APPLICATION FOR OHIO EPA
SECTION 401 WATER QUALITY CERTIFICATION

Effective October 1, 1996
Revised August, 1998

This application must be completed whenever a proposed activity requires an individual Clean Water Act Section 401 Water Quality Certification (Section 401 certification) from Ohio EPA. A Section 401 certification from the State is required to obtain a federal Clean Water Act Section 404 permit from the U.S. Army Corps Engineers, or any other federal permits or licenses for projects that will result in a discharge of dredged or fill material to any waters of the State. To determine whether you need to submit this application to Ohio EPA, contact the U.S. Army Corps of Engineers District Office with jurisdiction over your project, or other federal agencies reviewing your application for a federal permit to discharge dredged or fill material to waters of the State, or an Ohio EPA Section 401 Coordinator at (614) 644-2001.

The Ohio EPA Section 401 Water Quality Certification Program is authorized by Section 401 of the Clean Water Act (33 U.S.C. 1251) and the Ohio Revised Code Section 6111.03(P). Ohio Administrative Code (OAC) Chapter 3745-32 outlines the application process and criteria for decision by the Director of Ohio EPA. In order for Ohio EPA to issue a Section 401 certification, the project must comply with Ohio's Water Quality Standards (OAC 3745-1) and not potentially result in an adverse long-term or short-term impact on water quality. Included in the Water Quality Standards is the Antidegradation Rule (OAC Rule 3745-1-05), effective October 1, 1996, revised October, 1997 and May, 1998. The Rule includes additional application requirements and public participation procedures. **Because there is a lowering of water quality associated with every project being reviewed for Section 401 certification, every Section 401 certification applicant must provide the information required in Part 10 (pages 3 and 4) of this application**. In addition, applications for projects that will result in discharges of dredged or fill material to wetlands must include a wetland delineation report approved by the Corps of Engineers, a wetland assessment with a proposed assignment of wetland category (ies), official documentation on evaluation of the wetland for threatened or endangered species, and appropriate avoidance, minimization, and mitigation as prescribed in OAC 3745-1-50 to 3745-1-54. Ohio EPA will evaluate the applicant's proposed wetland category assignment and make the final assignment.

Information provided with the application will be used to evaluate the project for certification and is a matter of public record. If the Director determines that the application lacks information necessary to determine whether the applicant has demonstrated the criteria set forth in OAC Rule 3745-32-05(A) and OAC Chapter 3745-1, Ohio EPA will inform the applicant in writing of the additional information that must be submitted. The application will not be accepted until the application is considered complete by the Section 401 Coordinator. An Ohio EPA Section 401 Coordinator will inform you in writing when your application is determined to be complete.

Please submit the following to "Section 401 Supervisor, Ohio EPA/DSW, P.O. Box 1049, Columbus, Ohio 43216-1049:

- Four (4) sets of the completed application form, including the location of the project (preferably on a USGS quadrangle) and 8-1/2 x 11" scaled plan drawings and sections.
- One (1) set of original scaled plan drawings and cross-sections (or good reproducible copies).

(See Application Primer for detailed instructions)

1. The federal permitting agency has determined this project: (check appropriate box and fill in blanks)

   a. [X] requires an individual 404 permit/401 certification- Public Notice # (if known)_____

   b. [ ] requires a Section 401 certification to be authorized by Nationwide Permit #_____

   c. [ ] requires a modified 404 permit/401 certification for original Public Notice #_____

   d. [ ] requires a federal permit under _____ jurisdiction identified by #_____

   e. [ ] requires a modified federal permit under_____ jurisdiction identified by #_____

Click to clear all entered information (on all 4 pages of this form) CLEAR

2. Application number (to be assigned by Ohio EPA):

3. Name and address of applicant:
Mr. David Humphreys
MPR Supply Chain Solutions, Inc.
5310 Guernsey St.
Bellaire, OH 43906

Telephone number during business hours:
(_____) _____ (Residence)
(740) 391-6713 (Office)

3a. Signature of Applicant: David A Humphreys Date: 1/27/12

4. Name, address and title of authorized agent:
Mr. Jeff Vaughn
Vaughn, Coast & Vaughn, Inc.
154 South Marietta St.
St. Clairsville, OH 43950

Telephone number during business hours:
(_____) _____ (Residence)
(740) 695-7256 (Office)

4a. Statement of Authorization: I hereby designate and authorize the above-named agent to act in my behalf in the processing of this permit application, and to furnish, upon request, supplemental information in support of the application.

Signature of Applicant: David A Humphreys Date: 1/27/12

5. Location on land where activity exists or is proposed. Indicate coordinates of a fixed reference point at the impact site (if known) and the coordinate system and datum used.

Address:

5310 Guernsey Street, Bellaire, OH 43906 40.043937 N Lat 80.731444 N Long.
Street, Road, Route, and Coordinates, or other descriptive location

Ohio River	Belmont	Pultney	Bellaire	OH	43906
Watershed	County	Township	City	State	Zip Code

6. Is any portion of the activity for which authorization is sought complete? ____ Yes _X_ No
If answer is "yes," give reasons, month and year activity was completed. Indicate the existing work on the drawings.

7. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharge or other activities described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
US Army Corps	Section 404	1970-004	December 2011		
Ohio Hist. Pres.	Section 106		December 2011		
OhioDiv ofWildlife	Rare/Endangered		Jan 9, 2012	Jan 10, 2012	

8. DESCRIPTION OF THE ACTIVITY (fill in information in the following four blocks - 8a, 8b, 8c & 9)

8a. Activity: Describe the Overall Activity:

Dredging of riverbank side of property. Installation of sheet piling along dredged bank area and filling on land side of sheet piling. Construction of overhead crane rails from the property over the dredged riverbank area out to two new piers in river adjacent to two existing circular barge moorings. Construction of concrete slab over filled area on property site.

8b. Purpose: Describe the purpose, need and intended use of the activity:

The activity will provide a barge loading and unloading facility on the Ohio River. The facility is necessary for the Owner's trainsloading business in raw materials from barge to railroad and truck and unloading/loading raw materials from railroad and truck to barge.

8c. Discharge of dredged or fill material: Describe type, quantity of dredged material (in cubic yards), and quantity of fill material (in cubic yards).

River bottom silts, sands and gravels will be dredged from the shore area, dewatered onsite, and permanently disposed onsite as fill. The estimated quantity is 500 cy. Bank run sand and gravel will be used to fill behind the sheet piling wall. The estimated quantity is 16,500 cy.

9. Waterbody and location of waterbody or upland where activity exists or is proposed, or location in relation to a stream, lake, wetland, wellhead or water intake (if known). Indicate the distance to, and the name of any receiving stream, if appropriate.

Milepoint 92.2 on the Ohio River.

10. To address the requirements of the Antidegradation Rule, your application must include a report evaluating the:

- Preferred Design (your project) and Mitigative Techniques
- Minimal Degradation Alternative(s) (scaled-down version(s) of your project) and Mitigative Techniques
- Non-Degradation Alternative(s) (project resulting in avoidance of all waters of the state)

At a minimum, item a) below must be completed for the Preferred Design, the Minimal Degradation Alternative(s), and the Non-Degradation Alternative(s), followed by completion of item b) for each alternative, and so on, until all items have been discussed for each alternative (see Primer for specific instructions).

10a) Provide a detailed description of any construction work, fill or other structures to occur or to be placed in or near the surface water. Identify all substances to be discharged, including the cubic yardage of dredged or fill material to be discharged to the surface water.

10b) Describe the magnitude of the proposed lowering of water quality. Include the anticipated impact of the proposed lowering of water quality on aquatic life and wildlife, including threatened and endangered species (include written comments from Ohio Department of Natural Resources and U.S. Fish and Wildlife Service), important commercial or recreational sport fish species, other individual species, and the overall aquatic community structure and function. Include a Corps of Engineers approved wetland delineation.

10c) Include a discussion of the technical feasibility, cost effectiveness, and availability. In addition, the reliability of each alternative shall be addressed (including potential recurring operational and maintenance difficulties that could lead to increased surface water degradation.)

10d) For regional sewage collection and treatment facilities, include a discussion of the technical feasibility, cost effectiveness and availability, and long-range plans outlined in state or local water quality management planning documents and applicable facility planning documents.

10e) To the extent that information is available, list and describe any government and/or privately sponsored conservation projects that exist or may have been formed to specifically target improvement of water quality or enhancement of recreational opportunities on the affected water resource.

10f) Provide an outline of the costs of water pollution controls associated with the proposed activity. This may include the cost of best management practices to be used during construction and operation of the project.

10g) Describe any impacts on human health and the overall quality and value of the water resource.

10h) Describe and provide an estimate of the important social and economic benefits to be realized through this project. Include the number and types of jobs created and tax revenues generated and a brief discussion on the condition of the local economy.

10i) Describe and provide an estimate of the important social and economic benefits that may be lost as a result of this project. Include the effect on commercial and recreational use of the water resource, including effects of lower water quality on recreation, tourism, aesthetics, or other use and enjoyment by humans.

10j) Describe environmental benefits, including water quality, lost and gained as a result of this project. Include the effects on the aquatic life, wildlife, threatened or endangered species.

10k) Describe mitigation techniques proposed (except for the Non-Degradation Alternative):

- Describe proposed Wetland Mitigation (see **OAC 3745-1-54** and Primer)
- Describe proposed Stream, Lake, Pond Mitigation (see Primer)

11. Application is hereby made for a Section 401 Water Quality Certification. I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

Signature of Applicant _____ Date 1/27/12 _____ Signature of Agent _____

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 3 has been filled out and signed.

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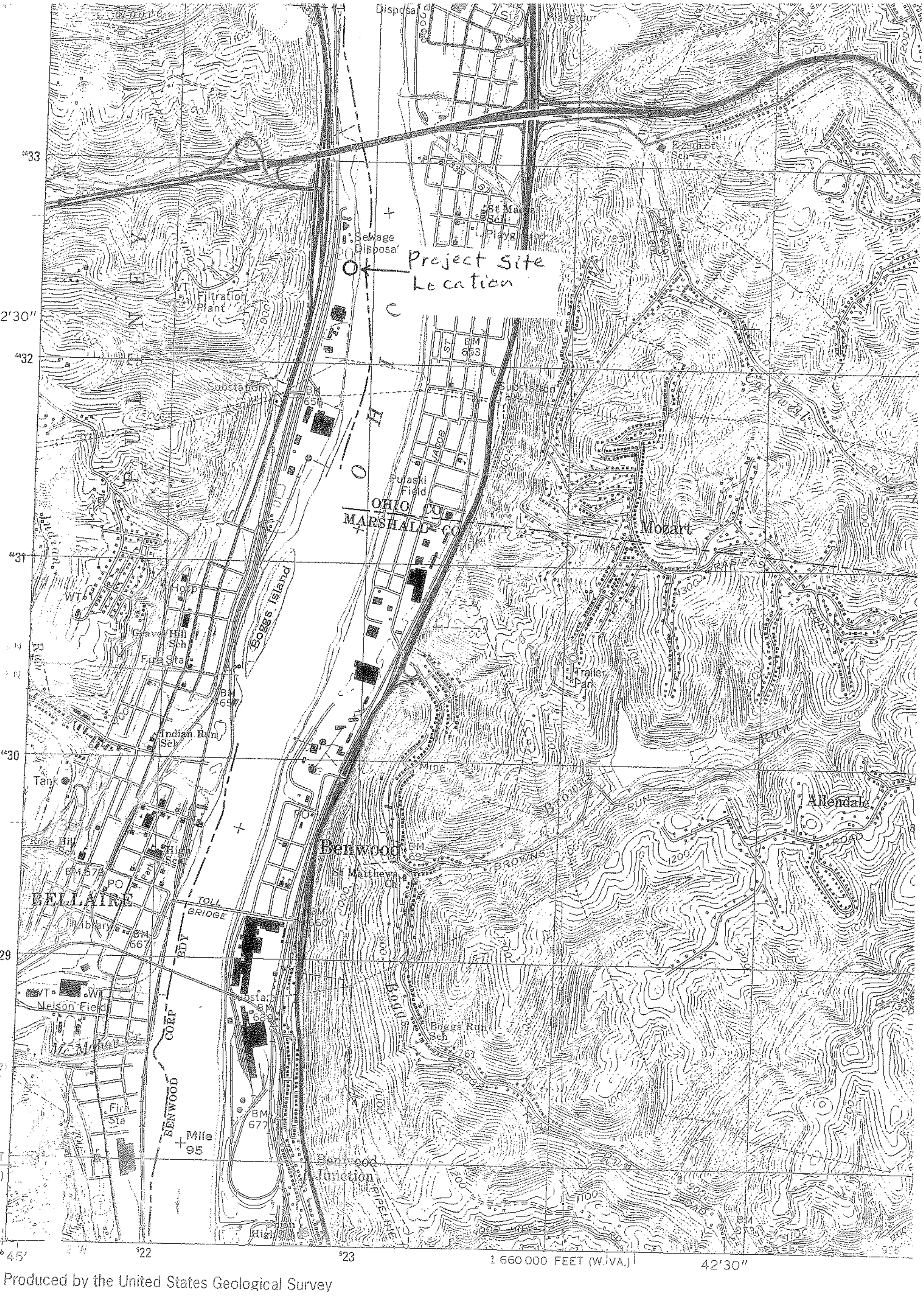
Wheeling, WV Quadrangle
Site is in Bellaire, Ohio



Produced by the United States Geological Survey

Google

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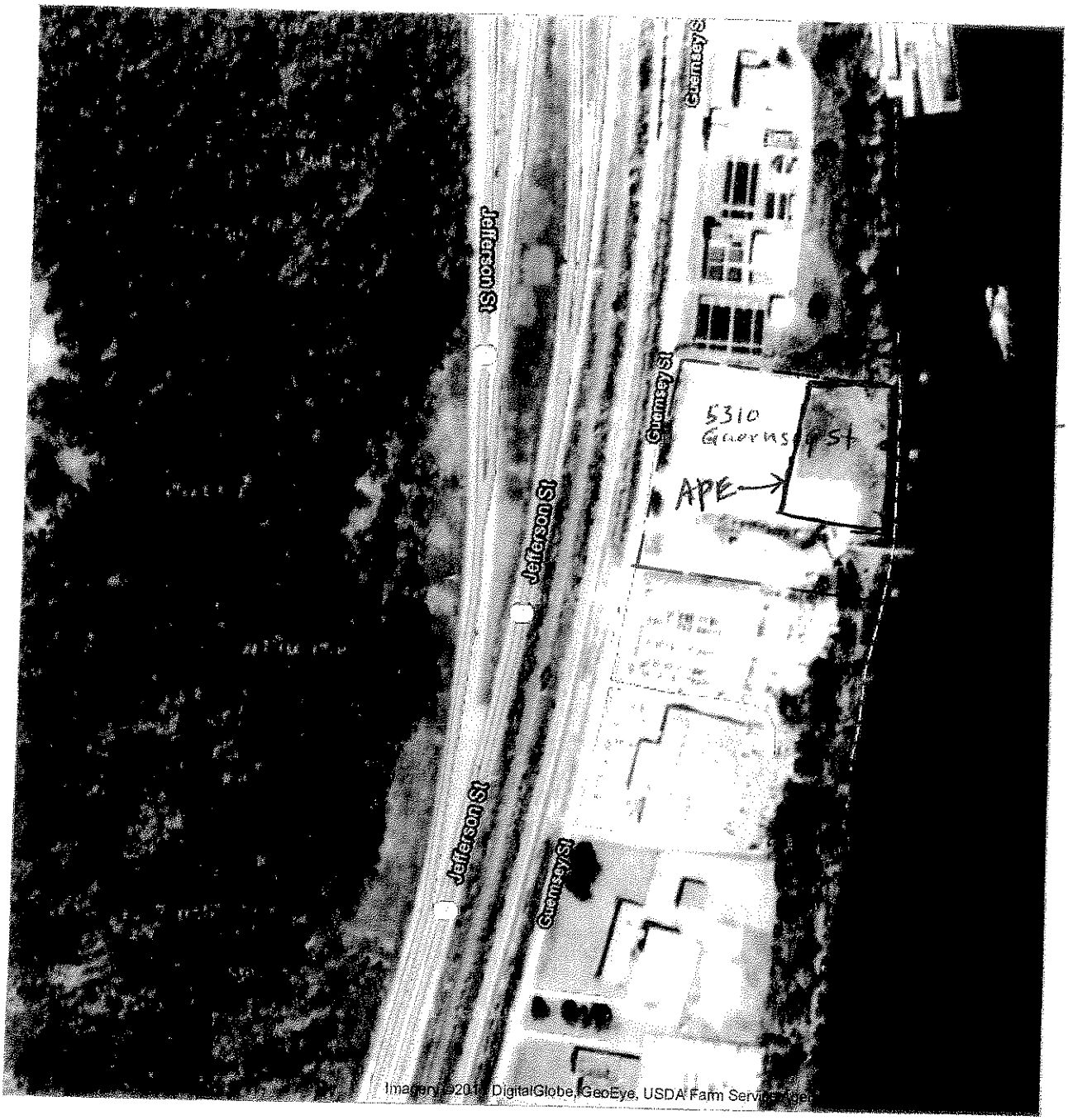

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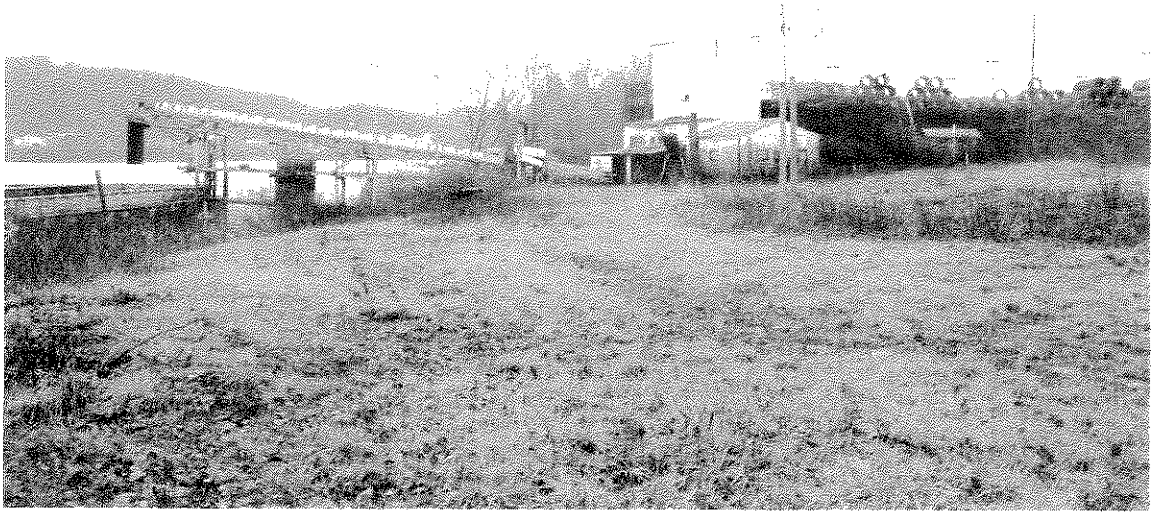
Photo Index Map



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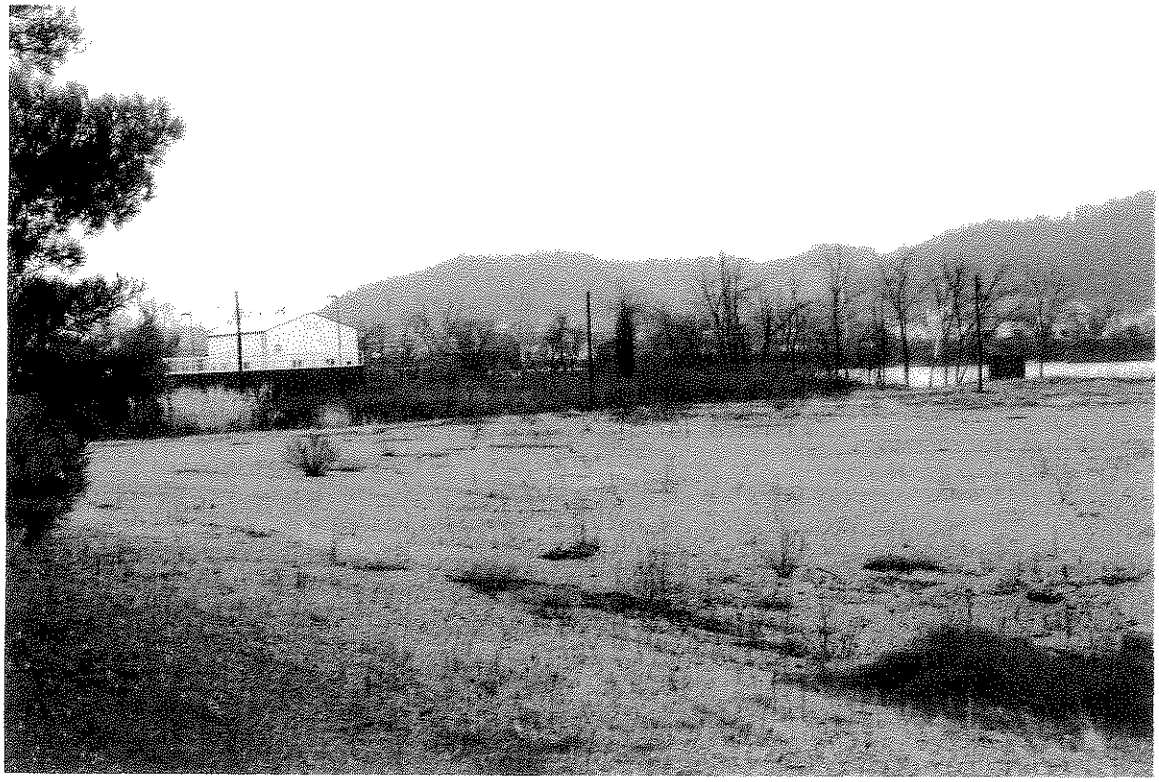

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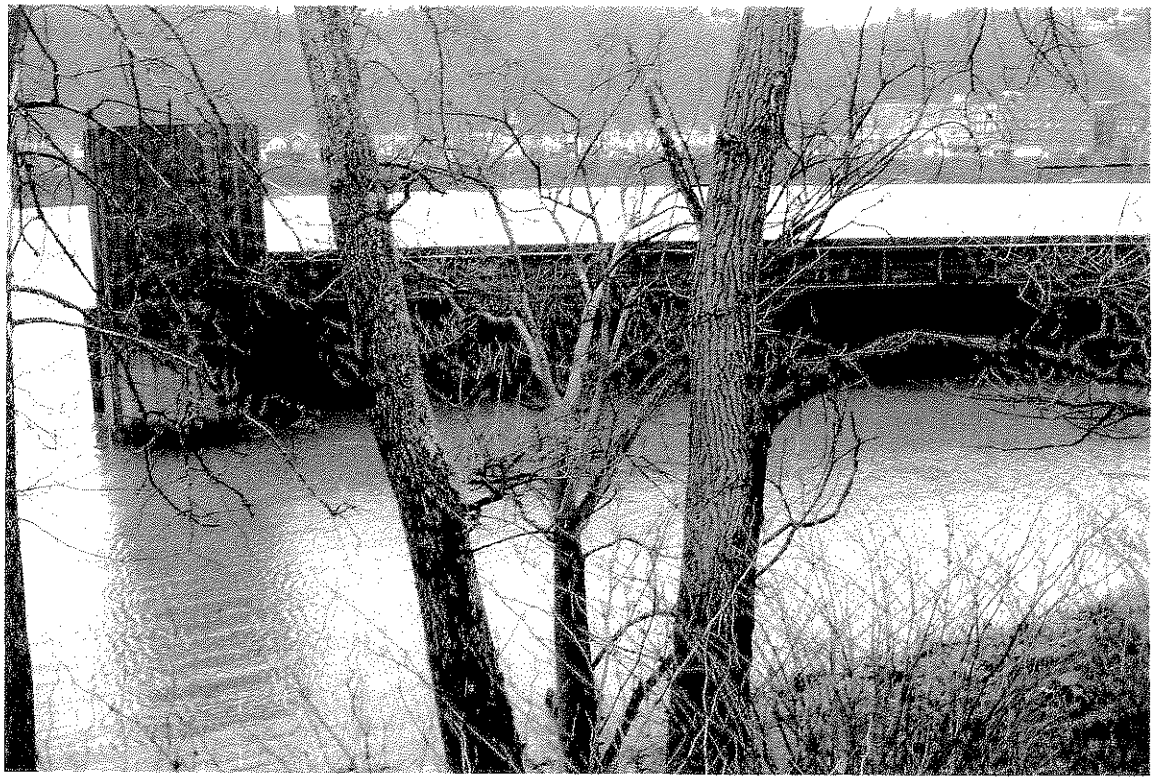

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MPR Supply Chain Solutions
Loading/Unloading Facility on the Ohio River
January 30, 2012

Application for Ohio EPA Section 401 Water Quality Certification

Item #10 - Preferred Design and Mitigative Techniques

10a) At the river bank area, a sheet piling wall will be installed in the water. On the river side of the piling wall, a small amount of dredging will occur to create a level bottom conducive for barge traffic at the load/unload area. On the shore side of the piling, a large amount of engineered fill will occur to create a higher elevation level operational area behind the sheet piling wall. A concrete pad will be poured behind the wall. A railroad siding will terminate in this area below an overhead crane assembly. This area will be used to stage 6 railroad cars or trucks beneath the overhead crane assembly for either loading of materials into barges or unloading from barges and onto rail cars and trucks.

The dredged materials will be dewatered onsite and may be blended with imported fill material behind the sheet piling wall. The estimated dredge quantity is 500 cy. The estimated fill quantity is 16,400 cy. No materials will be filled in the water.

Between the two existing circular barge moorings, two piling arrangements will be installed into the river bottom at a normal river pool depth of approximately 12 feet. The exact piling arrangement is undetermined at this time but should consist of about 4 steel H-piles driven to refusal. The top of the pilings will support a structural steel column base and column. The top of the column will support an overhead crane beam assembly.

10b) The relative lowering of water quality from the installation of sheet piling and H-piles and a small amount of dredging should be low. ODNR Wildlife has provided a statement that there are no affected rare and endangered species. The waterway affected is the Ohio River and it is not a wetland.

10c) The driving of interlocking steel sheet piling into the silts, sands, and gravels on the river bottom is standard practice for installing a relatively watertight structural barrier in waterways. This type of installation has been commonplace in waterways for decades. Steel sheet piling is readily available and most cost effective comparing any other methods. Once the sheet piling is installed, it is considered permanent and does not require follow up maintenance or replacement. This practice is economical due to the availability of marine pile driving equipment and contractors.

The other component of this installation is the h-piles driven into the river bottom to refusal. These piles form the foundation for a pile cap and a column for the overhead crane beams. The driving of vertical piles into the bottom of waterways for dock assemblies is considered

standard practice. Once installed, it is considered permanent and does not require follow up maintenance or replacement. This practice is economical due to the availability of marine pile driving equipment and contractors.

10d) Not applicable.

10e) No conservation projects are known.

10f) The potential for water pollution would be the disposal on site of dredged materials for dewatering. The river bottom would be dredged and the materials would be disposed into a barge. From the barge, the materials would be pumped onto the site above the fill area where they would be allowed to free drain water. The water pollution controls that would be employed to prevent the water from reaching the river would include dirt berms, silt fencing, etc.

10g) There are no perceived impacts on human health.
The water quality of the Ohio River has steadily improved over the years due to control over point source dischargers. The river is primarily used for navigation purposes with barge traffic moving raw materials up and down the river. Secondarily, the river has always been used for recreational boating and sport fishing.

10h) See attached letter from MPR.

10i) There are no known social and economic benefits that will be lost as a result of this project. There will be economic gains to be made based on this project. The project site was previously used as a coal loading facility with trucked coal being transported onto barges. This project will revitalize the previously active industrial site by allowing barge loading and unloading operations to occur at this location. The site has been an industrial site since at least 1986. There is no loss of recreational use of the Ohio River in this area due to this site being restored to a barge loading and unloading facility. The site is downstream of a regional wastewater treatment plant with a sewage outfall immediately upstream of the site. Approximately five years ago, recreational use of the Ohio River in this area was enhanced with the construction of the public Bellaire Boat Launch facility located about 1 mile south of this location.

10j) The environmental benefits lost due to this project would include the loss of about 330 feet of river bank. The bank area will become a steel piling wall with no shore line in this area. Waterfowl would not be in existence in this area due to the loss of shore line. Aquatic life would re-establish after dredging.

10k) Proposed Stream Mitigation:
The proposal for mitigation is as follows:

1. Install a relatively small rip rap toe at the base of the steel sheet piling wall as an aquatic life habitat. The stone would be placed after the wall is installed and the river bottom has been dredged.
2. Plant tree seedlings on previous gob pile coal mine property owned by MPR immediately south of I-70 and St. Clairsville. The Belmont Soil and Water Conservation District would be contacted for guidance on suitable tree seedlings and locations on the property that would be suitable for reforestation.

Item #10 – Minimal Degradation Alternative and Mitigative Techniques

10a) In this alternative, the sheet piling wall will be eliminated and the river bank area will remain. However, a small amount of dredging will still be required to create a level bottom conducive for barge traffic at the load/unload area. Instead of the elevated concrete pad sitting on fill behind the steel piling wall, there will be the existing ground profile. The concrete pad will be poured back on the site where the ground is naturally at a higher elevation. Since the concrete pad is not right next to the river, the overhead steel frame system will be extended from the river back to where the concrete pad will be located. The frame system will be of a larger size and additional column supports and framing will be required to provide the structural stability for the extended overhead beams to support the movement of materials from the river edge back to the concrete pad staging area. The railroad siding will terminate further away from the river at the revised concrete pad location. As in the Preferred Alternative, the pad area will be used to stage 6 railroad cars or trucks beneath the overhead crane assembly for either loading of materials into barges or unloading from barges and onto rail cars and trucks.

There will be some incidental additional dredging that will be necessary to transition the dredged bottom to match the existing shore line slope since there is no vertical steel wall. The total estimated dredge quantity is approximately 550 cy. There will be no fill occurring in this alternative. As in the Preferred Alternative, the dredged materials will be dewatered onsite.

Between the two existing circular barge moorings, two piling arrangements will be installed into the river bottom at a normal river pool depth of approximately 12 feet. The exact piling arrangement is undetermined at this time but should consist of about 4 steel H-piles driven to refusal. The top of the pilings will support a structural steel column base and column. The top of the column will support an overhead crane beam assembly.

A second set of additional piling arrangements will be installed about where the steel piling wall is proposed to go. The arrangements would be similar to those between the barge moorings. They would support a structural steel column base and column with the top of each column supporting the overhead crane beam assembly.

10b) The relative lowering of water quality from the installation of H-piles and a small amount of dredging should be low. ODNR Wildlife has provided a statement that there are no

affected rare and endangered species. The waterway affected is the Ohio River and it is not a wetland.

10c) This alternative involves the installation of H-piles that are driven into the river bottom to refusal. These piles form the foundation for a pile cap and a column for the overhead crane beams. The driving of vertical piles into the bottom of waterways for dock assemblies is considered standard practice. Once installed, it is considered permanent and does not require follow up maintenance or replacement. This practice is economical due to the availability of marine pile driving equipment and contractors.

10d) Not applicable.

10e) No conservation projects are known.

10f) The potential for water pollution would be the disposal on site of dredged materials for dewatering. The river bottom would be dredged and the materials would be disposed into a barge. From the barge, the materials would be pumped onto the site where they would be allowed to free drain water. The water pollution controls that would be employed to prevent the water from reaching the river would include dirt berms, silt fencing, etc.

10g) There are no perceived impacts on human health.
The water quality of the Ohio River has steadily improved over the years due to control over point source dischargers. The river is primarily used for navigation purposes with barge traffic moving raw materials up and down the river. Secondarily, the river has always been used for recreational boating and sport fishing.

10h) See attached letter from MPR.

10i) There are no known social and economic benefits that will be lost as a result of this project. There will be economic gains to be made based on this project. The project site was previously used as a coal loading facility with trucked coal being transported onto barges. This project will revitalize the previously active industrial site by allowing barge loading and unloading operations to occur at this location. The site has been an industrial site since at least 1986. There is no loss of recreational use of the Ohio River in this area due to this site being restored to a barge loading and unloading facility. The site is downstream of a regional wastewater treatment plant with a sewage outfall immediately upstream of the site. Approximately five years ago, recreational use of the Ohio River in this area was enhanced with the construction of the public Bellaire Boat Launch facility located about 1 mile south of this location.

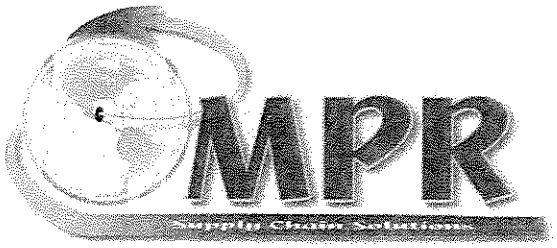
10j) In this alternative, the river shore line would be maintained instead of being removed as in the Preferred Alternative. Aquatic life would re-establish in this area after the dredging. It would appear that water fowl could maintain in the area in this alternative; however, the regular movement of barges back and forth in this area may not be attractive to them.

10k) Proposed Stream Mitigation:

The proposal for mitigation is as follows:

3. Install a relatively small rip rap toe at the base of the steel sheet piling wall as an aquatic life habitat. The stone would be placed after the wall is installed and the river bottom has been dredged.
4. Plant tree seedlings on previous gob pile coal mine property owned by MPR immediately south of I-70 and St. Clairsville. The Belmont Soil and Water Conservation District would be contacted for guidance on suitable tree seedlings and locations on the property that would be enhanced for reforestation.

Addressing Item 10h.



To whom it may concern:

MPR Supply Chain is proposing changes to its current harbor. These changes are critical to the ongoing operations at MPR in Bellaire.

If it is not possible to make these changes, 67 current jobs and an additional 70 jobs planned over the next two years would be lost.

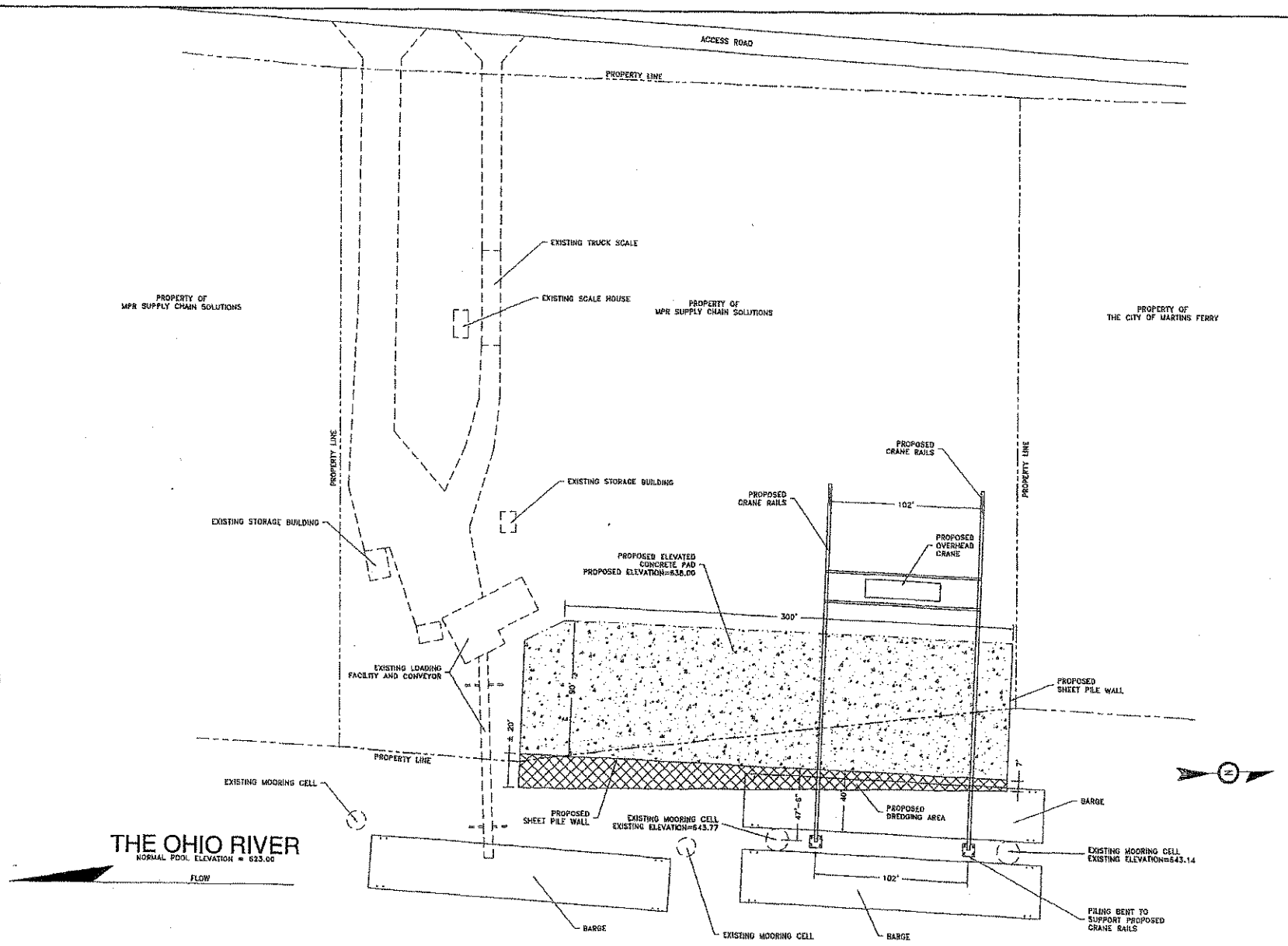
Thank you for your support and attention to this very critical matter of current jobs and job creation in our distressed region.

Sincerely,

David Humphreys

David Humphreys, COO

5310 Guernsey Street – Bellaire, OH 43906
PH: 740-359-3277 Fax: 740-695-8099



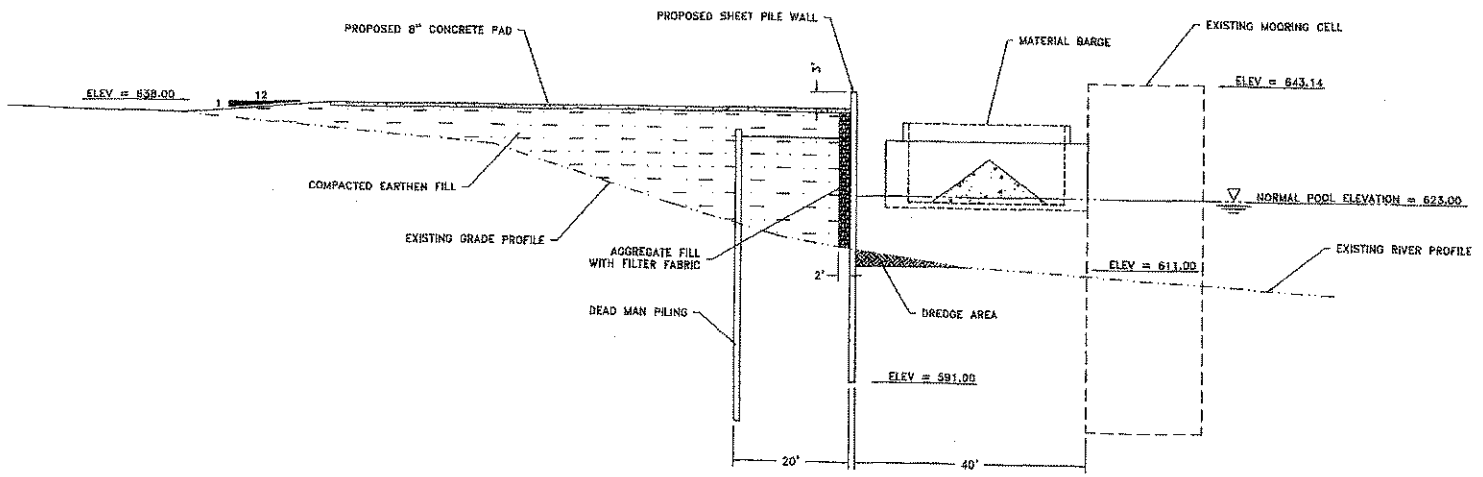
BALSA LTD
110 BAUMGARD ROAD
VINCENT, OHIO 45784
740.350.6197

PROPOSED LOADING/UNLOADING FACILITY FOR MPR SUPPLY CHAIN SOLUTIONS

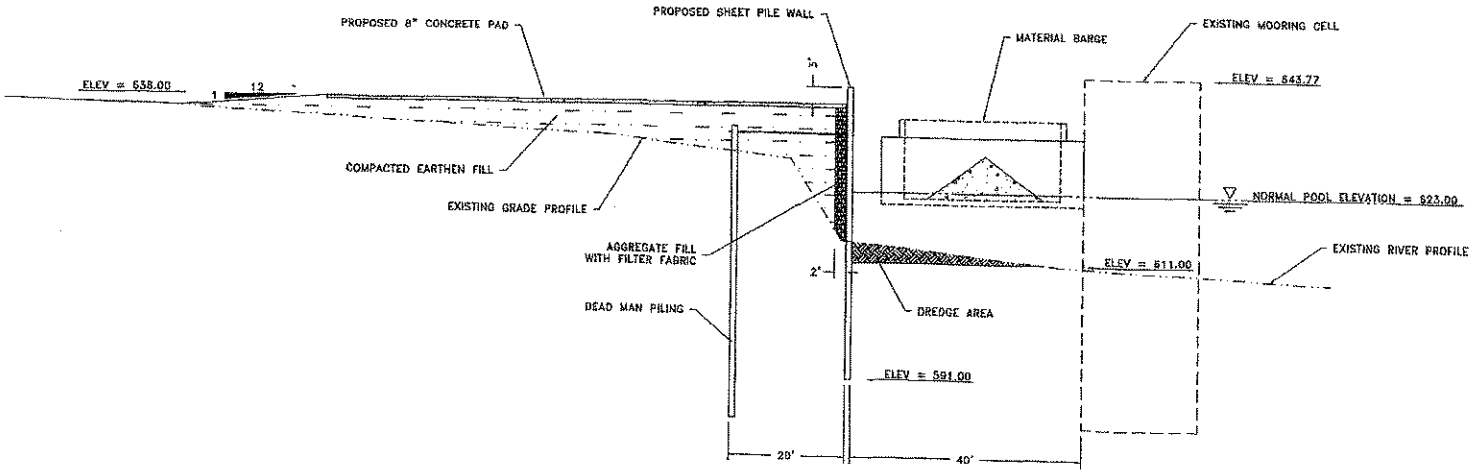
SITE PLANS

revisions:	9-27-11
	12-4-11
	12-5-11
checked by:	
date drawn:	9-15-11
scale:	1"=30'
drawing name:	LOADING DOCK.DWG
drawn by:	ALB

1 of 2



NORTHERN CROSS SECTION VIEW



SOUTHERN CROSS SECTION VIEW

BALSA LTD
110 BAUMGARD ROAD
VINCENT, OHIO 45784
740.350.6197

PROPOSED LOADING/UNLOADING FACILITY FOR MPR SUPPLY CHAIN SOLUTIONS CROSS SECTIONS

revisions:

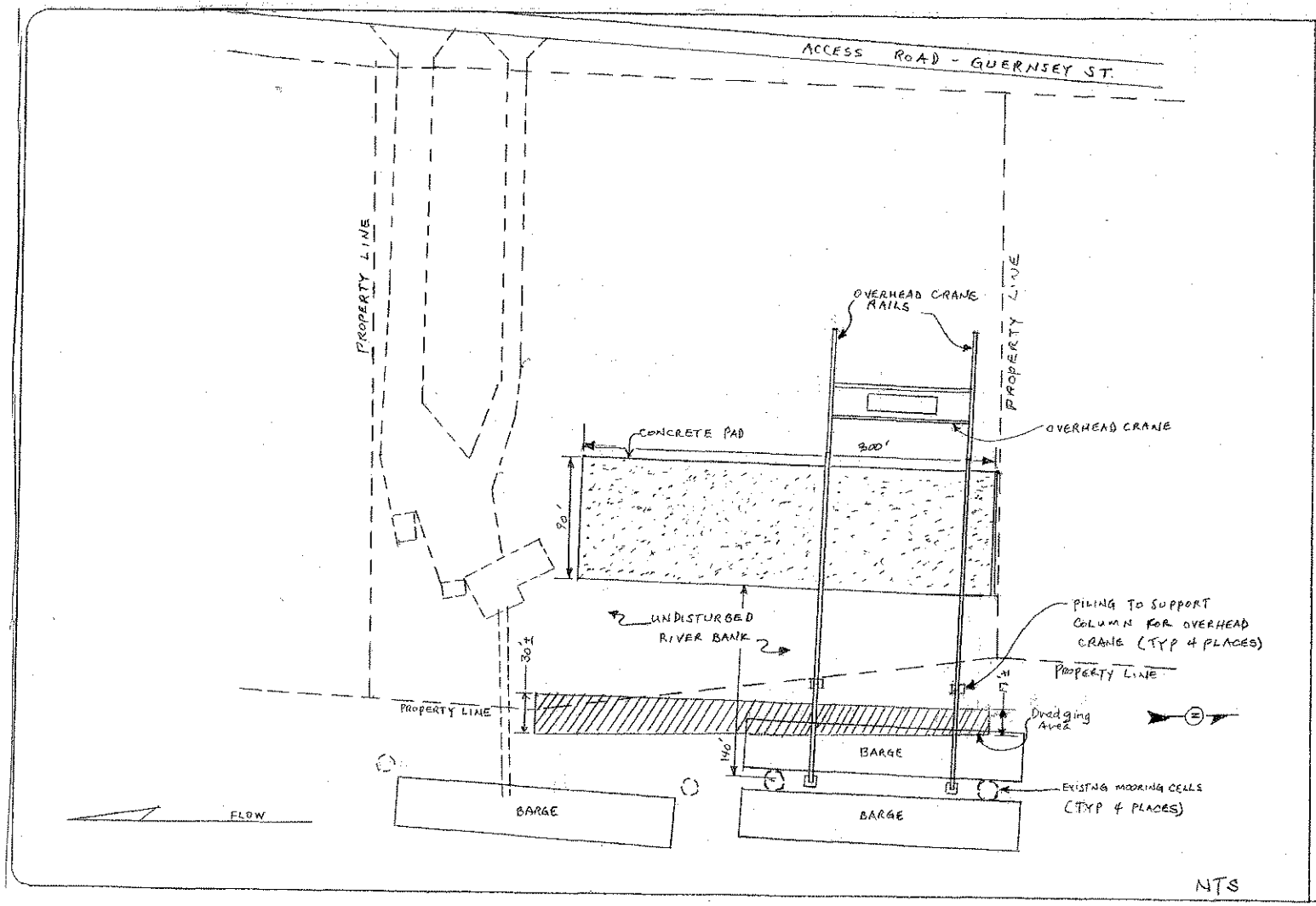
checked by:

date drawn: 12-4-11

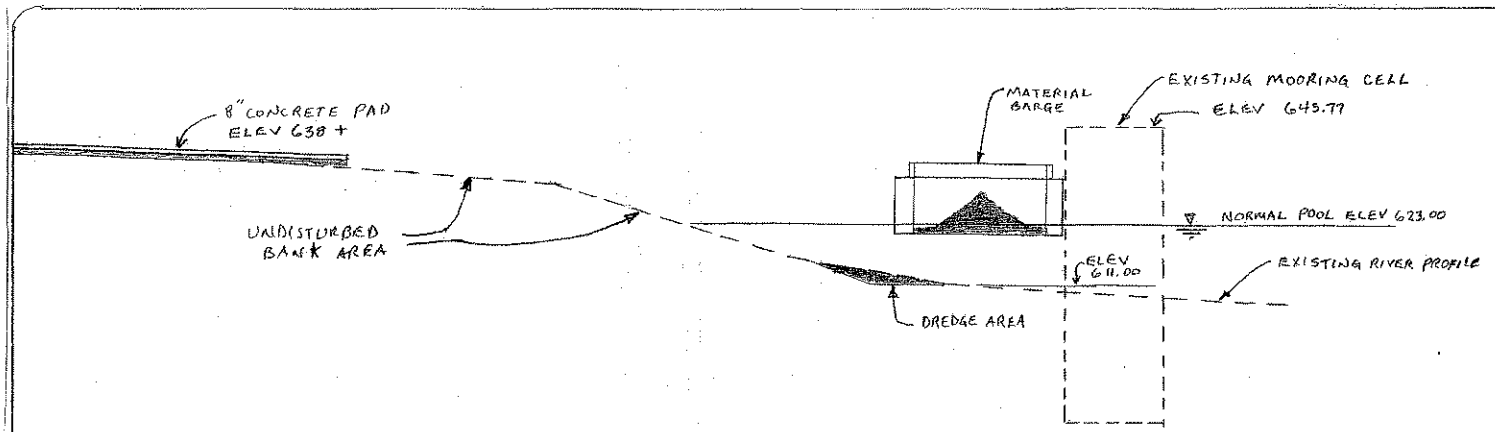
scale: 1" = 10'

drawing name: DETAILS.DWG

drawn by: ALB

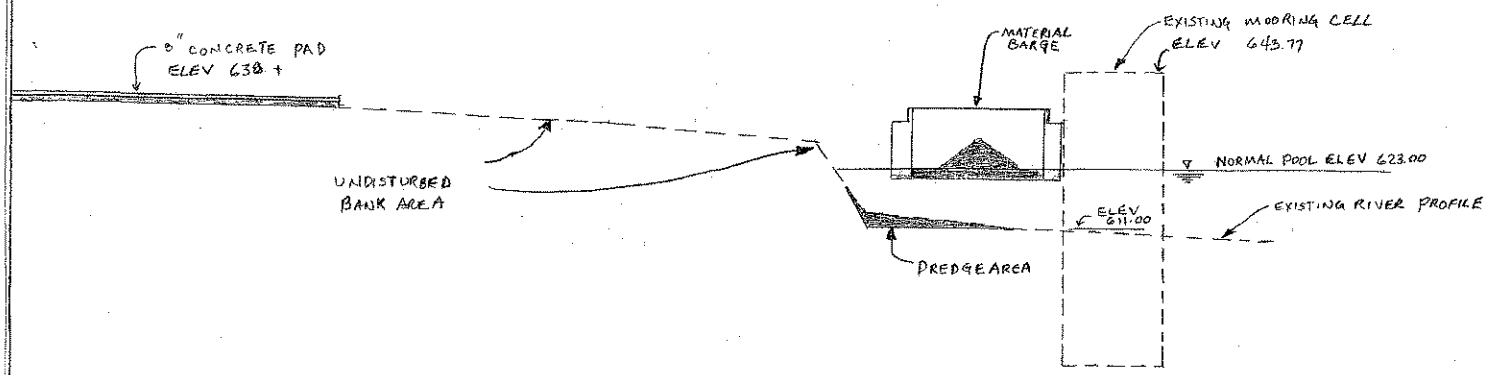


MPR LOADING / UNLOADING FACILITY
MINIMAL DEGRADATION ALTERNATIVE



NORTHERN CROSS SECTION VIEW

NTS



SOUTHERN CROSS SECTION VIEW

NTS

MPR LOADING/UNLOADING FACILITY
MINIMAL DEGRADATION ALTERNATIVE

Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR JAMES ZEHRINGER, DIRECTOR

Ohio Division of Wildlife
Scott Zody, Chief
2045 Morse Rd., Bldg. G
Columbus, OH 43229-6693
Phone: (614) 265-6300

January 10, 2012

Jeff Vaughn
Vaughn, Coast & Vaughn, Inc.
154 S. Marietta St.
St. Clairsville, OH 43950

Dear Mr. Vaughn:

After reviewing the Biodiversity Database, I find the Division of Wildlife has no records of rare or endangered species in the MPR Supply Chain Solutions Loading/Unloading Facility project area, including a one mile radius, at 5310 Guernsey St. in Bellaire, Belmont County, and on the Wheeling Quad. We are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, nature preserves, parks or forests, national wildlife refuges, parks or forests or other protected natural areas within a one mile radius of the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although we inventory all types of plant communities, we only maintain records on the highest quality areas.

Please contact me at 614-265-6818 if I can be of further assistance.

Sincerely,

Debbie Woischke, Ecological Analyst
Ohio Biodiversity Database Program

Vaughn, Coast & Vaughn, Inc.
351 S. Marietta Street St. Clairsville, Ohio 43950 Phone: (740) 695-7256 Fax: (740) 695-2205

VAUGHN
COAST &
VAUGHN engineers

December 30, 2011

U.S. Fish and Wildlife Service
Ohio Field Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230

Re: MPR Supply Chain Solutions
Loading/Unloading Facility – Bellaire, Belmont County
Section 401 Water Quality Certification Application

Gentlemen:

On behalf of MPR, we are submitting a 401 Water Quality Certification application package to the Ohio EPA for a proposed loading and unloading facility on the Ohio River in Bellaire in Belmont County. The construction of this facility will involve dredging at the shore line, installation of a sheet piling wall at the river bank, and filling behind the sheet piling wall. Two pilings will also be installed between the existing barge moorings for installation of columns for an overhead crane installation.

As part of this application, we are requesting input on any threatened or endangered species and any critical habitat that may be present along the shore line of the Ohio River in this area. The location of the facility is approximately at the 92.2 River Milepoint. Attached are an aerial photo and a USGS topo map that identify the location of the proposed facility.

We look forward to a response from your office. If you have any questions, please contact our office.

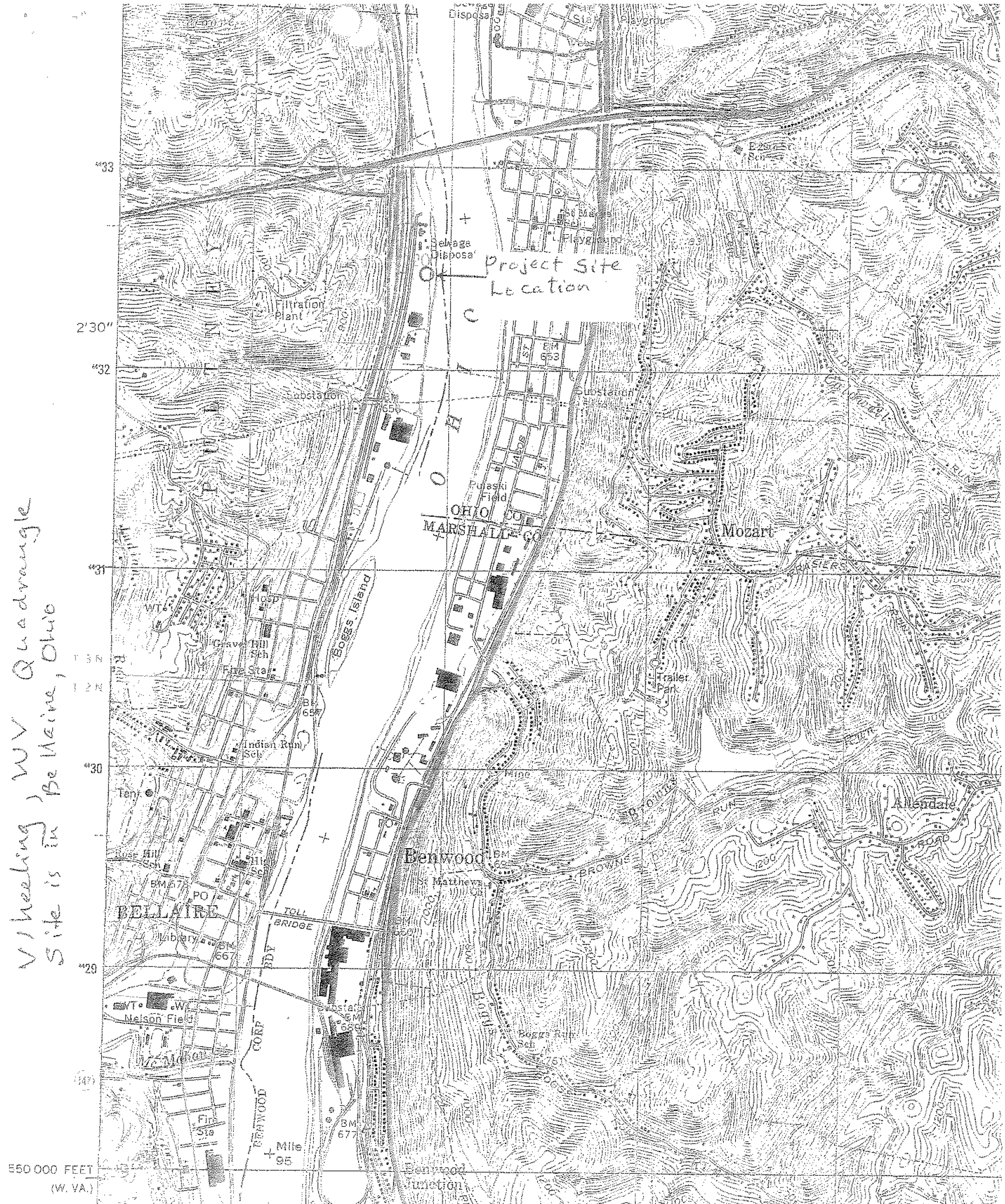
Very truly yours,

VAUGHN, COAST & VAUGHN, INC.

Jeffrey A. Vaughn, P.E.

JAV/jah

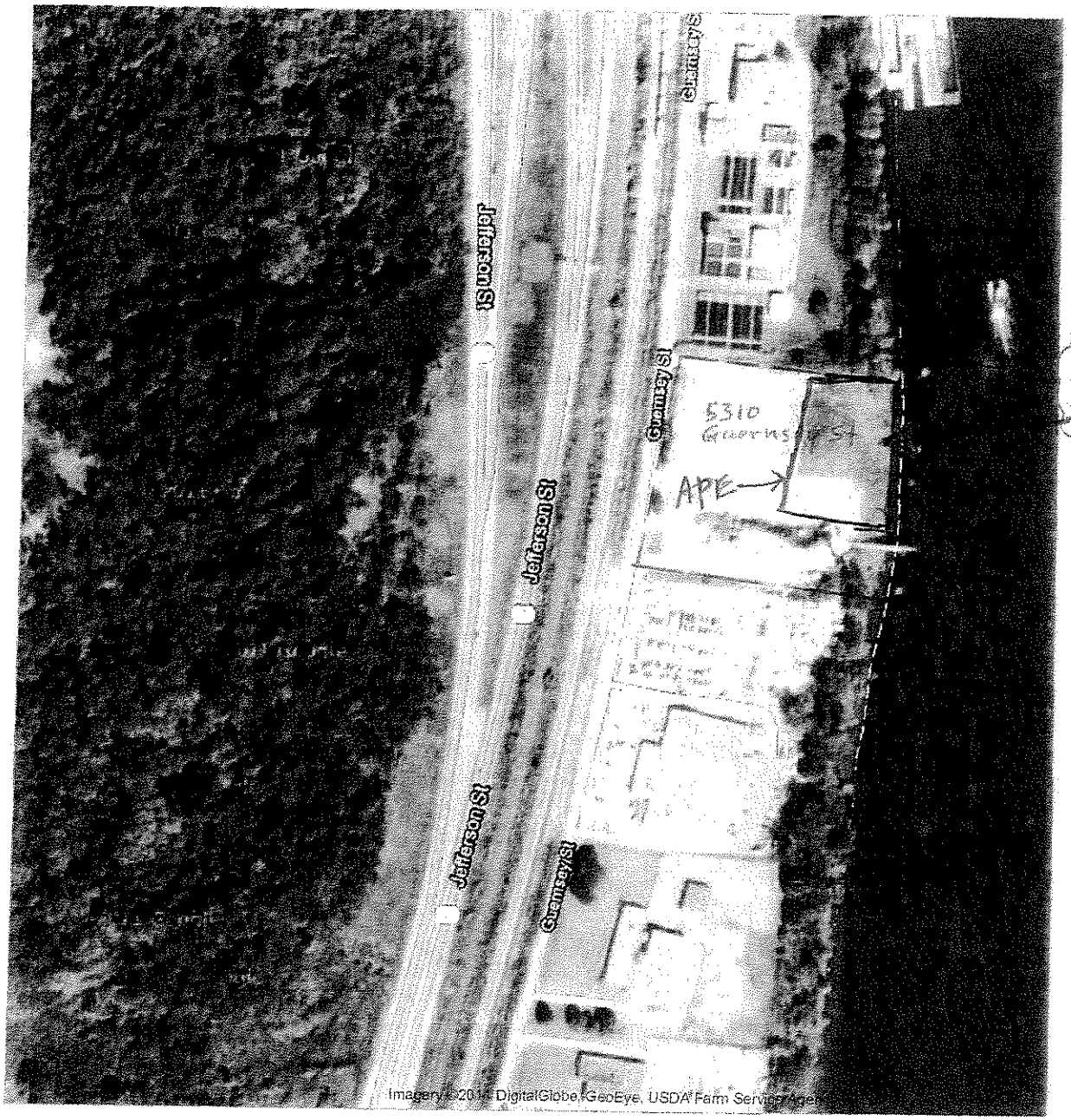
Enc.



Produced by the United States Geological Survey

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



Subje
Proper