



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

00049076-1

Issuance Date:

January 23, 2006

Stream: **Elk Run and**

Closing Date:

Ohio River MP401 to MP406

February 22, 2006

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

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

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

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 (Corps) 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 Corps Regulatory Program.

SECTION 10: The Corps 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 Corps 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 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Dayton Power and Light
1065 Woodman Drive
Dayton, Ohio 45432

LOCATION: The proposed project is located along the right descending bank of the Ohio River between Ohio River Miles 401 and 406 at the existing 1200-acre J.M. Stuart Electric Generating Station near Aberdeen, Adams County, Ohio. Latitude 38° 38' 11.3" / Longitude 83° 41' 37.1"

DESCRIPTION OF PROPOSED WORK: The applicant is requesting authorization for impacts to the Ohio River associated with implementation of an Air Quality Control (AQC) project at the existing coal-fired J.M. Stuart Electric Generating Station. The applicant has indicated the proposed AQC project would include the construction and operation of a wet-limestone based Flue Gas Desulfurization (FGD) System. The applicant has indicated the AQC program is necessary to maintain compliance with existing and anticipated regulatory mandates, including the United States Environmental Protection Agency's recently promulgated Clean Air Interstate Rule and Clean Air Mercury Rule.

Operation of the new FGD system would require significant quantities of limestone reagent. Gypsum would be produced as a byproduct of the FGD system. The applicant proposes to transport the limestone and gypsum via barges on the Ohio River. To implement this program, the applicant is requesting authorization for the installation of additional barge mooring cells, a new limestone unloader and a new gypsum loader. The applicant is also proposing to install a new coal unloader and is proposing to perform initial dredging and maintenance dredging within the mooring areas. Details of the proposed modifications are included below.

Mooring Cells: The attached Table 1 is a list of the existing and proposed mooring cells at the J.M. Stuart Station. Implementation of the proposal would include the installation of forty-four (44) new mooring cells at this facility. As shown in the attached table, forty-one of the proposed cells would consist of 22-foot diameter, circular steel sheet piling driven into the river bottom. Three new 40-foot diameter cells would be installed, one of which would serve the proposed gypsum loader. The remaining two 40-ft cells would serve as ice beakers for the new upstream mooring area. The new 22-ft and 40-ft cells would be backfilled with stone or sand.

In addition, six existing 16-foot diameter cells (Cells 8W, 9W, 11W, 12W, 7E, and 8E) would be enlarged by driving a new 22-ft circular sheet pile shell into the river bottom surrounding the existing cell. The space between the existing cell and the new cell would be filled with clean crushed stone or sand.

Limestone Unloader & Gypsum Loader: The proposed limestone unloader system would consist of a barge-mounted clamshell crane, hopper, and conveyor and would utilize four of the new 22-ft diameter cells. The gypsum unloader would utilize four of the expanded mooring cells and new 40-ft diameter cell (unnumbered between 11W and 10W). Approximately 200 linear feet of riprap would be placed beneath the proposed conveyor to prevent erosion. The gypsum would be loaded onto the barges using a shuttle conveyor arrangement with a telescopic chute.

Coal unloader: The applicant is proposing to install a new coal unloader at the facility. This unloader would be used when the existing coal unloader is out of service for maintenance or repair. In such cases, the proposed limestone unloading crane would be repositioned between Cells 7E and 8E to allow for emergency coal unloading.

Implementation of the proposal would include the placement of 18,049 cubic yards of fill material and 3,657 tons of sheet piling below the ordinary high water mark of the Ohio River.

Dredging: Construction and maintenance of the facility would include dredging within the Ohio River. Construction of the proposal would include dredging of approximately 6,108 cubic yards of material. Dredged material would be disposed of within existing on-site ash ponds.

Under the current application, the applicant is also requesting authorization to perform periodic maintenance dredging within the existing and expanded mooring area. If permitted, the proposed dredging operation would be approved for a period of 10 years. The dredging activity would be on an as-needed basis, but not more often than once every five years. The applicant anticipated a maximum of 50,000 cubic yards would be removed during any single dredging event. Material dredged from the river would be placed within the existing ash pond at the J.M. Stuart Station and would be unloaded in a manner to prevent its reentry into the river. The purpose of the work is to provide adequate drafting depths.

The applicant has indicated a maximum of 750 barges per year (an average of 15 per week) of limestone would be delivered to the facility and a maximum of 1250 barges per year (an average of 25 per week) of gypsum would be offloaded. Mooring of full and empty barges would not exceed a four-wide arrangement. A five-wide arrangement would be used in emergency situations. The maximum river extension of the facility with a five-wide arrangement would be 350-ft from the normal pool shoreline.

Plans of the proposal are attached to this notice.

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 Ohio Environmental Protection Agency.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the proposed project. Several previous cultural resource investigations have been performed within the 1200-acre J.M. Stuart Property. Cultural resource investigations performed on property west of Elk Run identified four sites: Site 33AD123, Site 33AD121, Site 33AD56, and Site 33AD365. These sites were determined to be eligible for listing on the National Register of Historic Places (NRHP) under Criteria D. Based on the nature of the proposal and its proximity to these historic properties, our office has determined the current proposal will not affect the known historic properties west of Elk Run.

A copy of this public notice will be furnished to the Ohio State Historic Preservation Office (OHPO) for their review. Our office, in consultation with the OHPO, will continue to evaluate the adverse impacts to historic properties associated with this proposal.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the Indiana bat (E); running buffalo clover (E); sheepsnose mussel (C) and timber rattlesnake (PC). Implementation of the proposal would include the removal of wooded areas along the Ohio River. The applicant has indicated these wooded areas do not contain suitable habitat for the Indiana bat; therefore, our office has determined the proposal is not likely to adversely affect this species. Based on the location and conditions of the project area, our office has determined the proposed project is not likely to adversely affect running buffalo clover. Implementation of the proposal would not impact habitat suitable for the timber rattlesnake; therefore, our office has determined implementation of the proposal would have no effect on this species.

The proposal would impact areas that may contain suitable habitat for the sheepsnose mussel. The applicant has indicated they will be conducting a mussel survey for this proposal. This survey would be designed and conducted in consultation with the U.S. Fish and Wildlife Service (USFWS). The results of this survey will be used to determine if the proposal would affect this species.

This public notice serves as a request to the USFWS 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).

PUBLIC INTEREST: Any person who has an interest, which 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.

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 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; among 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

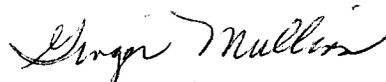
people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received 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.

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 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. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 000049076-1
502 8th Street
Huntington, West Virginia 25701-2070

Please note, the 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 this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.



Ginger Mullins
Chief, Regulatory Branch

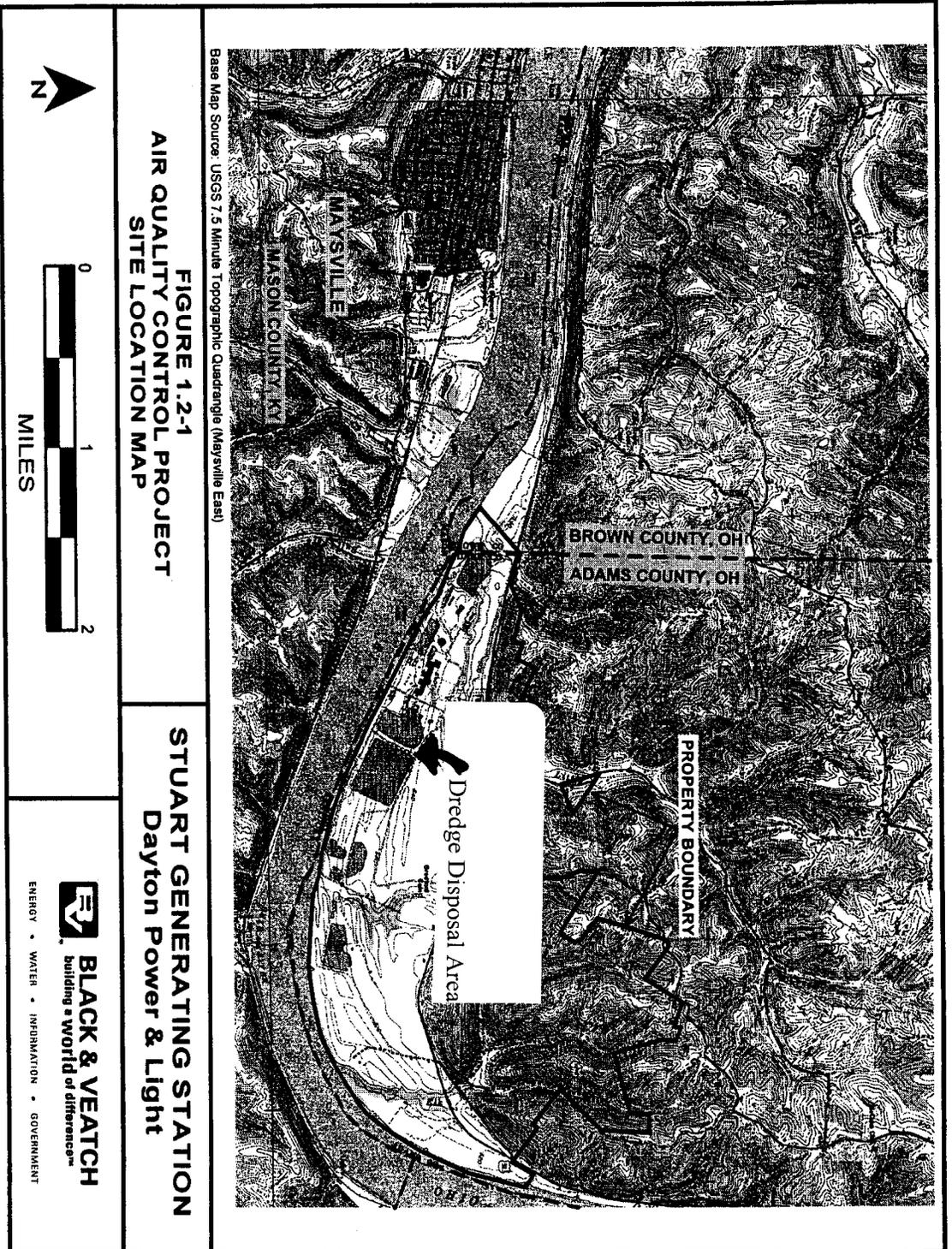
(O,K)

Table 1 – Summary of Existing and Proposed Mooring Cells

Cell Number	Existing/New	Diameter (ft.)
1W	Existing ¹	16
2W	Existing ¹	16
3W	Existing ¹	16
4W	Existing ¹	16
5W	Existing ¹	16
6W	Existing ¹	16
7W	Existing ¹	16
8W	Modified ²	22
9W	Modified ²	22
10W	Existing ¹	16
Gypsum cell	New (40ft dia)	40
11W	Modified ²	22
12W	Modified ²	22
13W	Existing ¹	16
14W	Existing ¹	16
15W	New	22
15WA	New	22
15WB	New	22
15WC	New	22
16W	New	22
17W	New	22
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19W	New	22
20W	New	22
21W	New	22
22W	New	22
23W	New	22
24W	New	22

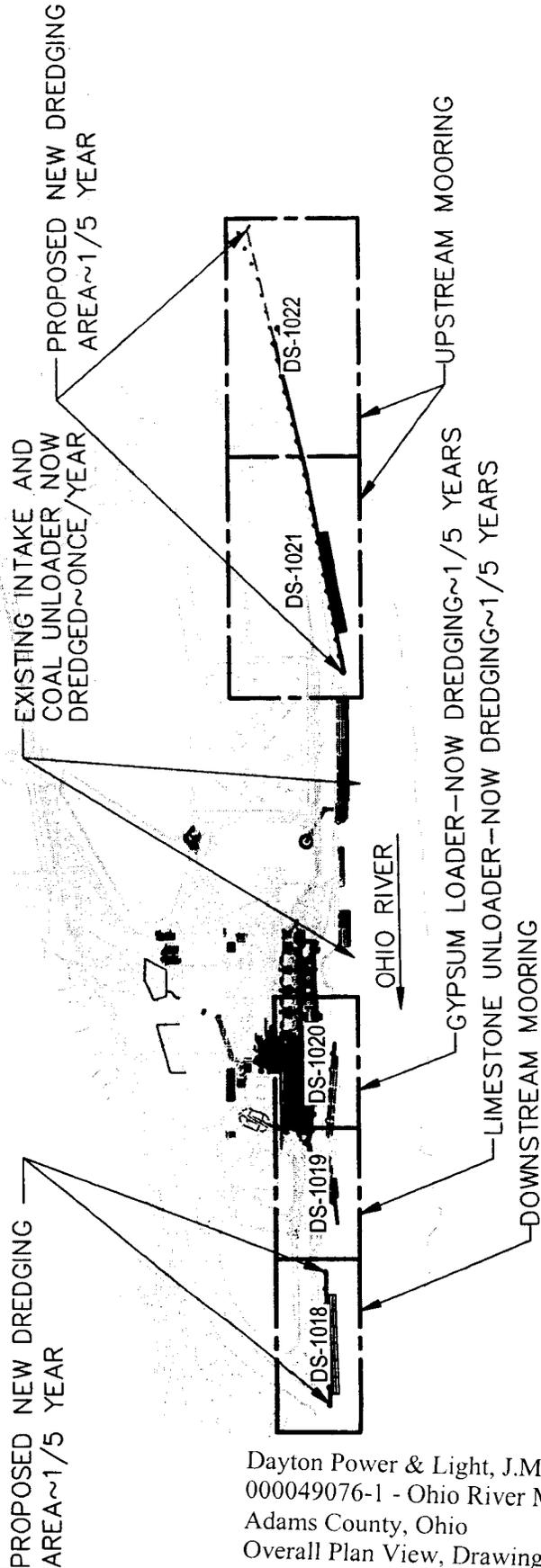
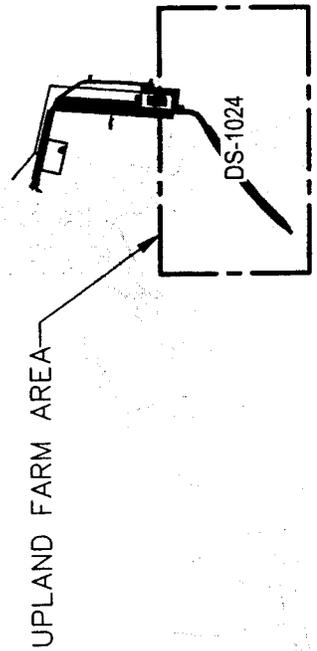
Cell Number	Existing/New	Diameter (ft.)
1E	Existing ¹	16
2E	Existing ¹	16
3E	Existing ¹	16
4E	Existing ¹	16
5E	Existing ¹	16
6E	Existing ¹	16
7E	Modified ²	22
8E	Modified ²	22
9E	Existing ¹	16
10E	Existing ¹	16
11E	Existing ¹	16
12E	Existing ¹	16
13E	Existing ¹	16
14E	Existing ¹	16
15E	Existing ¹	38
16E	Existing ¹	38
17E	New	22
18E	New	22
19E	New	22
20E	New	22
21E	New	22
22E	New	22
23E	New	22
24E	New	22
25E	New	22
26E	New	22
27E	New	22
28E	New	22
29E	New	22
30E	New	22
31E	New	22
32E	New	22
33E	New	22
34E	New	22
35E	New	22
36E	New	22
37E	New	22
38E	New (40ft dia)	40
39E	New (40ft dia)	40
40E	New	22
41E	New	22
42E	New	22
43E	New	22
44E	New	22
45E	New	22
46E	New	22

- 1) No modifications to these cells are proposed.
- 2) New 22' diameter cell over existing 16' diameter cell



LEGEND

- ⊗ NEW 40' φ CELL
- ⊕ NEW 22' φ CELL
- EXISTING 16' φ CELL
- NEW 22' φ CELL OVER EXISTING MOORING CELL
- ⊙ NEW 22' φ MOORING CELL (PREFERRED ALTERNATIVE ONLY)

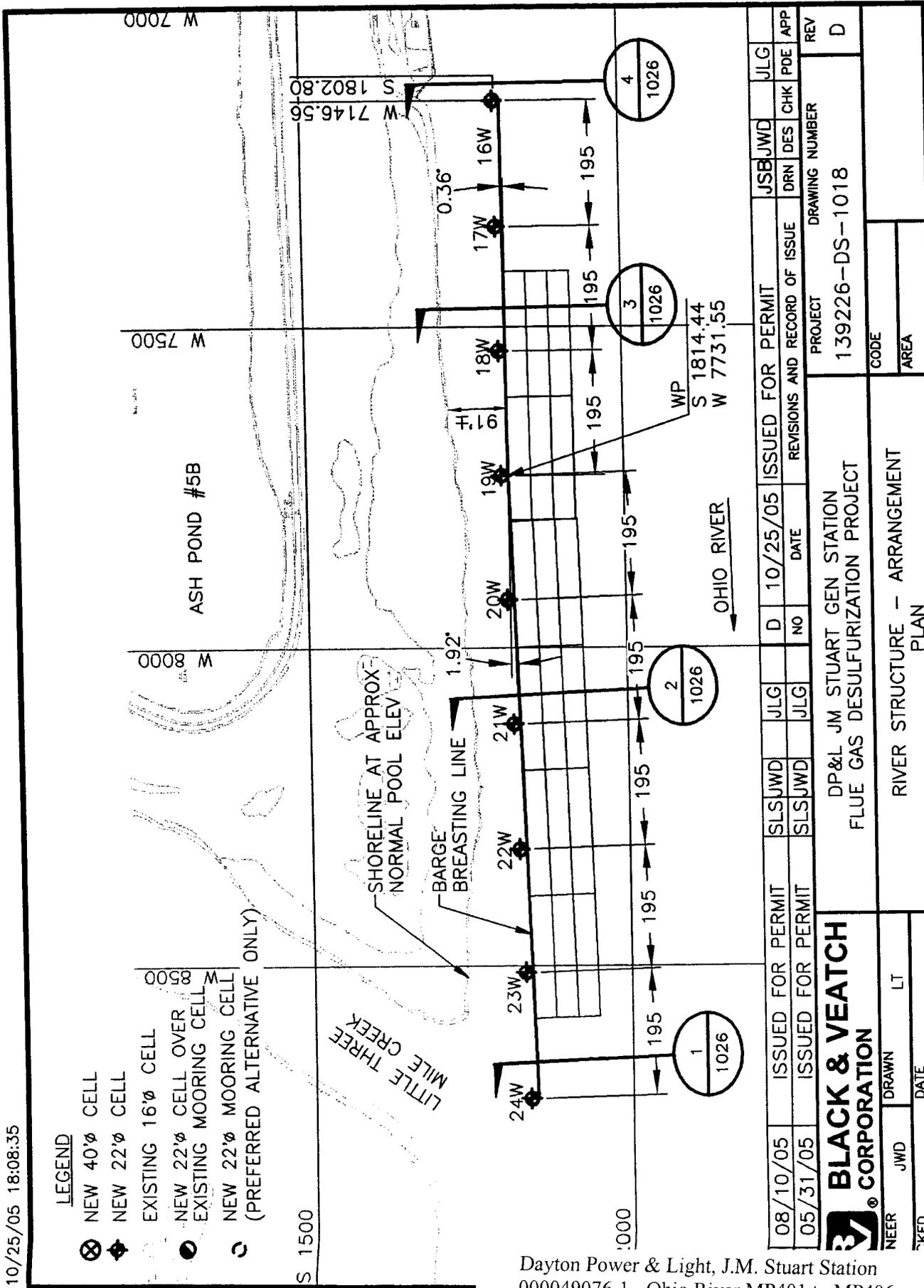


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DATE				AREA			

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LEGEND

- ⊗ NEW 40'Ø CELL
- ⊙ NEW 22'Ø CELL
- ⊕ EXISTING 16'Ø CELL
- ⊖ NEW 22'Ø CELL OVER EXISTING MOORING CELL
- ⊙ NEW 22'Ø MOORING CELL (PREFERRED ALTERNATIVE ONLY)



ISSUED FOR PERMIT													
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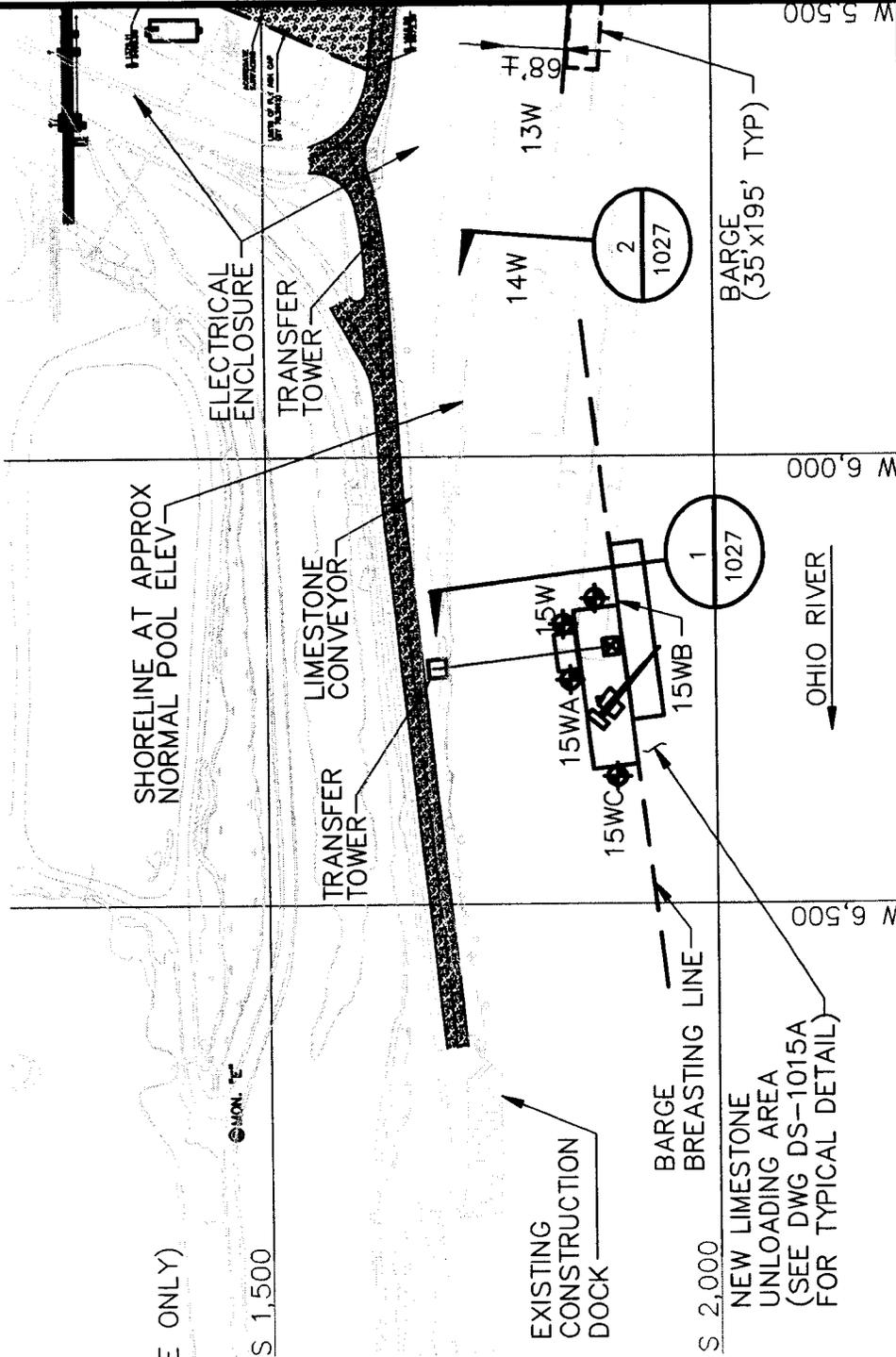
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Dayton Power & Light, J.M. Stuart Station
 000049076-1 - Ohio River MP401 to MP406
 Adams County, Ohio
 Detailed Plan View - Downstream Mooring Area
 Sheet 3 of 11

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LEGEND

- ⊗ NEW 40'φ CELL
- ⊕ NEW 22'φ CELL
- EXISTING 16'φ CELL
- NEW 22'φ CELL OVER EXISTING MOORING CELL
- NEW 22'φ MOORING CELL (PREFERRED ALTERNATIVE ONLY)

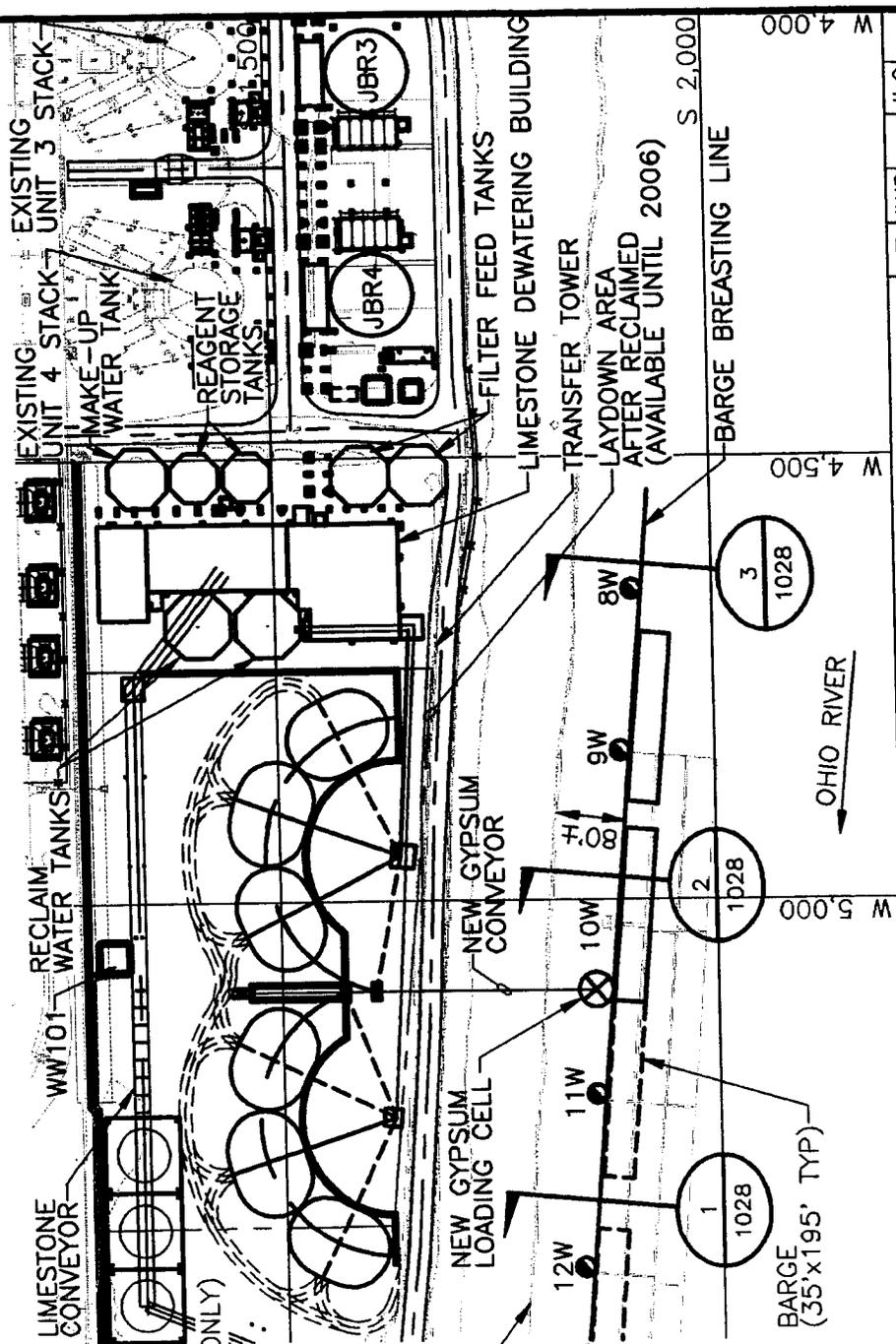


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DP&L J.M. STUART GEN. STATION				FLUE GAS DESULFURIZATION PROJECT					
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- ⊗ NEW 40'ϕ CELL
- ⊕ NEW 22'ϕ CELL
- NEW 12'ϕ CELL
- EXISTING 16'ϕ CELL
- NEW 22'ϕ CELL OVER EXISTING MOORING CELL
- NEW 22'ϕ MOORING CELL (PREFERRED ALTERNATIVE ONLY)



SHORELINE AT APPROX NORMAL POOL ELEV

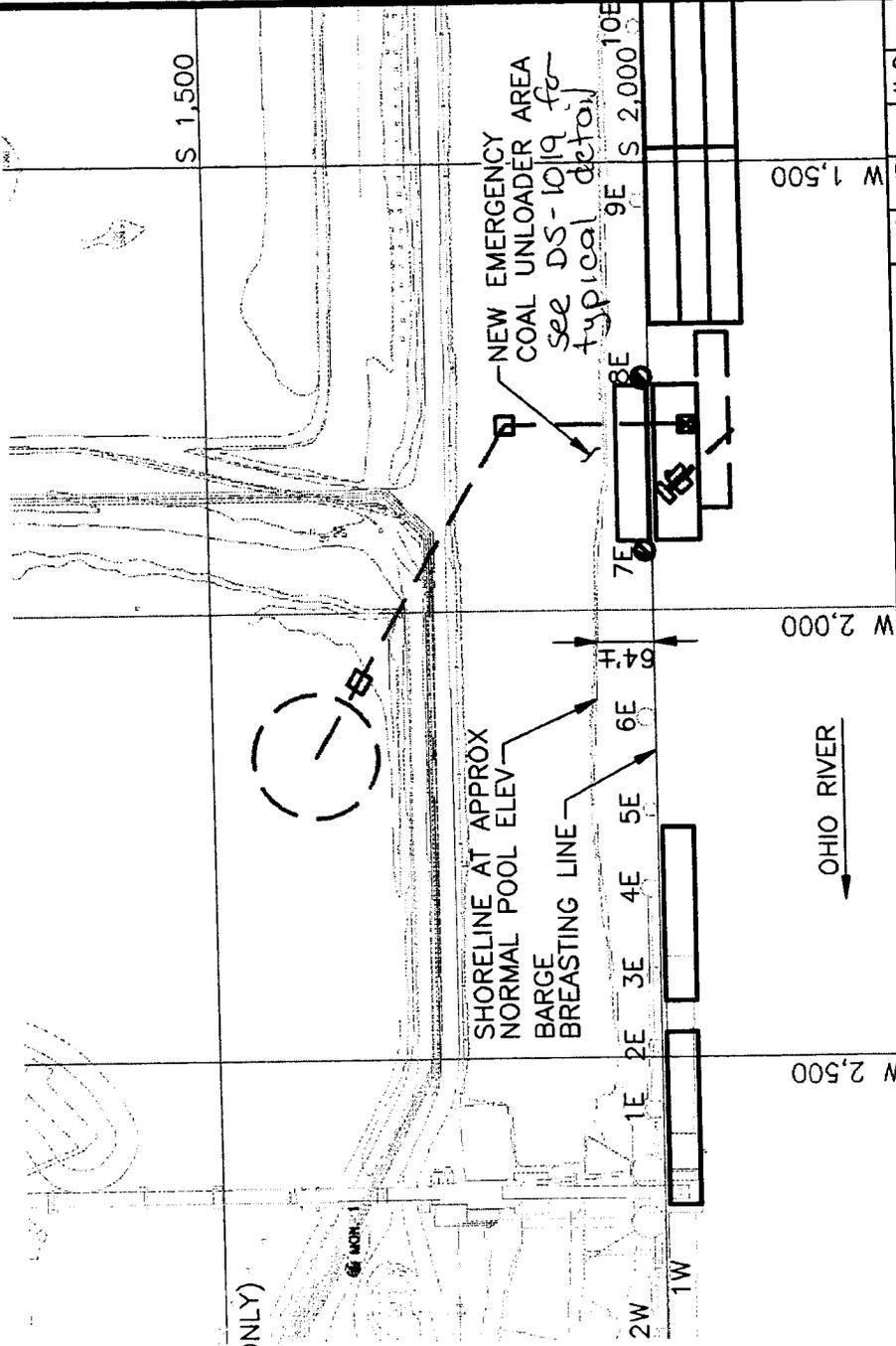
see DS-1015E for typical detail

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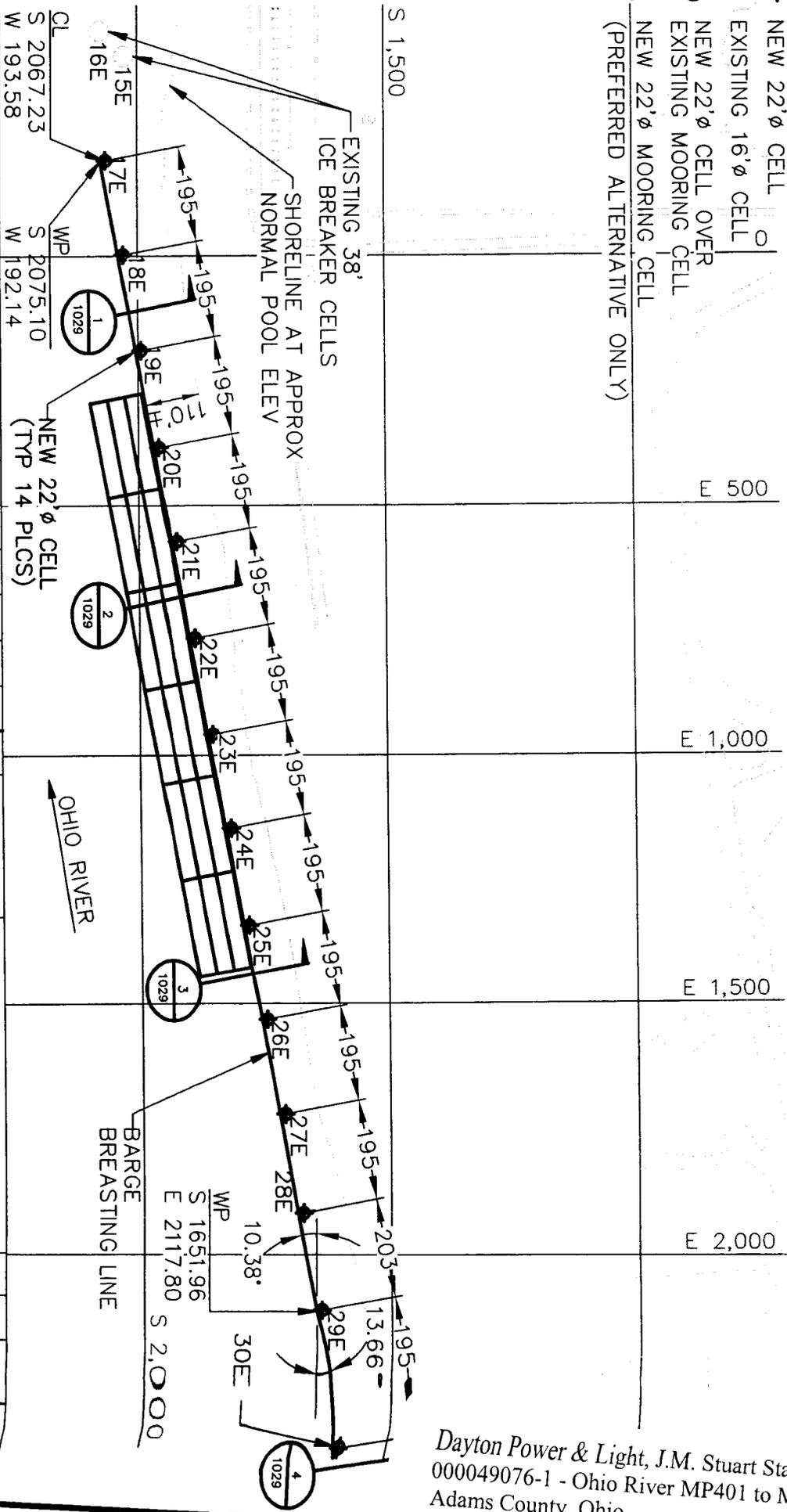
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- ⊗ NEW 40' CELL
- ⊕ NEW 22' CELL
- ⊙ NEW 16' CELL
- NEW 12' CELL
- EXISTING 16' CELL
- NEW 22' CELL OVER EXISTING MOORING CELL
- NEW 16' MOORING CELL (PREFERRED ALTERNATIVE ONLY)



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 - ⊕ NEW 22' Ø CELL
 - EXISTING 16' Ø CELL
 - NEW 22' Ø CELL OVER EXISTING MOORING CELL
 - NEW 22' Ø MOORING CELL
- (PREFERRED ALTERNATIVE ONLY)

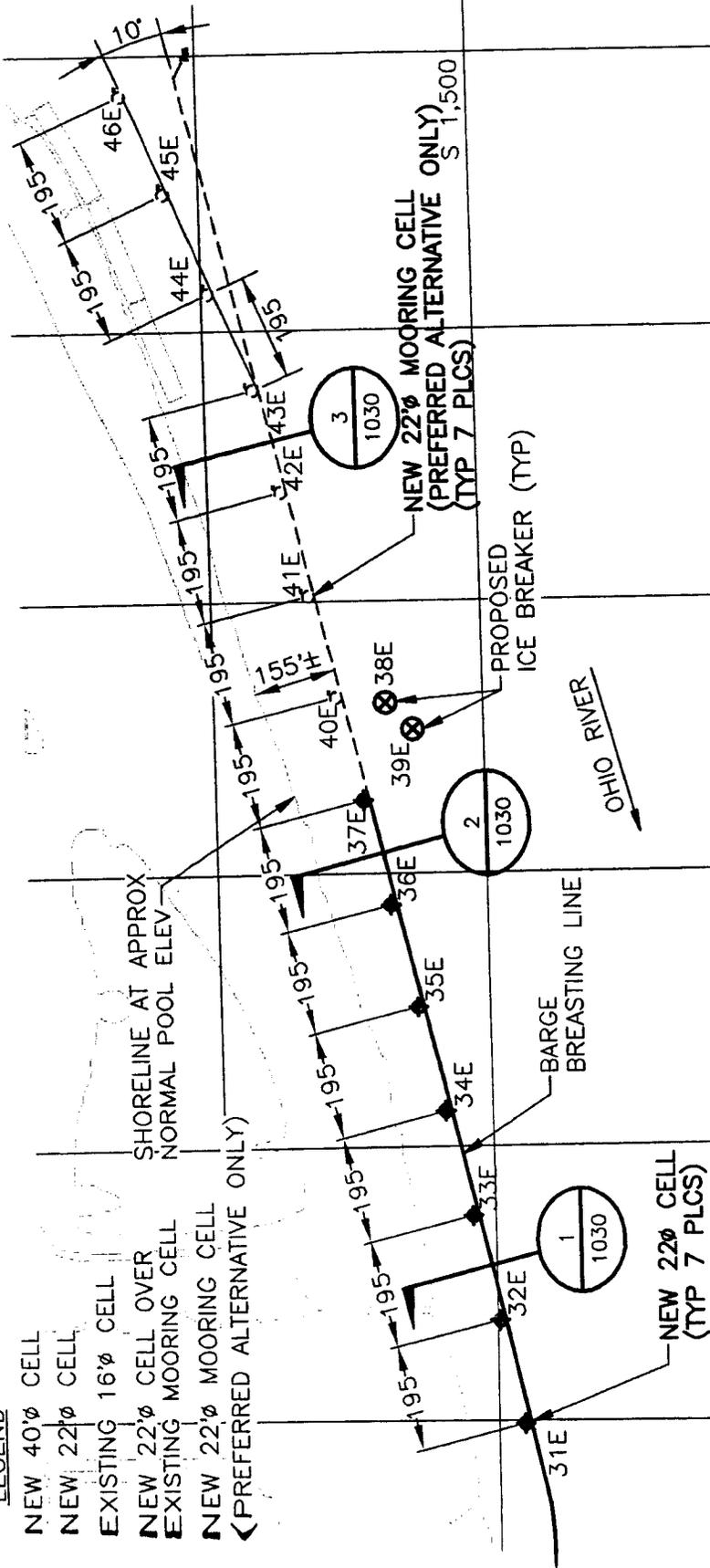


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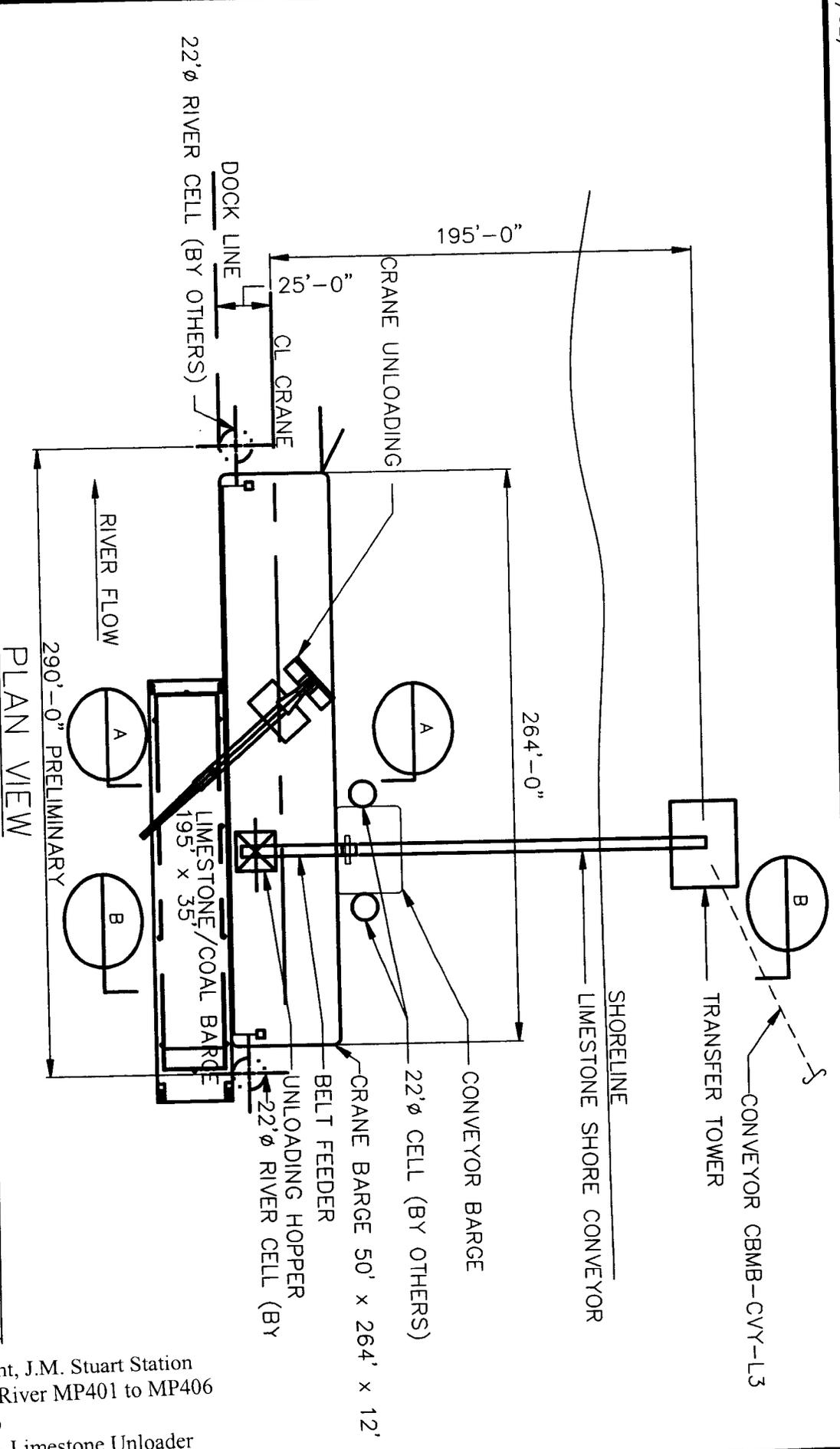
- NEW 40'Ø CELL
- NEW 22'Ø CELL
- EXISTING 16'Ø CELL
- NEW 22'Ø CELL OVER EXISTING MOORING CELL
- NEW 22'Ø MOORING CELL (PREFERRED ALTERNATIVE ONLY)



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BLACK & VEATCH CORPORATION

ENGINEER: JWD DRAWN: KVD

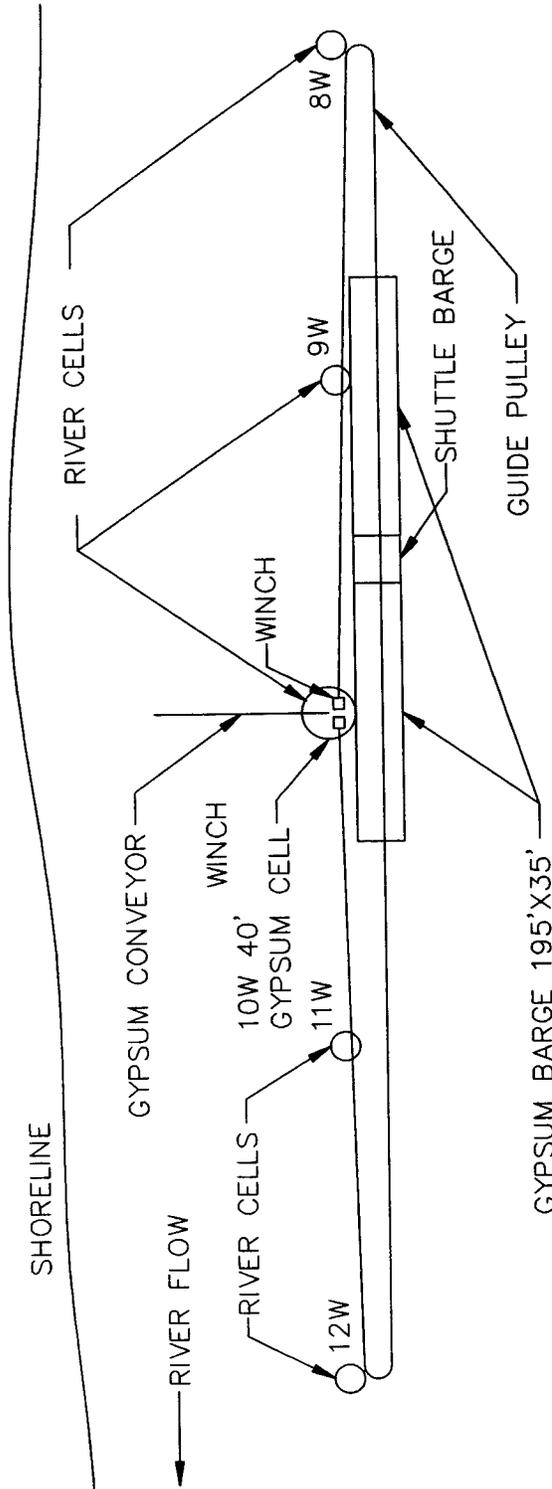
PROJECT: DP&L J.M. STUART GEN. STATION FLUE GAS DESULFURIZATION PROJECT

GENERAL ARRANGEMENT PLAN VIEW

PROJECT: 139226-DS-1015A

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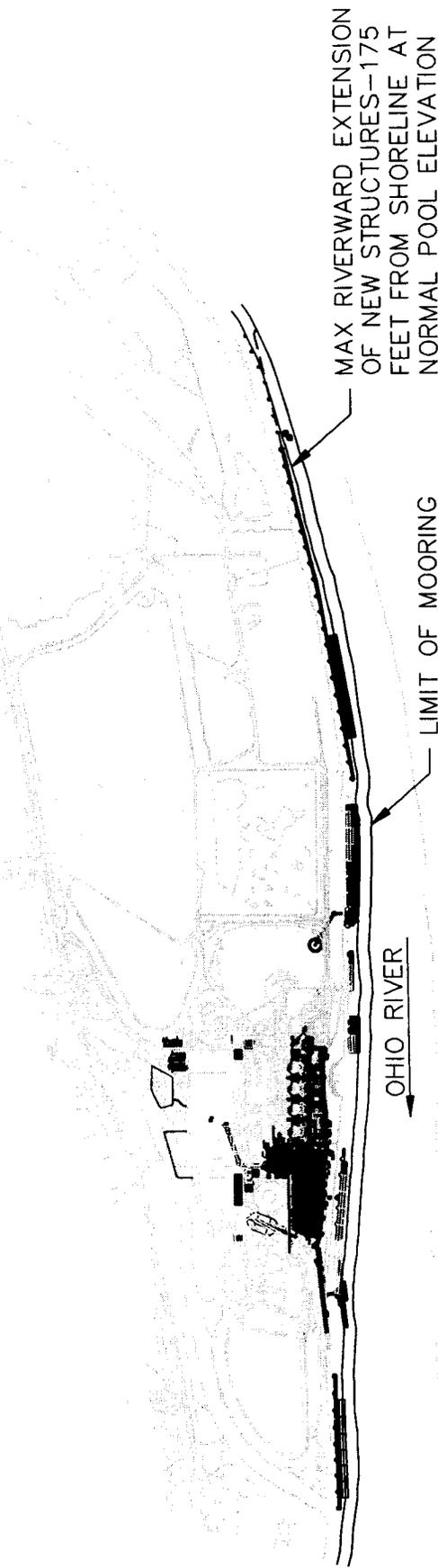


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LEGEND

- ⊗ NEW 40'φ CELL
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Dayton Power & Light, J.M. Stuart Station
 000049076-1 - Ohio River MP401 to MP406
 Adams County, Ohio
 Plan View - Maximum Riverward Extension
 Sheet 11 of 11

10/05/05	ISSUED FOR PERMIT	JSB	JWD	JLG	A	10/25/05	ISSUED FOR PERMIT	JSB	JWD	JLG	REVISIONS AND RECORD OF ISSUE	DRN	DES	CHK	PDE	APP	REV	
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