



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: NAN-2012-01147-WSC

Issue Date: **09 OCT 2012**

Expiration Date: **08 NOV 2012**

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: Motiva Enterprises LLC
111 State Street
Sewaren, NJ 07077

ACTIVITY: 10-year maintenance dredging of an existing berth with placement of all dredged materials into a State-approved upland beneficial use site

WATERWAY: Newark Bay (adjacent to the southern terminus of the Kearny Point Reach of the Passaic River)

LOCATION: 910 Delancy Street, City of Newark, Essex County, New Jersey

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 benefit 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, historic properties, fish and wildlife values, flood hazards, 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, considerations 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.

PLEASE INCLUDE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

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.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267) (16 U.S.C. 1801 et seq.), requires federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The Corps of Engineers has made a preliminary determination that site-specific adverse effects are not likely to be substantial. Further coordination with NMFS regarding EFH recommendations is being conducted and will be concluded prior to a final decision on the permit application.

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 the following governmental authorization for the activity under consideration:

Waterfront Development Permit from the New Jersey Department of Environmental Protection

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 this office at (917) 790-8417 and ask for Steven Schumach.

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


FOR Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

PLEASE INCLUDE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

WORK DESCRIPTION

The permit applicant, Motiva Enterprises LLC, has requested Department of the Army authorization for 10-year maintenance dredging of its existing deep-draft barge berth in Newark Bay located adjacent to the southern terminus of the Kearny Point Reach of the Passaic River at 910 Delancy Street, City of Newark, Essex County, New Jersey. All dredged materials will be disposed at a State-approved upland disposal site.

The permit applicant proposes that the dredged material, approximately 4,000 cubic yards, would be mechanically dredged with a standard environmental closed clamshell bucket dredge. It would involve the expected annual maintenance dredging of approximately 4,000 cubic yards of dredged material from an irregularly-shaped area of 3,230 square feet located along 465 feet of shoreline to a depth of 20 feet below the plane of Mean Low Water (MLW), plus 2 feet allowable overdepth, for a maximum of 22 feet below the plane of Mean Low Water (MLW) Datum.

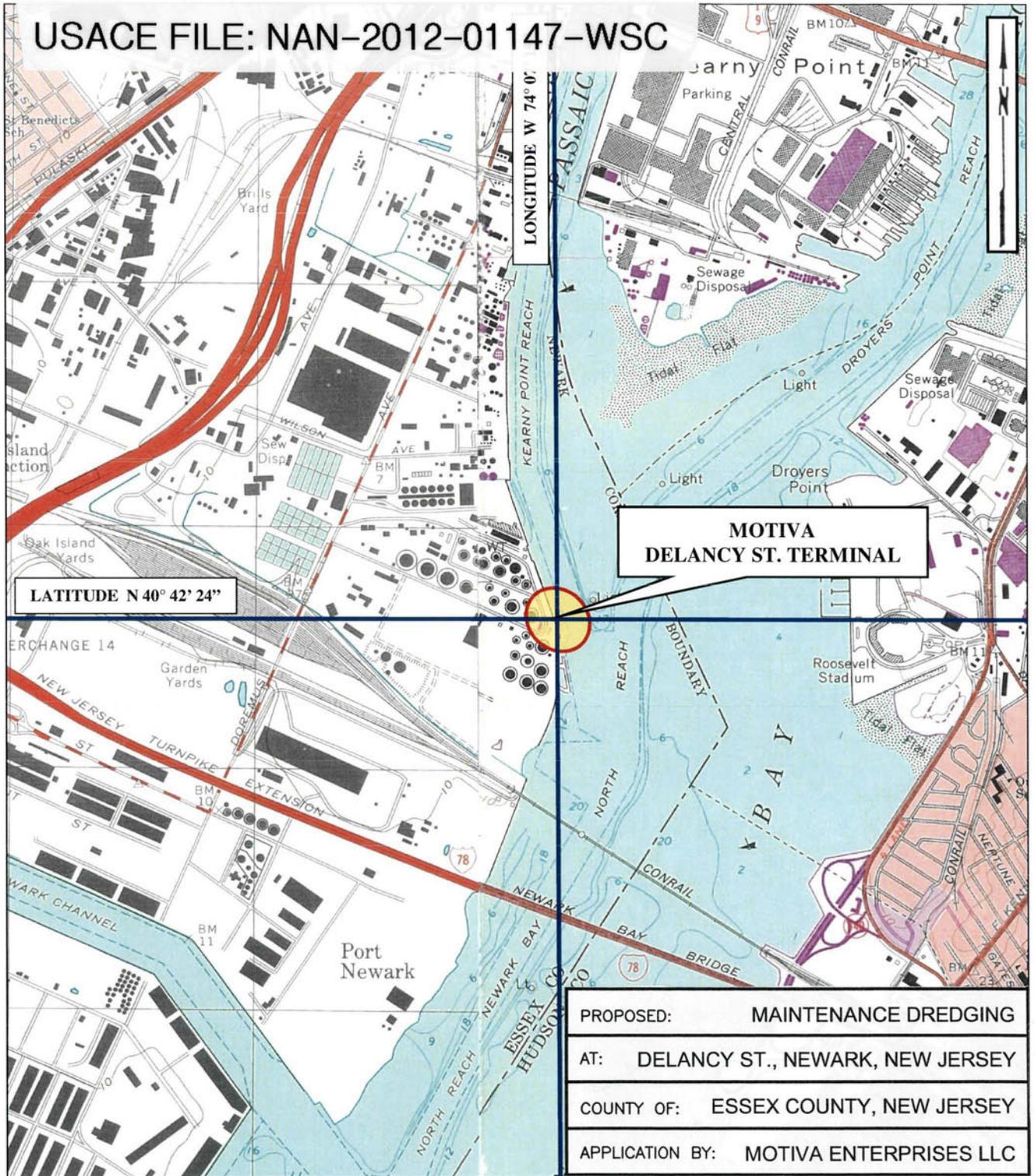
The dredged material would be loaded, without barge overflow, into a solid scow barge. Excess water would be decanted off into a holding barge located in close proximity to the dredging area. The entire decanting process will be performed in accordance with the requirements of the recently-issued New Jersey Department of Environmental Protection Section 401 of the Clean Water Act water quality certificate.

The decanted dredged material will be amended by mixing in portland cement, and then disposed upland at a State-approved upland placement site. For the initial maintenance dredging cycles the amended dredged material will be beneficially used within the State-approved DuPont Grasselli Site in Linden, New Jersey.

The maintenance dredging would not be permitted during the period February 1st thru June 30th of any year to minimize adverse affects on marine resources.

The subject permit applicant's stated purpose for the proposed regulated work is to restore and maintain adequate and safe navigation depths for barges using the existing berth.

USACE FILE: NAN-2012-01147-WSC



LATITUDE N 40° 42' 24"

LONGITUDE W 74° 0'

**MOTIVA
DELANCY ST. TERMINAL**

PROJECT SITE LOCATION MAP

UNITED STATES GEOLOGIC SURVEY QUADRANGLE
ELIZABETH, NJ-NY & JERSEY CITY, NJ-NY
SCALE: 1:24000

SHEET 1 of 4

H-6795

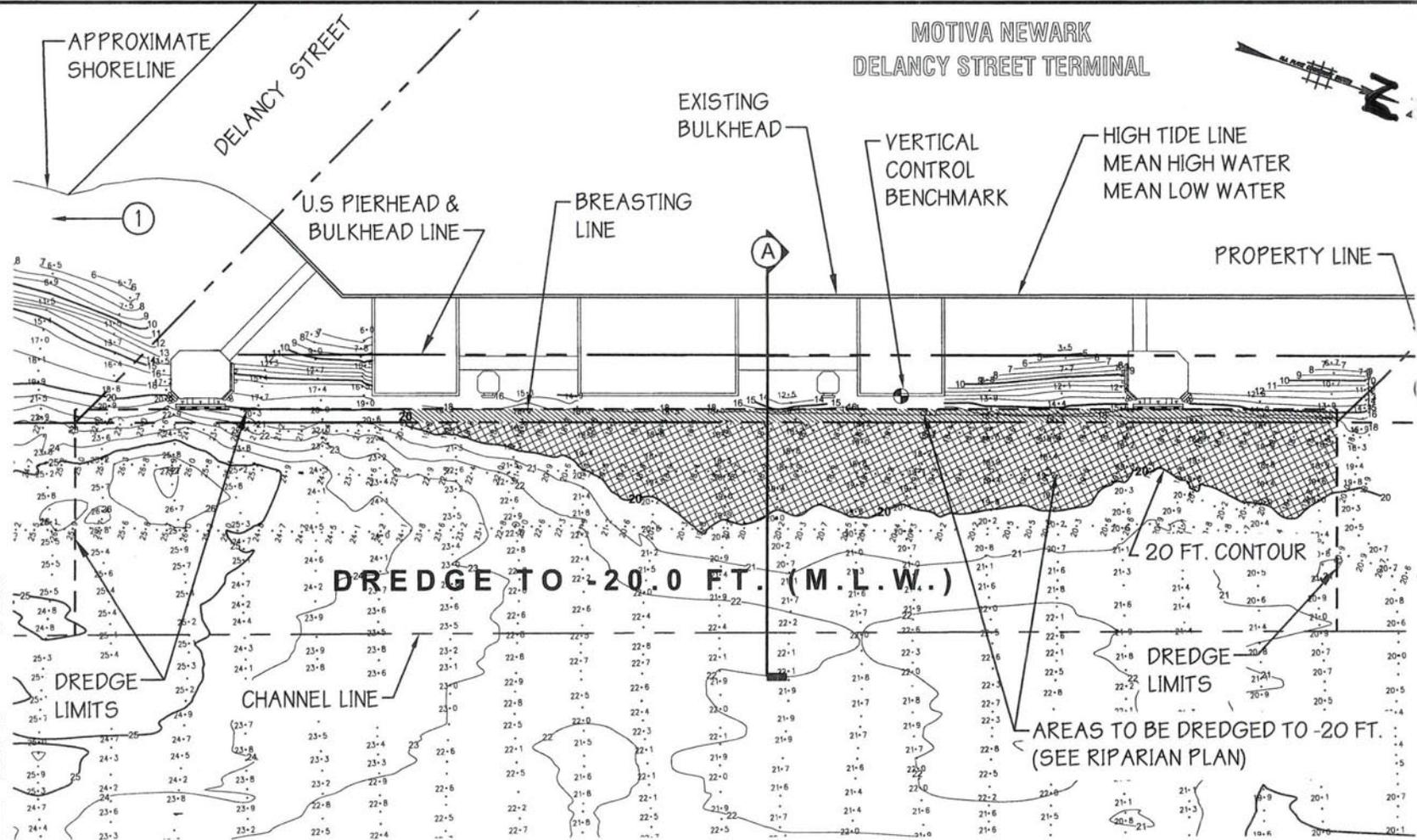


S. T. HUDSON ENGINEERS, INC.

USACE FILE: NAN-2012-01147-WSC



MOTIVA NEWARK
DELANCY STREET TERMINAL



DREDGE TO -20.0 FT. (M.L.W.)

20 FT. CONTOUR

DREDGE LIMITS

AREAS TO BE DREDGED TO -20 FT.
(SEE RIPARIAN PLAN)

PASSAIC RIVER



SITE PLAN

SCALE: 1" = 60'

DATUM CHART:

TOP OF CONCRETE CURB +13.64'
AT BREASTING DOLPHIN STRUCTURE

HIGH TIDE LINE ELEV. +5.39
MEAN HIGH WATER (M.H.W.) ELEV. +5.05

MEAN LOW WATER (M.L.W.) ELEV. 0.0

49'±

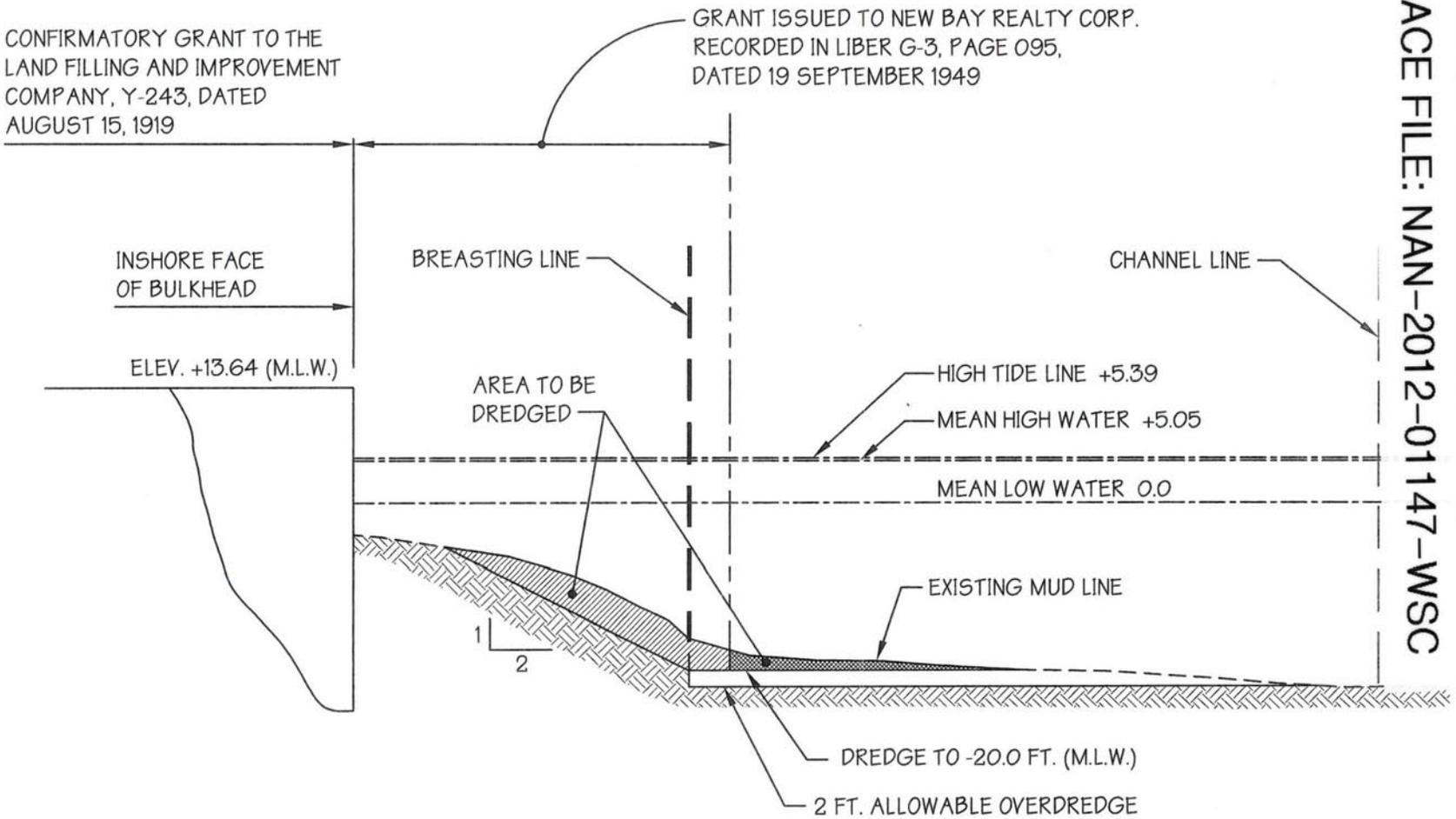
ADJACENT PROPERTY OWNERS:

- ① AMERADA HESS CORPORATION
1111 DELANCY STREET
NEWARK, NJ 07105
- ② STRATUS / CTR NEWARK TERMINAL LLC
678 DOREMUS AVENUE
NEWARK, NJ 07105

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION

S.T. HUDSON ENGINEERS, INC. DATE 2/3/12
 PROFESSIONAL ENGINEERS & CONSULTANTS SHEET No. 2 of 4
 840 Cooper Street
 Camden, N.J. 08102
 Fax No. 856-342-8323 856-342-6600

FILE No.	M-2051
CONTRACT No.	H-6795
PROPOSED:	MAINTENANCE DREDGING
AT:	DELANCY ST., NEWARK, NEW JERSEY
COUNTY OF:	ESSEX COUNTY, NEW JERSEY
APPLICATION BY:	MOTIVA ENTERPRISES LLC



SECTION **A**
SCALE: 1" = 20'

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION

FILE No. M-2051
CONTRACT No. H-6795

S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS
840 Cooper Street
Camden, N.J. 08102
Fax No. 856-342-8323

DATE 2/3/12
SHEET No. 3 of 4

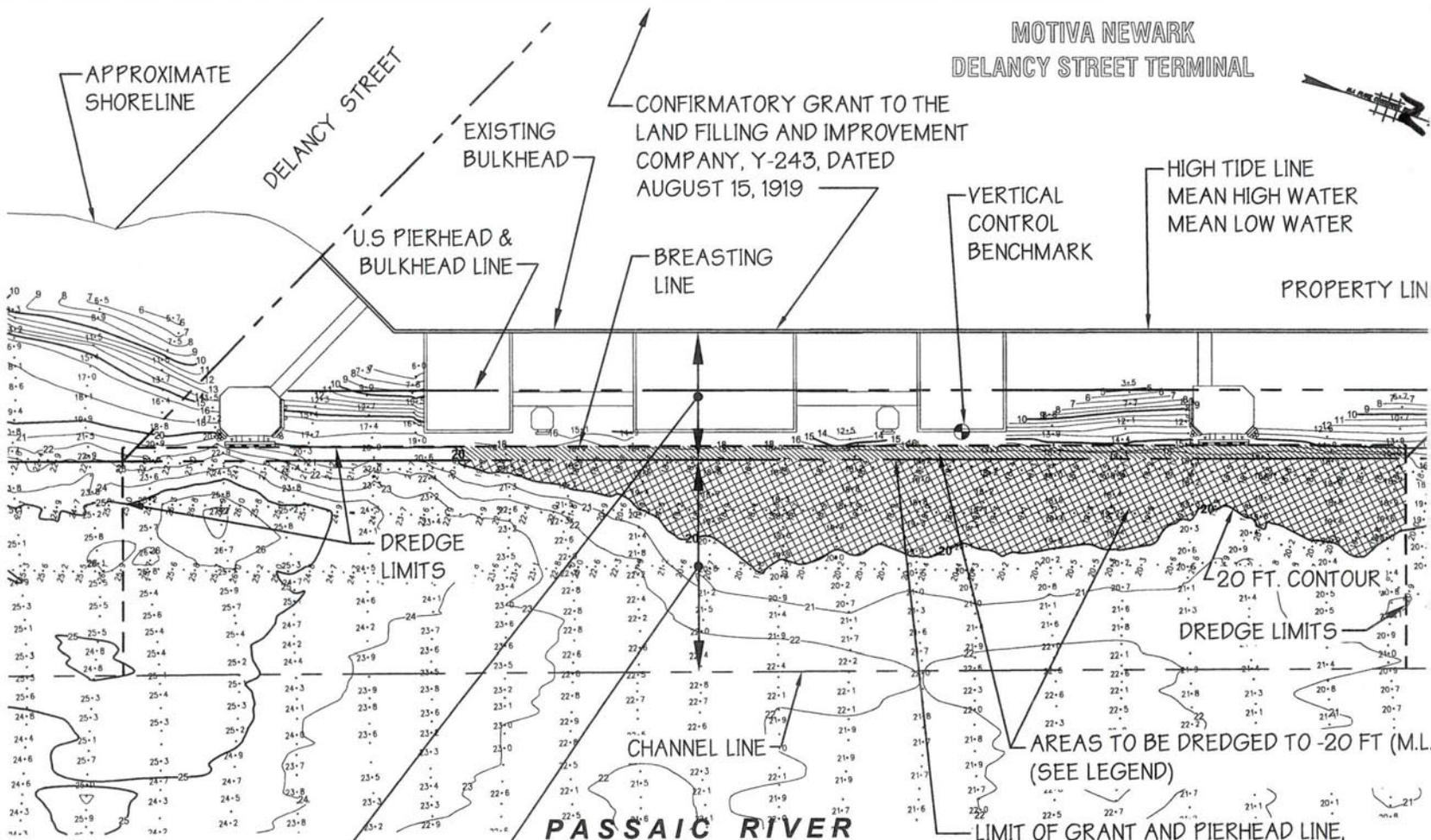
PROPOSED: MAINTENANCE DREDGING

AT: DELANCY ST., NEWARK, NEW JERSEY

COUNTY OF: ESSEX COUNTY, NEW JERSEY

APPLICATION BY: MOTIVA ENTERPRISES LLC

MOTIVA NEWARK
DELANCY STREET TERMINAL



CONFIRMATORY GRANT TO THE
LAND FILLING AND IMPROVEMENT
COMPANY, Y-243, DATED
AUGUST 15, 1919

HIGH TIDE LINE
MEAN HIGH WATER
MEAN LOW WATER

PROPERTY LIN

DREDGE
LIMITS

20 FT. CONTOUR
DREDGE LIMITS

AREAS TO BE DREDGED TO -20 FT. (M.L.W.)
(SEE LEGEND)

PASSAIC RIVER

EBB FLOOD

RIPARIAN PLAN

SCALE: 1" = 60'

LIMIT OF GRANT AND PIERHEAD LINE,
ESTABLISHED BY THE STATE OF NEW JERSEY,
DEPARTMENT OF CONSERVATION AND
ECONOMIC DEVELOPMENT, DIVISION OF PLANNING
AND DEVELOPMENT, 1949

GRANT ISSUED TO
NEW BAY REALTY CORP.
RECORDED IN LIBER G-3, PAGE 095,
DATED 19 SEPTEMBER 1949

NEW JERSEY
STATE OWNED LAND

LEGEND	
	840 CUBIC YARDS TO BE DREDGED TO -20 FT. (M.L.W.) GRANT ISSUED TO NEW BAY REALTY CORP. RECORDED IN LIBER G-3, PAGE 095, DATED 19 SEPTEMBER 1949
	3,160 CUBIC YARDS TO BE DREDGED TO -20 FT. (M.L.W.) NEW JERSEY STATE OWNED LAND

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION

FILE No. M-2051
CONTRACT No. H-6795

S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS
840 Cooper Street
Camden, N.J. 08102
Fax No. 856-342-8323

DATE 2/3/12
SHEET No. 4 of 4

PROPOSED: MAINTENANCE DREDGING
AT: DELANCY ST., NEWARK, NEW JERSEY
COUNTY OF: ESSEX COUNTY, NEW JERSEY
APPLICATION BY: MOTIVA ENTERPRISES LLC