
SECTION I

**U.S. ARMY CORPS OF ENGINEERS
SECTION 404 APPLICATION FORM**

The public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Ohio River Clean Fuels, LLC.	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Civil & Environmental Consultants, Inc.
6. APPLICANT'S ADDRESS 9013 NE Hwy 99, Suite S Vancouver, WA 98665	9. AGENT'S ADDRESS 333 Baldwin Road Pittsburgh, PA 15205
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business (360) 546-2342	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business (412) 429-2324

11. STATEMENT OF AUTHORIZATION

I hereby authorize Civil & Environmental Consultants, Inc. to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

Stephen M. Dopus

December 14, 2007

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Ohio River Clean Fuels Facility	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Wetlands and UNTs to Rocky Run and Ohio River	14. PROJECT STREET ADDRESS (if applicable) Sixteen School Road Wellsville, Ohio
15. LOCATION OF PROJECT Columbiana, Jefferson COUNTY OH STATE	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

See Figure 1

17. DIRECTIONS TO THE SITE

From Pittsburgh, PA take US-22/30W for approximately 38 miles. Turn onto Rt-7 North and travel north approximately 16 miles to the Clark Avenue exit at Wellsville/Intermodal Facility. The Site is to the west of Route 7.

18. Nature of Activity (Description of project, include all features)

See Attachment A, Supplemental Information.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

See Attachment A, Supplemental Information.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

See Attachment A, Supplemental Information.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

See Attachment A, Supplemental Information.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

See Attachment A, Supplemental Information.

23. Is Any Portion of the Work Already Complete? Yes _____ No IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

See Attachment A, Supplemental Information.

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
See	Attachment A				

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Stephan M. D'Amico 12/14/07
SIGNATURE OF APPLICANT DATE

Donald A. Matthe 12-14-07
SIGNATURE OF AGENT DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, *e.g.*, Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Section, Township, and Range of the site and / or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 24. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 25. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 26. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**



ATTACHMENT A – SUPPLEMENTAL INFORMATION

U.S. Army Corps of Engineers Section 404 Permit Application

Item 18. Nature of Activity

Ohio River Clean Fuels, LLC (ORCF) is proposing to construct a coal to liquids fuel plant in Columbiana and Jefferson Counties, Ohio. In order to obtain the footprint necessary for the ORCF facility, an approximate 357-acre development area is required for construction. As a result, ORCF is proposing to impact 0.19 acres of federally jurisdictional wetlands (1.52 acres of the 1.71 total wetland acres are isolated), 6,487 feet of streams (2,258 of the 8,745 feet of total stream length are isolated), and 0.29 acres of ponds. Given the relatively steep topography of the area, the majority of impacts will result from grading activities associated with pad construction that will house the ORCF facility.

Item 19. Project Purpose

The ORCF facility will consist of a manufacturing plant as well as a self-sustaining power generation plant which will power the plant itself, as well as produce excess energy for sale into the grid. The plant will burn approximately 7 million tons of Appalachian coal and 2 million tons of biomass such as wood waste, switch grass, and biological wastes per year to create a clean synthetic fuel product. The fuel will principally be sold on the private market with the potential for military use. Construction is anticipated to begin in 2008 and last approximately 4 years.

Item 20. Reason(s) for Discharge

The discharge of fill into the wetlands, streams and ponds is necessary to create a large flat pad where the site can be situated. Extensive work has been done to reconfigure the plant layout and avoid/minimize impacts to aquatic resources. However, given the steep topography within the Ohio River valley, some impacts are unavoidable. With the exception of a minor culvert extension across unnamed tributary RR-A, all impacts to water resources will result from grading activities associated with the creation of a level pad needed for the plant layout. For a detailed description of the resources to be impacted and the reason for impacts, please refer to the Alternatives Analysis in Section II.

Item 21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

The types of material that will be discharged to the Site are those that will be excavated/blasted during cut and fill operations at the Site. The total amount of earthwork involved for the development of the Site is estimated at 18,630,000 cubic yards of material. Anticipated materials are clean fill including rock and topsoil. Based upon preliminary geotechnical investigations, rock will likely constitute the majority of the fill material.



Item 22. Surface Area in Acres of Wetlands or Other Waters Filled

The construction of the Site will disturb approximately 357 acres, resulting in the filling of approximately 8,745 feet of stream (2,258 feet of which are isolated), 1.71 acres of wetlands (1.51 acres of which are isolated), and 0.29 acres of ponds. For a detailed description of each water body to be impacted, refer to Section II of this application.

Item 24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody

<u>Parcel No.</u>	<u>Name and Address</u>
82-00323.000	Charles F. &/or Margaret Joy 21584 Sprouse Rd Wellsville, OH 43968-9624
82-00585.000	Ronald and Mary Anne Frischkorn 42560 Old Irondale Rd Wellsville, OH 43968-9648
82-00279.000	SMW Holdings LLC. 1609 Pennsylvania Ave. East Liverpool, OH 43920
82-01236.000	David M. Rost TR & SMW Holdings LLC P.O. Box 615 Ligonier, PA 15658
82-01014.000	Charles E. &/or Karen S. Crews 21187 Sixteen School Rd. Wellsville, OH 43968-9618
82-01131.001 82-01132.000	James K. Brown Jr. & Amy M. Crews 21157 Sixteen School Rd. Wellsville, OH 43968
82-01131.002	Michael S. &/or Shawna R. Crews 21081 Sixteen School Rd. Wellsville, OH 43968
82-001131.000 82-01013.000 82-00084.000	James W. & Bertha I. Crews 21260 Sixteen School Rd. Wellsville, OH 43968



82-00424.000 George Matheson, Sr.
20979 Sixteen School Road
Irondale, OH 43932

82-00089 Donald A. and Susan J. Board
20992 Sixteen School Rd.
Wellsville, OH 43968

82-00387.003 Mindy J. Growe
43550 Sherwood Rd.
Wellsville, OH 43968

82-00387.001 Richard and Kay Ferguson Hochbein
43216 18th Street Heights
Wellsville, OH 43968

82-00511.000 Catherine J. French
43547 Sherwood Road
Wellsville, OH 43968

82-0611.000 Jason S. Sheville
43228 18th Street
Wellsville, OH 43968

82-00169.001 Lowell R. and Patricia Corbin
24643 Theda Street
Perris, CA 92570-9335

82-00169.001 William S. Athey Jr.
43226 18th Street Heights
Wellsville, OH

82-00325 John J. and Judith Ann Ruble
15174 Cherry Ln.
East Liverpool, OH 43920

82-00266 Donald E. and Robin Keyes
43397 18th Street Heights
Wellsville, OH 43968

82-00206.000 Thomas William Pelley
43409 18th Street Heights
Wellsville, OH 43968



82-00989.000 Jean M. Pastore
42427 18th Street Heights
Wellsville, OH 43968

82-00057.000 Mary and Jerry L. Alford
82-00056.000 43483 18th Street Heights
Wellsville, OH 43968

82-00877.000 Daniel G. and Allura A. Yasho
82-00428.000 43548 18th Street Heights
Wellsville, OH 43968

82-00033.00 Jon L. and Katrina S. Brenneman
43557 18th Street Heights
Wellsville, OH 43968

82-00142 Paul and Sherma Gordon
82-00143 43589 18th Street Heights
Wellsville, OH 43968

27-00109-000 Jean Coleman
13737 SR 213
Irondale, OH 43932

27-00105-000 David & Constance McCourt
33 County Highway 50A
Irondale ,OH 43932

27-01688-000 Amos Rawson
P.O. Box 333
Lisbon, OH 44432

27-00638-000 Joyce A. Abdalla
Trustee of S. T. Abdalla Rev. Trust
Box 114
Stratton, OH 43961



Item 25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

The following table identifies other permits that Ohio River Clean Fuels, LLC will eventually need to obtain.

Agency	Type of Approval	Date Applied	Date Approved
ODOT District 11	Road Improvements	To Be Submitted	To Be Approved
Ohio EPA & Local Conservation Districts	NOI	To Be Submitted	To Be Approved
Ohio Power Siting Board	Power Siting Board Application	To Be Submitted	To Be Approved
Ohio EPA	Permit to Install (Air Permit)	To Be Submitted	To Be Approved
State Industrial Compliance Department	Water Line Approval	To Be Submitted	To Be Approved
Ohio EPA & Village of Wellsville	Sanitary Approval	To Be Submitted	To Be Approved
Ohio EPA	E&S Plan	To Be Submitted	To Be Approved
State Industrial Compliance Department	Stormwater/Detention Review	To Be Submitted	To Be Approved
Ohio EPA & Village of Wellsville	Sanitary Sewer Approval	To Be Submitted	To Be Approved
Buckeye Water District	Water Line Approval	To Be Submitted	To Be Approved