Public Notice

U.S. Army Corps of Engineers
Pittsburgh District

In Reply Refer to Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. LRP-2005-242 Date: December 4, 2012

Notice No. 12-74 Closing Date: December 19, 2012

1. TO ALL 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 of 1899 and Section 404 of the Clean Water Act.

2. APPLICANT: Anthony J. Julian
Wellington Development – WVDT, LLC.
1620 Locust Avenue
Fairmont, West Virginia 26554

3. LOCATION: Along the left descending bank of the Monongahela River, River Mile 76.27 to 76.5, near the town of Nemacolin, Greene County, Pennsylvania (39°53'23.72"N, 79°55'22.25"W).

4. PURPOSE AND DESCRIPTION OF WORK: This public notice shall serve as notice for re-issuance of the expired Standard Permit that was issued on October 17, 2006. No changes are being proposed and the originally permitted plans are still in place. Wellington Development proposes to construct a 525-megawatt (MW) resources recovery project that will utilize local coal refuse piles ("gob") as fuel, beginning primarily with the re-mining of the large mine waste pile of the former Nemacolin Coal/Buckeye Coal facility. This project involves recovery and beneficial use of coal mining waste as a fuel and the restoration of approximately 3,000 acres of severely degraded mining property (primarily of coal mining waste dumps). Major features of this project requiring Section 10 and Section 404 authorization from this office are as follows (please reference attached drawings 1-7):

1) 675 linear feet of aerial power line crossing over the Monongahela River

2) New Outfall Structure

3) Modification of previously permitted intake structure

4) Re-configuration and rehabilitation of the existing barge fleeting facility to handle fuel deliveries. The barge terminal will be modified by adding eight (8) new 21' diameter breasting cells, and five (5) new 29' diameter mooring cells. The expansion of the barge

fleeting area will require approximately 100,000 cubic yards of dredging.

5) Wetlands – 3.18 acres of jurisdictional wetlands exist on the entire 3,000 acre site. Approximately 425 acres will be required for the power generation plant activity and the remaining area consists primarily of gob piles and impoundment area. Permanently impacted wetlands by this project are proposed at 0.23 acres.

6) Streams – Approximately 3,300 linear feet of stream (Pegs Run) will be impacted by construction activities, however, much of Pegs Run was previously filled with coal fines as part of the impoundment from the original mining activity on the site. As the coal recovery project proceeds, the coal fines located within the impoundment area will be removed and used by the power plant. As Pegs Run becomes unearthed and revealed, a natural stream design will be constructed to re-establish the waterway to its pre-mining morphology.

7) The existing gob pile left by the former mining operation will slowly be re-mined and also used by the power plant. Presently existing on the site are a series of Acid Mine Drainage (AMD) abatement features (polishing ponds, caustic soda hopper tanks, skimmers, etc.) which treat run-off water and leachate from the gob pile prior to entering the river. These AMD features will also be removed as part of the overall power plant project as the gob pile is reduced.

5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Southwest Regional Office
Waterways and Wetlands Section
400 Waterfront Drive
Pittsburgh, PA 15222-4745

Telephone: 412-442-4000

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife 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 area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: 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 proposals must be balanced against its reasonably foreseeable detriments. All factors which 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, flood plain 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. 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 overall public interest of the proposed activity. 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 (40 CFR Part 230).

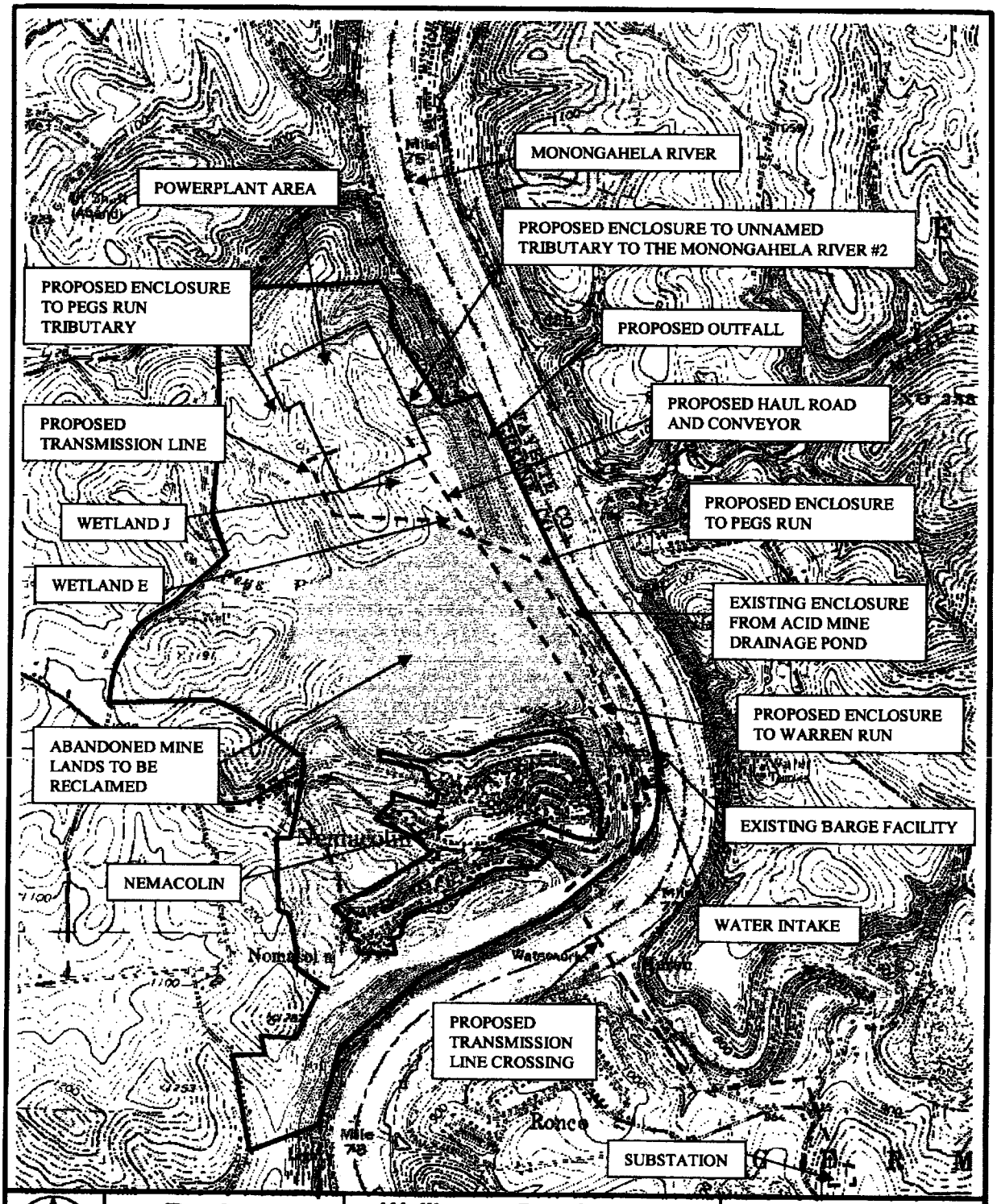
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is

made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Josh Shaffer at the above address, by telephoning (412) 395-7121, or by e-mail at Joshua.d.shaffer@usace.army.mil. Please refer to CELRP-OP-F LRP-2005-242 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Scott A. Hans
Chief, Regulatory Branch



Project Location Map

Source: USGS
Carmichaels, Pa
Topo Quad

Wellington Development - WVDT, LLC

Greene Energy Resource Recovery Facility

Site Location Map

Nemacolin, Pa

August 2005 Job No. 10201-001

ENSR INTERNATIONAL

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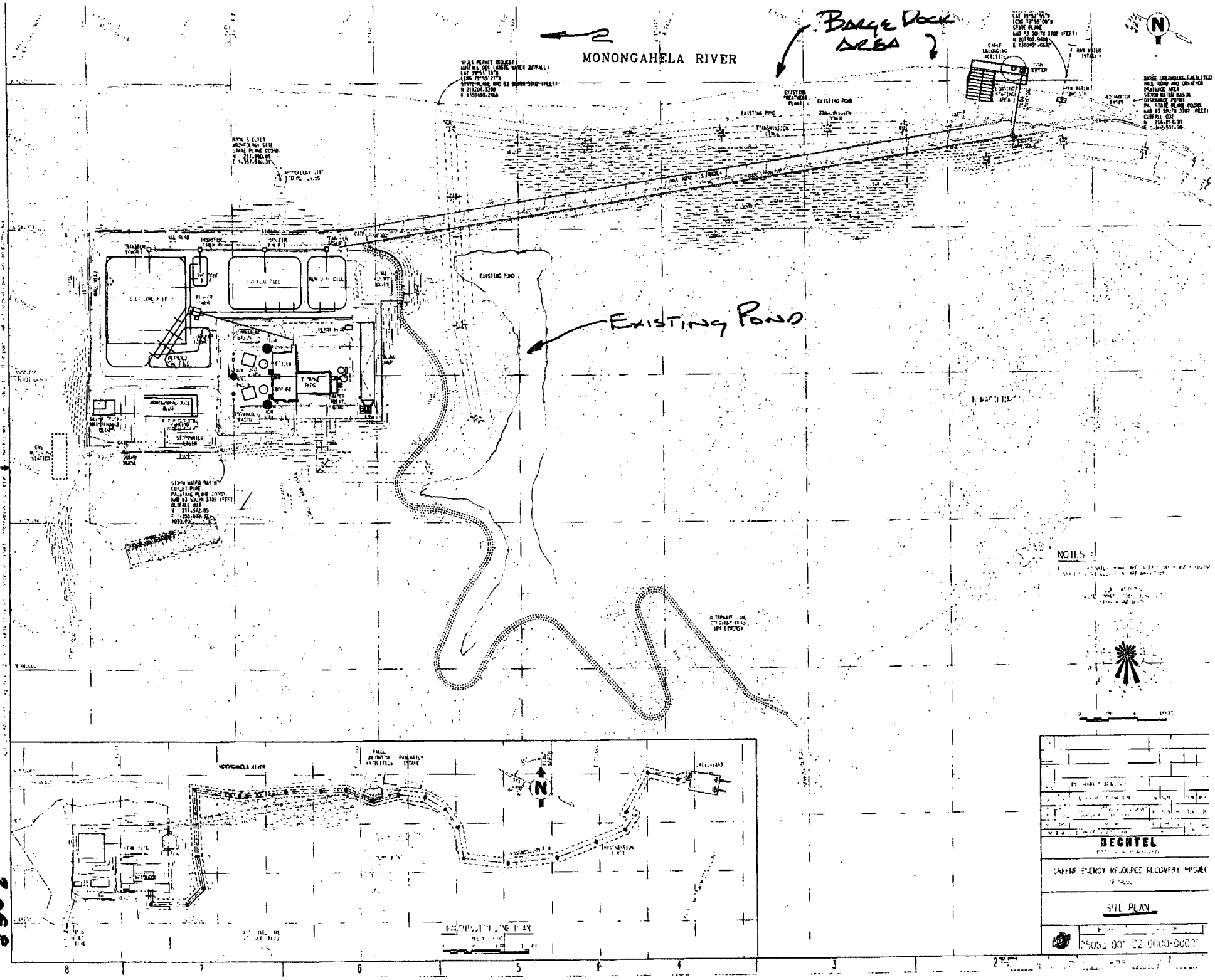
1 of 8


MONONGAHELA RIVER
BARGE DOCK AREA
EXISTING POND
NOTES
BECHTEL
SITE PLAN

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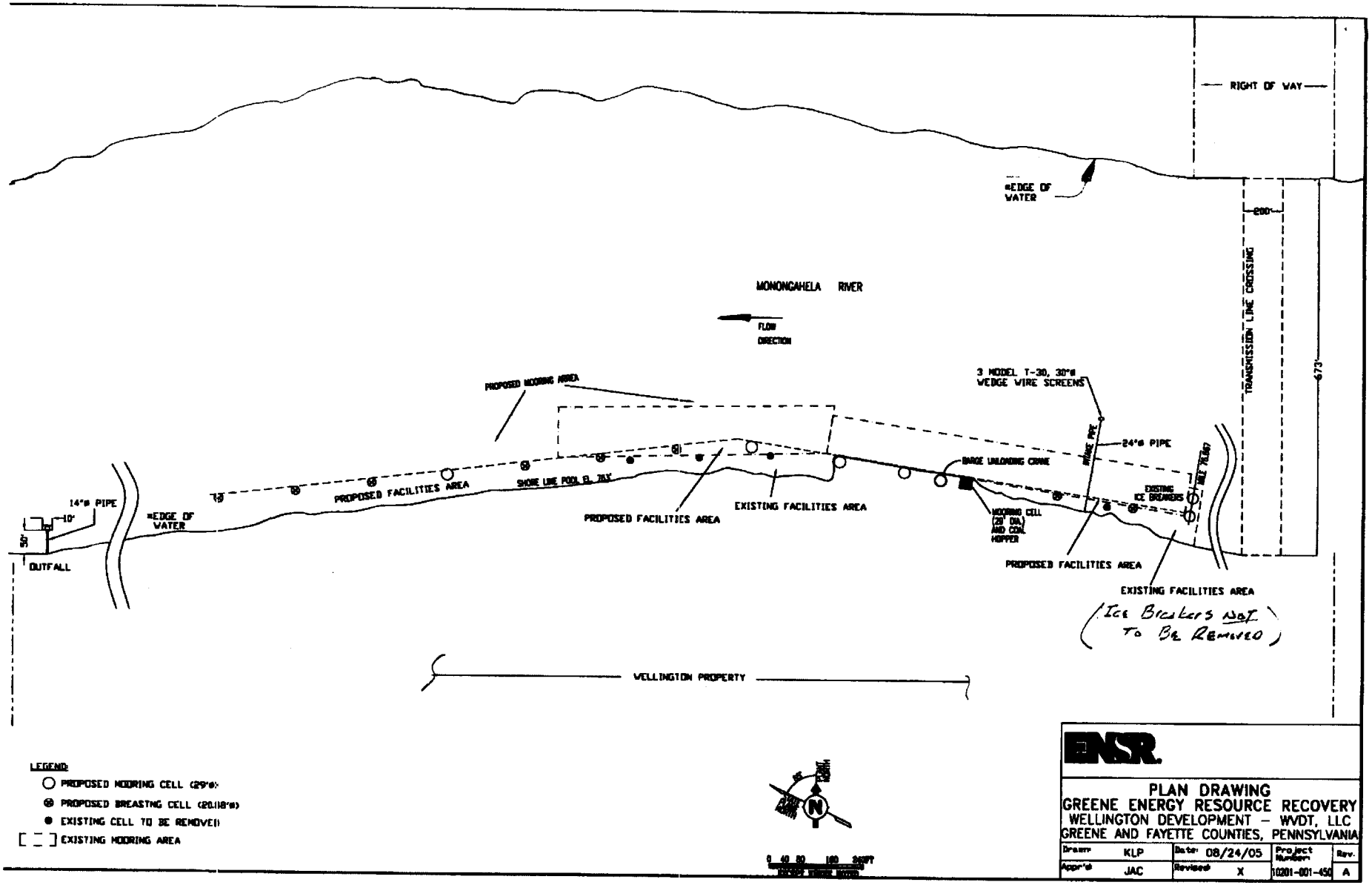

ENSR

PLAN DRAWING
GREENE ENERGY RESOURCE RECOVERY
WELLINGTON DEVELOPMENT – WVDT, LLC
GREENE AND FAYETTE COUNTIES, PENNSYLVANIA

Drawn	KLP	Date	08/24/05	Project Number	Rev.
Appr'd	JAC	Revised	X	10201-001-450	A

Barge Mooring Area

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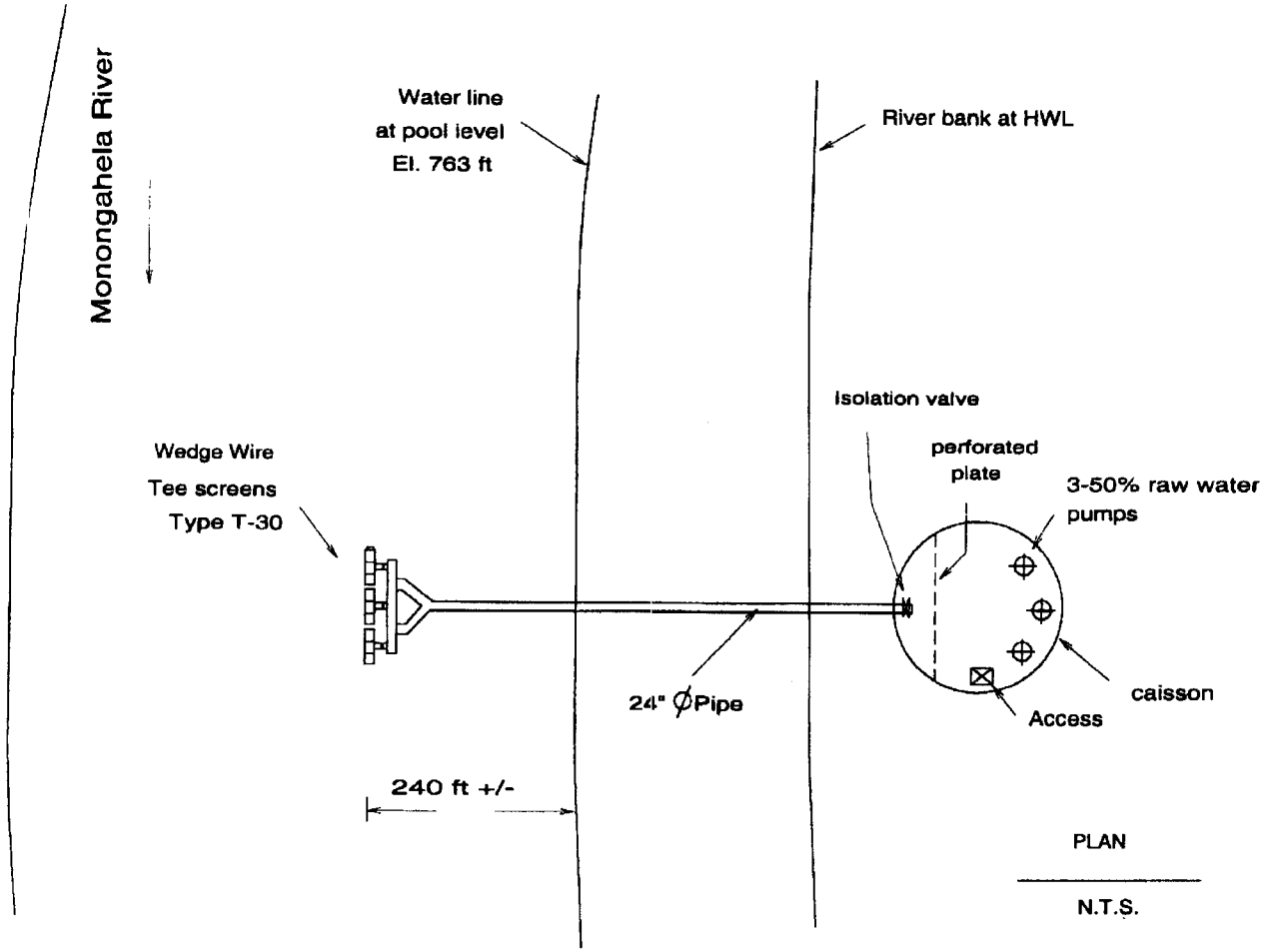
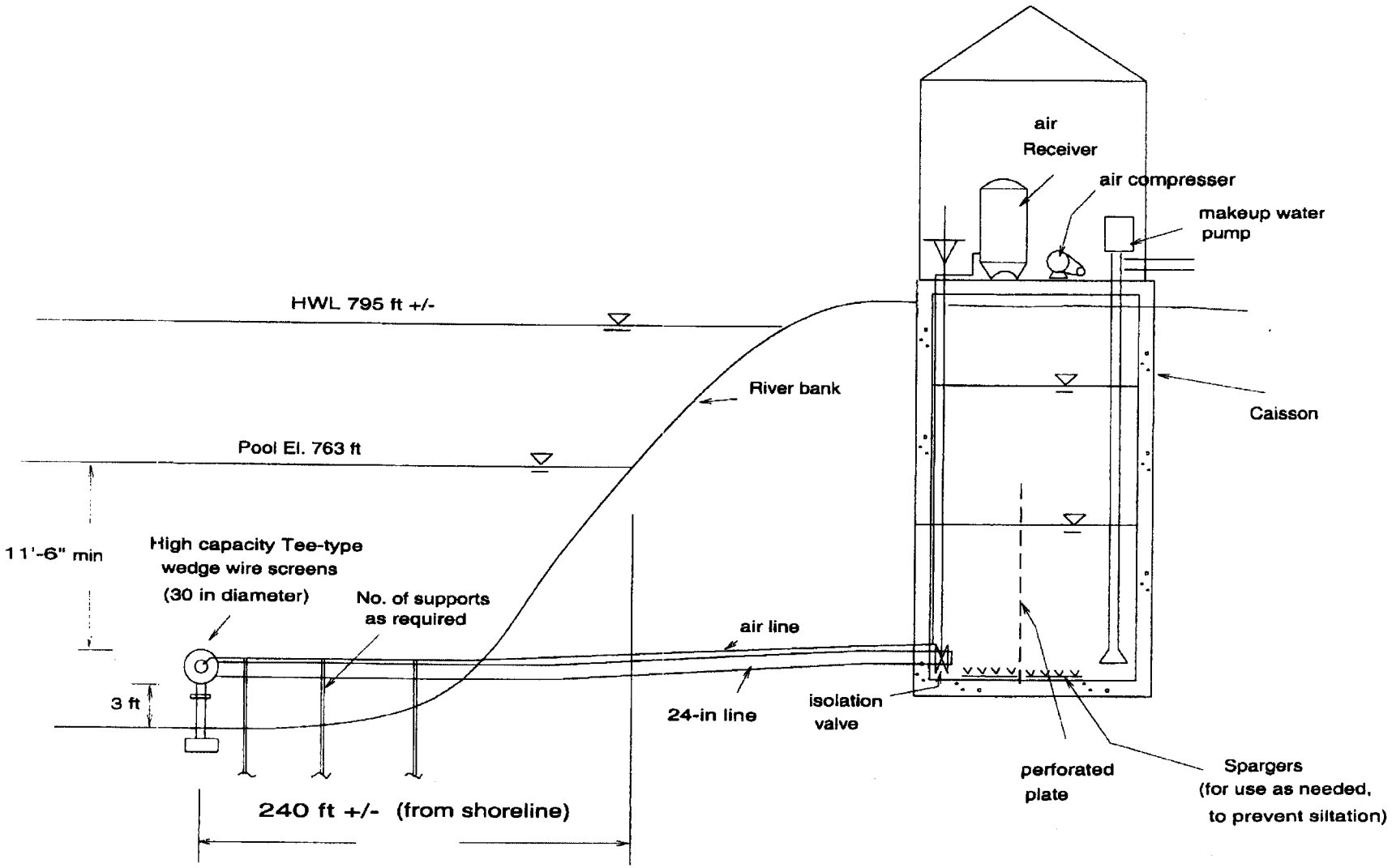


Notes:

1. Use of 3 wedge wire screens (Johnson Screens, Model T-30, 30-in dia.)
2. Three-50% capacity raw water pumps. Flow per pump is 3,750 gpm and total flow demand is 7,500 gpm.
3. Chlorination line will be routed to each wedge wire screen.

Conceptual Raw Water Intake -- Plan View

Greene Energy Resource Recovery Project



Note: A chlorination line will be routed along with the air line to each wedge wire screen.

SECTION

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Conceptual Raw Water Intake -- Section View

Greene Energy Resource Recovery Project

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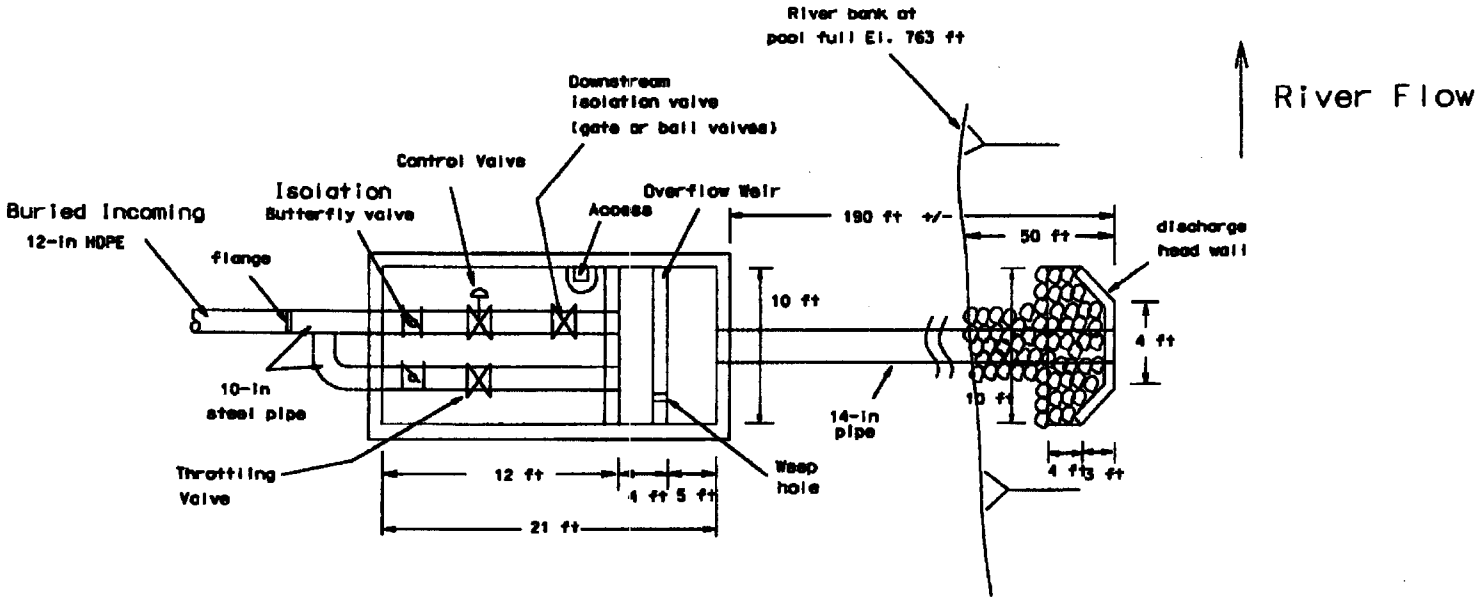

PLAN

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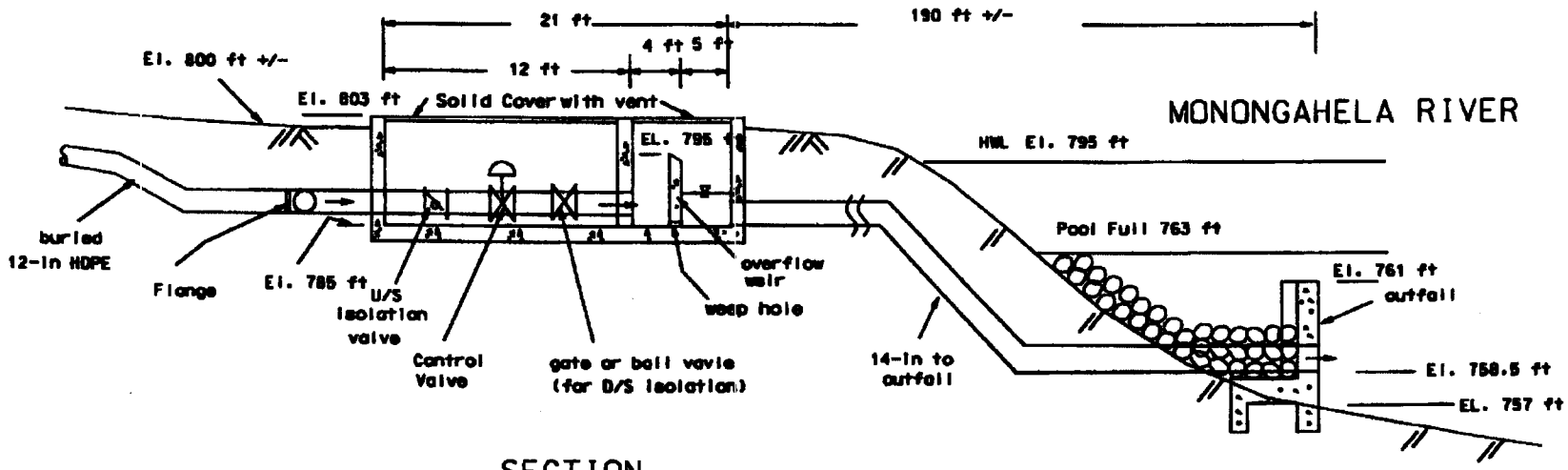
Notes:

1) The incoming pipe from plant is buried.
2) One control valve and one manual throttling valve
3) Waste water flows: Max 1532 gpm. Normal 865 gpm.
4) The control valve is to dissipate approximately 310 to 345 ft of head to maintain normal water level in the combined effluent sump at the plant.
5) Backfill discharge pipe between river bank and headwall with 12" D50 riprap.

Waste Water Discharge Valve Box and Outfall - Plan View

GREENE ENERGY RESOURCE RECOVERY PROJECT



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Waste Water Discharge Valve Box and Outfall - Section View

GREENE ENERGY RESOURCE RECOVERY PROJECT

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