

Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833**

Public Notice No.
P-2802
Public Notice Date
August 17, 2011
Expiration Date
August 31, 2011

Postmaster Please Post Conspicuously Until:

File Number: 2011-280 (The increased impacts to wetland and deep water habitat necessitated that we send a new Public Notice)

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Gerald Berning

APPLICANT: Green Energy Holdings LLC, 2215 Cluster Oak Drive, Suite 3, Clermont, Florida 34711

LOCATION: The project area is located about 2 miles east of Cutler, Perry County, Illinois in Sections 2 and 3, Township 06 South, Range 04 West of the 3rd Principal Meridian.

PROJECT DESCRIPTION: The applicant seeks authorization to construct a carbon recovery operation at the location stated above. The proposed permit area is approximately 355.9 acres. The product will be reclaimed fine coal from the slurry remnants deposited by the Consolidation Coal Company's former Burning Star 4 surface mine. The slurry will be removed by two methods, hydraulic dredging, and conventional (dry) excavation techniques. Dredging will be the primary removal technique while conventional excavation and haulage will occur generally at the north end of the refuse area where soil cover has been applied. Reclaimed carbon production is expected to average 200,000 tons/year for this permit area. Overburden removal is not applicable, however if potentially toxic materials are uncovered in the routine earthmoving operations, such material will be placed so as to assure it is covered with a minimum of four feet of suitable non-toxic non-flammable material. Areas left bare from removal of existing vegetation will be reseeded with a permanent seed mixture

and mulched. Secondary refuse from the processing facility will be the only waste material from this operation. Such material will consist of extremely fine-sized material, primarily fireclay, and non-combustible materials of higher specific gravity non-coal minerals. Net neutralization potential of this reject material cannot be determined until such time as the process begins at which time the information will be provided to the Regulatory Authorities. Non-coal waste will be removed from the site by a licensed hauler. Coal waste for approximately the first year of operation will be disposed of in Secondary Refuse Cells which will receive the required earthen cover upon the refuse area's closure. After the first year, the open pit volume opened up by the dredging operation will be utilized to receive coal waste for the remainder of the mine's life. The existing slurry pond will be the receiving water body for runoff from within the Secondary Refuse Area. Since the proposed operation recycles the same material to the original place of disposal, no additional measures to avoid surface or groundwater pollution are considered necessary. The operation and associated surface facility within the proposed mine permit area is expected to cause unavoidable impacts to 34.47 acres of wetland and 54.76 acres of deepwater habitat.

MITIGATION: The mitigation ratio proposed by applicant is 1:1. On areas where slurry recovery will be done, the southern portion and most northern edge is to be reclaimed to wetlands and the remainder will be reclaimed as deep water land uses. This will be a continuous process advancing with the dredging. Wetland wildlife areas will be seeded with a native, emergent wetland plant mix. The post mine reclamation plan will include the restoration of deepwater habitat (67.04 acres) and wetland (38.75 acres).

LOCATION MAPS AND DRAWINGS: See Attachments 1 and 2.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jerry Berning, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8372. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to gerald.v.berning@usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: This public notice also provides documentation to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at www.epa.state.il.us/public-notices/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

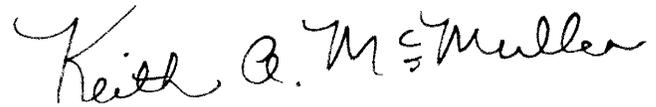
ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered 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; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS: The U.S. Army 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 the proposed activity. Any comments received will be considered by the U.S. Army 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 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.

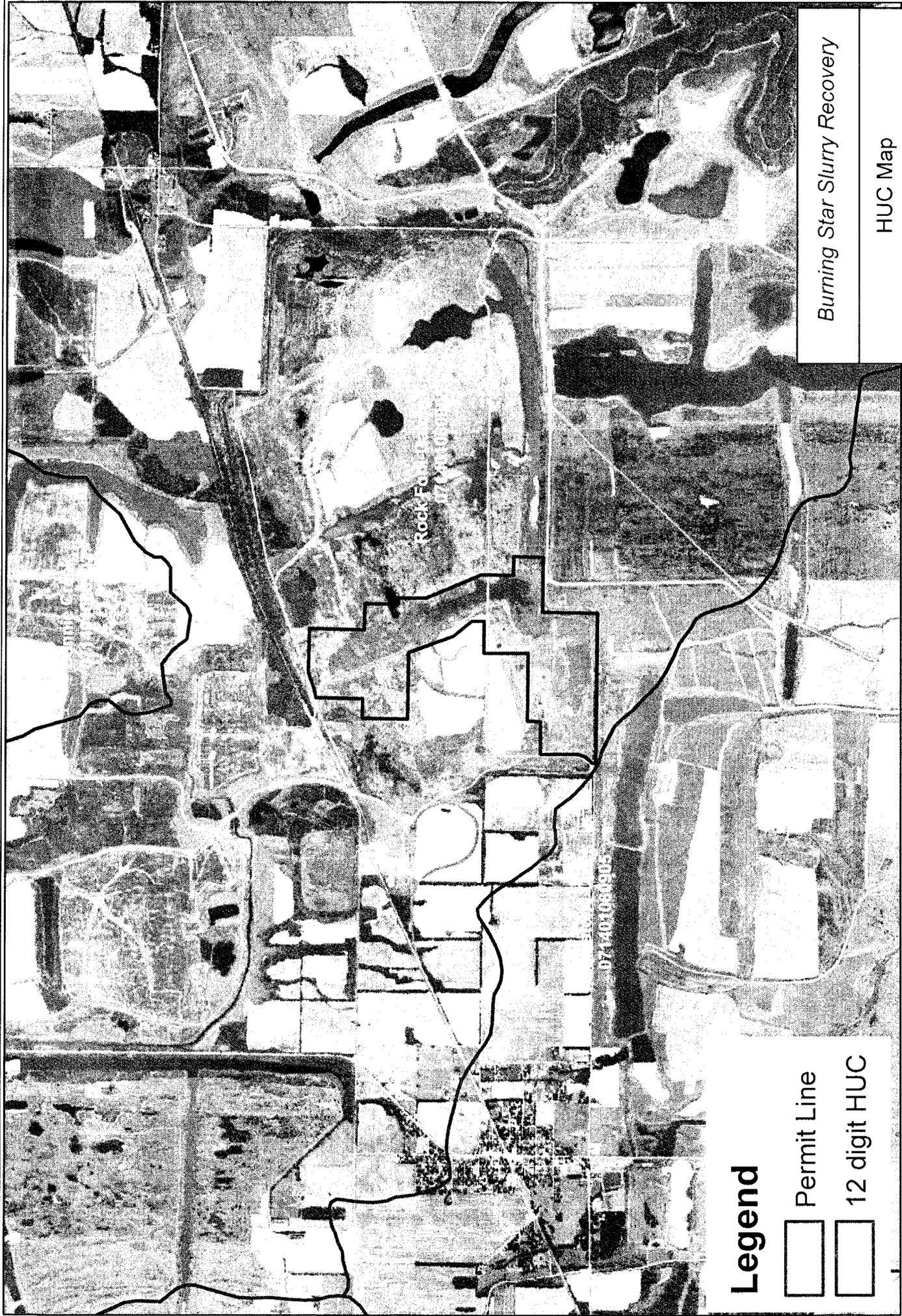


for DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



Legend

-  Permit Line
-  12 digit HUC



1 inch = 3,000 feet

Burning Star Slurry Recovery

HUC Map

Designed:	Date:
Checked:	3-7-11
Drawn:	Job No.:
Checked:	1338 Walnut St. Muphysboro, IL 62966
	5201 S. Sixth St. Rd. Springfield, IL 62703
	Figure 6.

OUR PUBLIC NOTICES ARE NOW AVAILABLE ON THE WORLD WIDE WEB AT OUR ST. LOUIS DISTRICT HOME PAGE (<http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>). If you have any trouble, please call Danny McClendon at (314) 331-8574 or by e-mail to: Danny.D.McClendon@usace.army.mil

WE ARE ATTEMPTING TO REDUCE OUR PUBLIC NOTICE MAILING COSTS; CHECK OUR WEB PAGE THEN CONTACT US TO HAVE YOUR NAMED REMOVED FROM OUR MAILING LIST, please call Jaynie Doerr at (314) 331-8581, or by email to: Jaynie.G.Doerr@usace.army.mil, or mail this cover-sheet to the St. Louis District, OD-F, 1222 Spruce Street, St. Louis, MO 63103-2833, ATTN: Regulatory Branch, indicating that your name or company named be removed. Changes to our mailing list may take a few weeks to take effect.

US ARMY ENGINEER DISTRICT, ST. LOUIS
ATTN: CEMVS-OD-F
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833