

Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. LRP-2009-1085

Date: 11/8/2017

Notice No. 17-56

Closing Date: 12/8/2017

1. TO ALL 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.
2. APPLICANT: Dennis Grelle, Rosebud Mining Company, 301 Market Street, Kittanning, Pennsylvania 16201
3. LOCATION: Unnamed Tributary of Spring Run in Portage Township, Cambria County, Pennsylvania (approximate center: 40° 23' 20.7" N, -78° 38' 41.4" W)
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct an expansion to the existing coal refuse disposal area known as the Refuse Area #1 Expansion Project. The proposed work will include 74.3 acres of disposal area and 104.3 acres of support area to extend the life of the nearby preparation plant and coal operation by 16 to 19 years. At the current rate of production/disposal the current refuse area has less than 1 year of storage capacity.

The proposed project will impact Waters of the U.S. in the amount of 0.07 acres of wetland and 2,375 linear feet of stream (UNT to Spring Run). Compensatory mitigation will be provided by creating a new stream channel around the perimeter of the refuse area as shown in Exhibit 15.2. Wetland impacts will be mitigated by payment to the PA Wetland Replacement Fund or with the creation of on-site, in-kind permittee responsible mitigation.

5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
California District Mining Office
25 Technology Drive
California Technology Park
Coal Center, PA 15423

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in 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 which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: 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 which reasonably may be expected to accrue from the proposals 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 those 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 overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator,

CELRP-OP-F
Public Notice No. 17-56

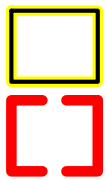
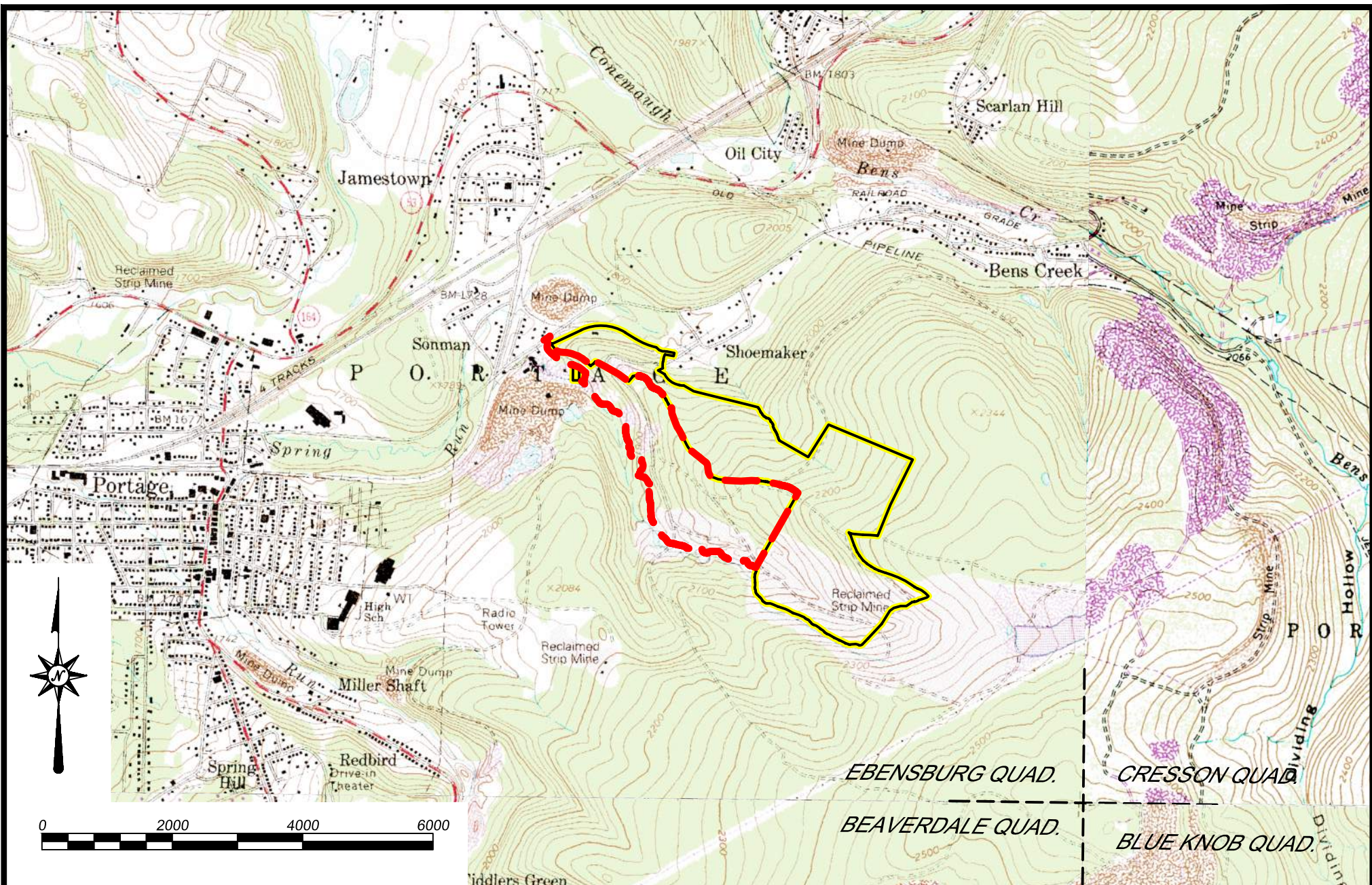
Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Josh Shaffer at the above address, by telephoning (412) 395-7121, or by e-mail at Joshua.d.shaffer@usace.army.mil. Please refer to CELRP-OP-F 2009-1085 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Jared Pritts
Acting Chief, Southern Section
Regulatory Branch



PROPOSED REFUSE AREA NO. 1 EXPANSION PERMIT BOUNDARY

APPROVED REFUSE AREA NO. 1 PERMIT BOUNDARY

| | |
|---------------------|-------------------------------------|
| <i>Drawn By:</i> | RJB |
| <i>Checked By:</i> | BJF |
| <i>Date:</i> | 05-05-2017 |
| <i>Scale:</i> | 1" = 2000' |
| <i>Project No.:</i> | 0211-L770 |
| <i>File Name:</i> | Portage Refuse Area 1 Expansion.dwg |
| <i>Drawing:</i> | 1 of 1 |

CME
ENGINEERING

CME ENGINEERING LP
975 Georges Station Rd, Ste 100, Greensburg, PA 15601
724-672-4800 FAX: 724-672-4801

EXHIBIT 1: LOCATION MAP

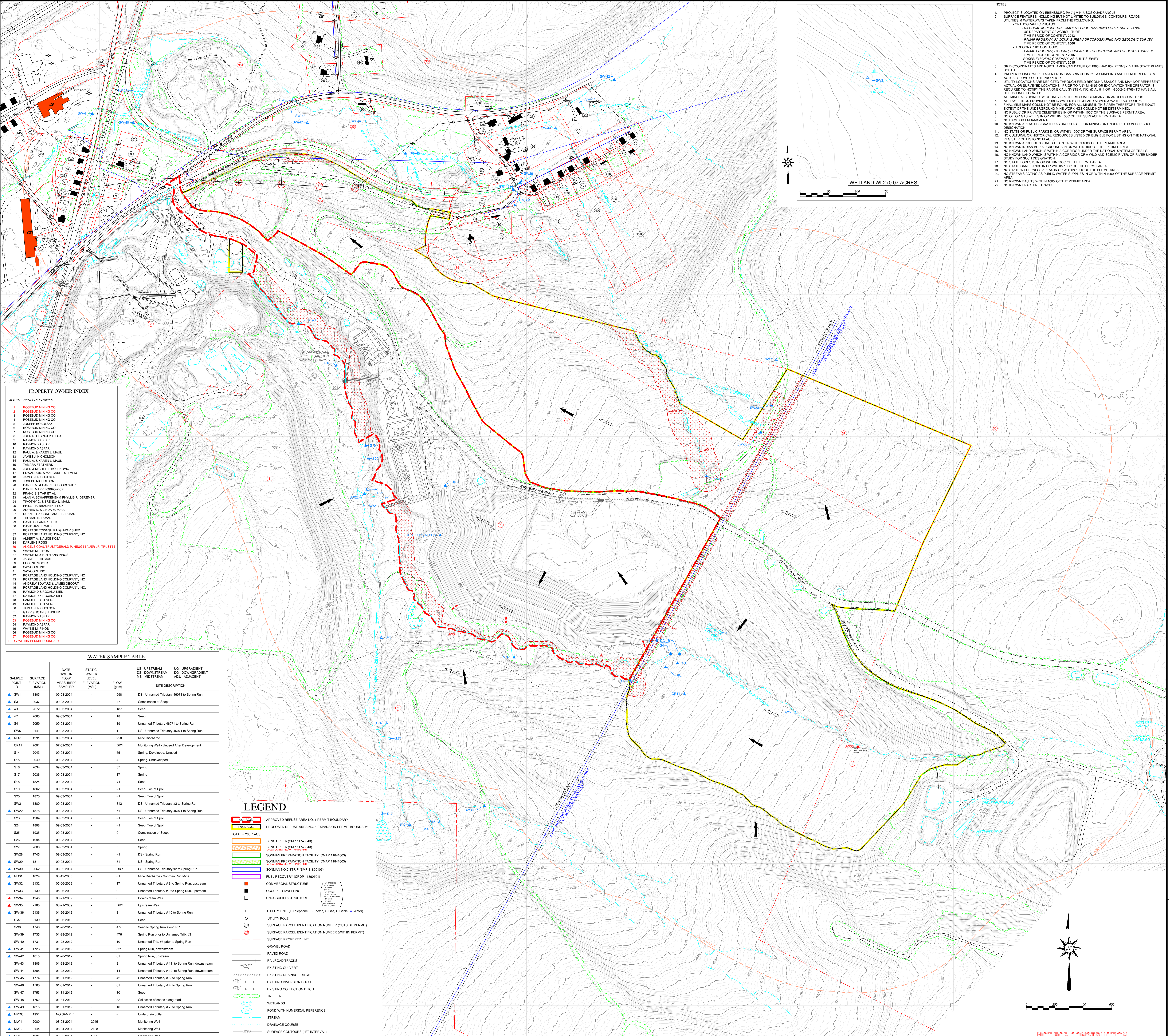
ROSEBUD MINING COMPANY

REFUSE AREA NO. 1 EXPANSION

CRDP # 11040701 MSHA ID # 36-09246

PORTAGE TOWNSHIP

CAMBRIA COUNTY, PENNSYLVANIA



- NOTES:**
- PROJECT IS LOCATED ON EBENSBURG PA 1 MN. USGS QUADRANGLE.
 - SURFACE FEATURES INCLUDING BUT NOT LIMITED TO BUILDINGS, CONTOURS, ROADS, UTILITIES & WATERWAYS TAKEN FROM THE FOLLOWING:
 - OR THOGRAPHIC PHOTOS
 - NATIONAL AGRICULTURE RANGERY PROGRAM (NAP) FOR PENNSYLVANIA, US DEPARTMENT OF AGRICULTURE
 - TIME PERIOD OF CONTENT: 2013
 - PAPAR PROGRAM, ALCOA, BUREAU OF TOPOGRAPHIC AND GEOLOGIC SURVEY
 - TIME PERIOD OF CONTENT: 2006
 - ROSEBUD MINING COMPANY, AS BUILT SURVEY
 - TIME PERIOD OF CONTENT: 2012
 - GRID COORDINATES ARE NORTH AMERICAN DATUM OF 1983 (NAD 83), PENNSYLVANIA STATE PLANE SOUTH.
 - PROPERTY LINES WERE TAKEN FROM CAMBRIA COUNTY TAX MAPS AND DO NOT REPRESENT ACTUAL SURVEY OF THE PROPERTY.
 - UTILITY LOCATIONS ARE DEPICTED THROUGH FIELD RECONNAISSANCE AND MAY NOT REPRESENT ACTUAL OR SURVEYED LOCATIONS. PRIOR TO ANY MINING OR EXCAVATION THE OPERATOR IS REQUIRED TO NOTIFY THE PA ONE CALL SYSTEM, INC. (DIAL 811 OR 1-800-242-1766) TO HAVE ALL UTILITY LINES LOCATED.
 - ALL MINERALS OWNED BY COONEY BROTHERS COAL COMPANY OR ANCELS COAL TRUST.
 - ALL DWELLINGS PROVIDED UNDER HIGHLAND SEWER & WATER AUTHORITY.
 - PAUL MINE MAPS COULD NOT BE FOUND FOR ALL MINES IN THIS AREA THEREFORE, THE EXACT EXTENT OF THE UNDERGROUND MINE WORKINGS COULD NOT BE DETERMINED.
 - NO PUBLIC OR PRIVATE CEMETERIES IN OR WITHIN 1000' OF THE SURFACE PERMIT AREA.
 - NO OIL OR GAS WELLS IN OR WITHIN 1000' OF THE SURFACE PERMIT AREA.
 - NO DAMS OR EMBANKMENTS.
 - NO KNOWN AREAS DESIGNATED AS UNSUITABLE FOR MINING OR UNDER PETITION FOR SUCH DESIGNATION.
 - NO ESTATE OR PUBLIC PARKS IN OR WITHIN 1000' OF THE SURFACE PERMIT AREA.
 - NO CULTURAL OR HISTORICAL RESOURCES LISTED OR ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES.
 - NO KNOWN ARCHEOLOGICAL SITES IN OR WITHIN 1000' OF THE PERMIT AREA.
 - NO KNOWN NEAR BURIAL GROUNDS IN OR WITHIN 1000' OF THE PERMIT AREA.
 - NO KNOWN LAND WHICH IS WITHIN A CORRIDOR UNDER THE NATIONAL SYSTEM OF TRAILS.
 - NO KNOWN LAND WHICH IS WITHIN A CORRIDOR OF A WILD AND SCENIC RIVER, OR RIVER UNDER STUDY FOR SUCH DESIGNATION.
 - NO STATE FORESTS IN OR WITHIN 1000' OF THE PERMIT AREA.
 - NO STATE GAME LANDS IN OR WITHIN 1000' OF THE PERMIT AREA.
 - NO STATE WILDERNESS AREAS IN OR WITHIN 1000' OF THE PERMIT AREA.
 - NO STREAMS ACTING AS PUBLIC WATER SUPPLIES IN OR WITHIN 1000' OF THE SURFACE PERMIT AREA.
 - NO KNOWN FAULTS WITHIN 1000' OF THE PERMIT AREA.
 - NO KNOWN FRACTURE TRACES.

PROPERTY OWNER INDEX

MAP ID: PROJECT/DATE

| | |
|----|--|
| 1 | ROSEBUD MINING CO. |
| 2 | ROSEBUD MINING CO. |
| 3 | ROSEBUD MINING CO. |
| 4 | ROSEBUD MINING CO. |
| 5 | JOSEPH HENSLER |
| 6 | ROSEBUD MINING CO. |
| 7 | ROSEBUD MINING CO. |
| 8 | JOHN L. DRYNICK ET UX |
| 9 | RAYMOND ASFAR |
| 10 | RAYMOND ASFAR |
| 11 | RAYMOND ASFAR |
| 12 | PAUL A. & KAREN L. MAUL |
| 13 | JAMES J. NICHOLSON |
| 14 | PAUL A. & KAREN L. MAUL |
| 15 | TAMARA FEATHERS |
| 16 | JOHAN MICHELLE KOLEBOVIC |
| 17 | EDWARD JR. & MARGARET STEVENS |
| 18 | JAMES J. NICHOLSON |
| 19 | JOSEPH NICHOLSON |
| 20 | DANIEL M. & CARRIE A. BOBROWICZ |
| 21 | DANIEL M. & CARRIE A. BOBROWICZ |
| 22 | FRANCIS SFAR ET AL. |
| 23 | FRANCIS SFAR ET AL. |
| 24 | FRANCIS SFAR ET AL. |
| 25 | TIMOTHY C. & BRENDA L. MAUL |
| 26 | FRANCOIS SFAR ET AL. |
| 27 | ALFRED N. & LINDA M. MAUL |
| 28 | DANIEL H. & CONSTANCE L. LAMAR |
| 29 | THOMAS H. LAMAR |
| 30 | DAVID G. LAMAR ET UX |
| 31 | DAVID JAMES WELLS |
| 32 | PORTAGE TOWNSHIP HIGHWAY SHED |
| 33 | PORTAGE LAND HOLDING COMPANY, INC. |
| 34 | ALBERT A. & ALICE KOZA |
| 35 | DARLENE ROSS |
| 36 | ANGEL'S COAL TRUST/GERALD P. NEUSEBAUER, JR. TRUSTEE |
| 37 | WAYNE M. & RUTH ANN FINOS |
| 38 | JACQUEL THOMAS |
| 39 | ESPERE MEYER |
| 40 | SAV CORE INC. |
| 41 | SAV CORE INC. |
| 42 | PORTAGE LAND HOLDING COMPANY, INC. |
| 43 | PORTAGE LAND HOLDING COMPANY, INC. |
| 44 | ANDREW EDWARD & JAMES DECOIT |
| 45 | ANDREW EDWARD & JAMES DECOIT |
| 46 | ANDREW EDWARD & JAMES DECOIT |
| 47 | ANDREW EDWARD & JAMES DECOIT |
| 48 | ANDREW EDWARD & JAMES DECOIT |
| 49 | SAMUEL E. STEVENS |
| 50 | SAMUEL E. STEVENS |
| 51 | JAMES J. NICHOLSON |
| 52 | GARY A. JOHN SHINGLER |
| 53 | ROSEBUD MINING CO. |
| 54 | ROSEBUD MINING CO. |
| 55 | WAYNE M. FINOS |
| 56 | ROSEBUD MINING CO. |
| 57 | ROSEBUD MINING CO. |

RED - WITHIN PERMIT BOUNDARY

WATER SAMPLE TABLE

| SAMPLE POINT ID | SURFACE ELEVATION (MSL) | DATE SW/CR FLOW MEASURED/SAMPLED | STATIC WATER LEVEL ELEVATION (MSL) | FLOW (gpm) | SITE DESCRIPTION |
|-----------------|-------------------------|----------------------------------|------------------------------------|------------|---|
| ▲ SW1 | 1805 | 09-03-2004 | - | 598 | DS - Unnamed Tributary 46071 to Spring Run |
| ▲ S3 | 2037 | 09-03-2004 | - | 47 | Combination of Seeps |
| ▲ 4B | 2072 | 09-03-2004 | - | 187 | Seep |
| ▲ 4C | 2069 | 09-03-2004 | - | 18 | Seep |
| ▲ S4 | 2059 | 09-03-2004 | - | 19 | Unnamed Tributary 46071 to Spring Run |
| ▲ SW5 | 2147 | 09-03-2004 | - | 7 | US - Unnamed Tributary 46071 to Spring Run |
| ▲ MD7 | 1991 | 09-03-2004 | - | 250 | Mine Discharge |
| ▲ CR11 | 2091 | 07-02-2004 | - | DRY | Monitoring Well - Unused After Development |
| S14 | 2047 | 09-03-2004 | - | 56 | Spring, Developed, Unused |
| S15 | 2047 | 09-03-2004 | - | 4 | Spring, Undeveloped |
| S16 | 2034 | 09-03-2004 | - | 37 | Spring |
| S17 | 2036 | 09-03-2004 | - | 17 | Spring |
| S18 | 1824 | 09-03-2004 | - | -1 | Seep, Toe of Spill |
| S19 | 1862 | 09-03-2004 | - | -1 | Seep, Toe of Spill |
| S20 | 1879 | 09-03-2004 | - | -1 | Seep, Toe of Spill |
| ▲ SW21 | 1887 | 09-03-2004 | - | 312 | DS - Unnamed Tributary #2 to Spring Run |
| ▲ SW22 | 1878 | 09-03-2004 | - | 71 | DS - Unnamed Tributary #2 to Spring Run |
| S23 | 1904 | 09-03-2004 | - | -1 | Seep, Toe of Spill |
| S24 | 1895 | 09-03-2004 | - | -1 | Seep, Toe of Spill |
| S25 | 1935 | 09-03-2004 | - | 9 | Combination of Seeps |
| S26 | 1994 | 09-03-2004 | - | 2 | Seep |
| S27 | 2007 | 09-03-2004 | - | 5 | Spring |
| ▲ SW28 | 1745 | 09-03-2004 | - | -1 | DS - Spring Run |
| ▲ SW29 | 1811 | 09-03-2004 | - | 31 | US - Spring Run |
| ▲ SW30 | 2062 | 08-02-2004 | - | DRY | US - Unnamed Tributary #2 to Spring Run |
| ▲ MD31 | 1824 | 05-12-2005 | - | -1 | Mine Discharge - Sooman Run Mine |
| ▲ SW32 | 2132 | 05-06-2009 | - | 17 | Unnamed Tributary # 8 to Spring Run, upstream |
| ▲ SW33 | 2137 | 05-06-2009 | - | 9 | Unnamed Tributary # 8 to Spring Run, upstream |
| ▲ SW34 | 1945 | 08-21-2009 | - | 6 | Downstream Veil |
| ▲ SW35 | 2185 | 08-21-2009 | - | DRY | Upstream Veil |
| ▲ SW-36 | 2136 | 01-26-2012 | - | 3 | Unnamed Tributary # 10 to Spring Run |
| S-37 | 2137 | 01-26-2012 | - | 3 | Seep |
| S-38 | 1749 | 01-26-2012 | - | 4.5 | Seep to Spring Run along RR |
| SW-39 | 1735 | 01-26-2012 | - | 476 | Spring Run prior to Unnamed Trib. #3 |
| SW-40 | 1731 | 01-26-2012 | - | 10 | Unnamed Trib. #3 prior to Spring Run |
| ▲ SW-41 | 1723 | 01-26-2012 | - | 521 | Spring Run, downstream |
| ▲ SW-42 | 1815 | 01-26-2012 | - | 61 | Spring Run, upstream |
| SW-43 | 1806 | 01-26-2012 | - | 3 | Unnamed Tributary # 11 to Spring Run, downstream |
| SW-44 | 1805 | 01-26-2012 | - | 14 | Unnamed Tributary # 12 to Spring Run, downstream |
| SW-45 | 1774 | 01-31-2012 | - | 42 | Unnamed Tributary # 5 to Spring Run |
| SW-46 | 1769 | 01-31-2012 | - | 81 | Unnamed Tributary # 4 to Spring Run |
| SW-47 | 1753 | 01-31-2012 | - | 30 | Seep |
| SW-48 | 1752 | 01-31-2012 | - | 32 | Collection of seep along road |
| ▲ SW-49 | 1815 | 01-31-2012 | - | 10 | Unnamed Tributary # 7 to Spring Run |
| ▲ MPDC | 1951 | NO SAMPLE | - | - | Underdrain outlet |
| ▲ MW-1 | 2087 | 08-03-2004 | 2045 | - | Monitoring Well |
| ▲ MW-2 | 2144 | 08-04-2004 | 2128 | - | Monitoring Well |
| ▲ MW-3 | 1934 | 08-05-2004 | 1925 | - | Monitoring Well |
| ▲ MW-6 | 1986 | NO SAMPLE | - | - | Short term monitoring well located on refuse bench to monitor refuse pile level |
| ▲ MW-7 | 1967 | 02-02-2013 | 115.8' | - | Monitoring Well in Lower Freeport Mine |
| ▲ MW-8 | 1921 | 12-23-2013 | DRY | - | Monitoring Well Downgradient |
| ▲ UD-1/UD-2 | 1951 | NO SAMPLE | - | - | Monitoring UD-1 & UD-2 Leachate Collector Outlet |
| ▲ UD-3 | 1978 | NO SAMPLE | - | - | Leachate Collector UD-3 outlet |
| ▲ LC-1B | 2066 | NO SAMPLE | - | - | Leachate Collector LC-1B outlet |
| ▲ DC-1B | 2066 | NO SAMPLE | - | - | Dewatering Collector DC-1B outlet |
| ▲ | | | | | MONITORING POINT |
| ▲ | | | | | SUBCHAPTER F MONITORING POINT |

LEGEND

- 174.5 ACS: APPROVED REFUSE AREA NO. 1 PERMIT BOUNDARY
- 173.5 ACS: PROPOSED REFUSE AREA NO. 1 EXPANSION PERMIT BOUNDARY
- TOTAL = 286.7 ACS
- BENS CREEK (SMP 11743043)
- BENS CREEK (SMP 11743043)
- SOOMAN PREPARATION FACILITY (CMP 11841603)
- SOOMAN PREPARATION FACILITY (CMP 11841603)
- SOOMAN NO.2 STRIP (SMP 11850107)
- FUEL RECOVERY (CRDP 11860701)
- COMMERCIAL STRUCTURE
- OCCUPIED DWELLING
- UNOCCUPIED STRUCTURE
- UTILITY LINE (T-Telephone, E-Electric, G-Gas, C-Cable, W-Water)
- UTILITY POLE
- SURFACE PARCEL IDENTIFICATION NUMBER (OUTSIDE PERMIT)
- SURFACE PARCEL IDENTIFICATION NUMBER (WITHIN PERMIT)
- SURFACE PROPERTY LINE
- GRAVEL ROAD
- PAVED ROAD
- RAILROAD TRACKS
- EXISTING CULVERT
- EXISTING DRAINAGE DITCH
- EXISTING DIVERSION DITCH
- EXISTING COLLECTION DITCH
- TREE LINE
- WETLANDS
- POND WITH NUMERICAL REFERENCE
- STREAM
- DRAINAGE COURSE
- SURFACE CONTOURS (2FT INTERVAL)
- BARRIER AREA (Road)
- BARRIER AREA (Stream)
- BARRIER AREA (Utility)
- BACKGROUND DAMP LOCATION
- MONITORING SAMPLER LOCATION
- PIEZOMETER / MONITORING WELL LOCATION
- PUBLIC WATER SUPPLY
- LOCAL WATER FLOW DIRECTION
- REGIONAL WATER FLOW DIRECTION



REVISIONS

| No. | By | Date | Description |
|-----|----|------|-------------|
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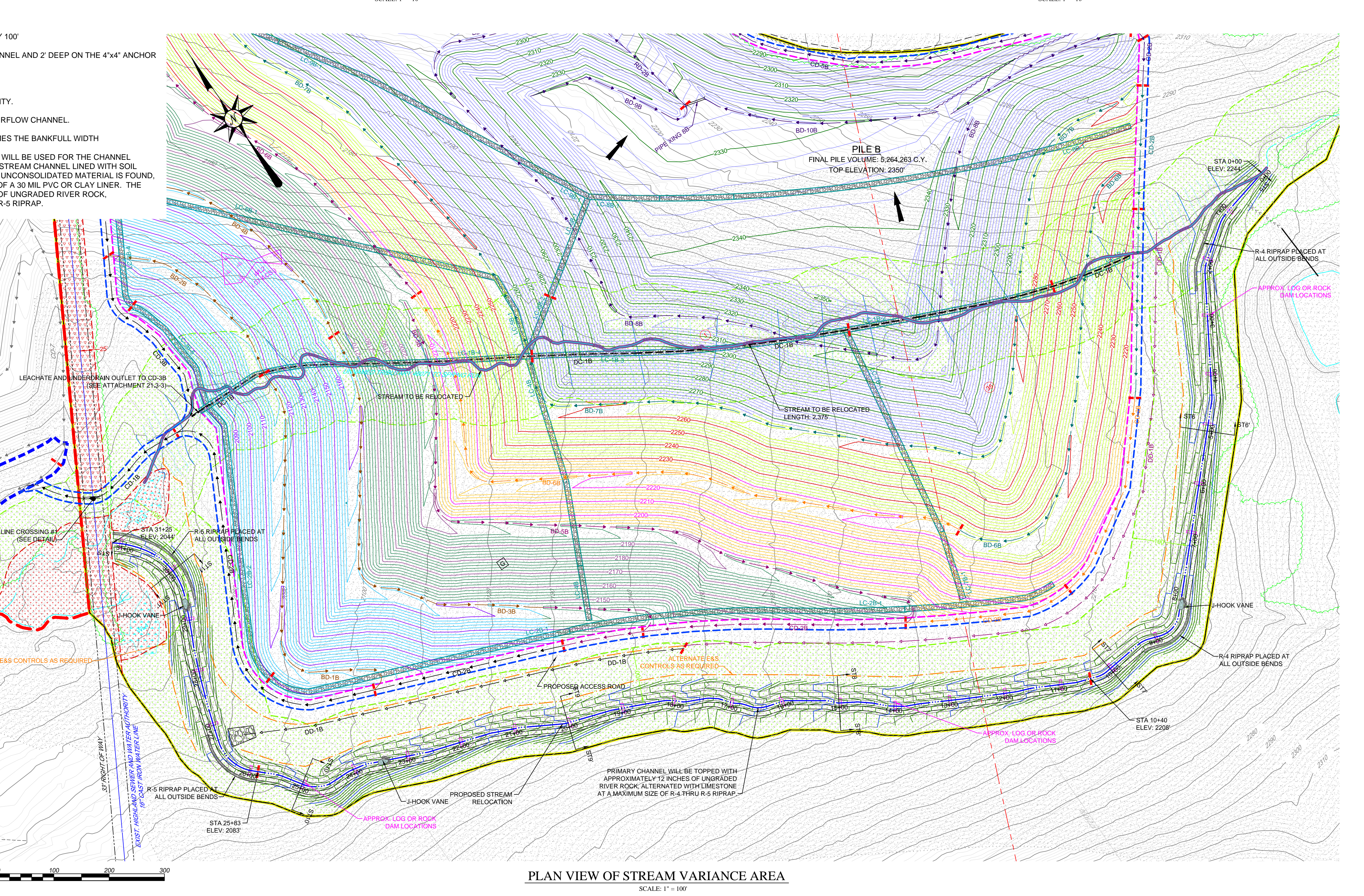
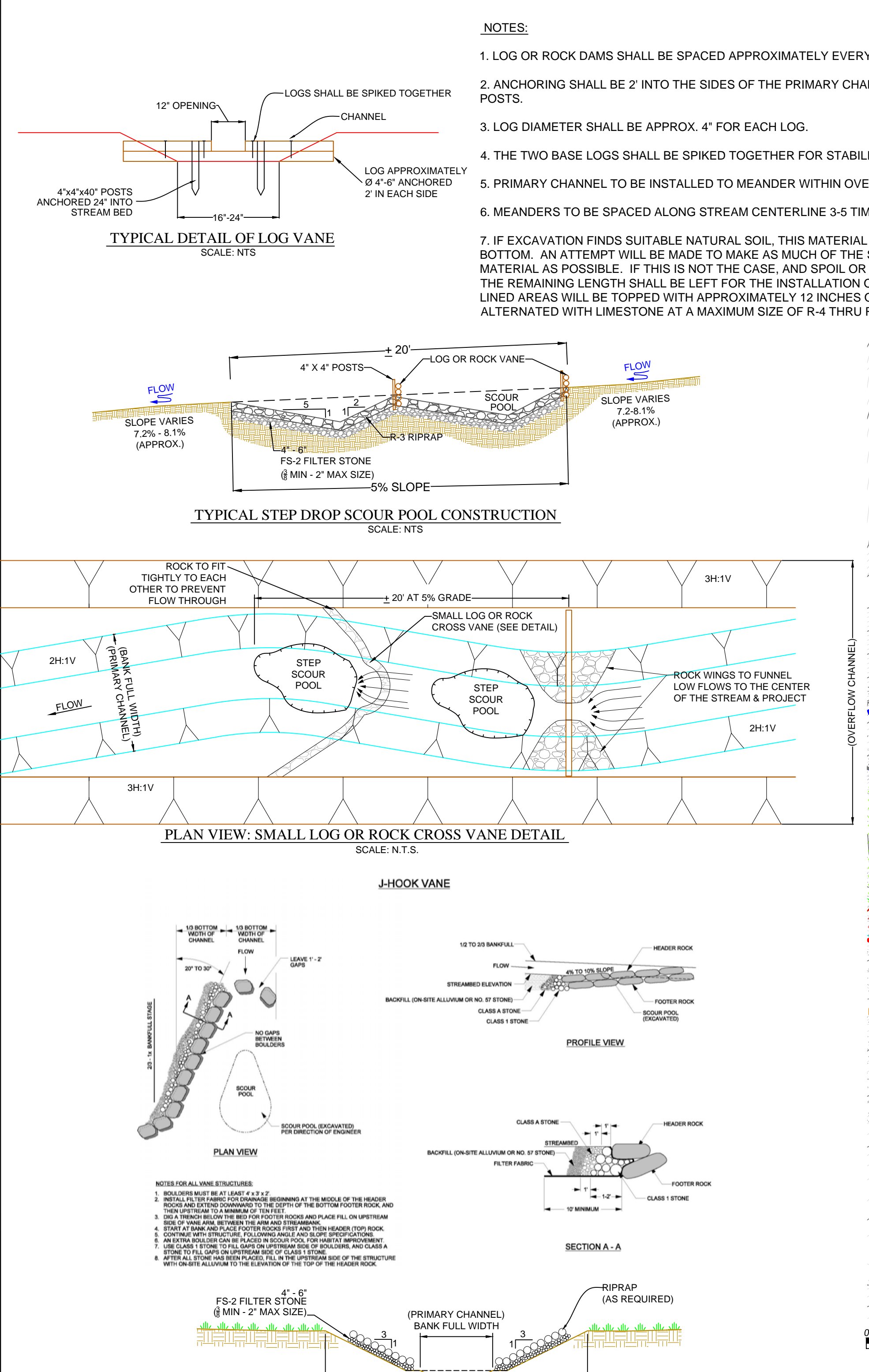
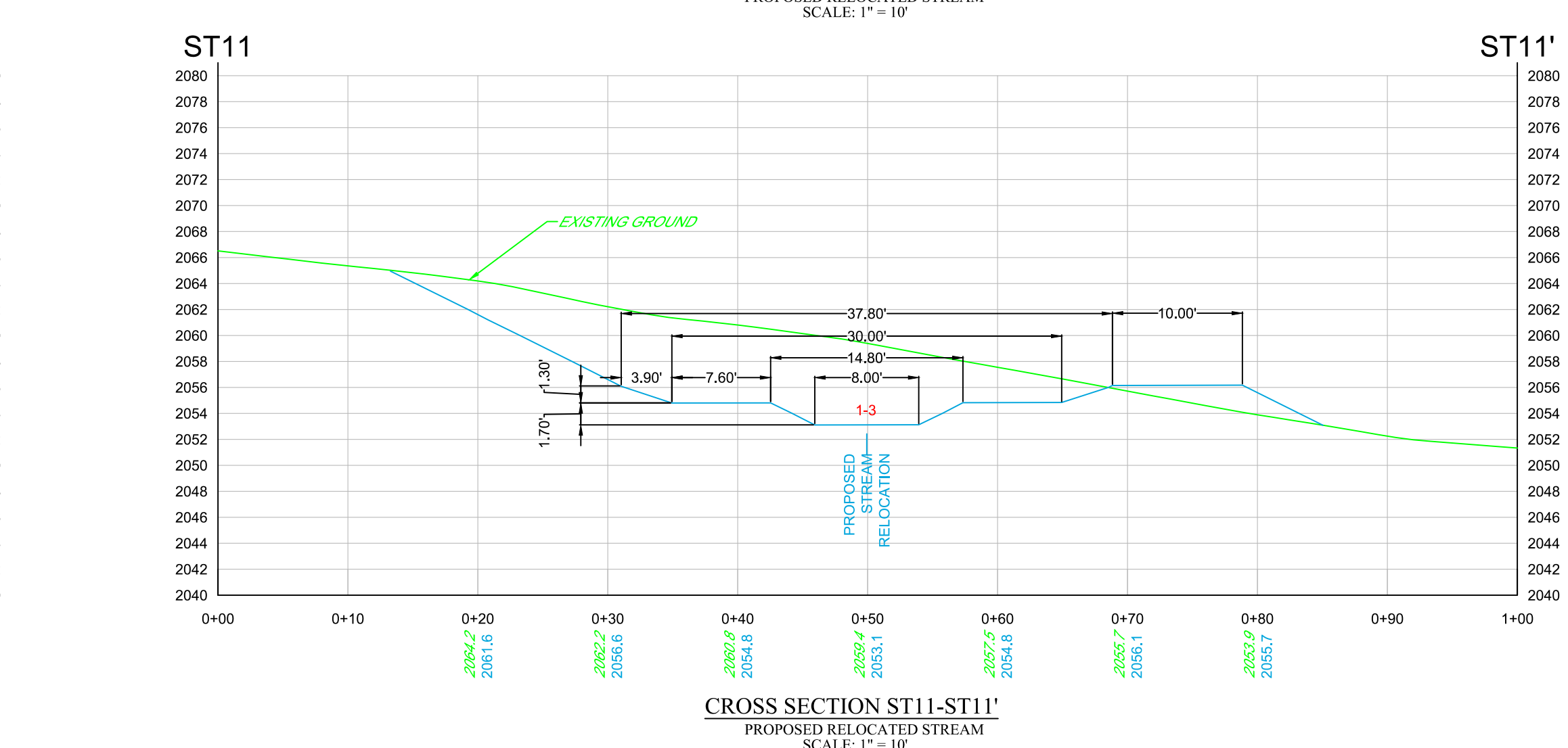
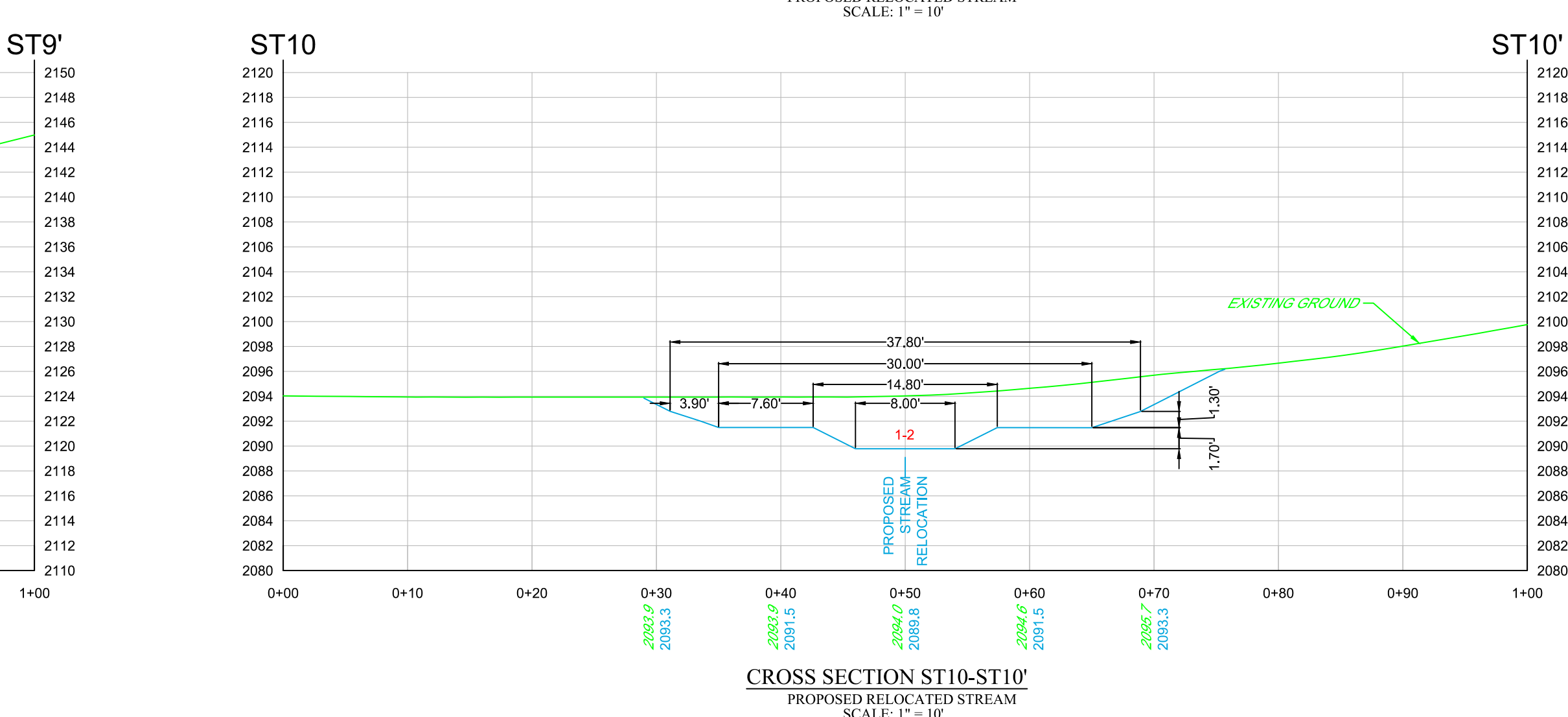
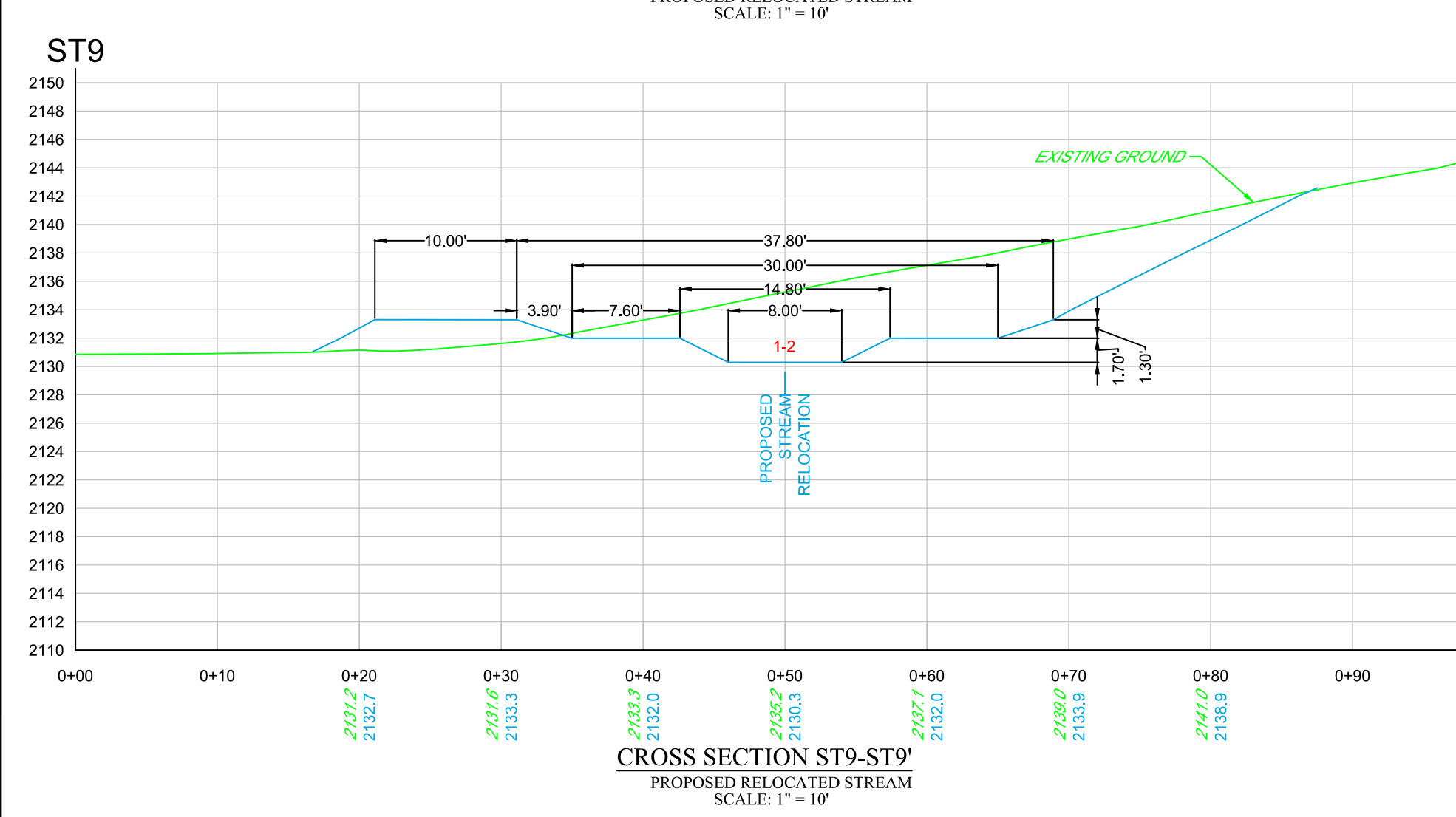
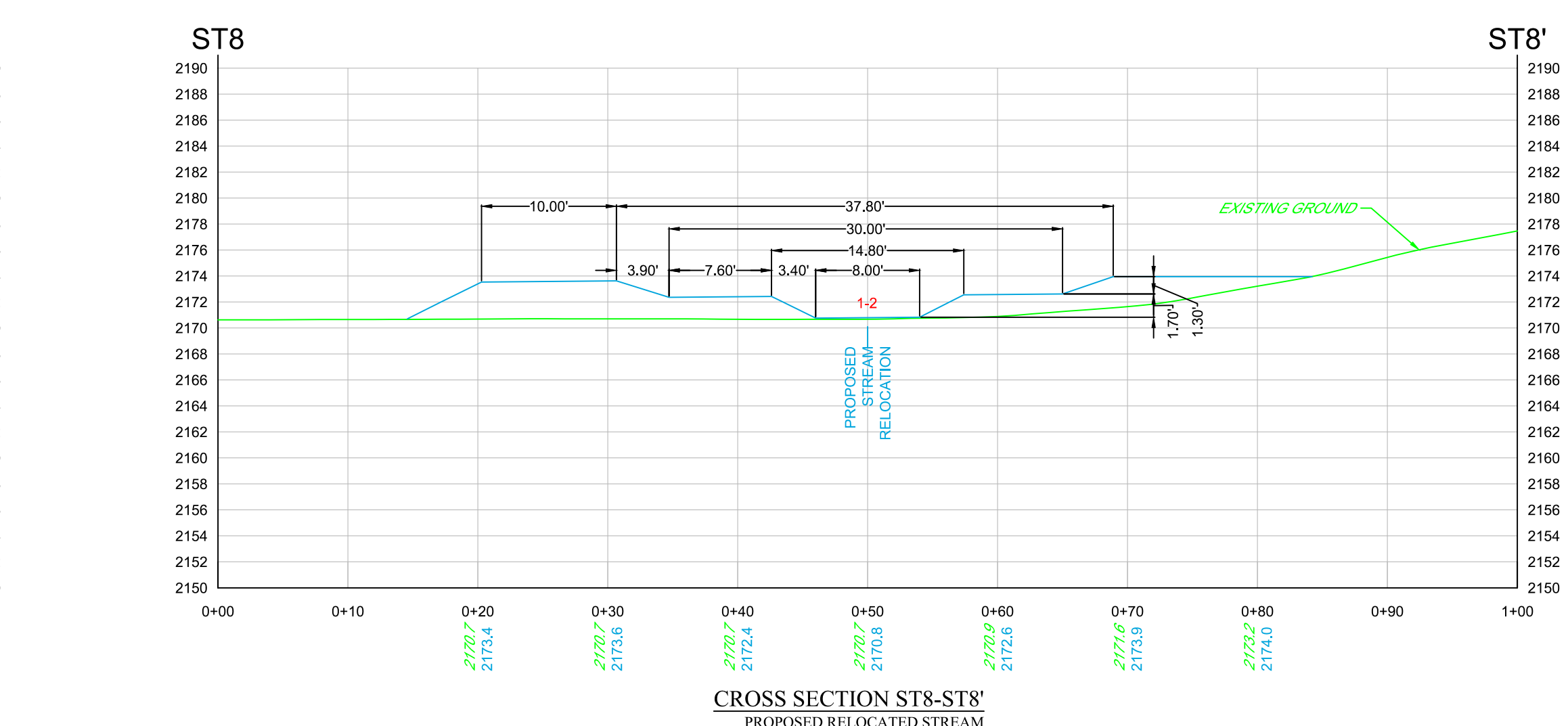
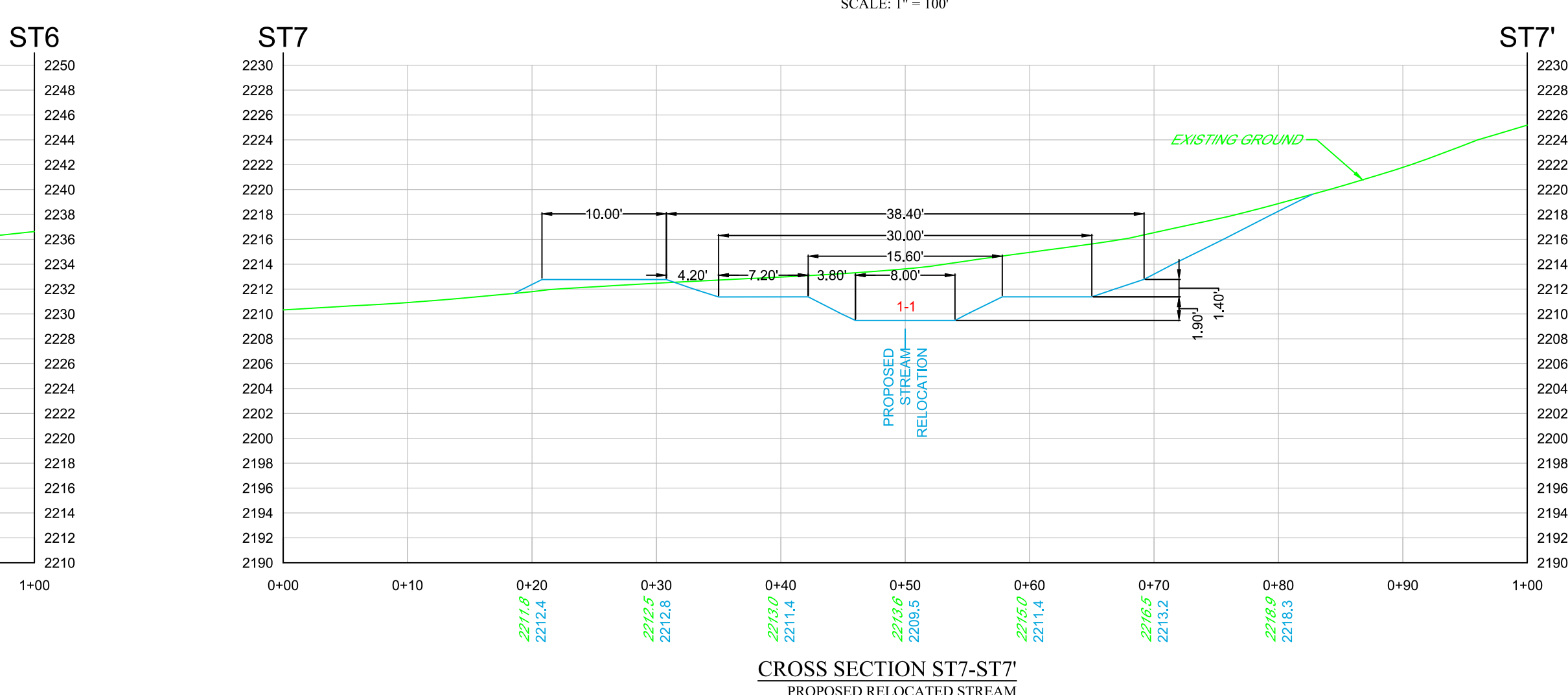
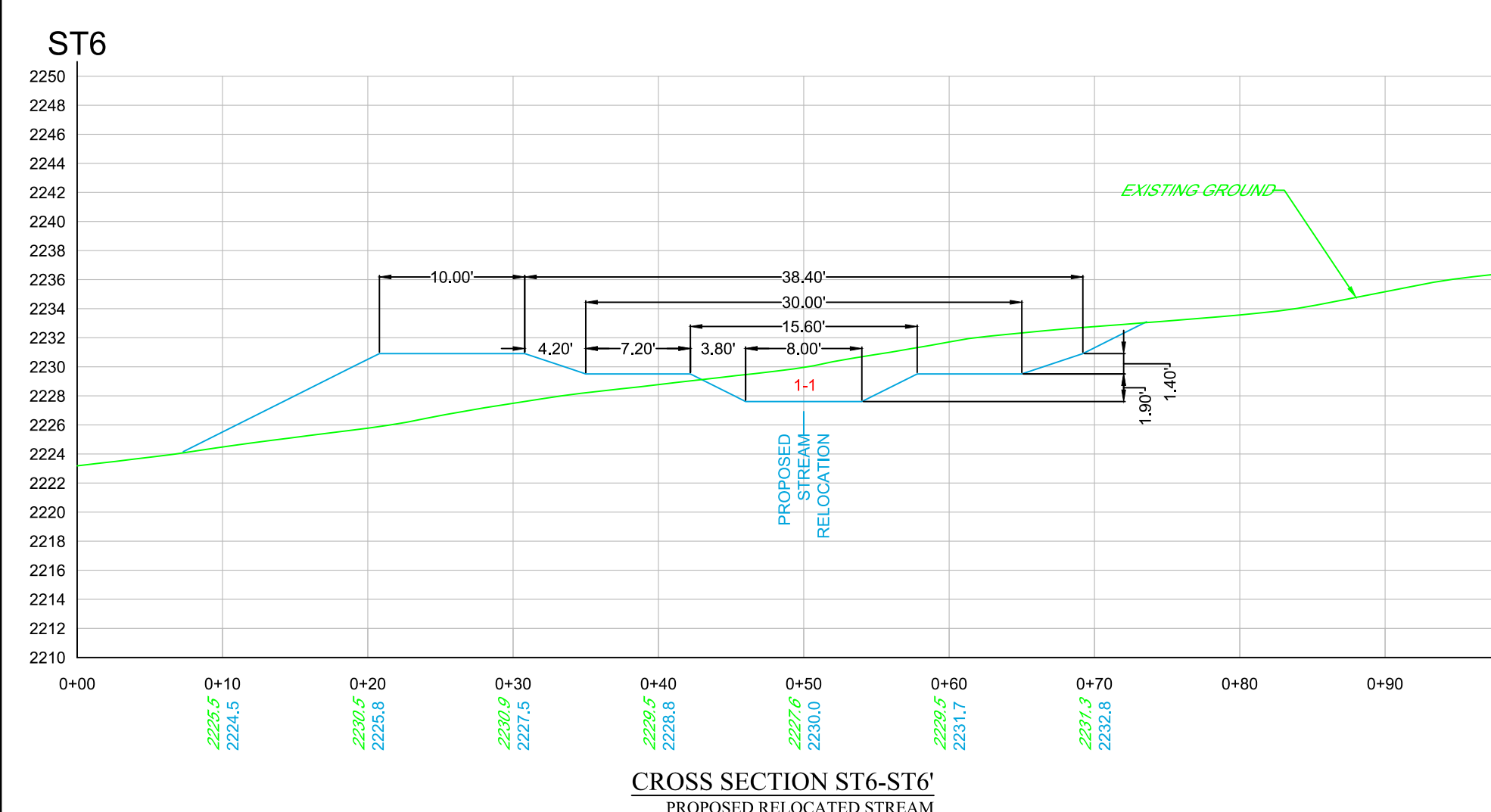
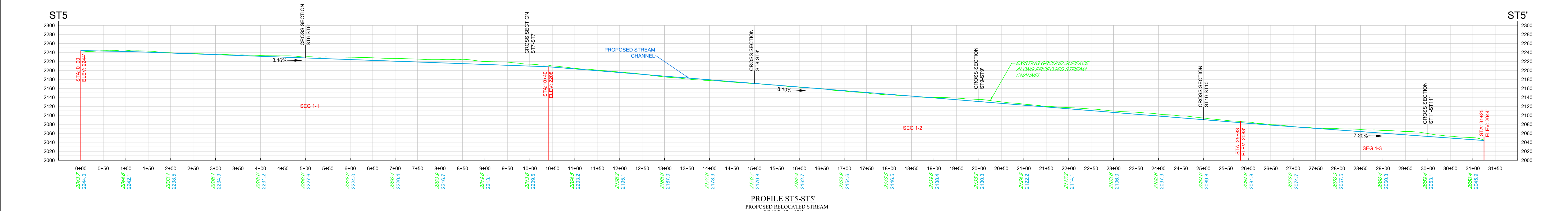
| | |
|--------------|-------------------------------------|
| Drawn By: | RJB |
| Checked By: | BJF |
| Date: | 05-16-2017 |
| Scale: | AS NOTED |
| Project No.: | 0211-L770 |
| File Name: | Portage Refuse Area 1 Expansion.dwg |
| Drawing: | 1 of 1 |

CME ENGINEERING LP
 CME ENGINEERING LP
 975 Georges Station Rd, Ste 100, Greensburg, PA 15601
 724-672-4800 FAX: 724-672-4801

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EXHIBIT 6: AQUATIC RESOURCE MAP
ROSEBUD MINING COMPANY
 REFUSE AREA NO. 1 EXPANSION
 CRDP # 11040701 MSHA ID # 36-09246
 PORTAGE TOWNSHIP
 CAMBRIA COUNTY, PENNSYLVANIA

NOT FOR CONSTRUCTION



REVISIONS

| No. | By | Date | Description |
|-----|-----|------------|-------------------------|
| 1 | DJP | 01-17-2017 | DEP Requested Revisions |

Drawn By: DJP
Checked By: SWH
Date: 08-23-2016
Scale: AS NOTED
Project No.: 0211-L770
File Name: Portage Refuse Area 1 Expansion.dwg
Drawing: 1 of 1

CME ENGINEERING LP
CME ENGINEERING LP
975 Georges Station Rd, Ste 100, Greensburg, PA 15601
724-672-4800 FAX: 724-672-4801



NOT FOR CONSTRUCTION

EXHIBIT 15.2: STREAM MITIGATION / REPLACEMENT MAP
ROSEBUD MINING COMPANY
REFUSE AREA NO. 1 EXPANSION
CRDP # 11040701 MSHA ID # 36-09246
PORTAGE TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA