

Public Notice

U S Army Corps
of Engineers
Huntington District

In reply refer to Public Notice No. 200501191 Issuance Date: January 10, 2007

Stream: Sewell Creek Closing Date: February 9, 2007

Please address all comments and inquiries to:

U.S. Army USACE of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (USACE) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the USACE Regulatory Program.

SECTION 10: The USACE is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The USACE is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO 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. This notice serves as the USACE request to the West Virginia Department of Environmental Protection (WVDEP) to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Western Greenbrier Co-Generation, LLC
1 John Raine Drive
Rainelle, West Virginia 25932

LOCATION: The power plant is proposed to be developed within the Sewell Creek watershed, located at Rainelle, in Greenbrier County, WV. The proposed transmission line route would parallel an existing American Electric Power right-of-way near a golf course south of Route 60 in Rainelle, Greenbrier County, WV to a point approximately 3,000 feet north of the Meadow River and then proceed directly north to the Grassy Falls substation near Nettie, Nicholas County, WV. The proposed intake structure would be located along the west bank of the Meadow River. Sewell Creek and Meadow River are surface tributary systems of Gauley River, a navigable (Section 10) water of the U.S.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place fill material into 3.33 acres of waters of the United States (U.S.), consisting of 0.509 acre of forested wetland, 1.557 acre of emergent wetlands, 0.4 acre of scrub-shrub wetlands, 0.08 acre of stream channel, and 0.786 acre of open water, in conjunction with the construction and operation of a demonstration facility that would use an innovative atmospheric-pressure circulating fluidized-bed (ACFB) boiler as the source of heat for the co-production of electricity, steam and cement. The proposed project, selected under the Clean Coal Power Initiative competitive solicitation, would be the first demonstration in the U.S. of a compact inverted cyclone configuration for the boiler design, which has a 40 percent smaller footprint than a conventional boiler system of similar capacity. The proposed project would involve developing a power plant site, a water/steam line corridor, 18-mile electric transmission corridor, waste coal site, access road, bridge crossings, and an intake structure.

Development of the power plant site would result in the discharge of dredged and/or fill material into 0.228 acre of waters of the U.S., including 0.048 acre of emergent wetlands, 0.13 acre of forested wetland, 0.02 acre of intermittent stream channel, and 0.03 acre of perennial stream channel. Construction of the 18-mile electric transmission corridor (Sections A, B and C) would impact 3.05 acres of waters of the U.S., including 1.48 acre of emergent wetlands, 0.4 acre of scrub-shrub wetlands, 0.379 acre of forested wetland, 0.786 acre of ponds. Installation of the waterline east of the power plant site would result in the discharge of dredged and/or fill material into 0.03 acre of emergent wetland. Construction of the intake structure would result in the discharge of fill material along 60 linear feet (0.03 acre) of the west bank of the Meadow River. The purpose of the project is to operate a nominal 98 MW (megawatts) circulating fluidized bed combustor power plant to generate electricity and steam by processing 3,000 to 3,800 tons per day of coal refuse as the primary fuel. Table 1 attached to this public notice details the proposed impacts to waters of the U.S. for each proposed activity described above.

The power plant facility would be located on an approximately 28-acre site south of the city limits of Rainelle, West Virginia. Construction of the proposed plant would be expected to require approximately 36 months. The power plant would use nearby waste-bituminous coal to generate electric power with ultra-low emissions of pollutants while concurrently producing combustion ash byproducts and heat to support industrial activities. The initial source for the waste coal fuel for the plant would be a 4 million ton coal refuse site in Anjean, WV. The proposed power station would produce approximately 98 MW (megawatts) of net electrical power plus 10,000-30,000 pounds per hour of steam and hot water. Steam and hot water from the proposed facility would serve an industrial park referred to as the "Eco-Park." This facility would use hot water produced from the plant's turbine exhaust to provide heating for buildings, agricultural activities and aquacultural activities. Steam would be used for various heating and industrial processes, which might include hardwood drying. A coal-fired rotary kiln would be coupled with the power plant and would process coal ash, limestone, and other waste materials into a cement to supply the regional construction materials market. Coal combustion ash that is not used in by-product manufacture at the proposed facility would be used to remediate acid drainage from the source coal waste piles at the Anjean waste site. This proposed activity would not impact waters of the U.S.

The U.S. Department of Energy has prepared a Draft Environmental Impact Statement (DEIS) for the development of the proposed power plant and its attendant features. Plans for the proposed facility are attached to this public notice.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the overall project purpose. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the overall project purpose.

MITIGATION PLAN: The applicant has yet to submit a Compensatory Mitigation Plan (CMP) to compensate for impacts to waters of the U.S. that are regulated by the USACE.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the WVDEP.

HISTORIC AND CULTURAL RESOURCES: It has been determined that one non-contiguous historic property, City of Rainelle Historic District, within the area of potential effect that is eligible for the National Register of Historic Places (NRHP). According to the DEIS, viewshed changes would occur relating to the height of the facility and its approximate 330-foot tall exhaust stack. However, given the existing setting, it is not expected the proposed action would alter, directly or indirectly, any of the characteristics of these historic properties that qualify them for inclusion in the NRHP. In a letter dated July 5, 2005, the SHPO, after reviewing the "Historic Resources Determination of Eligibility and Assessment of Effects, West Greenbrier Co-Production Demonstration Project Greenbrier County West Virginia," indicated that it would complete its review of the potential for visual impacts on architectural resources after reviewing comments on the project during a public meeting and as provided by the Greenbrier County Historical Society. Additionally, the SHPO stated their review of the "Phase I Archaeological and Geomorphological Investigation of the Proposed Western Greenbrier Co-Production Plant, Rainelle, Greenbrier County, West Virginia" addressed their concerns regarding the presence of archaeological sites within the project area. With the exception of the steam/water pipeline corridor between shovel probes 4 and 6, the SHPO recommended that the proposed project will have no effect to archaeological sites that are eligible for or included in the NRHP. The SHPO also recommended that this section of the corridor be further investigated with an intensive Phase I survey once the corridor has been determined. A copy of this public notice will be sent to the SHPO for their review. Additional comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: Two federally listed endangered species, the Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) may occur within the project area. This public notice serves as a request to the 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 ESA Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest, which may be adversely affected, and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the USACE, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. 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 that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those 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, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The USACE 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. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the USACE 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 need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Mrs. Teresa Spagna, Project Manager, South Regulatory Section, CELRH-OR-FS, USACE Huntington District, 502 Eighth Street, Huntington, West Virginia 25701-2070. Please note names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning the above, please contact Mrs. Teresa Spagna of the South Regulatory Section at (304) 399-5710.


Ginger Mullins, Chief
Regulatory Branch

(W)

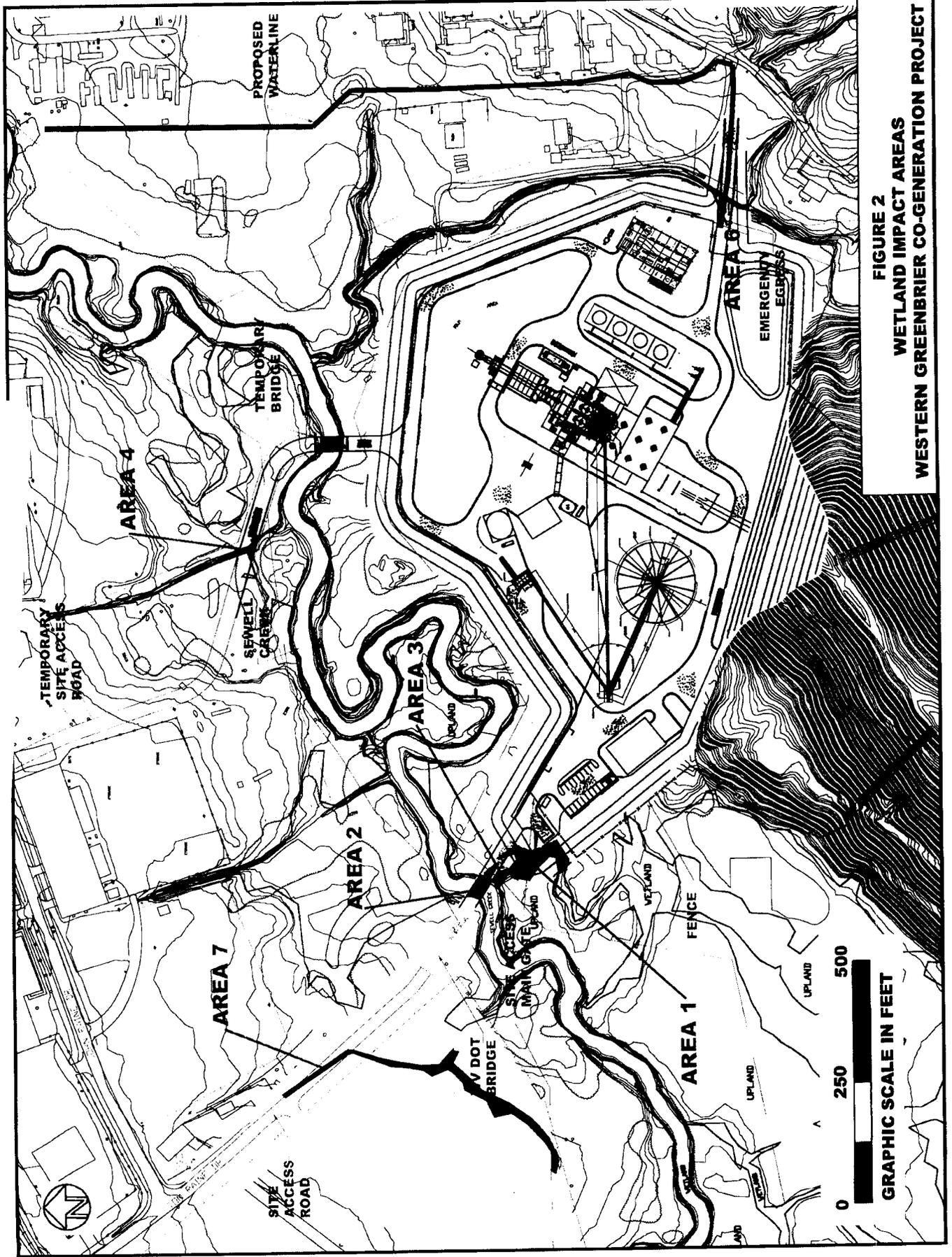
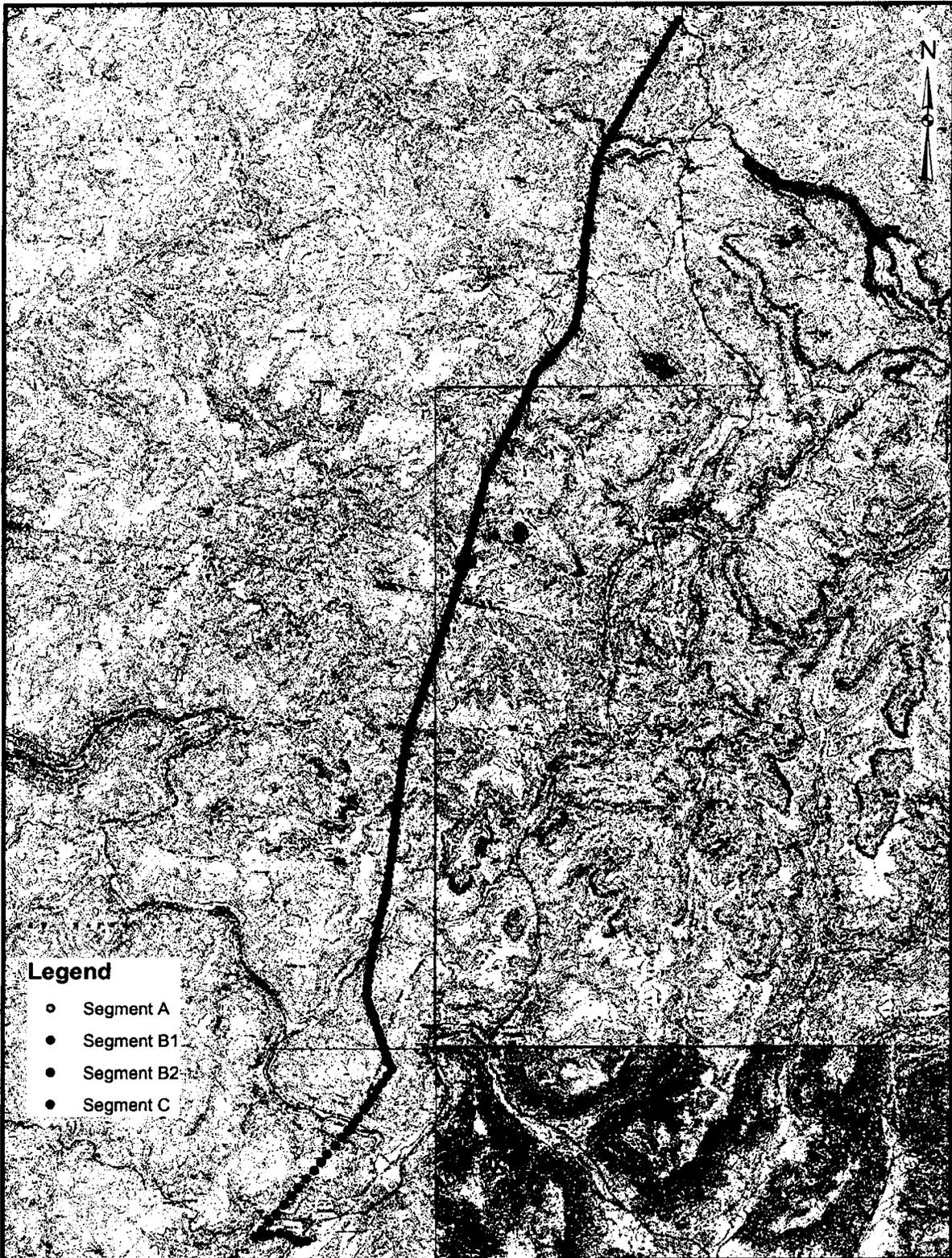


FIGURE 2
WETLAND IMPACT AREAS
WESTERN GREENBRIER CO-GENERATION PROJECT



Legend

- Segment A
- Segment B1
- Segment B2
- Segment C

**FIGURE 4
PROPOSED ELECTRIC TRANSMISSION ROW**

**Western
Greenbrier
Co-Generation LLC**

0 5,000 10,000 20,000 30,000 Feet

1:75,000

URS

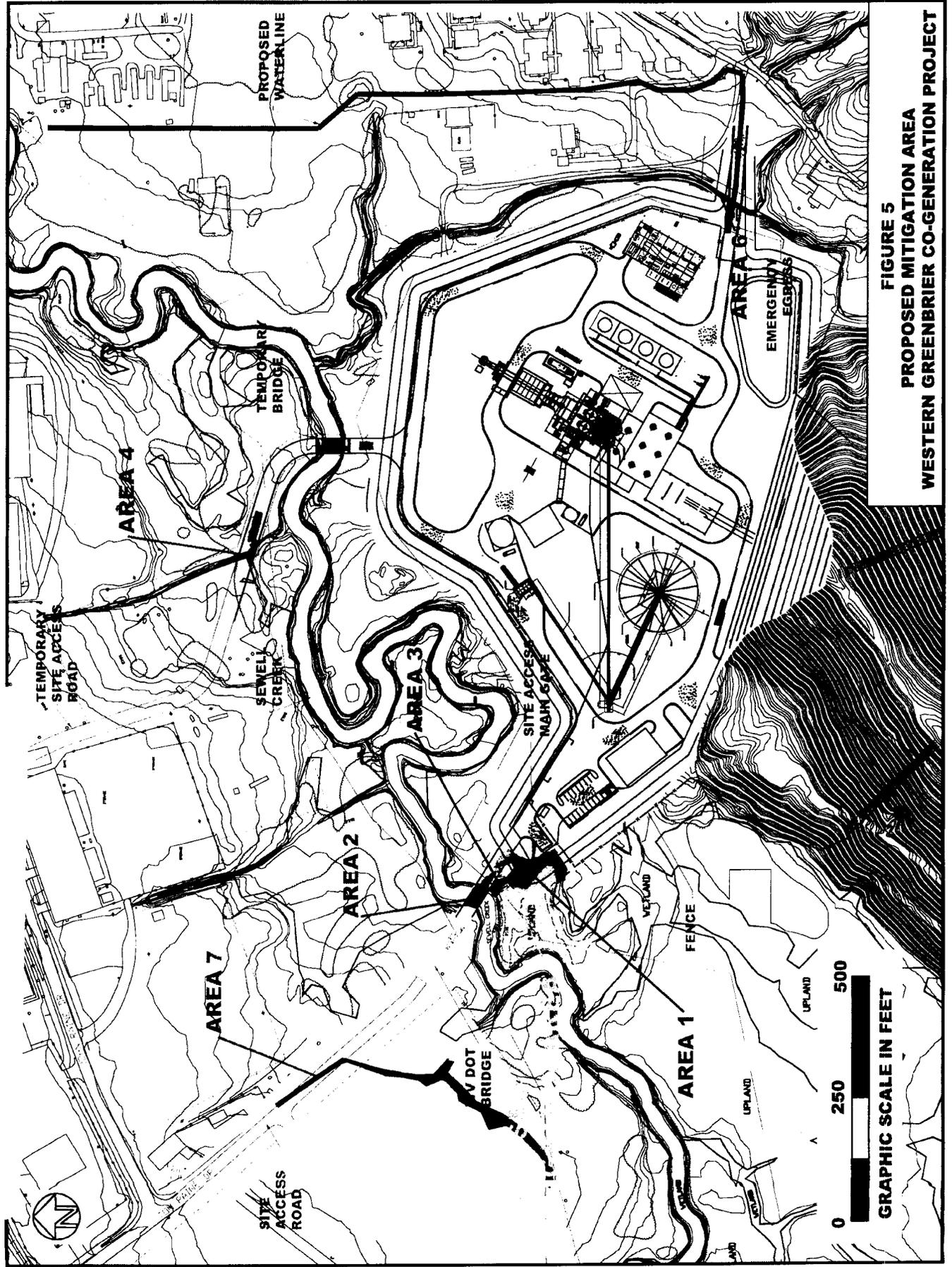


FIGURE 5
PROPOSED MITIGATION AREA
WESTERN GREENBRIER CO-GENERATION PROJECT

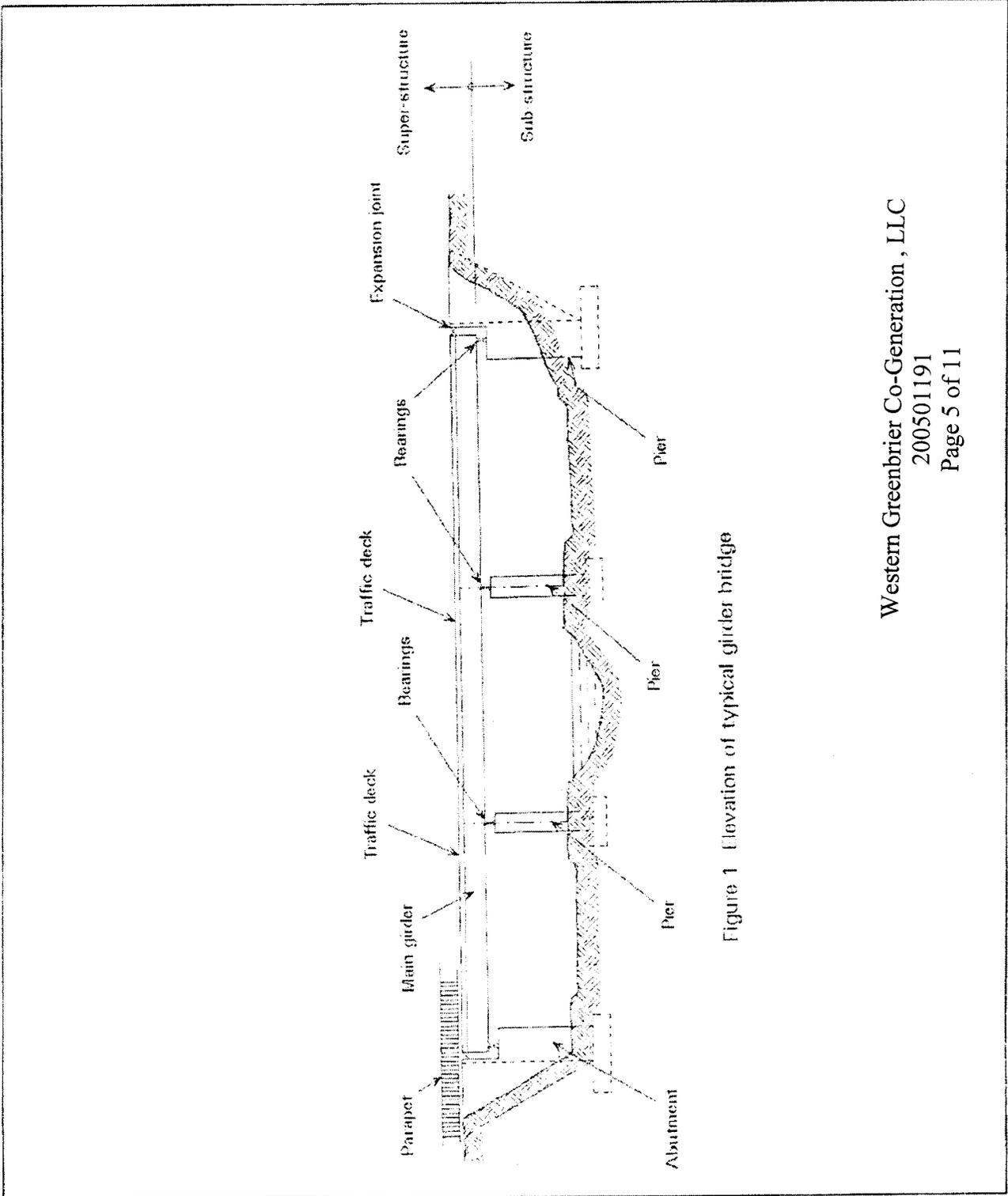
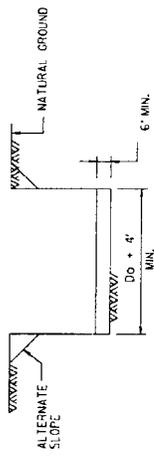
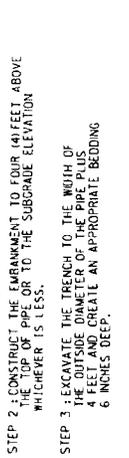


Figure 1 Elevation of typical girder bridge

PIPE INSTALLATION PROCEDURES

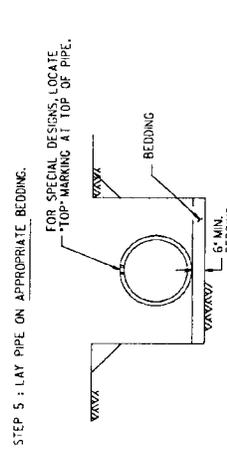
CONSTRUCTION DETAILS BELOW COVER THE FOLLOWING CONDITIONS:

- (A) PIPE LYING ON TOP OF THE NATURAL GROUND, ROCK OR COMPACTED (97% SPD) FILL.
- (B) THE EXISTING GROUND IS BETWEEN THE TOP AND THE BOTTOM OF THE PROPOSED PIPE AND THE PIPE IS TO BE COVERED WITH EARTH FILL.
- (C) THE TOP OF PIPE IS BELOW THE LEVEL OF THE NATURAL GROUND OR COMPACTED FILL TO MINIMUM 97% SPD AND TO BE COVERED WITH EARTH FILL TO HEIGHTS ABOVE THE NATURAL GROUND.
- STEP 1: REMOVE TOPSOIL TO A WIDTH EQUAL TO 5 DIAMETERS OF THE PIPE PLUS 6 INCHES. LOCATE THE CENTER OF THE PIPE DRAWING UNDERCUT FOR THE DEPTH BELOW THE BEDDING AS SHOWN BY DESIGN (MIN. WIDTH SHOULD BE 5 DIAMETERS OF PIPE).
- STEP 2: CONSTRUCT THE EMBANKMENT TO FOUR FEET ABOVE THE TOP OF PIPE OR TO THE SUBGRADE ELEVATION WHICHEVER IS LESS.
- STEP 3: EXCAVATE THE TRENCH TO THE WIDTH OF 4 TIMES THE OUTSIDE DIAMETER OF THE PIPE PLUS 6 INCHES DEEP.



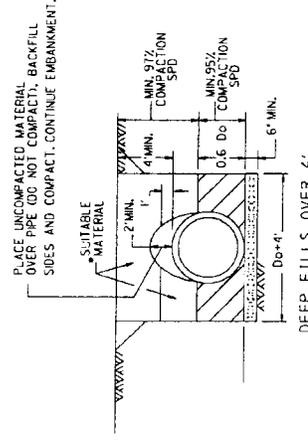
STEP 4: FOR CONCRETE PIPE IF THE EXCAVATION IS THROUGH ROCK OR HARD SHALE, OR IN AREAS OF UNDERCUT, PROVIDE 6-7/8 INCH PER FOOT OF (ID-4") BELOW THE INTENDED BOTTOM ELEVATION OF THE PIPE. (2" MAX.)

NOTE: IF UNSUITABLE MATERIAL IS FOUND, UNDERCUT AS DIRECTED AND BACKFILL WITH SUITABLE MATERIAL TO BOTTOM OF BEDDING ELEVATION, UNLESS OTHERWISE SPECIFIED.

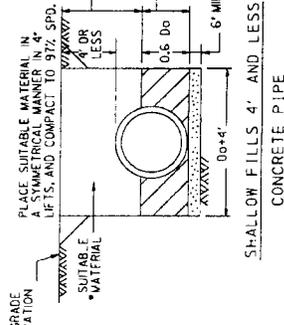


STEP 5: FOR CONCRETE PIPE SEE STEP 6A FOR METAL PIPE AND METAL PLATE PIPE. SEE STEP 6B

STEP 6A: CONCRETE PIPE
 PLACE 2A COARSE AGGREGATE MATERIAL (IN 4" LIFTS) ADJACENT TO THE LOWER HALVES TO A HEIGHT OF 1" ABOVE TOP OF PIPE. COMPACT TO 95% SPD. BACKFILL COARSE AGGREGATE AND CONTINUE EMBANKMENT IN ACCORDANCE WITH SECTION 601.

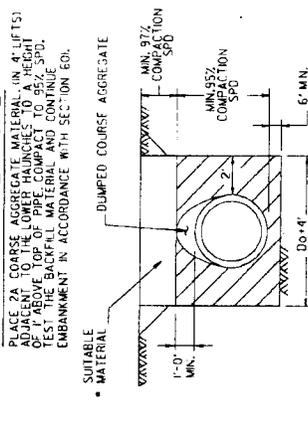


STEP 6B: METAL PIPE AND METAL PLATE PIPE
 PLACE 2A COARSE AGGREGATE MATERIAL (IN 4" LIFTS) ADJACENT TO THE LOWER HALVES TO A HEIGHT OF 1" ABOVE TOP OF PIPE. COMPACT TO 95% SPD. BACKFILL COARSE AGGREGATE AND CONTINUE EMBANKMENT IN ACCORDANCE WITH SECTION 601.

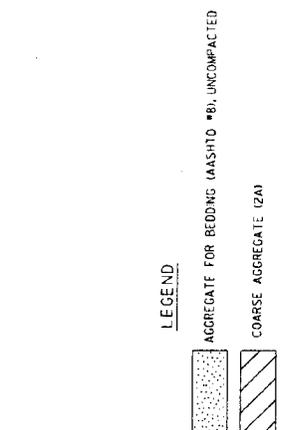


NOT TO SCALE

STEP 6B: METAL PIPE AND METAL PLATE PIPE
 PLACE 2A COARSE AGGREGATE MATERIAL (IN 4" LIFTS) ADJACENT TO THE LOWER HALVES TO A HEIGHT OF 1" ABOVE TOP OF PIPE. COMPACT TO 95% SPD. BACKFILL COARSE AGGREGATE AND CONTINUE EMBANKMENT IN ACCORDANCE WITH SECTION 601.

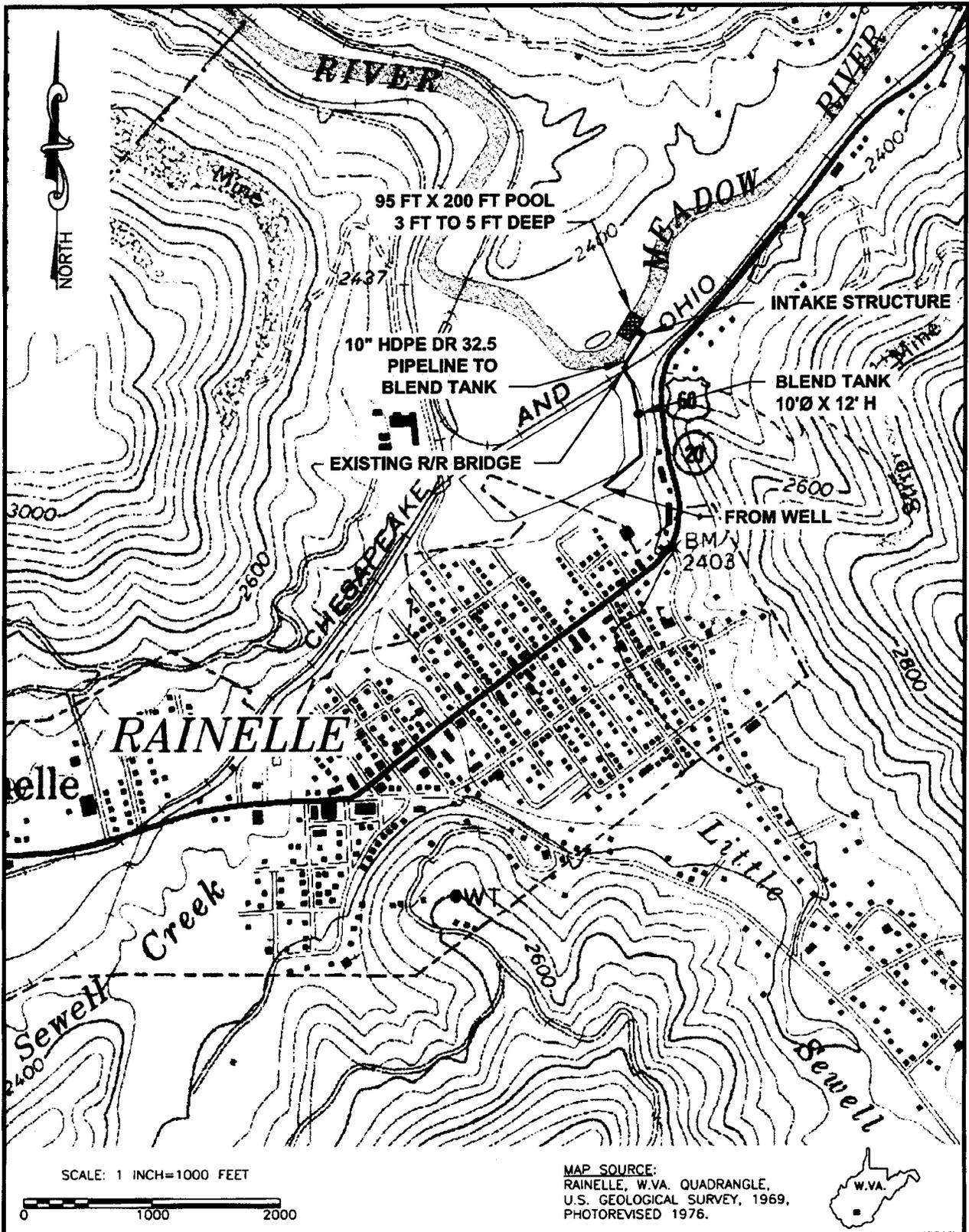


STEP 6C: CONCRETE PIPE
 PLACE 2A COARSE AGGREGATE MATERIAL (IN 4" LIFTS) ADJACENT TO THE LOWER HALVES TO A HEIGHT OF 1" ABOVE TOP OF PIPE. COMPACT TO 95% SPD. BACKFILL COARSE AGGREGATE AND CONTINUE EMBANKMENT IN ACCORDANCE WITH SECTION 601.



LEGEND
 AGGREGATE FOR BEDDING (AASHTO #8), UNCOMPACTED
 COARSE AGGREGATE (2A)
 Do = OUTSIDE DIAMETER OF PIPE, FEET
 SPD = STANDARD PROCTOR DENSITY
 ID = INSIDE DIAMETER
 * SUITABLE MATERIAL = MATERIAL CONTAINING NO DEBRIS, ORGANIC MATTER, FROZEN MATERIAL OR LARGE STONES WITH A DIAMETER GREATER THAN ONE-HALF THE THICKNESS OF THE COMPACTED LAYERS BEING PLACED.

SUBSURFACE DRAINS - PIPE PLACEMENT URS



Drawn By & Date/Time: CCADAM50 Aug 16, 2006 - 3:46pm
 Drawing Location & Name: K:\399384\5.00003 - Meadow River Figure 1 SVM 08-14-06.dwg

SCALE: 1 INCH=1000 FEET

MAP SOURCE:
 RAINELLE, W.VA. QUADRANGLE,
 U.S. GEOLOGICAL SURVEY, 1969,
 PHOTOREVISED 1976.

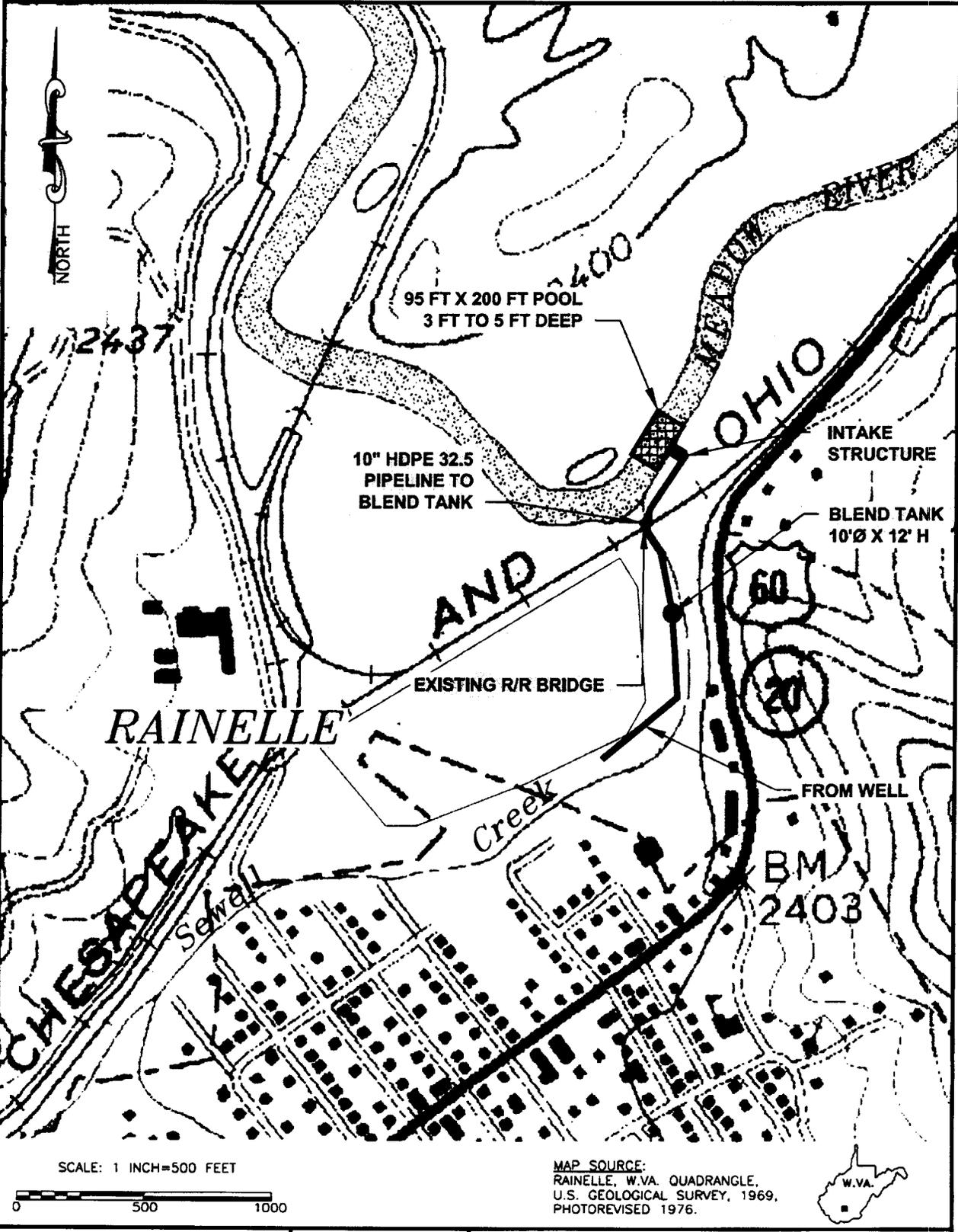


URS
 335 COMMERCE DRIVE, SUITE 300
 FORT WASHINGTON, PA 19034
 PHONE: (215) 367-2500 FAX: (215) 367-1000

Job: 39938415.00003
Prepared by: GCA
Checked by: JD
Date: 08/14/2006

SITE VICINITY MAP
 MEADOW RIVER INTAKE STRUCTURE
 WESTERN GREENBRIAR COGENERATION
 RAINELLE, WV

FIGURE 1



Drawn By & Date/Time: GCADAMS0 Aug 16, 2006 - 3:43pm
 Drawing Location & Name: K:\39938415.00003 - Meadow River\Figure 1 SVM 08-14-06.dwg

SCALE: 1 INCH=500 FEET

0 500 1000

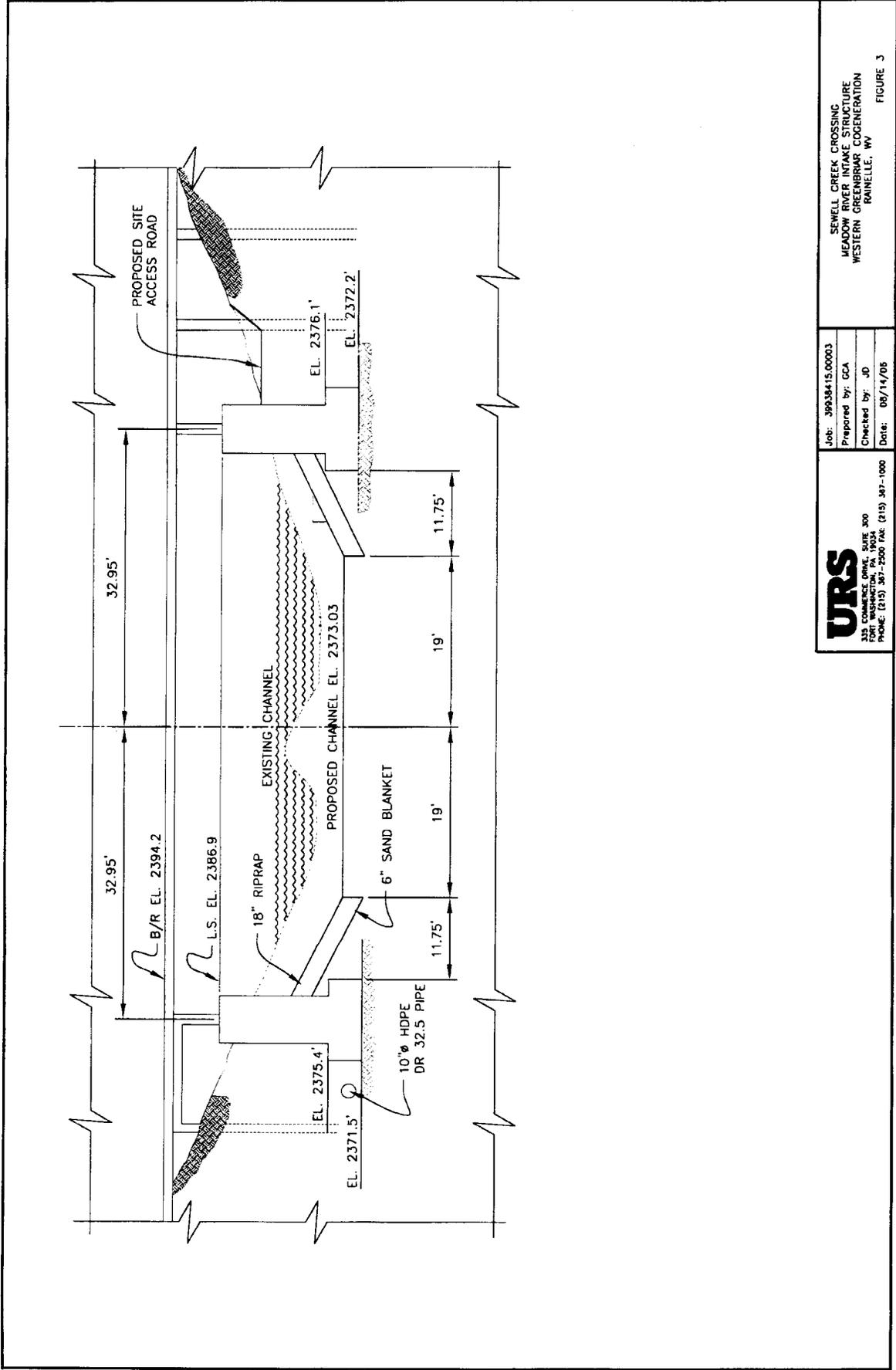
MAP SOURCE:
 RAINELLE, W.VA. QUADRANGLE,
 U.S. GEOLOGICAL SURVEY, 1969,
 PHOTOREVISED 1976.

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 335 COMMERCE DRIVE, SUITE 300
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Prepared by: GCA
Checked by: JD
Date: 08/14/2006

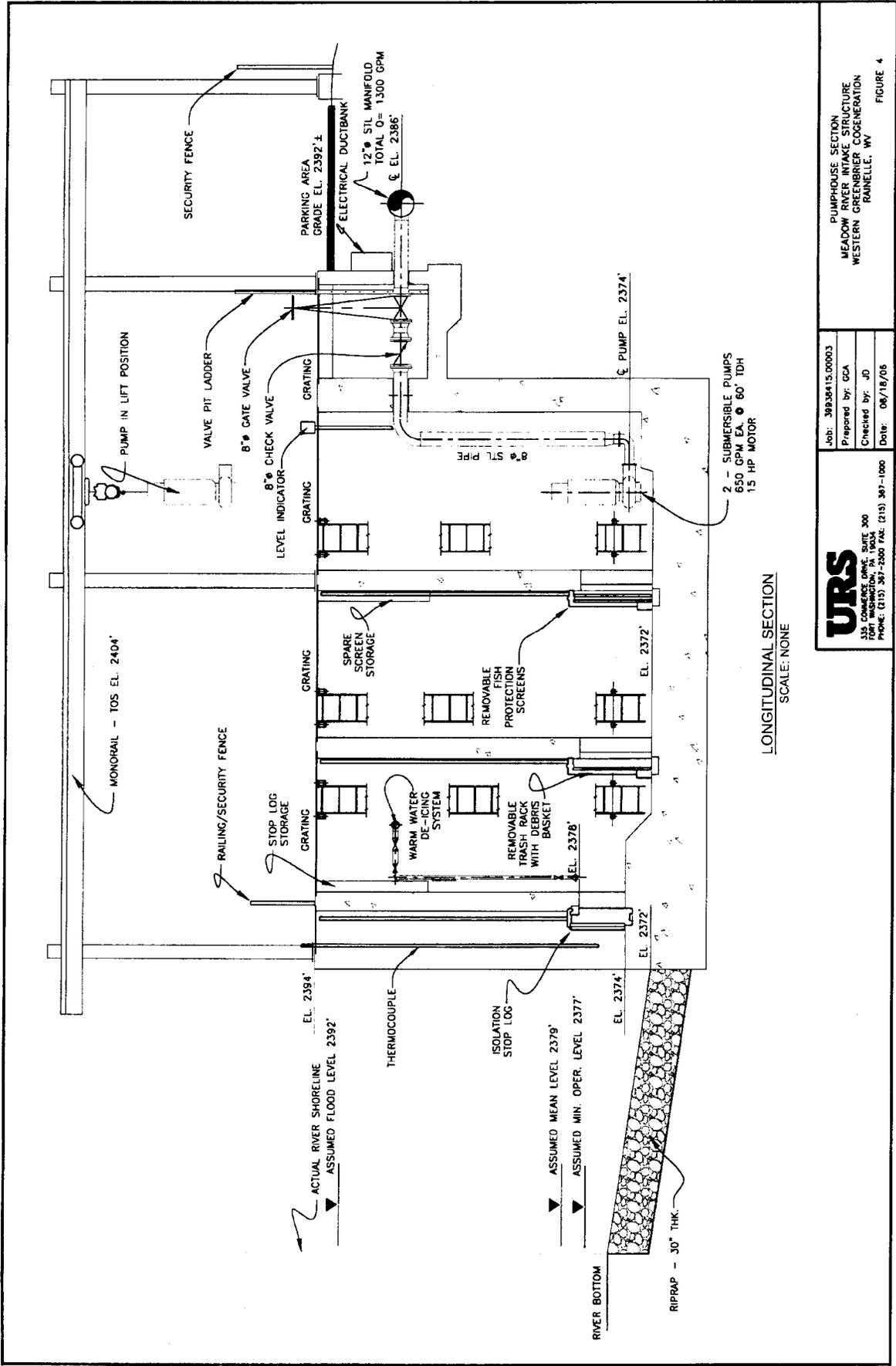
SITE LOCATION PLAN
 MEADOW RIVER INTAKE STRUCTURE
 WESTERN GREENBRIAR COGENERATION
 RAINELLE, WV

FIGURE 2



Drawing Location & Name: K:399284(5,0003) - Meadow River STRUCTURES.dwg
 Drawn By & Date/Time: CCM/MSD Aug 19, 2008 - 3:41pm

 325 COMMENCE DRIVE, SUITE 300 FORT WASHINGTON, PA 19034 PHONE: (215) 387-2500 FAX: (215) 387-1000	Job: 39928415.00003 Prepared by: GCA Checked by: JD Date: 08/14/08	SEWELL CREEK CROSSING MEADOW RIVER PIPE STRUCTURE WESTERN GREENBRIER CO-GENERATION BAINELLE, WV
	FIGURE 3	



LONGITUDINAL SECTION
SCALE: NONE

PUMPHOUSE SECTION
MEADOW RIVER BARRIER STRUCTURE
WESTERN GREENBRIER CO-GENERATION
RAINELLE, WV

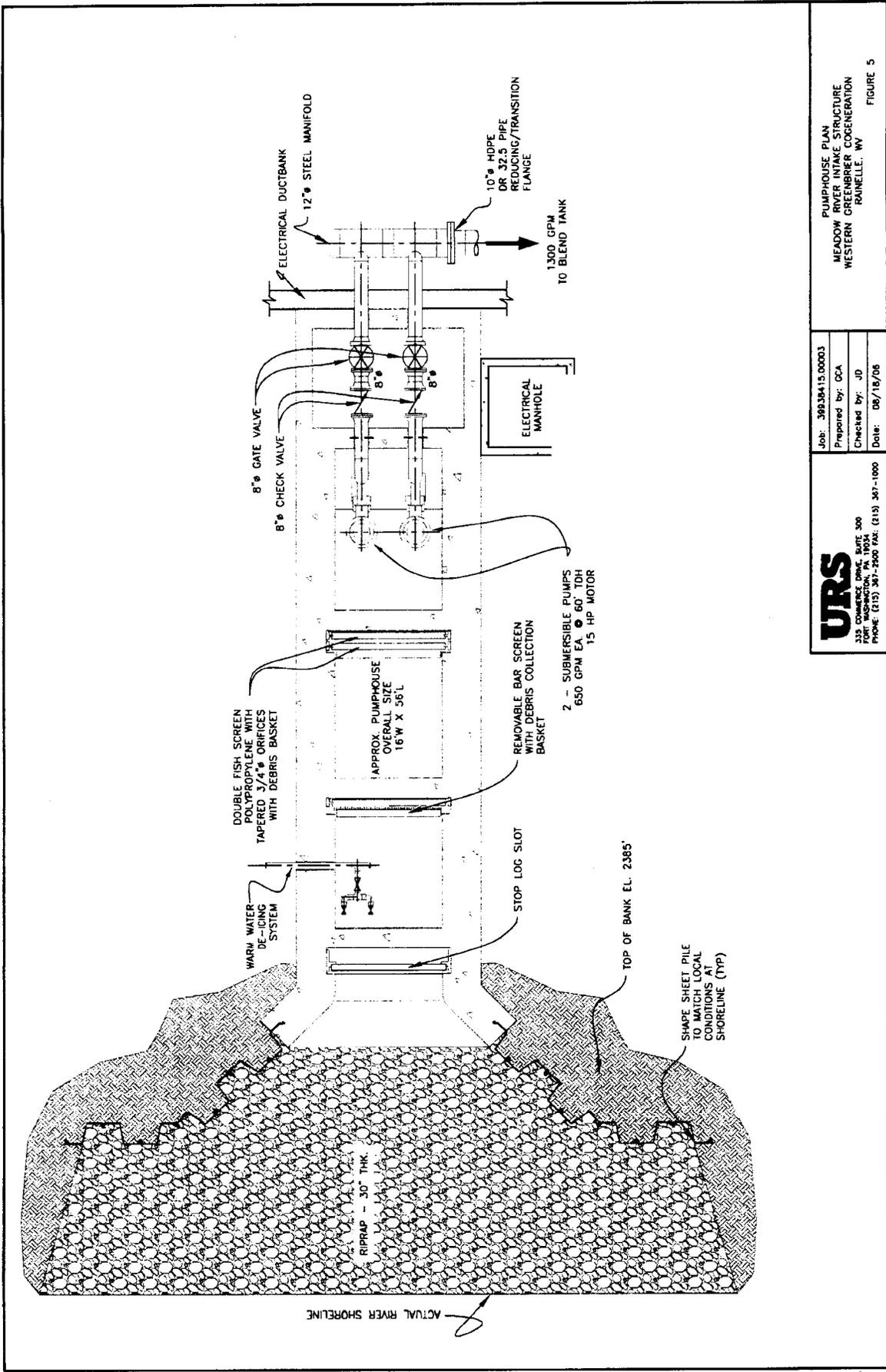
Job: 39830415.00003
Prepared by: GCA
Checked by: JD
Date: 06/18/06

URS
335 COMMENCE DRIVE, SUITE 300
FORT WASHINGTON, PA 19034
PHONE: (610) 307-6500 FAX: (610) 307-1000

FIGURE 4

Western Greenbrier Co-Generation, LLC
200501191
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Drawn By & Date/Time: CCM/MSD Aug 18, 2006 - 12:16pm
Drawing Location & Name: IC 398304 (3,000)3 - Meadow River STRUCTURES.dwg



PUMPHOUSE PLAN
 MEADOW RIVER INTAKE STRUCTURE
 WESTERN GREENBRIER CO-GENERATION
 ROSELLE, WY
 FIGURE 5

Job: 39838415.00003
 Prepared by: OCA
 Checked by: JD
 Date: 08/15/06

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 333 COMMENCE DRIVE, SUITE 300
 FORT WASHINGTON, PA 19034
 PHONE: (215) 367-2500 FAX: (215) 367-1000

Western Greenbrier Co-Generation, LLC

200501191

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Drawing Location & Name: K:\39838415.00003 - Meadow River STRUCTURE.dwg
 Drawn By & Date/Time: CCM/MSJ Aug 15, 2006 - 12:17pm