PUBLIC NOTICE

Sent to Alex 10/7/99

KK-2 Latest notice. Should I forward to CLH? SH

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: 1999-11040-J1
Issue Date: September 28, 1999
Expiration Date: October 28, 1999

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Amerada Hess Corporation
1 Hess Plaza
Woodbridge, NJ 07095

ACTIVITY: Dredge with 10 Years Maintenance and Upland Disposal

WATERWAY: Newark Bay

LOCATION: City of Newark, Essex County, New Jersey

Newark Bay Study Area
NBSA-00040

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

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 benefits which reasonably may be expected to accrue from the proposal 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, historical properties, fish and wildlife values, floodplain 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.

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 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.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state,

with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New Jersey Department of Environmental Protection Waterfront Development Permit

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact Dr. Marc Helman at (212) 264-6731.

For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil

FOR THE DISTRICT ENGINEER:

for Joseph J. Seebode
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Amerada Hess Corporation, has requested Department of the Army authorization to dredge material from Newark Bay at the City of Newark, Essex County, New Jersey with ten years maintenance and subsequent upland disposal at a state-approved decontamination site.

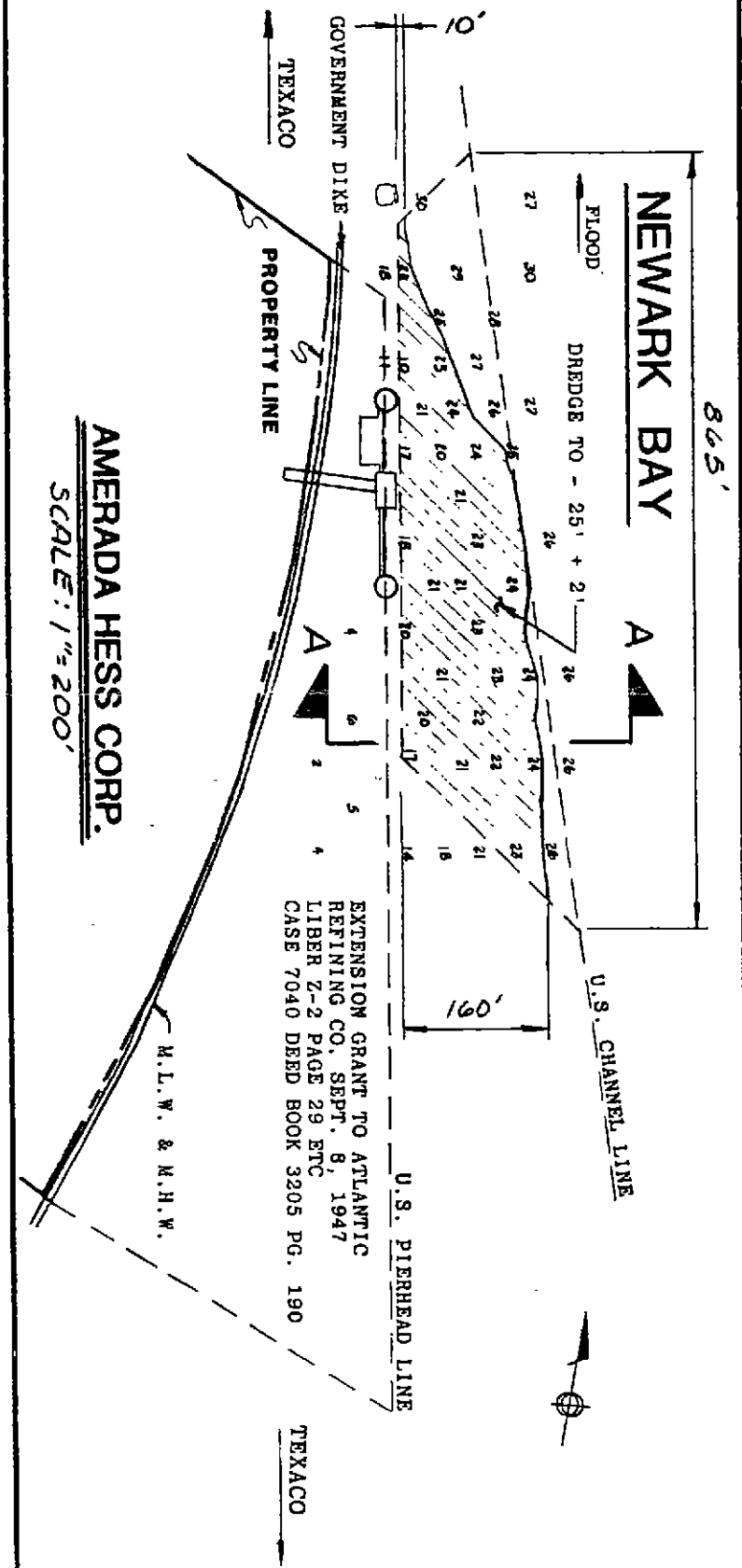
The work would involve maintenance dredging approximately 20,500 cubic yards of sediment from a quadrilateral-shaped area adjacent to a barge berth with maximum dimensions of 160 feet x 600 feet to a depth of 25 feet below the plane of mean low water (MLW) with an allowable 2 foot overdepth. Dredging would be undertaken using a 10 - 15 cubic yard closed (environmental) clamshell bucket. The dredged sediment would be loaded onto scows that would be towed to an approved New Jersey Sediment Decontamination Demonstration Program disposal site. The decontamination site would have either a Research Permit or an Acceptable Use Determination Permit issued by the State of New Jersey.

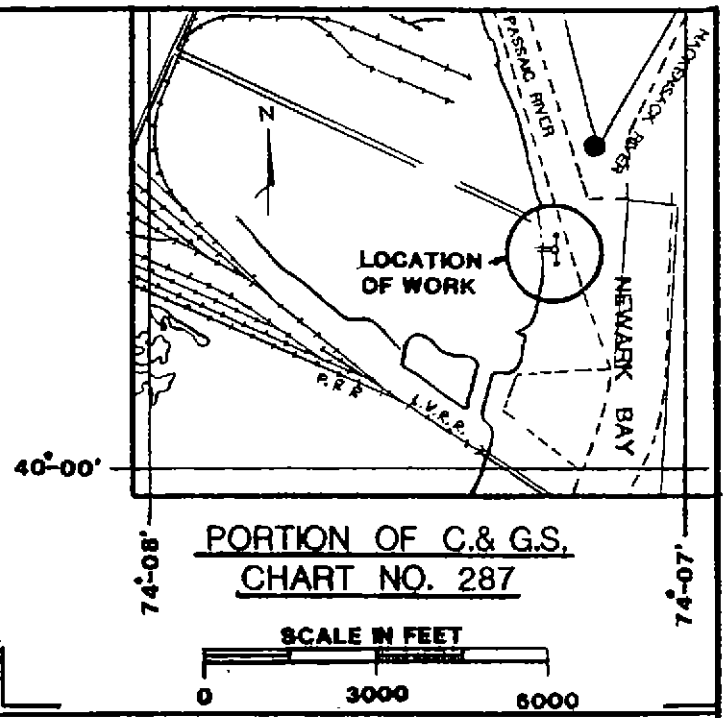
Additional maintenance dredging would be undertaken as needed with removal of necessary amounts of sediment to maintain authorized depths. Disposal would occur in the same manner as the initial dredging and disposal or at another approved location.

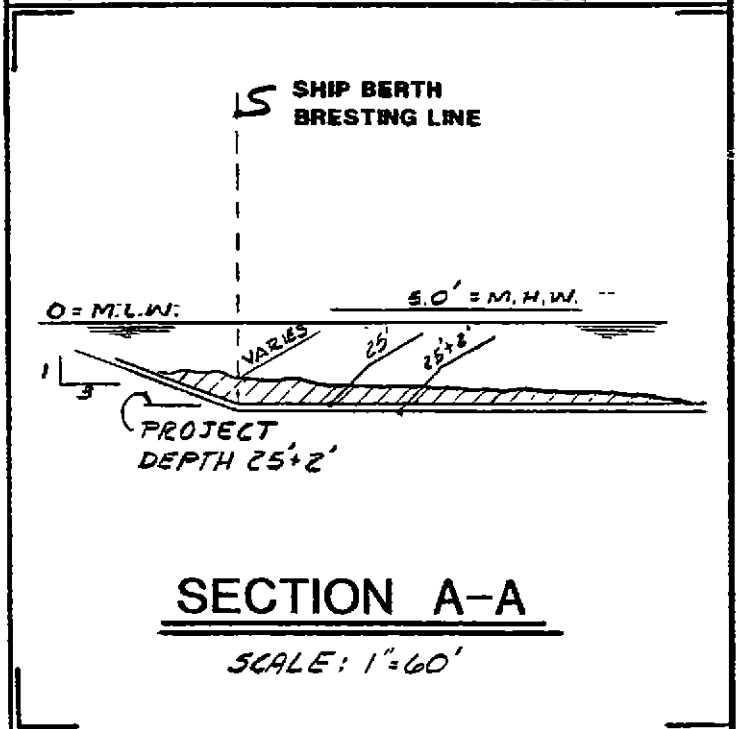
The stated purpose of this project is to provide sufficient water depth at an existing barge berth to allow for safe and economical operation.

In the application, it is noted that the Federal Navigation Channel adjacent to the site has an authorized depth of 30 feet below MLW, but that the current depth is approximately 25 feet below MLW. The proposed project would match that depth to allow maximum safe operation.

APPROXIMATELY **20,500** CUBIC YARDS TO BE DREDGED







SECTION A-A

SCALE: 1"=60'

PROPOSED DREDGING

IN: NEWARK BAY
AT: NEWARK (DELANCY)
COUNTY OF ESSEX, N.J.
APPLICATION BY,
AMERADA HESS CORP.
1 HESS PLAZA, WOODBRIDGE, N.J.

SHEET: 1 of 1 **DATE:** 8/31/99