

July 27, 2012

Ms. Connie Hoblitzell, CFM
Washington County Building Department
Floodplain Management Office
217 Putnam Street
Marietta, OH 45740

Dear Ms. Hoblitzell:

Subject: Application for Floodplain Development in Washington County, Ohio
WTL Transfer Station
Grandview Township, Washington County, Ohio
Weavertown Transport Leasing, Inc.
CEC Project No. 112-048

On behalf of Weavertown Transport Leasing, Inc. (WTL), Civil & Environmental Consultants, Inc. (CEC) is submitting the enclosed Application for Floodplain Development in Washington County, Ohio. WTL is submitting a solid waste transfer station permit to install (PTI) application to the Ohio Environmental Protection Agency (Ohio EPA), Southeast District Office (SEDO) to be constructed on the WTL property located in Grandview Township, Washington County, Ohio at 50810 S.R. 7, New Matamoras, Ohio 45767. WTL received a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), which removes a portion of the WTL property from the Special Flood Hazard Area (SFHA). WTL is now requesting to fill two small areas that remain within the SFHA via the enclosed application.

Please contact me immediately if the enclosed application is determined to be incomplete or if you have any questions or require additional information regarding this submittal.

Sincerely,



Roy A. Stanley
Project Manager

Enclosure

cc: Mr. Daryl Heiser, WTL
Mr. Eric Meduho, WTL

Civil & Environmental Consultants, Inc.

Columbus	8740 Orion Place Suite 100 Columbus, Ohio 43240 Ph: 614/540-6633 / Fx: 614/540-6638 Toll Free: 888/598-6808 columbus@cecinc.com www.cecinc.com	Austin	855/365-2324	Cleveland	866/507-2324	North Central PA	877/321-2324
		Boston	866/312-2024	Detroit	866/380-2324	Phoenix	877/231-2324
		Charlotte	855/859-9932	Export	800/899-3610	Pittsburgh	800/365/2324
		Chicago	877/963-6026	Indianapolis	877/746-0749	St. Louis	866/250-3679
		Cincinnati	800/759-5614	Nashville	800/763-2326	Toledo	888/598-6808

Application for Floodplain Development Permit in Washington County, Ohio

This application must be submitted to the Washington County Building Department, 217 Putnam Street, Marietta, Ohio 45740, (740) 374-4185, and must be accompanied by a non-refundable application fee. Acceptance of the application and fee does not guarantee approval. Please complete this application clearly with ink pen.

The undersigned hereby makes application for a permit to develop in a designated floodplain area. The work to be performed is described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Washington County Floodplain Resolution and with all other applicable local, State and Federal Regulations. This application or any administrative decision made lawfully thereunder.

CONTACT INFORMATION

PROJECT ADDRESS & CITY 50810 State Route 7, New Matamoras, Ohio 45767 PARCEL# 150058460000 & 150057504000
PROPERTY OWNER'S NAME Weavertown Transport Leasing, Inc. PHONE 800-746-4850
OWNER'S ADDRESS, CITY, STATE & ZIP 2 Dorrington Road, Carnegie, Pennsylvania 15106
APPLICANT'S NAME Weavertown Transport Leasing, Inc. PHONE 800-746-4850
APPLICANT'S ADDRESS, CITY, STATE & ZIP 2 Dorrington Road, Carnegie, Pennsylvania 15106
BUILDER'S NAME Not available at this time. PHONE _____
BUILDER'S ADDRESS, CITY, STATE & ZIP _____

SECTION A: DESCRIPTION OF WORK (COMPLETE FOR ALL WORK)

1. PROPOSED DEVELOPMENT DESCRIPTION: ("Development" as defined in WCFDPR Section 2.0)

<input type="checkbox"/> RESIDENTIAL – Fee \$35.00 <input type="checkbox"/> New Bldg <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Fill <input type="checkbox"/> Other _____	<input type="checkbox"/> COMMERCIAL – Fee \$100.00 <input type="checkbox"/> New Bldg <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Fill <input type="checkbox"/> Other _____	<input type="checkbox"/> INDUSTRIAL – Fee \$100.00 <input type="checkbox"/> New Bldg <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input checked="" type="checkbox"/> Fill <input type="checkbox"/> Other _____
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Narrative of Work: See narrative of work provided in Attachment A.

2. Size and location of proposed development (attach Site Plan): Size of Parcel 10.47 (2 parcels) Location 50810 S.R 7, New Matamoras, OH
3. Is the proposed development in a Special Flood Hazard Area (Zones A, AE, A1030, AH or AO)? ☒ Yes ☐ No
4. Per the floodplain map, what are the Zone, Community Number, Panel Number and effective date of the area of the proposed development?
Zone AE Community Number: 390573 Panel Number 0164 Eff Date February 16, 2006
5. Are other Federal, State or Local permit obtained? If so, please describe the type.
☐ Yes ☒ No Type: _____
6. Is the proposed development in an identified Floodway? ☐ Yes ☐ No
7. If yes to #6, is a "No Rise Certification" with supporting data attached? ☐ Yes ☐ No

SECTION B: COMPLETE FOR NEW STRUCTURES AND BUILDING SITES

If the property site is in Zone A (without BFE calculated) then complete the Natural Grade (NG) portion for the remainder of the questions in this application as well as Elevations.

8. Base Flood Elevation at the site: _____ Feet NGVD*. If property is in Zone A, BFE is undetermined and so a minimum of 2 feet above Natural Grade is required.
- 9.a. Lowest floor Elevation (including basement): _____ Feet NGVD
-or-
- 9.b. How high above Natural Grade is the lowest floor to be located? It is required to provide a reference mark at the project site. _____ Feet above Natural Grade
- 10.a. Elevation to which all attendant utilities, including all electrical panels, heating, air conditioning, ventilation equipment and water systems (wells) will be protected from flood damage: _____ Feet NGVD
-or-
- 10.b. How high above Natural Grade are the utilities to be located? It is required to provide a reference mark at the project site. _____ Feet above Natural Grade
- Will a watercourse be altered or relocated as a result of the proposed development? If so, please describe:
☐ Yes ☐ No

* National Geodetic Vertical Datum – used by the National Flood Insurance Program, it is based on the Mean Sea Level and also has been called "1929 Mean Sea Level"

SECTION C: COMPLETE FOR ADDITIONS OR ALTERATIONS TO EXISTING STRUCTURES

12. What is the market value of the existing structure? \$ _____
(Documentation required)
13. What is the cost of the proposed construction? \$ _____
(NOTE: detailed estimates may be required)
14. Is the cost of the proposed construction equal to or more than 50 percent of the market value of the existing structure? ☐ Yes
☐ No If yes, then the Substantial Improvement provisions shall apply.

SECTION D: COMPLETE FOR NON-RESIDENTIAL FLOODPROOFED CONSTRUCTION

15. Type of floodproofing method: _____
- 16.a The required floodproofing elevation is: _____ Feet NGVD
-or-
- 16.b How high above Natural Grade must the Non-Residential structure be constructed? _____ Feet above NG
17. Is floodproofing certification by a registered engineer attached? ☐ Yes ☐ No

SECTION E: COMPLETE FOR SUBDIVISIONS

18. Will the subdivision or other development contain 50 lots or 5 acres? ☐ Yes ☐ No
19. If the answer to #15 above is yes, does the plat or proposal clearly identify base flood elevations?
☐ Yes ☐ No
20. Are the 100 Year Floodplain and Floodway delineated on the Site Plan? ☐ Yes ☐ No

SECTION F: REQUIRED APPLICATION MATERIALS

21. The Building Department requests these materials be submitted with the application:

<input checked="" type="checkbox"/>	MATERIALS TO BE SUBMITTED FOR ALL TYPES OF APPLICATIONS:
<input checked="" type="checkbox"/>	A) COMPLETED APPLICATION FORM
<input checked="" type="checkbox"/>	B) APPLICATION FEE
<input type="checkbox"/>	• Scaled site plan.
<input checked="" type="checkbox"/>	• Scaled structure plans.
<input checked="" type="checkbox"/>	• North Arrow on all plans.
<input checked="" type="checkbox"/>	• Site area showing property boundaries and dimensions.
<input checked="" type="checkbox"/>	• Proposed and existing structures with dimensions to nearest property lines.
<input type="checkbox"/>	• Locations of existing septic systems (i.e. tanks, drain fields)
<input checked="" type="checkbox"/>	• Widths and names of roads adjacent to the site as well as existing roads, which provide direct access to the property.
<input checked="" type="checkbox"/>	• Existing access points (driveways, lanes, etc.)
<input type="checkbox"/>	• Location of all creeks, streams, ponds, springs and other drainage ways.
<input type="checkbox"/>	• Elevation in terms of mean sea level of the lowest floor (including basement) of all structures and utilities (show height above Natural Grade if elevations are not required to be taken).
<input type="checkbox"/>	• Elevation in relation to the mean sea level to which any structure has been floodproofed (show height above Natural Grade if elevations are not required to be taken)

SECTION G: ADMINISTRATIVE USE ONLY

- A. Permit Status: ☐ Approved ☐ Denied
- B. Elevation Certificate Attached? ☐ Yes ☐ No
- C. As-Built Elevation Certificate attached? ☐ Yes ☐ No
- D.1 As-Built lowest floor elevation: _____ Feet NGVD
-or-
- D.2 How high above Natural Grade is the lowest floor constructed to: _____ Feet Above Natural Grade
- E. Work inspected by: _____
- CONDITIONS: _____

X Daryl Heiser 7/26/12
Signature of Applicant Date
Daryl Heiser
Printed Name of Applicant

Connie J. Hoblitzell Date
Floodplain Administrator
Washington Co. Building Department

APPEALED TO PLANNING COMMISSION (DATE OF HEARING): _____
APPLICATION FEE OF \$250.00 PAID ON: _____ DECISION: _____

034015

WASHINGTON COUNTY
BUILDING DEPARTMENTCheck: 34015
Date: 7/26/2012
Vendor: 4501.000

Invoice	P.O. Num.	Invoice Amt	Prior Balance	Retention	Discount	Amt. Paid
07262012		250.00	250.00	0.00	0.00	250.00
		250.00	250.00	0.00	0.00	250.00

THE KEY TO DOCUMENT SECURITY • HEAT ACTIVATED THUMB PRINT • ADDITIONAL SECURITY FEATURES INCLUDED • SEE BACK FOR DETAILS



WEAVERTOWN TRANSPORT LEASING, INC.

2 Dorrington Rd.
Carnegie, PA 15106
(724) 746-4850

034015

DATE

AMOUNT

34015

7/26/2012

*****250.00

THE SUM OF TWO HUNDRED FIFTY DOLLARS AND NO CENTS *****

PAY
TO THE
ORDER
OFWASHINGTON COUNTY
BUILDING DEPARTMENT

WEAVERTOWN TRANSPORT LEASING, INC.

AUTHORIZED SIGNATURE

⑈034015⑈ ⑆036076150⑆ 6232118700⑈

WEAVERTOWN TRANSPORT LEASING, INC. CARNEGIE, PA 15106

034015

WASHINGTON COUNTY
BUILDING DEPARTMENTCheck: 34015
Date: 7/26/2012
Vendor: 4501.000

Invoice	P.O. Num.	Invoice Amt	Prior Balance	Retention	Discount	Amt. Paid
07262012		250.00	250.00	0.00	0.00	250.00
		250.00	250.00	0.00	0.00	250.00

Attachment A

Narrative of Work

Application for Floodplain Development in Washington County, Ohio

Narrative of Work: Work at this site is for construction of a solid waste transfer station that will be permitted by the Ohio Environmental Protection Agency, Southeast District Office in Logan, Ohio. Two areas of the planned construction are shown on the attached Figure 1, a portion of the bulk liquid staging area and the detention basin emergency spillway, for this proposed facility will extend beyond the current 100-year flood plain (i.e. Special Flood Hazard Area – Zone AE). This boundary was recently adjusted through submittal of a Letter of Map Amendment (LOMA) that was approved by FEMA on March 15, 2012 (Case No. 12-05-2539A).

Construction of the bulk liquid staging area shown on the attached Figure 1 includes filling of approximately $\frac{1}{2}$ acre of the LOMA revised, 100-year flood plain. Construction will include aggregate fill overlain by concrete. The depth of aggregate and concrete fill is expected to be approximately two (2) to three (3) feet in thickness. There is also a cut for construction of the detention basin emergency spillway shown on the attached Figure 1 that includes cutting approximately 0.03 acres (1,092 square feet) of area within the LOMA revised, 100-year flood plain. The depth of cut for the emergency spillway is expected to range from approximately three (3) feet to zero (0) feet in thickness.



APPENDIX E

OHIO RIVER OFFSET CORRESPONDENCE

Stanley, Roy

From: Fox, Rich <Rich.Fox@epa.state.oh.us>
Sent: Tuesday, March 06, 2012 4:23 PM
To: Stanley, Roy
Cc: Mansfield, Mark
Subject: RE: Weavertown Transfer Station Permit Application

Thanks you for your follow up to our phone conversation. In reference to Ohio's siting criteria for solid waste transfer stations, I am in agreement that using the Ordinary High Water Mark is acceptable for the 200 foot setback from the Ohio River at the New Matamoras, Ohio site. It is also my understanding that a request for an exemption to accept liquids at the transfer station should be made as part of the permit to install application. An air pollution control permit may also be needed for roads and parking areas and also for handling of absorbent materials. You should also contact Ohio Division of Natural Resources to determine what requirements they have for the treatment and disposal of wastewater from shale gas drilling.

Please feel free to ask for assistance as this project moves forward.

From: Stanley, Roy [<mailto:rstanley@cecinc.com>]
Sent: Tuesday, March 06, 2012 3:28 PM
To: Fox, Rich
Subject: Weavertown Transfer Station Permit Application

Rich,


Thank you for your time yesterday to discuss the offset from the Ohio River using the Ordinary High Water Mark as the offset reference elevation for the project referenced above. You indicated that you would forward to me a letter or email indicating that the Ohio EPA SEDO agrees that the OHWM can be used as the offset elevation. Could you please forward the email or letter of agreement to me as soon as possible?

Thanks,

Roy

Roy A. Stanley / Project Manager
Civil & Environmental Consultants, Inc.
8740 Orion Place, Suite 100 · Columbus, Ohio 43240
Toll-Free: 888-598-6808 · Direct: (614) 545-1260 · Fax: 614-540-6638
Mobile: 614-425-6324 · <http://www.cecinc.com>
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December 22, 2011

Mr. Joe Holland
Environmental Specialist II
Ohio Environmental Protection Agency
Southeast District Office
Division of Material & Waste Management
2195 Front Street
Logan, OH 43138

Dear Mr. Holland;

Subject: Request for Agreement – Surface Water Setback Requirement
Solid Waste Transfer Station Permit to Install Application
Weavertown Environmental Group
New Matamoras, Ohio
CEC Project 112-048

On behalf of Weavertown Environmental Group (WEG), Civil & Environmental Consultants, Inc. (CEC) is submitting this request to the Ohio Environmental Protection Agency (Ohio EPA) Southeast District Office (SEDO) for written agreement regarding the surface water setback criteria for a proposed solid waste transfer station permit to install (PTI) application. The proposed transfer station will be located near New Matamoras, Ohio in Grandview Township, Washington County, Ohio (Figure 1 enclosed). Delineation of the surface water setback position critically affects the location and size of the waste handling area design and the viability of this project.

1.0 BACKGROUND

WEG contracted CEC to prepare a due diligence evaluation of the potential to re-develop their property located near New Matamoras, Ohio for permitting and construction of a solid waste transfer station that will stabilize drilling mud, drill cuttings, petroleum impacted soils and other non-hazardous industrial sludges prior to transportation to an appropriately permitted solid waste landfill. A site features map is provided in the enclosed Figure 2.

Civil & Environmental Consultants, Inc.

Columbus
8740 Orion Place, Suite 100
Orion Office Park
Columbus, Ohio 43240-4063
Phone 614/540-6633
Fax 614/540-6638
Toll Free 888/598-6808
E-mail columbus@cecinc.com

Pittsburgh 800/365-2324
Austin 855/365-2324
Charlotte 704/773-6465
Chicago 877/963-6026
Cincinnati 800/759-5614

Cleveland 866/507-2324
Detroit 866/380-2324
Export 800/899-3610
Indianapolis 877/746-0749
Nashville 800/763-2326

North Central PA 877/389-1852
Phoenix 877/231-2324
St. Louis 866/250-3679

Corporate Web Site <http://www.cecinc.com>



Solid waste transfer station rules in the Ohio Administrative Code (OAC) 3745-27-22 (D) require that the waste handling area cannot be located within 200 feet of any surface waters of the state, as defined in OAC 3745-1-02. OAC 3745-1-02 (S)(31) defines "Surface Water" as "any water on the surface of the earth", however, this rule does not define the lateral limits of the surface water body. To determine the area of the WEG property where the waste handling area could be located, it is required to determine the 200 foot setback from the Ohio River at the WEG property.

CEC researched additional Ohio laws and rules in an effort to determine the definition of the lateral limits of a surface water body. The Ohio Revised Code definition under Title 61, Chapter 6111.01 (H) states that "Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters." Again, this definition does not address the lateral limits of surface waters of the state.

Additional Ohio EPA surface water definitions contained in the Ohio Administrative Code were reviewed including;

- Water Quality Standards definitions in OAC 3745-1-02 (77);
- Section 401 Water Quality Certification definitions in OAC 3745-32-01(N);
- Ohio NPDES Individual Permits definitions in OAC 3745-33-01(PP) and (YY);
- Ohio NPDES General Permits definitions in OAC 3745-38-01(T);
- Permits to Install and Plan Approvals for Water Pollution Control definitions in OAC 3745-42-01(GGG) and (OOO); and
- Voluntary Action Program definitions in OAC 3745-300-01.

CEC did not find any definition of the lateral limits of surface waters of the state defined in any of these rules.

The United States Army Corp of Engineers (USACE) and United States Environmental Protection Agency (USEPA) have federal regulatory authority over wetlands and streams. The USACE has authority to permit work and the placement of structures in navigable waters of the United States under Sections 9 and 10 of the Rivers and Harbors Act of 1899, and to permit the discharge of dredged or fill material in waters of the United States under Section 404 of the Clean Water Act (CWA).



Where the USACE has established jurisdiction over a particular water body, the lateral limits of jurisdiction for that water body are determined pursuant to, e.g., Title 33 Code of Federal Regulations (CFR) Sections 328.4, 329.11, 329.12, and 329.13. Among the indicators of the lateral limits of jurisdiction set forth in those regulations are the shoreward limit of adjacent wetlands, or, where there are no adjacent wetlands, the presence of an ordinary high water mark (OHWM) for non-tidal waters and the high tide line or mean high water mark for tidal waters.

Because wetlands have been included in the definition of a surface water body under Ohio rules, CEC reviewed the USACE Wetland Delineation Manual¹ which states in Part IV, Section G that “water in a depression normally must be sufficiently persistent to exhibit an ordinary high-water mark or the presence of wetland characteristics before it can be considered as a water body potentially subject to Clean Water Act jurisdiction.”

The USACE has published a Regulatory Guidance Letter (RGL) No. 05-05 dated December 7, 2005 which includes in Section 2 General Considerations, a discussion of Regulations and Policy. Section 2 of the RGL states that “For purposes of Section 404 of the Clean Water Act, the lateral limits of jurisdiction over non-tidal water bodies extend to the ordinary high water mark (OHWM), in absence of adjacent wetlands.” The RGL also summarizes that for Sections 9 and 10 of the Rivers and Harbor Act of 1899, the lateral extent of Federal jurisdiction, is limited to the traditional navigable waters of the United States, which extends to the OHWM, whether or not adjacent wetlands extend landward of the OHWM.”

CEC reviewed the online National Wetlands Inventory Map published by the U.S. Fish & Wildlife Service which indicates that there are no wetlands on, or adjacent to the Ohio River, at the WEG New Matamoras property.

2.0 OHIO EPA AGREEMENT REQUESTED

As a result of this research described above, which searched for a definition of the lateral limits of a surface water body or waters of the state, CEC telephoned Mr. Rich Fox of Ohio EPA SEDO on October 27, 2011 to propose that the Ohio River OHWM be used as the reference contour for the 200 foot offset from surface water. Mr. Fox acknowledged that using the OHWM is acceptable as the reference elevation for the 200 foot setback from surface water for a transfer station permit application.

The USACE Navigation Chart No. 178 enclosed in Attachment A provides the Ohio River OHWM in the vicinity of the WEG site. The WEG site is at approximate river mile 143.5. The OHWM is equal to 608.9 feet above mean sea (amsl) level at river mile 140 (upstream of the site) and 606.9 feet amsl at river mile 145 (downstream of the site). A reasonable and slightly

¹ US Army Corp of Engineers, Waterways Experiment Station, January 1987 – Final Report, Wetlands Research Program Technical Report Y-87-1 (on-line edition).

Mr. Joe Holland
CEC Project 112-048
Page 4
December 22, 2011



conservative value for the OHWM at the WEG site is 607.9 feet above mean sea level. The enclosed Figure 3 shows the setback criteria for a solid waste transfer PTI application, including the 200 foot surface water setback based on the OHWM for the Ohio River.

The surface water offset criteria for a solid waste transfer facility is critical to the development of the WEG site near New Matamoras, Ohio. Thus, CEC and WEG are requesting that Ohio EPA, SEDO provide written agreement that the ordinary high water mark provided on USACE Navigation Chart No. 178, will define the lateral extent of the Ohio River for the purposes of delineating the 200 foot offset from a surface water of the state on the WEG property in accordance with the transfer station siting criteria in OAC 3745-27-22 (D).

3.0 CLOSING

Civil & Environmental Consultants, Inc. and the Weavertown Environmental Group appreciate consideration of this Request for Agreement by the Ohio Environmental Protection Agency, Southeast District Office. This proposed transfer station facility will provide jobs and revenue to the local economy, as well as a needed service for the oil and gas exploration and production industry. Please contact me if you have any questions or if you require additional information regarding this matter.

Very truly yours,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

A handwritten signature in blue ink, appearing to read 'Roy A. Stanley', is located above the name of the Project Manager.

Roy A. Stanley, CPG
Project Manager

A handwritten signature in blue ink, appearing to read 'John DiNunzio', is located above the name of the Vice President.

John DiNunzio, CPG
Vice President

Enclosures

cc: Mr. Daryl Heiser – WEG



FIGURES
