



*Vanasse Hangen Brustlin, Inc.*

August 16, 2010

Ref: 11226.00

Randy Bournique  
Manager  
Ohio Environmental Protection Agency  
Surface Water Division, Wetlands & 401 Certification  
122 South Front Street  
PO Box 1049  
Columbus, OH 43216-1049

Re: Isolated Wetlands General Permit Application  
Railroad Spur at the Former Satralloy Site  
Jefferson County, Ohio

Dear Mr. Bournique:

Vanasse Hangen Brustlin, Inc. (VHB), on behalf of Cyprus Amax Minerals Company (Cyprus Amax), has prepared the enclosed application for coverage under the General Isolated Waters Permit for impacts to an isolated wetland area. As discussed with you in several recent telephone conversations, the project involves reconstructing an out-of-service railroad spur from the Wheeling & Lake Erie Railways main line to the former Satralloy site. The railroad spur is necessary to facilitate demolishing the abandoned buildings on the site. An isolated wetland area, as identified by the US Army Corps of Engineers (Corps), will be impacted by the project. The isolated wetland developed in a drainage ditch along the alignment after the railroad was abandoned in the early 1990s and the ditch no longer maintained. The isolated wetland is not within the jurisdiction of the Corps, but is within the jurisdiction of the Ohio Environmental Protection Agency (OEPA). The isolated wetland is partly within the spur alignment, and impacts to the wetland cannot be avoided when reconstructing the spur. Approximately 0.05 acres of the 0.34-acre wetland will be filled.

101 Walnut Street  
Post Office Box 9151  
Watertown, Massachusetts 02471-9151  
617.924.1770 • FAX 617.924.2286  
email: info@vhb.com  
www.vhb.com

We understand that you have agreed to allow mitigation for these impacts to be deferred pursuant to a mitigation commitment incorporated in the forthcoming *Consent Order for Preliminary Injunction for Remedial Investigation and Feasibility Study*, an agreement between the State of Ohio Attorney General and Cyprus Amax. Accordingly, the Project Description in the application form refers to that commitment, and the Mitigation section of the application form indicates that on-site mitigation will be used. It is not possible to determine at this time what form of mitigation will be used (restoration, creation, enhancement, or preservation). Therefore, these cells are left blank on the form. We assume that the mitigation ratios and techniques will be determined in negotiation between Cyprus Amax and the OEPA at some future date.

Please contact me at the letterhead address, (617) 924-1770, or e-mail at [crife@vhb.com](mailto:crife@vhb.com) with any comments or questions you may have concerning this application.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.



Christopher Rife  
Senior Project Manager

Attachment: General Isolated Wetlands Permit Application

CC: Barbara Nielsen, Cyprus Amax Minerals Company  
James Lynch, Gallagher & Kennedy, P.A.  
Lee Holder, PE, Golder Associates Inc.





State of Ohio Environmental Protection Agency

## GENERAL ISOLATED WETLAND PERMIT APPLICATION (Level One Review)

For impacts of ½ acre or less to Category 1 & 2 isolated wetlands

Please Print or Type (attach additional sheets if necessary)

	Applicant	Agent:
Company Name:	Cyprus Amax Minerals Company	Vanasse Hangen Brustlin, Inc.
Address:	333 North Central Avenue	101 Walnut Street
City, State, Zip:	Phoenix, AZ 85004	Watertown, MA 02472
Contact Person:	Barbara K. Nielsen	Christopher E. Rife
Phone Number(s):	(602)366-8270	(617)924-1770
Fax Number:	(602)366-7307	(617)924-2286
E-Mail Address:	Barbara_Nielsen@FMI.com	crife@vhb.com

### PROJECT INFORMATION

Project Name: Former Satralloy Site Watershed (USGS 8-Digit HUC): 05030101  
Street: County Road 74 City/Township: Cross Creek  
County: Jefferson Latitude: 40.3122 N Longitude: 80.6651 W

### Project Description:

The project will re-construct a railroad spur from the Wheeling & Lake Erie Railways line to the former Satralloy plant site to facilitate transporting equipment to and materials from the plant site during demolition. The former railroad spur alignment crosses an isolated wetland; re-constructing the railroad spur bed will involve the placement of fill into the isolated wetland. Mitigation for this impact will be accomplished in accordance with the mitigation commitment specified in the forthcoming "Consent Order for Preliminary Injunction for Remedial Investigation and Feasibility Study" between the State of Ohio Attorney General and Cyprus Amax Minerals Company, et al.

### Other water-related permits pending, issued, or required for this project:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Nationwide Permit (# )       | <input type="checkbox"/> Permit To Install           | <input type="checkbox"/> NPDES Discharge Permit   |
| <input type="checkbox"/> Individual 401 Certification | <input type="checkbox"/> Mining Permit               | <input type="checkbox"/> NPDES Storm Water Permit |
| <input type="checkbox"/> Individual 404 Permit        | <input type="checkbox"/> Coastal Erosion Area Permit | <input type="checkbox"/> Other: _____             |

### I have included the following in this submittal:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Maps showing project footprint & wetlands and a USGS topographic map | <input checked="" type="checkbox"/> Wetland categorization (including all ORAM score sheets)                            |
| <input checked="" type="checkbox"/> Wetland delineation  | <input checked="" type="checkbox"/> Site photographs  |
| <input checked="" type="checkbox"/> Corps isolated waters determination                                  | <input checked="" type="checkbox"/> Mitigation proposal (including mitigation bank credit documentation if appropriate) |
|  | <input checked="" type="checkbox"/> Check for applicable fees   |

### Are there other aquatic resources on the project site? (please check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Perennial Streams     | <input type="checkbox"/> Intermittent Streams | <input type="checkbox"/> Ephemeral Streams |
| <input type="checkbox"/> Non-isolated wetlands | <input type="checkbox"/> Lakes/Ponds          |  |

### Have any impacts to aquatic resources related to this project already occurred on this site?

- ☐ Yes ☒ No

Click to clear all entered information (on both pages of this form)

**CLEAR**

(over)



**Individual Isolated Wetland Information Table\***. Please list all isolated wetlands:

Wetland ID	ORAM Score	Category	Size (Acres)			Impacts (Acres)		
			Forest	Non-Forest	Total	Forest	Non-Forest	Total
Q	21	1		0.34	0.34		0.05	0.05
					0.00			0.00
					0.00			0.00
					0.00			0.00
					0.00			0.00
Totals			0.00	0.34	0.34	0.00	0.05	0.05
Totals - Category 1 Wetlands				0.34	0.34		0.05	0.05
Totals - Category 2 Wetlands					0.00			0.00
Totals - Category 3 Wetlands					0.00			

\*List more on separate sheets if needed.

**List mitigation techniques utilized for the proposed filling:**

Onsite (check)	Offsite (check)	Mitigation Acreage				Name of Bank (If applicable)	USGS 8-Digit HUC
		Restored	Created	Enhanced	Preserved		
X						See Project Description	05030101
Totals		0.00	0.00	0.00	0.00		

**Fee Table:**

a. Application Fee:	\$200.00	
b. Review Fee (\$500.00 X <u>0.05</u> ): (Acres of impacts to the nearest 1/100 of an acre)	\$25.00	(Maximum \$5,000.00)
c. Subtotal (add lines a and b):	\$225.00	(Maximum \$5,200.00)
d. After the Fact Fee (equal to line c): (Only if impacts have occurred without authorization)	\$0.00	(Maximum \$5,200.00)
e. Total Fee Amount (add lines c and d):	\$225.00	(Maximum \$10,000.00)

Please make fee check payable to: **"Treasurer, State of Ohio"**

I certify that the information provided on this form and submissions related to the project are true and accurate to the best of my knowledge:

Applicant  
Name (Print): William E. CobbApplicant  
Signature: Date: 8/13/10

Send completed application, including fee check, to:

Ohio EPA, Division of Surface Water  
P.O. Box 1049, Columbus, Ohio 43216-1049  
ATTN: Isolated Wetlands Permitting