



**US Army Corps
of Engineers®**

St. Louis District

PUBLIC NOTICE

FILE NUMBER: MVS-2023-30

PUBLIC NOTICE DATE: June 12, 2024

EXPIRATION DATE: July 12, 2024

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. The purpose of the public notice is to solicit comments and information from interested parties to better enable us to make a reasonable decision on factors affecting the public interest.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344)

APPLICANT: Williamson Energy, LLC

LOCATION: The Project is an approximate acreage of 1030.35-acres, which will include a refuse disposal area of approximately 524.64-acres near Corinth in Williamson and Franklin Counties, Illinois. The project lies within Sections 31 and 32, Township 7 South and Range 4 East and Sections 5 and 6, Township 8 South and Range 4 East. Approximate coordinates for the center of the project area are Latitude 37.8623° and Longitude -88.8029°.

PROJECT DESCRIPTION: Through the process of mining and cleaning coal, an unmarketable by-product is produced, which is referred to as coal refuse. The proposed project is comprised of two components; a refuse disposal facility (RDA #3) and the associated industrial beltline. RDA #3 is the storage and disposal location for the refuse generated at Williamson Energy's Pond Creek No. 1 Mine, allowing for continued operations of the existing mine. RDA #3 will consist of the construction of a coal refuse disposal area to be utilized for coal refuse storage and handling during and after mining. The proposed facility will provide roughly 6 years of coarse coal storage (18,094,330 cubic yards) and 5 years of fine refuse storage (12,280,000 cubic yards) at current operational rates. The refuse area will be surrounded by a diversion ditch, which will be utilized for erosion control and sediment transport to the settlement ponds area southeast of the refuse cell. The industrial beltline, which will transport coal refuse and topsoil to RDA #3, encompasses approximately 19-acres between RDA #3 and the existing mine and processing facilities. To construct the project, the Applicant proposes to impact 18.87-acres of wetland and 9,870 linear feet of stream, all of which are potential waters of the United States.

The Illinois Department of Natural Resources (IDNR) – Office of Mines and Minerals is the designated lead Federal Agency under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1201) in Illinois. To date, Williamson Energy, LLC has received SMCRA permits #375 and #417, which encompass the proposed beltline to RDA #3. Permit #466, which covers the remainder of RDA #3, is currently under review.

JURISDICTIONAL DETERMINATION: A draft Approved Jurisdictional Determination (AJD) was coordinated with the Environmental Protection Agency (EPA) Region 5 on February 21, 2024, and is currently under review by the EPA Headquarters and the Assistant Secretary of the Army for Civil Works. This is in accordance with the 27 September 2023 Army/EPA Memorandum: U.S. Department of the Army, U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency (EPA) Coordination of draft approved jurisdictional determinations under the "Revised Definition of 'Waters of the United States,'" as amended by the final rule "Revised Definition of 'Waters of the United States'; Conforming" (the 2023 rule, as amended, 33 CFR § 328.3; 40 CFR §120.2). As such, the project description and associated impact calculations demonstrate the maximum impacts to potential waters of the United States. Currently, the draft AJD coordination period is set to expire on June 27, 2024.

LOCATION MAPS AND DRAWINGS: The project plans are attached but may also be viewed by visiting our website at: <https://www.mvs.usace.army.mil/Missions/Regulatory/Public-Notices/>.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Williamson Energy, LLC states they have designed the construction of the refuse disposal area to have a limited operational footprint and to the minimum length necessary to conduct channel alteration and discharge of fill. With this application, Williamson Energy, LLC is proposing compensatory mitigation through the purchase of stream and wetland mitigation credits from Little Muddy Mitigation Bank – Addendum I. Proof of purchase prior to any impacts to waters of the U.S. associated with this project will be required.

SECTION 401 WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Improvement Rule (2023 Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. To date, the applicant has not submitted a pre-filing meeting request to the Illinois Environmental Protection Agency (certifying authority). In accordance with 2023 Rule part 121.6, the Corps and Certifying Authority will coordinate the reasonable period of time for the certifying agency to act upon the certification request following the certification request date. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

THREATENED AND ENDANGERED SPECIES: A review of the U.S. Fish and Wildlife Service's Information for Planning and Consultation (iPaC) website was conducted, and the following threatened and endangered species may be present within the vicinity of the Project: Six species were identified by iPaC including the Indiana Bat, Northern Long-eared Bat, Tricolored Bat (Proposed), Piping Plover, Whooping Crane, and the Monarch Butterfly (Candidate). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity may affect the listed bat species. The Applicant has coordinated these determinations with the USFWS through consultation with the IDNR. To further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES & TRIBAL TRUST: The St. Louis District will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified to assure compliance with Section 106 of the National Historic Preservation Act (NHPA). As part of its initial project due diligence, Williamson Energy, LLC contracted cultural resources surveys for the overall project area. To date, the applicant has received Section 106 of the NHPA clearance from the State Historic Preservation Office (SHPO) for a portion of the project while the remainder is under-review by SHPO – through consultation with the IDNR. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

ENVIRONMENTAL JUSTICE: In accordance with E.O. 12898, E.O. 14008, and E.O. 14096, the Corps of Engineers will specifically consider the effects of the proposed action on communities with environmental justice concerns, including economically-disadvantaged communities, communities of color, and other socioeconomic groups that could be disproportionately affected by environmental and other effects. Following our initial screening, our preliminary determination is that the project will have no effect upon communities with environmental justice concerns. As part of our environmental justice review, the Corps of Engineers seeks additional information from the public, community leaders, local officials, and others regarding issues of environmental justice as related to the proposed action.

SECTION 408: Section 408 authorization is not required because there are no federal projects in or near the vicinity of the proposal.

EVALUATION FACTORS: 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. 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. 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; 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; consideration of property ownership; and in general, the needs and welfare of the people.

PUBLIC HEARING REQUESTS: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reason for the hearing, and must be based on issues that would warrant additional public review. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; 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. Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must be received or be post marked 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 or submitted electronically to MVS-Regulatory@usace.army.mil:

U.S. Army Corps of Engineers
Regulatory Division
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Kamren Metzger

REQUEST FOR ADDITIONAL INFORMATION: Additional information may be obtained by contacting Kamren Metzger, Project Manager, U.S. Army Corps of Engineers, at (314)-331-8574 or by e-mail to Kamren.Metzger@usace.army.mil.

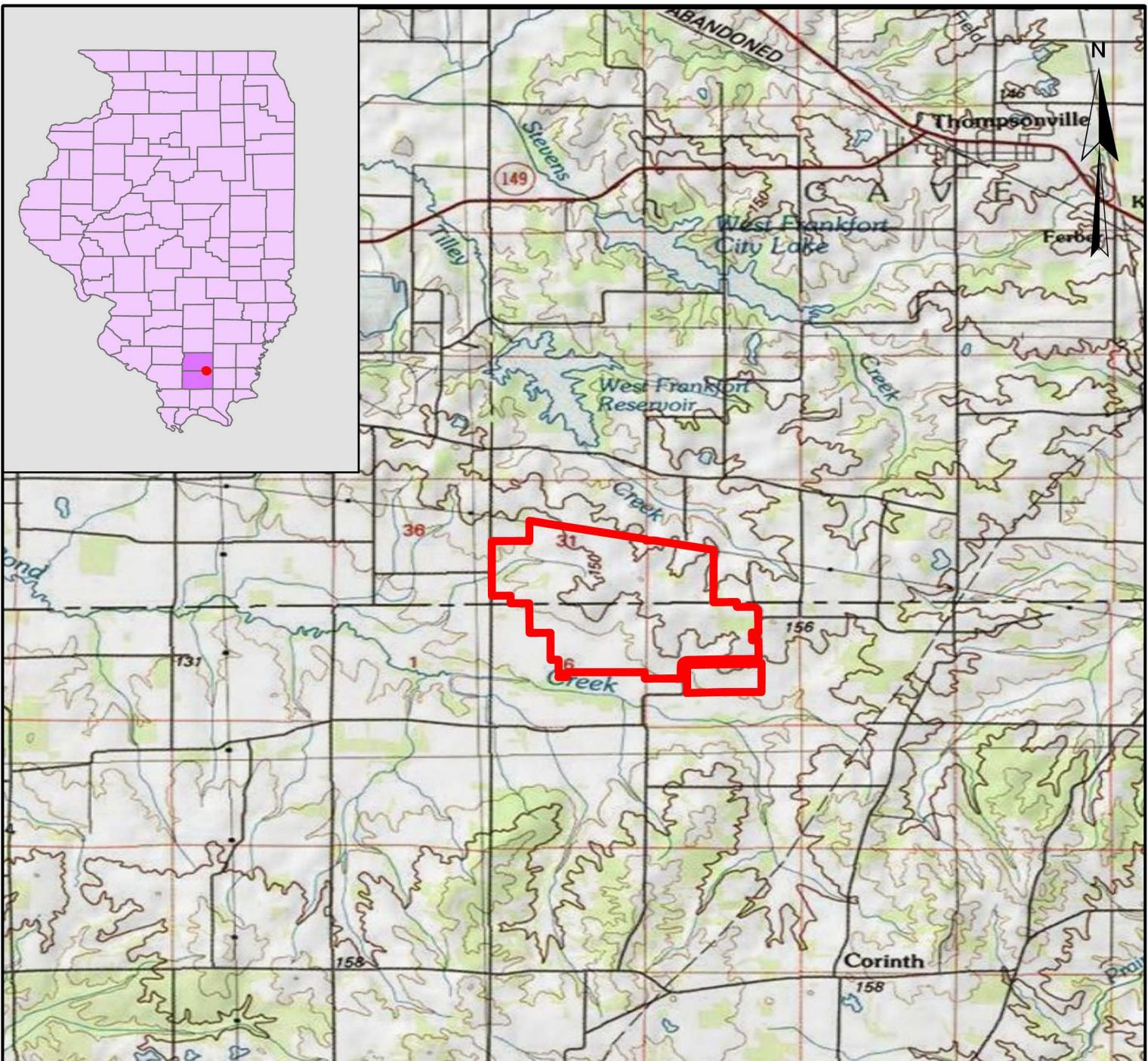
To join our public notice mailing list and receive all of our Public Notices electronically, please email your request to: MVS-Regulatory@usace.army.mil and include your name, email, and phone number with your statement of request to be added to the Public Notice mailing list.

for
Robert S. Gramke
Chief, Regulatory Division

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, until the expiration date shown on Page 1.



REFERENCES

Service Layer Credits: USA_Topo_Maps: Copyright:© 2013 National Geographic Society, i-cubed

Legend

■ Permit Boundary - 1030.35 acres

0 3,000 6,000 12,000
Feet

B18-403-1518



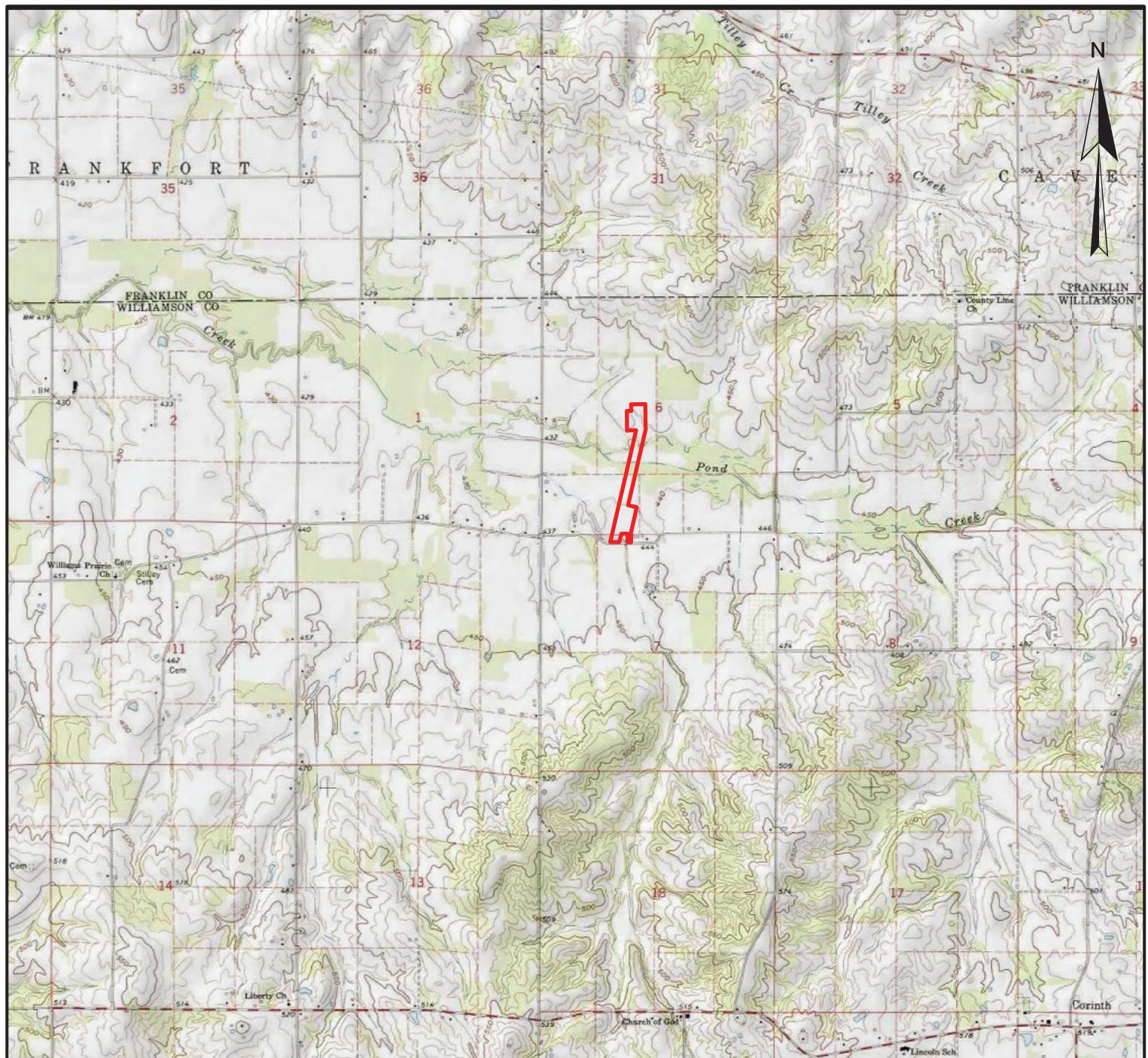
124 PHILPOTT LANE
BEAVER, WV 25813
(304) 255-0491

PROJECT LOCATION MAP

RDA3 MACH REFUSE DISPOSAL AREA

PREPARED FOR
WILLIAMSON ENERGY
MARION, IL

DRAWN BY	MPH	7/26/2023
CHECKED BY	BAH	7/26/2023
APPROVED BY	BAH	7/26/2023
DRAWING NUMBER		
B18-403-A12		



REFERENCES

Service Layer Credits: USA_Topo_Maps: Copyright:© 2013 National Geographic Society, i-cubed

Legend

AREA OF INVESTIGATION

0 1,500 3,000 6,000
Feet

B22-102-1413



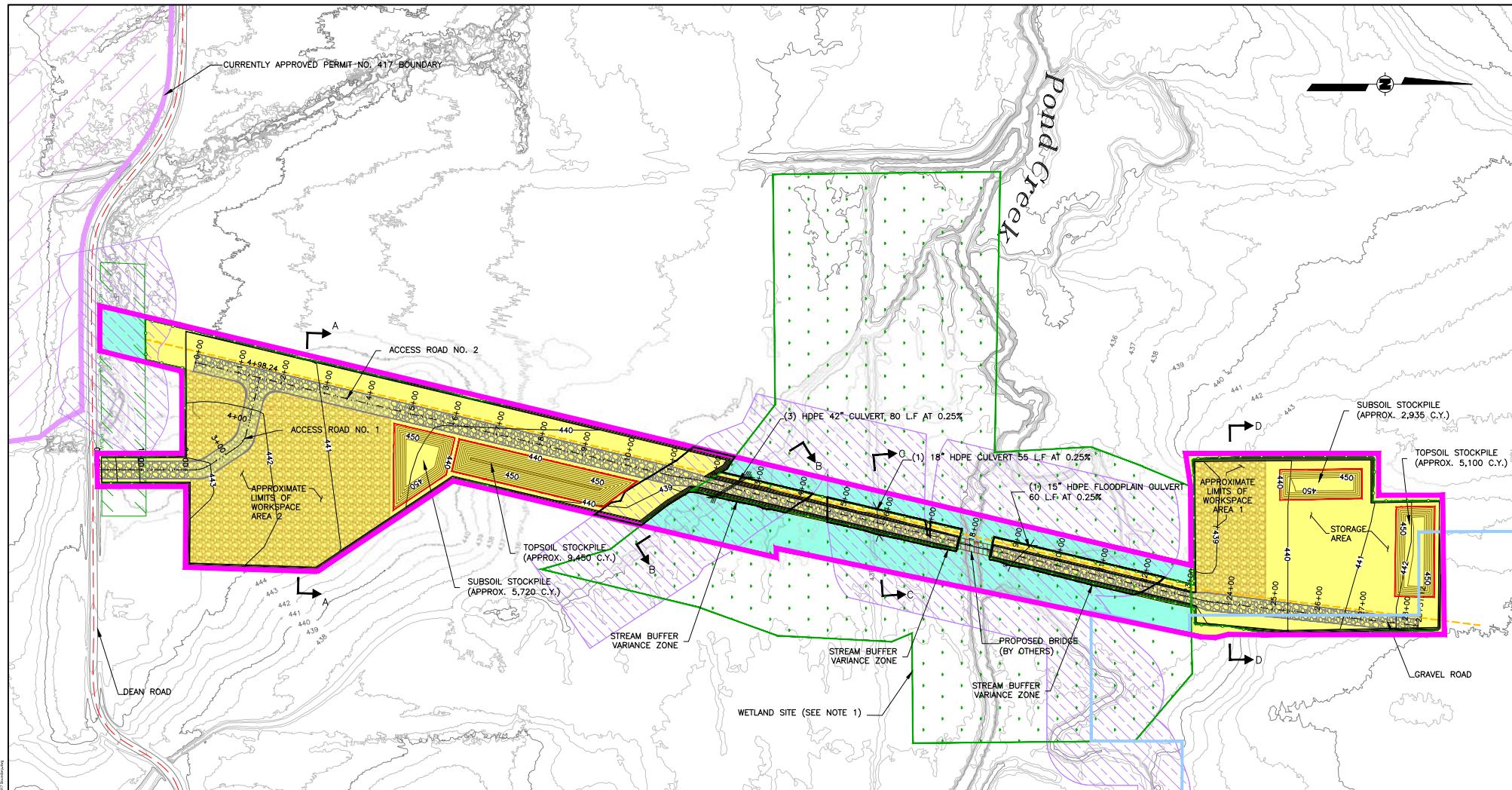
124 PHILPOTT LANE
BEAVER, WV 25813
(304) 255-0491

PROJECT LOCATION (TOPO)

MACH RDA 4 BELT LINE

PREPARED FOR
WILLIAMSON ENERGY
MARION, IL

DRAWN BY	MPH	1/17/2023
CHECKED BY	BAH	1/17/2023
APPROVED BY	BAH	1/17/2023
DRAWING NUMBER		
B22-102-A5		



LEGEND:

- IBR BOUNDARY** (Pink line)
- FUTURE PERMIT NO. 466 BOUNDARY** (Blue line)
- PROPOSED CONTOURS** (Black line)
- PROPOSED STOCKPILE CONTOURS** (Black line)
- CULVERTS** (Y-shaped line)
- DEAN ROAD CENTER LINE** (Red dashed line)
- RIGHT OF WAY** (Green line)
- STOCKPILE BOUNDARY** (Red solid line)
- SILT FENCE** (Black line with circles)
- PROPOSED BELTLINE CENTERLINE** (Yellow dashed line)

A legend containing six entries, each consisting of a colored square followed by a descriptive label:

- Yellow square: DISTURBED AREA
- Cyan square: UNDISTURBED AREA
- Black and white striped square: BRIDGE
- Green square with diagonal hatching: 100FT RIGHT-OF-WAY-E
- Purple square with diagonal hatching: 100FT STREAM BUFFER
- Pink square with diagonal hatching: PERMIT 417

WORK SPACE


WETLAND

NOTES

1. STREAM AND/OR WETLANDS WITHIN SITE AREA NOT TO BE DISTURBED UNTIL APPROVAL IS GRANTED FROM ACOE.
 2. LOCATIONS OF SILT FENCE ARE APPROXIMATE. ALTERNATIVE EROSION AND SEDIMENT CONTROL METHODS AND LOCATIONS MAY BE ACCEPTABLE TO SUIT FIELD CONDITIONS USING BEST MANAGEMENT PRACTICES.
 3. FLOODPLAIN CULVERT IS TO PREVENT BACK FLOW WATER FROM BUILDING UP ON EITHER SIDE OF THE PROPOSED ROAD.
 4. FOR CROSS SECTIONS A-A THROUGH D-D, SEE DRAWING NO. B22-458-E4.
 5. FOR ACCESS ROAD NOS. 1 & 2 PROFILES, SEE DRAWING NO. B22-458-E2.

A horizontal scale bar with markings at 100, 0, 100, and 200. The word "SCALE" is written above the bar, and "FEET" is written below it.

	07/27/23	GENERAL REVISIONS PER IDNR COMMENTS
	06/13/23	GENERAL REVISIONS PER IDNR COMMENTS
REV.	DATE	DESCRIPTION
 Alliance Consulting, Inc. <i>Engineers • Constructors • Scientists</i> BECKLEY, WV CANONSBURG, PA (304) 255-4441 (724) 242-3636		
IDNR PERMIT NO. 417		IBR NO.1
OPERATION MAP PERMIT 417 – IBR1 Prepared For WILLIAMSON ENERGY, LLC P.O. BOX 99, JOHNSTON CITY, ILLINOIS 62951		
CAD BY	BML 01/13/23	PROJECT NO. B22-458-1403
CHECKED BY		
APPROVED BY		
DRAWING NO. B22-458-E3		



STREAM TABLE

Channel ID	Stream Class	E/I Point	IMPACT LENGTH	LAT.	LONG.	EL.
CH-1D	NRPW	-	846	37°51'31"	88°47'37"	478.0
CH-1D1	NRPW	-	151	37°51'32"	88°47'37"	481.7
CH-2	RPW	-	1176	37°51'23"	88°48'12"	448.0
CH-2	NRPW	-	1353	37°51'32"	88°48'09"	454.0
CH-2A	NRPW	-	1700	37°51'28"	88°47'53"	482.2
CH-2B	NRPW	-	2500	37°51'36"	88°47'57"	469.0
CH-2C	NRPW	-	390	37°51'44"	88°48'05"	469.0
CH-5	NRPW	-	659	37°51'34"	88°48'28"	448.0
CH-6	NRPW	732	407	37°51'48"	88°47'34"	504.7
CH-7	RPW	-	207	37°50'52"	88°48'38"	438.0
Pond Creek	RPW	-	209	37°51'05"	88°48'04"	440.0
RT of Pond Creek	RPW	-	272	37°51'40"	88°48'27"	438.0

WETLAND TABLE

Wetland ID	Impact Area (Acres)
1	0.004850
2	0.675765
B	1.311293
C	0.878422
D	0.432692
E	8.293123
F	2.830732
G	1.336340
H	1.148415
I	1.547046
K	0.181496
L	0.005131
M	0.224596
Total	18.869901

WATERSHED TABLE

Channel ID	Watershed areas
CH-1D	48.06
CH-1D1	
CH-2	165.45
CH-2C	
CH-2A	26.36
CH-2B	46.78
CH-6	25.67
TOTAL	312.32 (Acres)

LEGEND:

- WETLAND
- RPW STREAMS
- NRPW STREAMS
- PROPERTY LINES
- APPROXIMATE LIMITS OF (RDA NO. 3)
- END OF CHANNEL
- WATERSHED BOUNDARY

DEFINITIONS:

- "Ephemeral stream" means: a stream that meets both of the following requirements: it flows only in response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice; and it has a channel bottom that is always above the local water table.
- "Intermittent stream" means: a stream or reach of a stream that drains a watershed of at least one square mile; or a stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.
- "Perennial stream" means: a stream that flows continuously during all of the calendar year or part of a stream that flows continuously during all of the calendar year. The stream or part of a stream flows continuously as a result of groundwater discharge or surface runoff the term does not include intermittent streams or ephemeral streams.

NOTE:

STREAM CHANNELS HAVE BEEN MAPPED IN ACCORDANCE WITH OPERATOR MEMORANDUM 2017-06

	04-25-24	REVISIONS PER IDNR-STREAM DEFINITIONS	RLF
	12-01-23	REVISIONS PER IDNR-STREAM DEFINITIONS	RLF
REV.	DATE	DESCRIPTION	P.M.

Alliance

Consulting, Inc.

Engineers • Constructors • Scientists

BECKLEY, WV (304) 255-0491

CANONSBURG, PA (724) 742-3530

IDNR PERMIT NO. 466

STREAM AND WETLAND IMPACT MAP

MACH REFUSE DISPOSAL AREA NO. 3

Prepared For

WILLIAMSON ENERGY, LLC

P.O. BOX 99, JOHNSTON CITY, ILLINOIS 62951

CAD BY	DJS	03/16/23	PROJECT NO.
CHECKED BY			B22-102-1413
APPROVED BY			DRAWING NO. B22-102-E18

