

Date of Public Notice: January 25, 2008

Columbiana and Jefferson Counties

PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 water quality certification for a project involving the transformation of coal and other biomass to liquid fuel via a coal gasification process. Once constructed, the plant will produce an estimated 52,000 barrels per day of liquid fuel. The combustion gas and steam produced by the coal gasification process will be utilized at an onsite cogeneration plant that will produce enough electric power to operate the plant as well as an electric surplus which will be exported to the adjacent power grid. The application was submitted by Ohio River Clean Fuels, LLC. The project is located at Sixteen School Road, west of Ohio State Route 7, south of Wellsville in Columbiana County, and extending south into Jefferson County. The Pittsburgh District Corps of Engineers Public Notice Number for this project is 08-01. The Ohio EPA ID Number for this project is 083293.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), a total of 8 off-site and 7 on-site alternatives have been submitted for the project. The applicant's preferred alternative, which is listed in the application as the Minimal Degradation Alternative, if approved, proposes impacts to 24 streams with combined impacts to 8,745 linear feet of streams (of which 2,258 feet are isolated) - 2,749 linear feet of perennial streams, 4,296 linear feet of intermittent streams, and 1,701 linear feet of ephemeral streams, 12 non-forested wetlands with combined impacts to 1.71 acres of wetlands (of which 1.52 acres are isolated) – 1.45 acres of Category 2 wetlands and 0.26 acres of Category 1 wetlands, and 0.29 acres of 2 open water ponds. Mitigating for these impacts will be the rehabilitation and protection of Rocky Run and a portion of its tributaries totaling approximately 13,118 linear feet, along with the onsite creation of a 2.75-acre wetland, incorporating a small open water portion to offset impacts to the onsite ponds. Mitigation on Rocky Run will involve exclusion fencing, flood plain seeding/planting, vernal pool enhancement, wetland enhancement, and sediment trap/wetland creation areas along Rocky Run. All mitigation projects will be performed onsite. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

The applicant developed a total of seven on-site alternatives, starting with the Maximum Degradation Alternative (proposed impacts to 14,537 linear feet of streams, 1.92 acres of wetlands, and 1.08 acres of ponds) and ending with their design of the Minimum Degradation Alternative/Preferred Site Plan. The other five alternatives represent varying amounts of impacts to surface water resources; in a trend to reduce impacts from the Original Site Plan before finalizing the Minimum Degradation Alternative/Preferred Site Plan.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of unnamed tributaries to Rocky Run and the Ohio River. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. All proposed alternatives will be considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting January 25, 2008, copies of the application and technical support information may be inspected at Ohio EPA-DSW, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio, by first calling (614) 644-2001 or online at www.epa.state.oh.us/dsw/permits/OhioRiverCleanFuels.html. Copies of the application and technical support information can be made available upon request at Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on April 17, 2008 at 6:00 p.m. at Wellsville High School located at 929 Center Street, Wellsville, OH 43968. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by Ohio EPA prior to any further action on the application.

Ohio EPA will continue to accept written comments on the application through the close of business on April 24, 2008. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or requests to be placed on a mailing list for information by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.