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: 1999-09900-J1
Issue Date: September 3, 1999
Expiration Date: October 1, 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 USC 1344).

APPLICANT: Port Authority of New York and New Jersey
One World Trade Center
New York, NY 10048

ACTIVITY: Dredge with upland disposal

WATERWAY: Newark Bay and Hackensack River

Newark Bay Study Area
NBSA-00036

LOCATION: City of Elizabeth, Union County, and Township of Kearny, Hudson County, NJ

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,

WORK DESCRIPTION

The applicant, the Port Authority of New York and New Jersey, has requested Department of the Army authorization to dredge material from Newark Bay at the City of Elizabeth, Union County, New Jersey and dispose of the dredged material at an upland site near the Hackensack River at the Township of Kearny, Hudson County, New Jersey.

The work would involve dredging approximately 4,000 cubic yards of red-brown clay from a specified location within the Newark Bay Federal Navigation Channel. The area in which dredging is proposed to occur is approximately 100 feet x 200 feet (20,000 square feet). Dredging would be undertaken to a maximum depth of 49 feet below the plane of mean low water, which is approximately 5 feet below the existing channel bottom. The clay would be dredged from an area where it is currently exposed, thereby precluding any need to dredge any overlying sediment. Dredging would be undertaken using a clamshell bucket and the dredged clay would be loaded into a scow or scows for subsequent transport to the SK Services Seaboard Site located along the Hackensack River in the Township of Kearny, Hudson County, New Jersey.

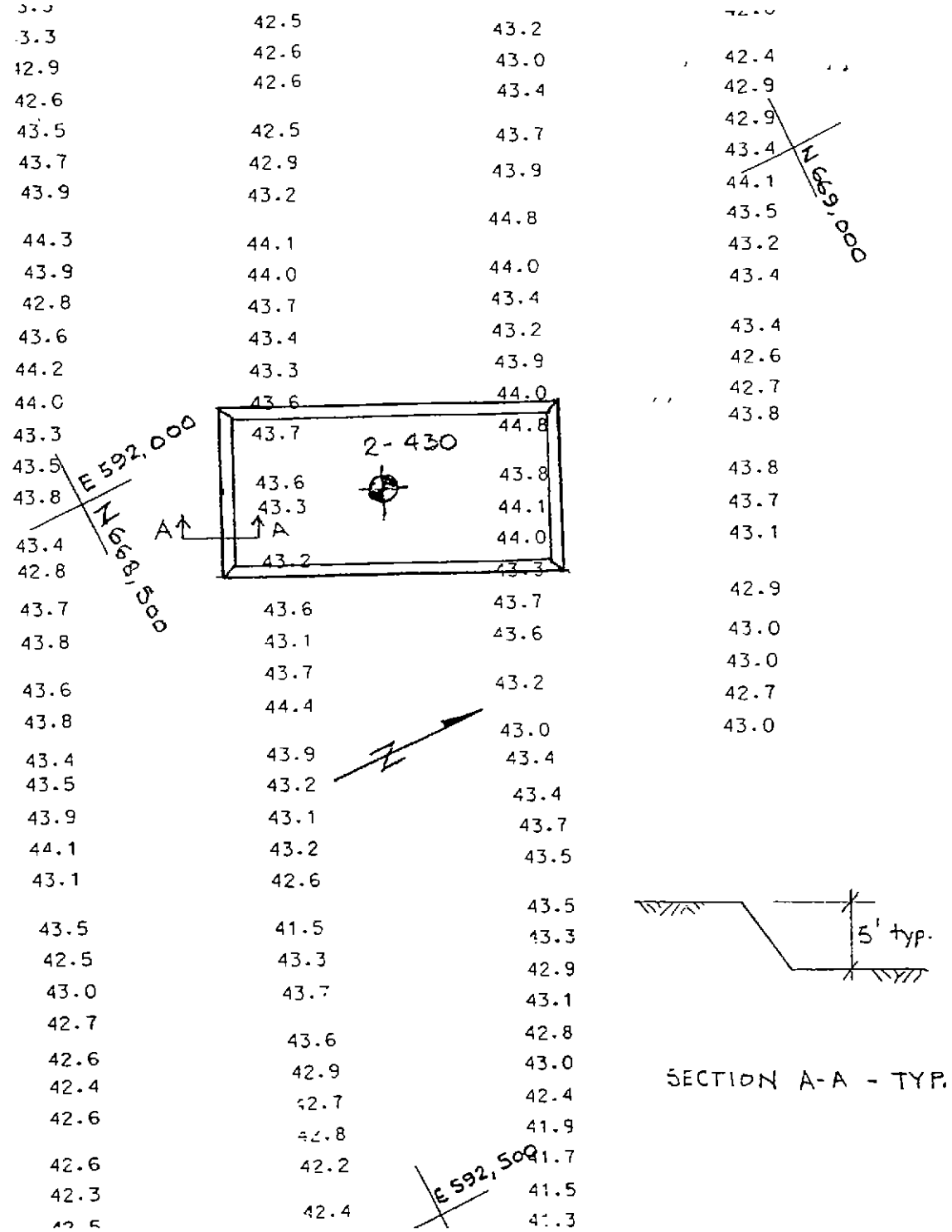
At the SK Services site, the clay would be unloaded and placed at a designated location. Once placed the clay would be spread, disked, compacted, and undergo other procedures to ascertain time needed to dry the material and the ease (or difficulty) with which it could be compacted. In addition, the clay would be investigated and evaluated for its material handling and geotechnical properties to determine its suitability for use as landfill liner or landfill cover, in mine reclamation projects, or for other beneficial uses. As part to the testing and investigation process, a daily log of the material's condition, variation in weather, and the types of equipment used would be kept.

Upon completion of the field testing, a report would be prepared summarizing the accumulated data for the purpose of allowing prospective users of red clay to better plan projects.

sediment analysis

The sediment proposed for dredging was tested earlier this year to determine the suitability of red-brown clay for use as remediation material at the Historic Area Remediation Site (HARS). The results of that testing were reviewed by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers. A joint Memorandum for the Record dated April 27, 1999, signed by representatives of both agencies, concluded that "...the material meets the criteria for acceptability for ocean placement as described in Sections 227.6 and 227.27 of the Regulations, is Category 1 under USEPA Region 2/CENAN guidance, and is suitable for placement at the HARS under Section 228.15(d)(6) as Remediation Material".

The stated purpose of this project is to study the properties of the red-brown clay and determine its suitability for various beneficial use applications.



SECTION A-A - TYP.

Source: USACE Survey of 3/30/99
File No. e42 sheet 04 of 18

The Port Authority of NY & NJ
DEMONSTRATION PROJECT
FOR RED-BROWN CLAY

EXCAVATION PLAN

Date 7/26/99 Dwg No 2 of 3

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, NEW YORK
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

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PENALTY FOR PRIVATE USE, $300