



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: 2004-00327-J1
Issue Date: 5 May 2004
Expiration Date: 20 May 2004

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 U.S.C. 1344).

APPLICANT: Conoco Phillips
1400 Park Ave.
Linden, NJ 07036

ACTIVITY: Dredge with ten years maintenance and upland disposal

WATERWAY: Arthur Kill

LOCATION: City of Linden, Union 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 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

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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.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Based upon a review of the "Guide to Essential Fish Habitat Designations in the Northeastern United States", issued by the National Oceanic and Atmospheric Administration/ National Marine Fisheries Service, the EFH for several aquatic species and their life stages such as red hake (eggs, larvae and juveniles), winter flounder (all life stages), windowpane (all life stages), bluefish (juvenile and adults), Atlantic butterfish (larvae, juveniles and adults) Atlantic mackerel (juveniles and adults), black sea bass (juvenile and adults), summer flounder (larvae, juveniles and adults, scup (all life stages), king mackerel, cobia and Spanish mackerel (all life stages) and sandbar shark (subadults and adults) in the proposed project area could potentially be impacted by the proposed work. A complete description of the project is given in the attached Work Description.

Upon review of the physical conditions of the project and the potential impacts of the potential impacts of the project on the above listed species and their EFH, the District Engineer has determined that with the exception of winter flounder, the project's impacts would be temporary and the adverse effects on EFH would be no more than minimal due to the pelagic nature of the species and the expected recolonization of the benthic community that provides a forage base for the federally managed species. The proposed maintenance dredging would mostly impact the early life stages of winter flounder because of their physical characteristic. Therefore, based on the foregoing, the District Engineer has made the preliminary determination the site-specific adverse effects are not likely be substantial, but proposes the inclusion of a Special Condition prohibiting construction activities from January 1 to May 31 of any year for which a permit may be issued to protect winter flounder. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

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

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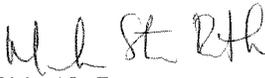
with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental 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 this office at (212) 264-3912 and ask for Sophie Ettinger.

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


FOR Richard L. Tomer
Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

The applicant, Conoco Phillips, has requested Department of the Army authorization to dredge, with ten years maintenance and subsequent upland disposal, at their Bayway Refinery facility along the Arthur Kill in the City of Linden, Union County, New Jersey.

The work would involve dredging in two phases.

First phase dredging would involve the following:

A) Steamer Dock No. 1 would be dredged to a depth of 38 feet below the plane of mean low water with a maximum of one (1) foot of allowable overdepth.

B) The south side of Barge Pier "A" would be dredged to a depth 25 feet below the plane of mean low water with a maximum of one (1) foot of allowable overdepth.

Approximately 7,632 cubic yards of material would be dredged during the first phase from an area of approximately 42,000 square feet.

Second phase dredging would involve the following:

A) Steamer Dock No. 2 would be dredged to a depth of 38 feet below the plane of mean low water with a maximum of one (1) foot of allowable overdepth.

B) The remaining Barge Piers would be dredged to a depth of 24 feet below the plane of mean low water with a maximum of one (1) foot of allowable overdepth.

Approximately 12,891 cubic yards of material would be dredged during the second phase from an area of approximately 31,000 square feet.

Dredged material, removed by a closed clamshell bucket, would be placed into barges for transfer ashore. Disposal of dredged material would occur in unused Tank Pits on the property which have become bermed containment areas. Excess dredge water would be treated and remain on site. Barge overflow is not anticipated.

The stated purpose of this project is to provide adequate depths of water for safe berthing at the applicant's facility.



LEGEND:

Proposed Site Area 

Contour Interval: 10 feet

Scale: 1:24,000

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Shaw
Shaw Environmental & Infrastructure, Inc.

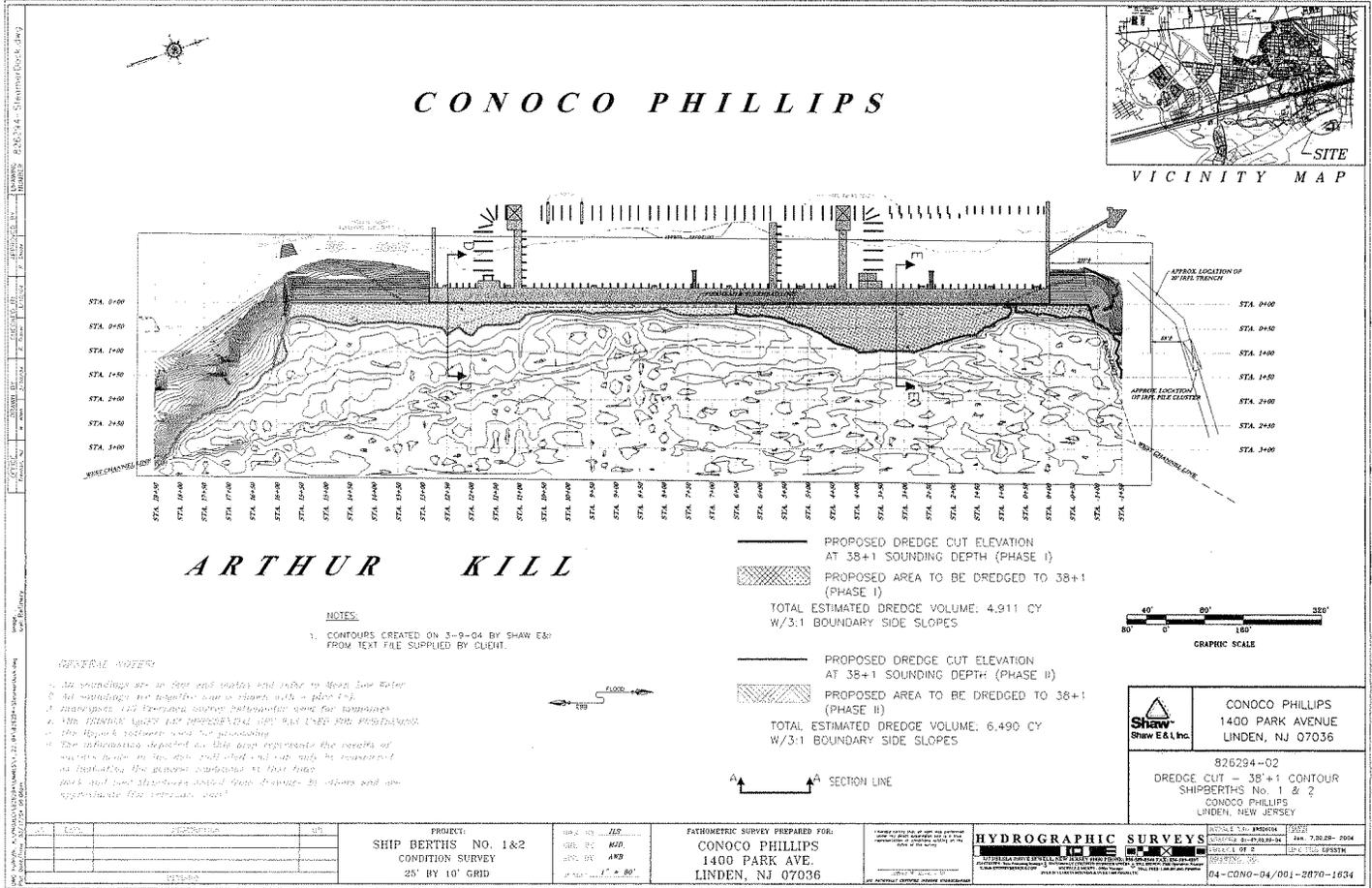
FIGURE 2
USGS TOPOGRAPHIC MAP

ConocoPhillips

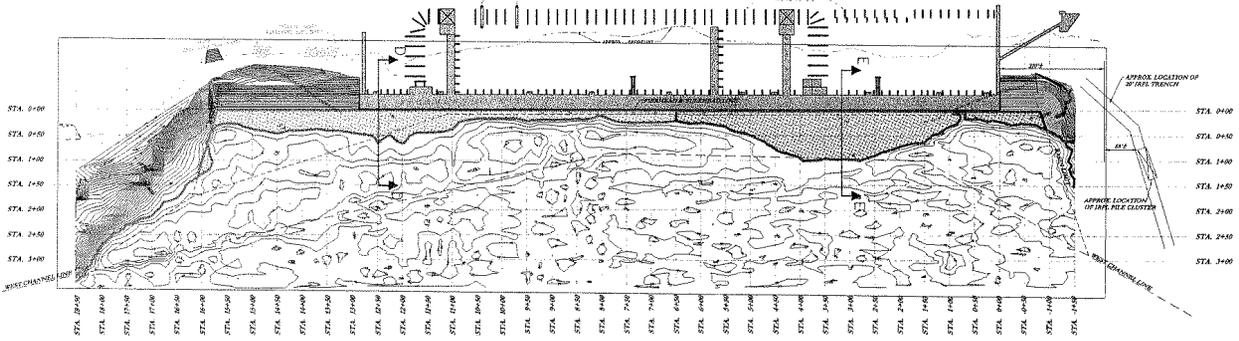
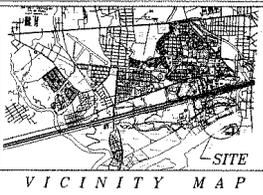
Bayway Refinery
1400 Park Avenue
City of Linden
Union County, New Jersey

SHEET 1 OF 6

Source: USGS 7.5 Minute Topographic Series, Elizabeth, NJ Quadrangle; 1981 and Arthur Kill, NJ Quadrangle; 1981.



CONOCO PHILLIPS



ARTHUR KILL

- PROPOSED DREDGE CUT ELEVATION AT 38+1 SOUNDING DEPTH (PHASE I)
- ▨ PROPOSED AREA TO BE DREDGED TO 38+1 (PHASE I)
- TOTAL ESTIMATED DREDGE VOLUME: 4,911 CY
- W/3:1 BOUNDARY SIDE SLOPES

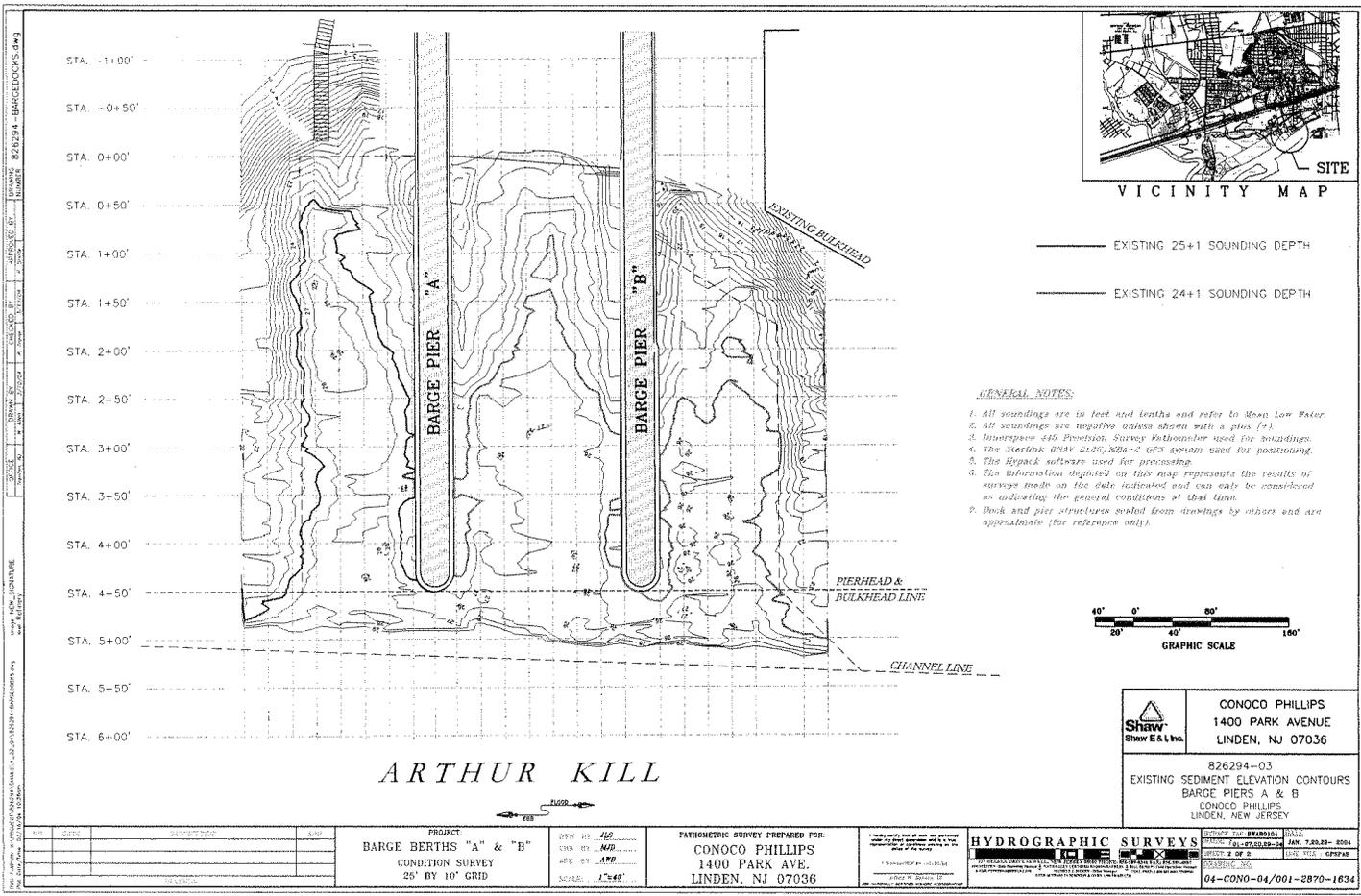
- PROPOSED DREDGE CUT ELEVATION AT 38+1 SOUNDING DEPTH (PHASE II)
- ▨ PROPOSED AREA TO BE DREDGED TO 38+1 (PHASE II)
- TOTAL ESTIMATED DREDGE VOLUME: 6,490 CY
- W/3:1 BOUNDARY SIDE SLOPES



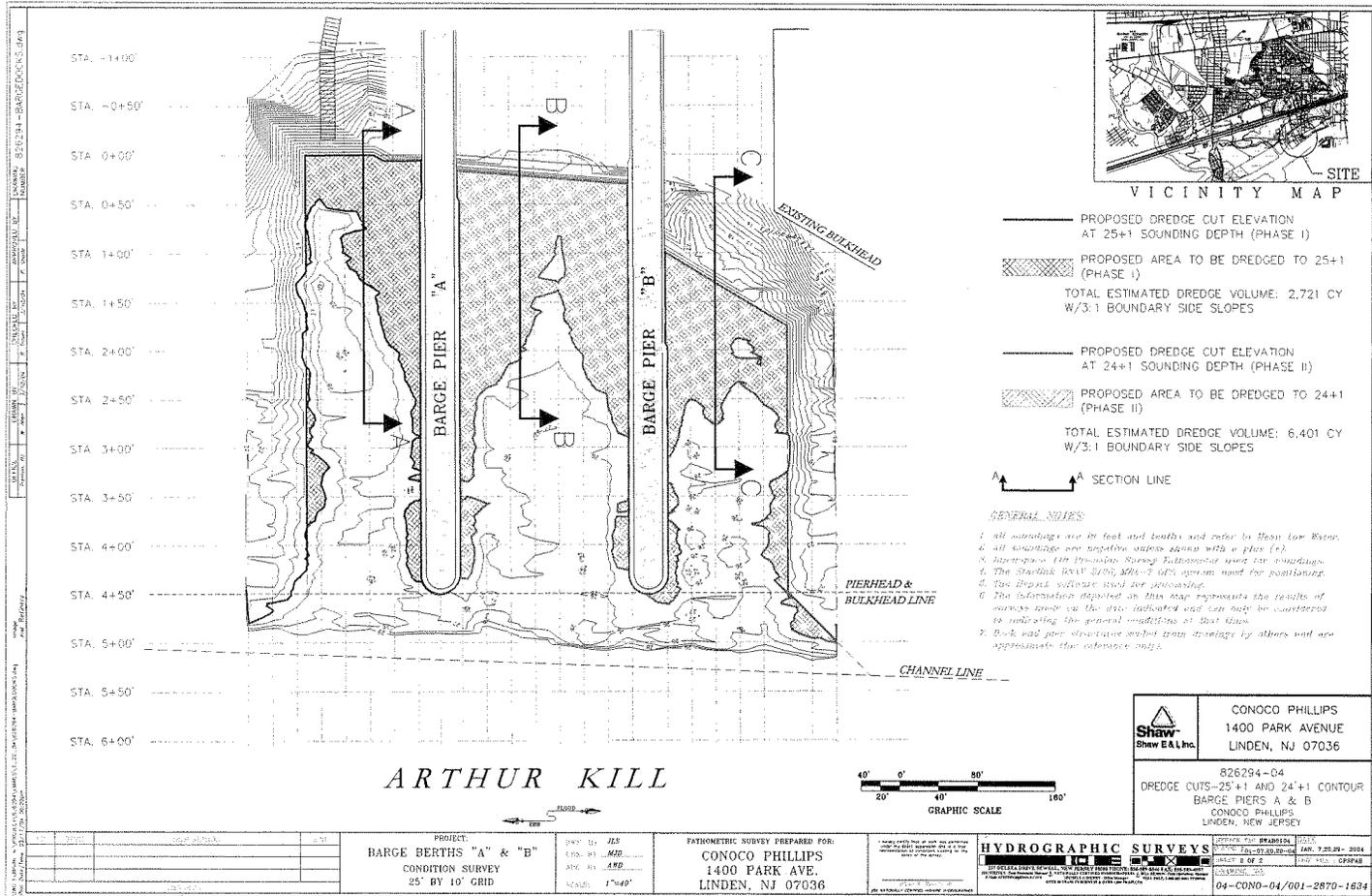
NOTES:
 1. CONTOURS CREATED ON 3-9-04 BY SHAW E&I FROM TEXT FILE SUPPLIED BY CLIENT.

GENERAL NOTES:
 1. All soundings are in feet unless noted otherwise.
 2. All soundings are relative to mean low water.
 3. All soundings are relative to mean low water.
 4. The dredge cut elevations are based on the sounding data.
 5. The dredge cut elevations are based on the sounding data.
 6. The dredge cut elevations are based on the sounding data.

PROJECT: SHIP BERTHS NO. 1&2 CONDITION SURVEY 25' BY 10' GRID		DATE: JUL 02 2004 BY: AKB	FATHOMETRIC SURVEY PREPARED FOR: CONOCO PHILLIPS 1400 PARK AVE. LINDEN, NJ 07036	HYDROGRAPHIC SURVEYS SHAW E&I INC. 1000 PARK AVE. LINDEN, NJ 07036 TEL: 908-709-2000 FAX: 908-709-2004 WWW.SHAWEANDI.COM
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SHEET 3 OF 6



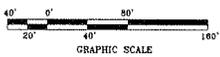
VICINITY MAP

- PROPOSED DREDGE CUT ELEVATION AT 25+1 SOUNDING DEPTH (PHASE I)
- ▨ PROPOSED AREA TO BE DREDGED TO 25+1 (PHASE I)
- TOTAL ESTIMATED DREDGE VOLUME: 2,721 CY
W/3:1 BOUNDARY SIDE SLOPES
- PROPOSED DREDGE CUT ELEVATION AT 24+1 SOUNDING DEPTH (PHASE II)
- ▨ PROPOSED AREA TO BE DREDGED TO 24+1 (PHASE II)
- TOTAL ESTIMATED DREDGE VOLUME: 6,401 CY
W/3:1 BOUNDARY SIDE SLOPES

SECTION LINE

- GENERAL NOTES:
1. All soundings are in feet and depths and refer to Mean Low Water.
 2. All soundings are positive unless shown with a plus (+) sign.
 3. Interspace 1/4" (1/16" soundings) between soundings.
 4. The StaLink 1000 3/16" MMS-2 GPS system used for positioning.
 5. The Hecate software used for processing.
 6. The information depicted on this map represents the results of surveys made on the date indicated and can only be considered as reflecting the general conditions at that time.
 7. Dock and pier structures would trap drainage by others and are approximate the substance only.

	CONOCO PHILLIPS 1400 PARK AVENUE LINDEN, NJ 07036
	826294-04 DREDGE CUTS-25+1 AND 24+1 CONTOUR BARGE PIERS A & B CONOCO PHILLIPS LINDEN, NEW JERSEY



ARTHUR KILL

DATE	2/20/04	DATE	2/20/04
BY	JES	BY	JES
CHECKED	ARB	CHECKED	ARB
SCALE	1"=40'	SCALE	1"=40'

PROJECT:
BARGE BERTHS "A" & "B"
 CONDITION SURVEY
 25' BY 10' GRID

HYDROGRAPHIC SURVEY PREPARED FOR:
CONOCO PHILLIPS
 1400 PARK AVE.
 LINDEN, NJ 07036

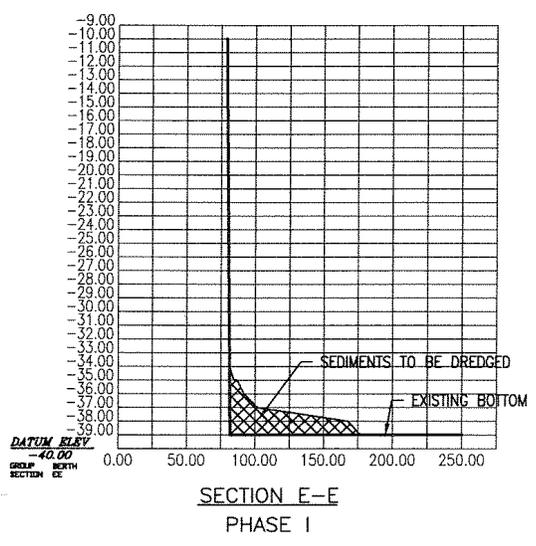
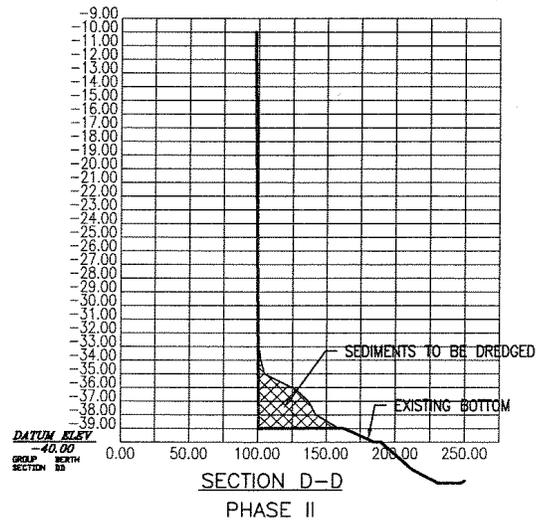
HYDROGRAPHIC SURVEYS
 CONOCO PHILLIPS
 LINDEN, NJ 07036

PROJECT NO. 826294-04 DATE 2/20/04 SHEET 8 OF 8 DRAWN BY JES CHECKED BY ARB	PROJECT NO. 826294-04 DATE 2/20/04 SHEET 8 OF 8 DRAWN BY JES CHECKED BY ARB
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SHEET 4 OF 6

DWG FullPath: K:\PROJECT\826294\EMAILS\1_22_04\826294--SteamerDock.dwg
 Plot Date/Time: 02/17/04 05:56pm
 Plotted by: william.allen

OFFICE	DRAWN BY	CHECKED BY	DRAWING NUMBER
Trenton, NJ	W. Allen	R. Traver	826294-SteamerDock.dwg
			APPROVED BY

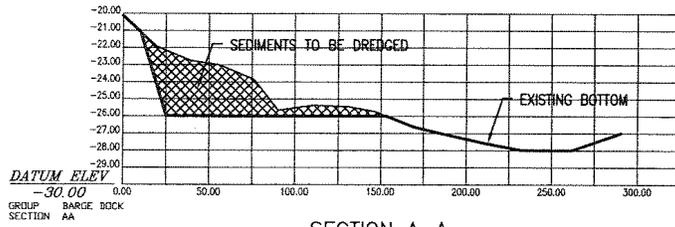


- NOTES:
1. ALL ELEVATIONS ARE DEPTH BELOW MEAN SEA LEVEL
 2. VERTICAL TO HORIZONTAL EXAGGERATION IS 10:1

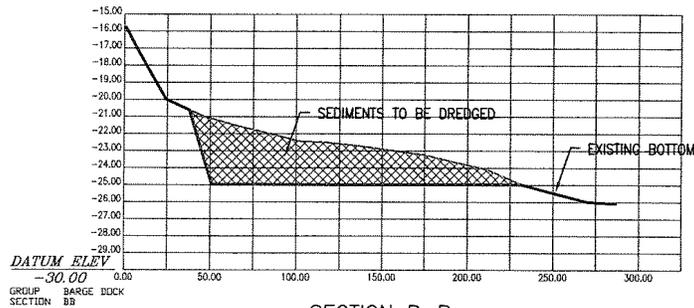
	CONOCO PHILLIPS 1400 PARK AVENUE LINDEN, NJ 07036
	826294-05 SHIP BERTHS No. 1 & 2 DREDGE MATERIAL CUT SECTIONS CONOCO PHILLIPS LINDEN, NEW JERSEY

SHEET 5 OF 6

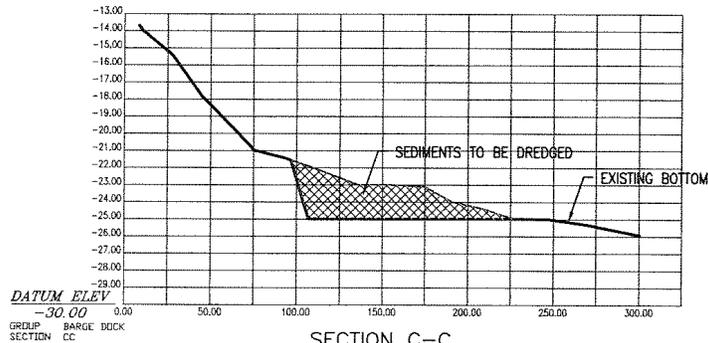
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 Plot Date/Time: 03/17/04 04:58pm
 Plotted by: william.allen
 OFFICE: Trenton, NJ
 DRAWN BY: W. Allen 3/17/04
 CHECKED BY: R. Traver 3/17/04
 APPROVED BY:
 DRAWING NUMBER: 826294--BARGEDOCKS.dwg



SECTION A-A
PHASE I



SECTION B-B
PHASE II



SECTION C-C
PHASE II

NOTES:

1. ALL ELEVATIONS ARE DEPTH BELOW MEAN SEA LEVEL
2. VERTICAL TO HORIZONTAL EXAGGERATION IS 10:1



CONOCO PHILLIPS
 1400 PARK AVENUE
 LINDEN, NJ 07036

826294-06
 BARGE PIERS
 DREDGE MATERIAL CUT SECTIONS
 CONOCO PHILLIPS
 LINDEN, NEW JERSEY

SHEET 6 OF 6