8.0 CONCLUSIONS

On behalf of Apex Environmental, LLC., CEC has prepared this application package to request Clean Water Act Section 401/404 authorization for the proposed permanent impacts to13.92 acres of wetlands, 4,301 feet of stream and 4.54 acres of open water (Minimum Degradation Alternative/Proposed Site Plan) for the construction of the lateral expansion of the Apex Sanitary Landfill located in County, Ohio.

All of the wetlands, streams and open water features are under the jurisdiction of the Ohio EPA. However, of the 13.92 acres that will be impacted by the Proposed Site Plan, 9.21 acres are under jurisdictional of the USACE and 4.71 acres are considered hydrologically isolated or non-jurisdictional (see Final USACE JD Determination in Attachment 4A). Additionally, a total of 4,301 feet of stream will be impacted by the Proposed Site Plan, consisting of 2,895 feet of intermittent and 1,406 feet of ephemeral streams. A total of 4.54 acres of open water will be impacted by the Proposed Site Plan. Of the 4,301 feet of stream identified at the site, 3,821 feet of stream are considered jurisdictional and 480 feet of stream are isolated or non-jurisdictional, and 0.96 acre of open water is considered jurisdictional with 3.58 acres of open water considered isolated or non-jurisdictional (see Final USACE JD Determination in Attachment 4A).

In accordance with Section 401/404 requirements, an analysis of Maximum Degradation/ Preferred Design, Minimum Degradation/Proposed Site Plan and Non-Degradation Alternatives was conducted. Based on that analysis, it is concluded that the Minimum Degradation Alternative is an efficient, technically feasible, and cost effective development plan. Although implementation of the Minimum Degradation Alternative/Proposed Design will result in a lowering of the water quality to wetlands, it is believed that the lowering of water quality is justified based on social and economic benefits associated with the proposed project. Furthermore, it is understood that proposed mitigation would compensate for impacts to water quality caused by the proposed development. Impacts to onsite or offsite water quality will be reduced through the construction of onsite stream mitigation which would improve channel stability by restoring and enhancing segments of Goose Creek which would minimize ongoing erosion and sedimentation issues from past strip mining activities (see Section 7.2). The

mitigation plan also proposes to restore 15 acres of riparian buffers along Goose Creek by planting native trees which would serve to improve water quality. These riparian buffers are expected to provide natural filtration of pollutants and nutrients, reduce erosion and sedimentation and ultimately tree and shrub cover would help to lower surface water temperatures and dissolved oxygen concentrations.

Implementation of the Non-Degradation Alternative would result in a greater reduction of the landfill disturbance footprint, a loss of permanent jobs, tax revenue and would reduce the Jefferson-Belmont Regional Solid Waste Authority's ability to meet solid waste management needs of the surrounding communities.