 7.5-Minute USGS Quadrangle
 SCALE: 1"=2000'

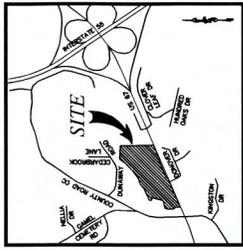
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VICINITY MAP
 Revelle Property
 Festus, Missouri

12377

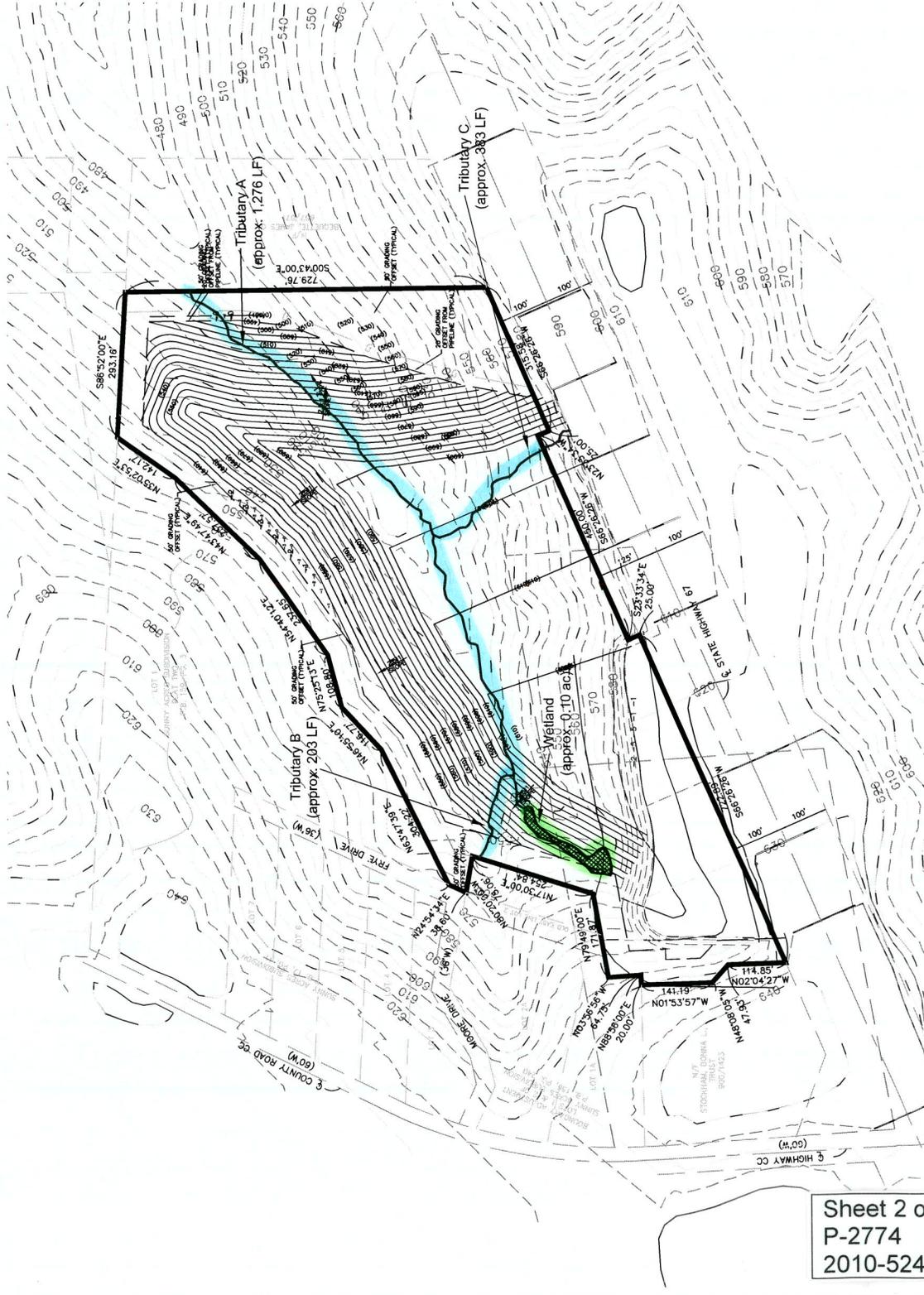
Figure 2



LOCATION MAP
(NOT TO SCALE)



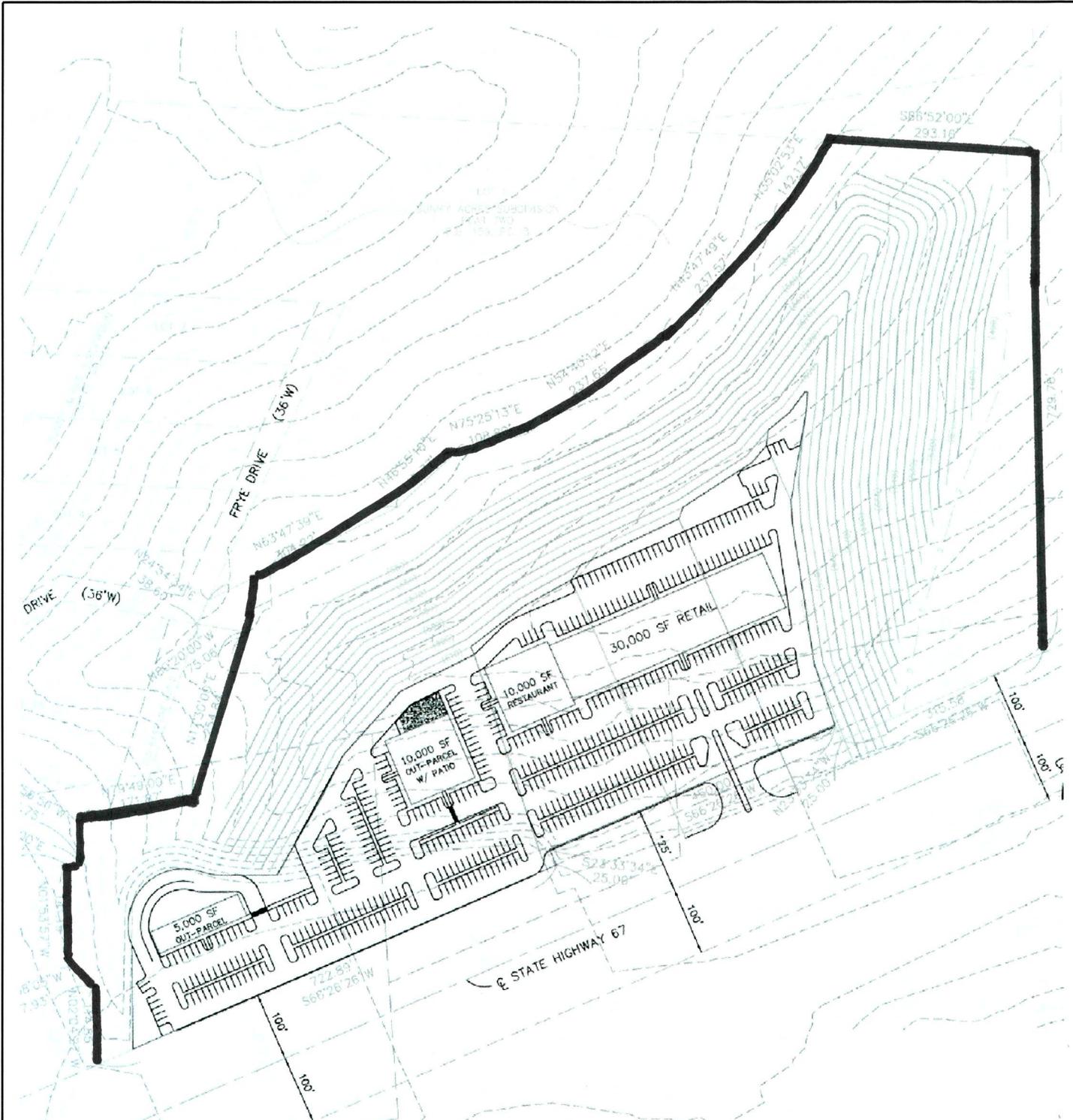
Scale: 1"=200'



**WATERS OF THE U.S. DELINEATION
AND SITE GRADING**
Revelle Property
Festus, Missouri

The information herein was supplied by the Sterling Company in their drawing titled Reveille
Site Grading Plan and dated 2-4-09. This information was used for the sole purpose of
delineating the waters of the U.S. and for site grading. The engineer, by signing and
sealing this report, assumes no responsibility or liability for the accuracy of
this information, including, but not limited to, existing and proposed topography, infrastructure, and
improvements. Our use of this information does not constitute our endorsement or approval of this plan.

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SCALE: 1"=200'



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CONCEPTUAL SITE DEVELOPMENT PLAN
 (2.5:1 Fill Slope)
 Revelle Property
 Festus, Missouri

12377

Figure 5