PUBLIC NOTICE

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: 1999-03620-J1
Issue Date: April 29, 1999
Expiration Date: May 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 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Motiva Enterprises, L.L.C.
909-910 Delancey Street
Newark, NJ 07105

ACTIVITY: Maintenance dredge with upland disposal

WATERWAY: Newark Bay

LOCATION: City of Newark, Essex County, New Jersey

Newark Bay Study Area
NBSA-00037

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 USC 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 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) 264-3912.

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:

by Joseph J. Seebode
Chief, Regulatory Branch

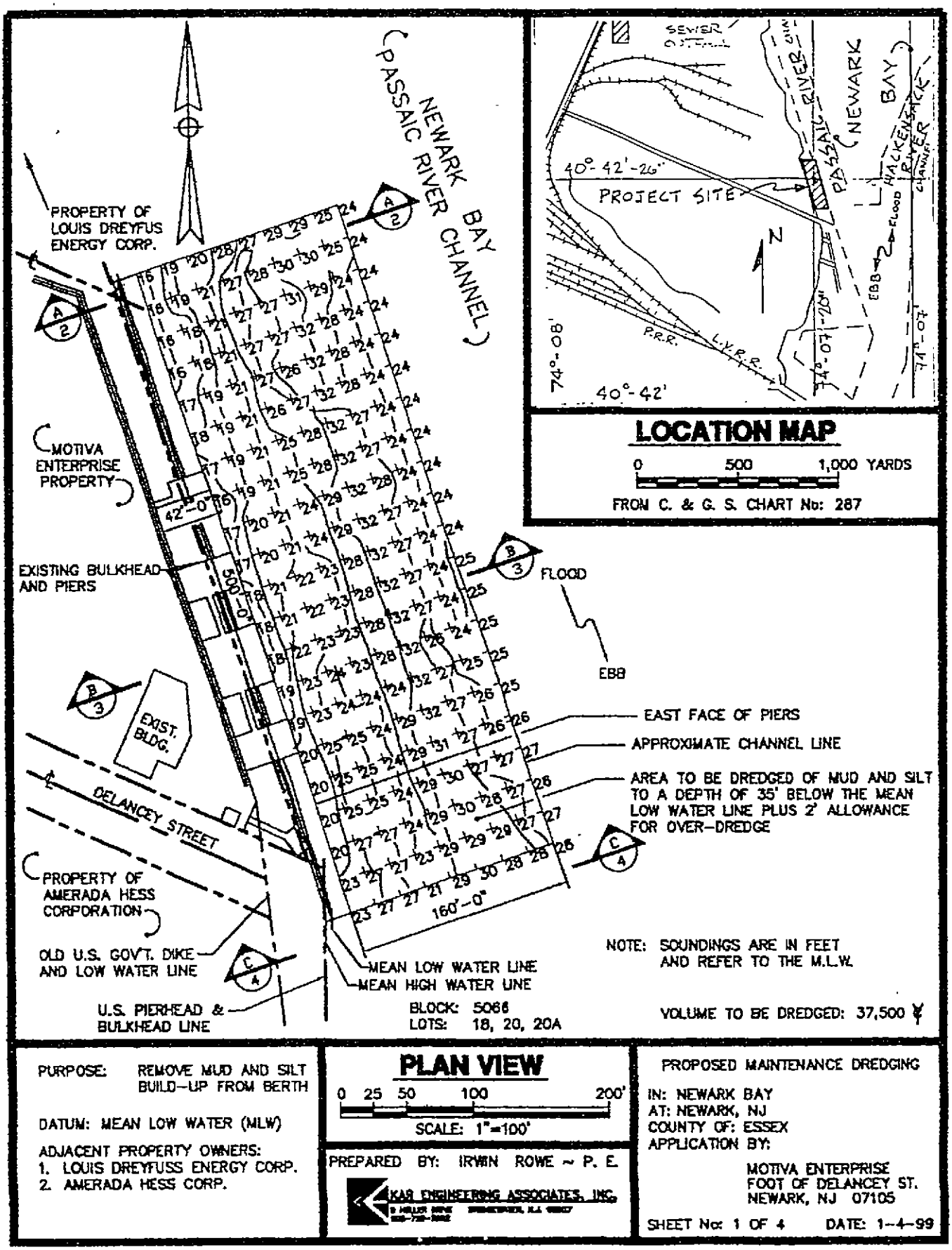
Enclosures

WORK DESCRIPTION

The applicant, Motiva Enterprises, L.L.C., 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.

The work would involve dredging approximately 37,550 cubic yards of sediment from an 80,000 square foot rectangular area (500' x 160') to a depth 35 feet below the plane of mean low water with an allowable 2 foot overdepth. Dredging would be undertaken using a clamshell bucket with the dredged sediment loaded onto closed scows for transport to New Jersey Department of Commerce Recycling Project sites. It is anticipated that one additional dredging episode, with removal of a similar volume of material, would occur should a 10-year maintenance dredging permit is issued.

The stated purpose of this project is to provide suitable water depths in berthing areas for oil tankers.



LOCATION MAP

0 500 1,000 YARDS

FROM C. & G. S. CHART No: 287

NOTE: SOUNDINGS ARE IN FEET AND REFER TO THE M.L.W.

BLOCK: 5066
LOTS: 18, 20, 20A

VOLUME TO BE DREDGED: 37,500 ¥

PURPOSE: REMOVE MUD AND SILT BUILD-UP FROM BERTH

DATUM: MEAN LOW WATER (MLW)

ADJACENT PROPERTY OWNERS:
1. LOUIS DREYFUSS ENERGY CORP.
2. AMERADA HESS CORP.

PLAN VIEW

0 25 50 100 200'

SCALE: 1"=100'

PREPARED BY: IRWIN ROWE ~ P. E.

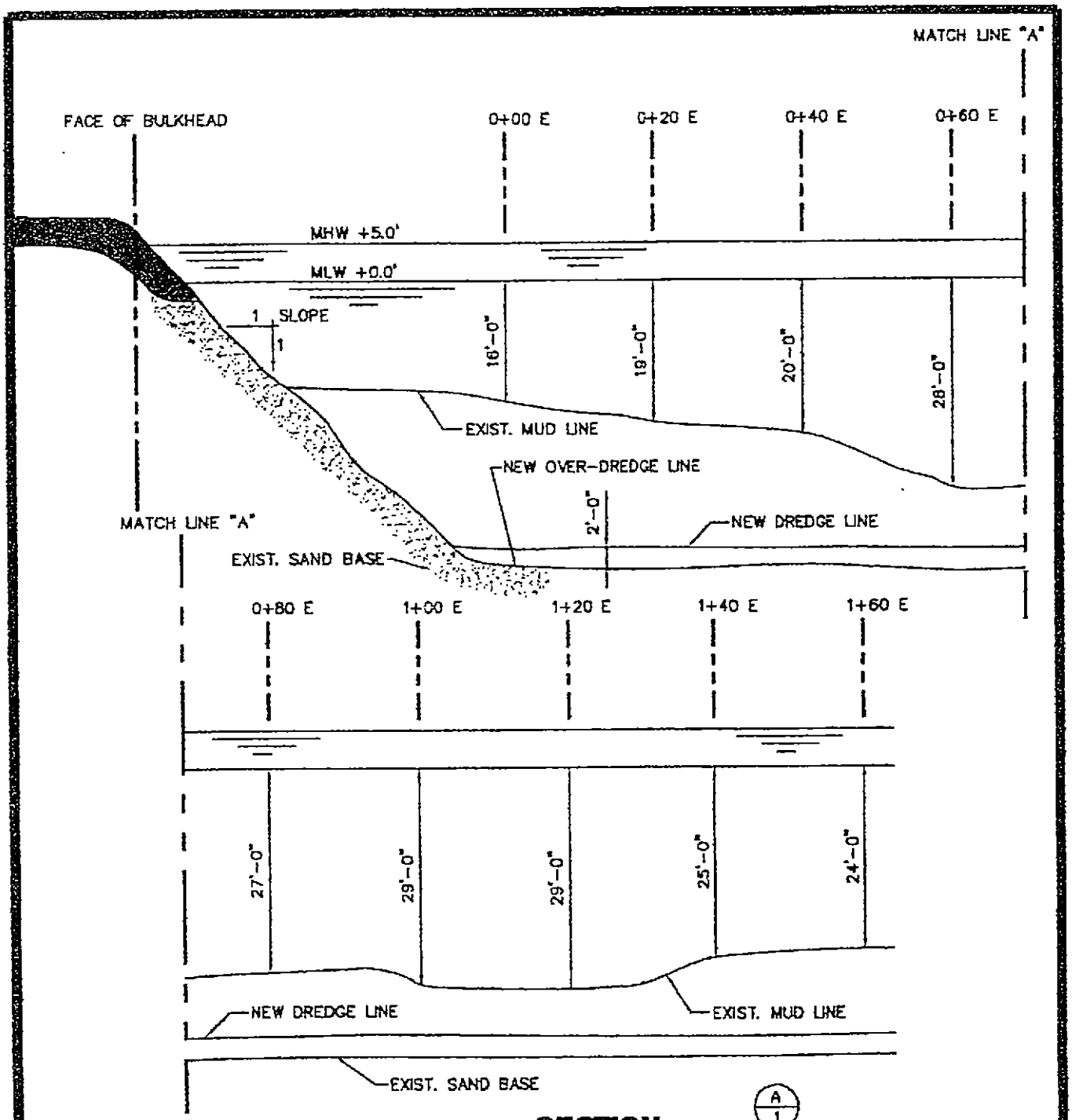
KAR ENGINEERING ASSOCIATES, INC.

PROPOSED MAINTENANCE DREDGING

IN: NEWARK BAY
AT: NEWARK, NJ
COUNTY OF: ESSEX
APPLICATION BY:

MOTIVA ENTERPRISE
FOOT OF DELANCEY ST.
NEWARK, NJ 07105

SHEET No: 1 OF 4 DATE: 1-4-99



SECTION

PURPOSE: REMOVE MUD AND SILT BUILD-UP FROM BERTH

DATUM: MEAN LOW WATER (MLW)

ADJACENT PROPERTY OWNERS:
1. LOUIS DREYFUSS ENERGY CORP.
2. AMERADA HESS CORP.

SECTIONS

0 5 10 20 40'

SCALE: 1"=20'

PREPARED BY: IRWIN ROWE ~ P. E.

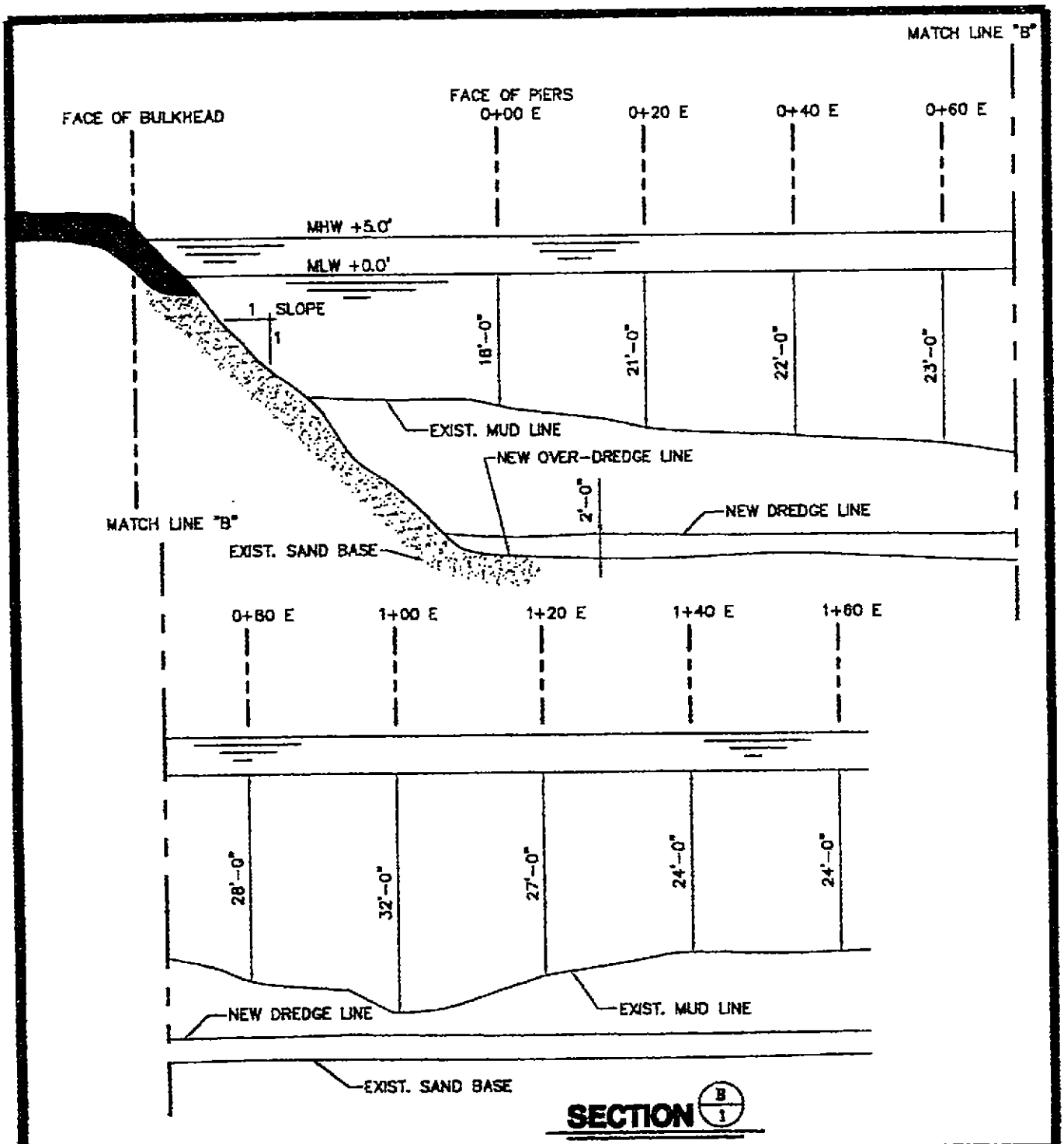
KAR ENGINEERING ASSOCIATES, INC.

PROPOSED MAINTENANCE DREDGING

IN: NEWARK BAY
AT: NEWARK, NJ
COUNTY OF: ESSEX
APPLICATION BY:

MOTIVA ENTERPRISE
FOOT OF DELANCEY ST.
NEWARK, NJ 07105

SHEET No: 2 OF 4 DATE: 1-4-99



SECTION B/1

PURPOSE: REMOVE MUD AND SILT BUILD-UP FROM BERTH

DATUM: MEAN LOW WATER (MLW)

ADJACENT PROPERTY OWNERS:
1. LOUIS DREYFUSS ENERGY CORP.
2. AMERADA HESS CORP.

SECTIONS

0 5 10 20 40'

SCALE: 1"=20'

PREPARED BY: IRWIN ROWE ~ P. E.

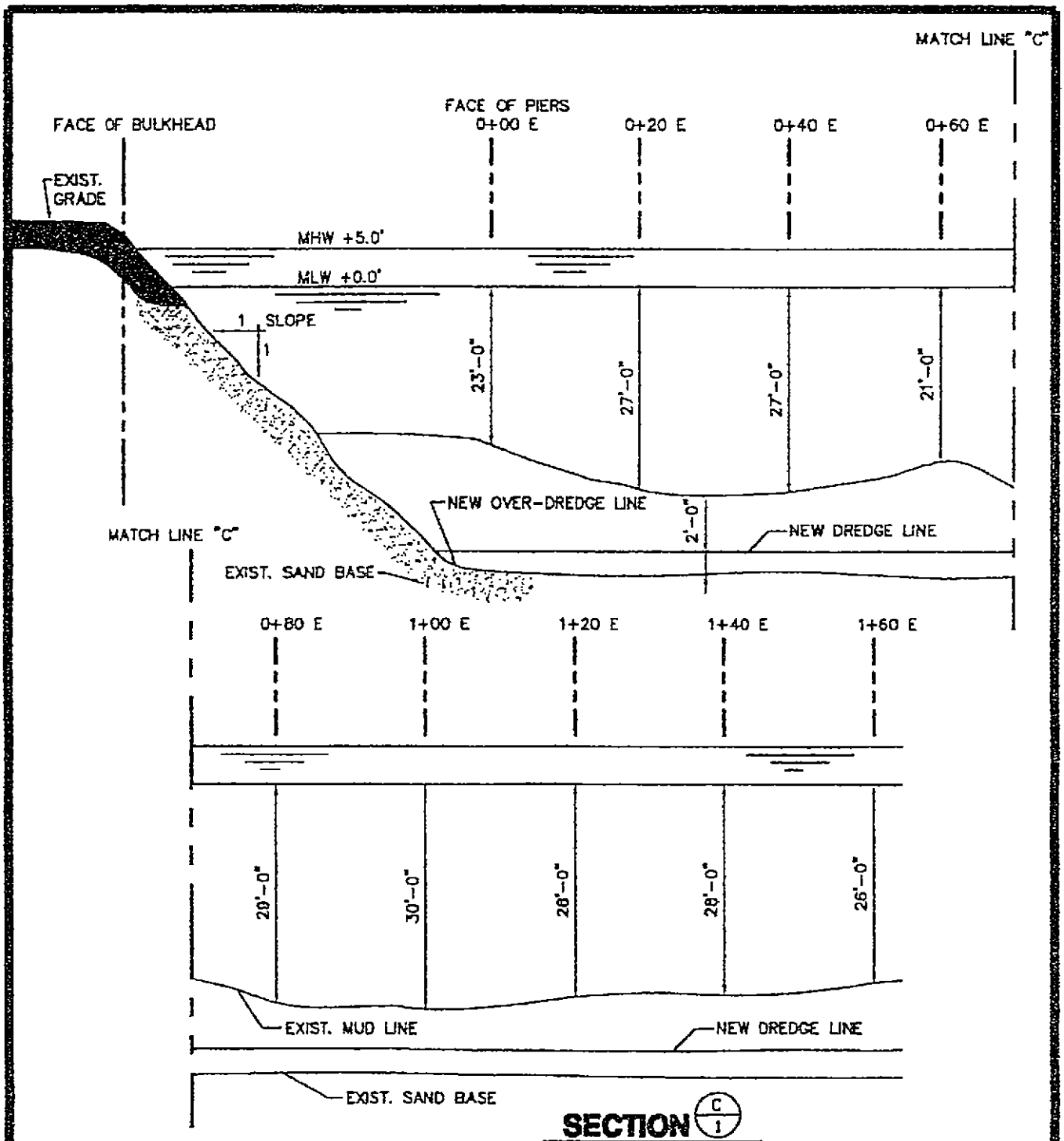
KAR ENGINEERING ASSOCIATES, INC.

PROPOSED MAINTENANCE DREDGING

IN: NEWARK BAY
AT: NEWARK, NJ
COUNTY OF: ESSEX
APPLICATION BY:

MOTIVA ENTERPRISE
FOOT OF DELANCEY ST.
NEWARK, NJ 07105

SHEET No: 3 OF 4 DATE: 1-4-99



SECTION C/1

PURPOSE: REMOVE MUD AND SILT BUILD-UP FROM BERTH

DATUM: MEAN LOW WATER (MLW)

ADJACENT PROPERTY OWNERS:
1. LOUIS DREYFUSS ENERGY CORP.
2. AMERADA HESS CORP.

SECTIONS

0 5 10 20 40'

SCALE: 1"=20'

PREPARED BY: IRWIN ROWE ~ P. E.

KAR ENGINEERING ASSOCIATES, INC.

PROPOSED MAINTENANCE DREDGING

IN: NEWARK BAY
AT: NEWARK, NJ
COUNTY OF: ESSEX
APPLICATION BY:

MOTIVA ENTERPRISE
FOOT OF DELANCEY ST.
NEWARK, NJ 07105

SHEET No. 4 OF 4 DATE: 1-4-99

From: SARAH HILL
To: RR, REH
Date: 5/7/99 5:42pm
Subject: USACE projects update

I have updated the status table and will print out copies. I did want to give you a more detailed summary of what I was able to find out regarding a couple of the projects.

Motiva Enterprises:
I contacted Marc Helman (USACE) to find out any more details that he could provide regarding the project. He said that Motiva has not specified exactly when the project will occur. It is very dependent upon the availability of the disposal sites (which he seemed to think may not be available right away). I asked him who I could contact to be notified of when the project may start. He said the best source would be Motiva. He also said that if we were to send in a comment (during the comment period) stating that we need notification of when the project was going to start that, unless Motiva could give a reason why we shouldn't know, they would have to issue a letter to us detailing the start date.

I asked about how much notice the companies need to give the Corp before starting the project. He said that they only require minimal notice (couple of days). The branch of the Corp that deals with the notice is the Harbor Supervision and Enforcement Center.

Reach A dredging:
I phoned Lin Knutson and left a message asking her to call me with when the contractor was going to start. So far I have been unable to get in touch with her. If you need to call her next week her number is (212) 435-6622.

Let me know if you need anything else next week. I will be checking my voice mail often during the days. Thanks.