



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-2007-473-WSC
Issue Date: June 6, 2007
Expiration Date: July 6, 2007

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).

APPLICANT: Apex Oil Company
Center Point Terminal, Newark, LLC
8235 Forsyth Blvd, Suite 400
Clayton, MO 63105

ACTIVITY: Dredge with Ten Years Maintenance with Upland Placement

WATERWAY: Passaic River

LOCATION: 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.

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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.

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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

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.

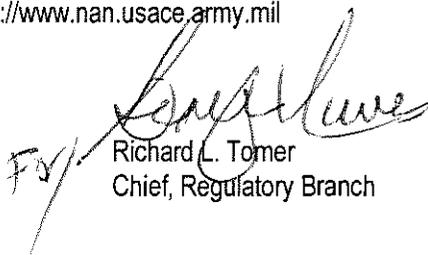
Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished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

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:

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


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

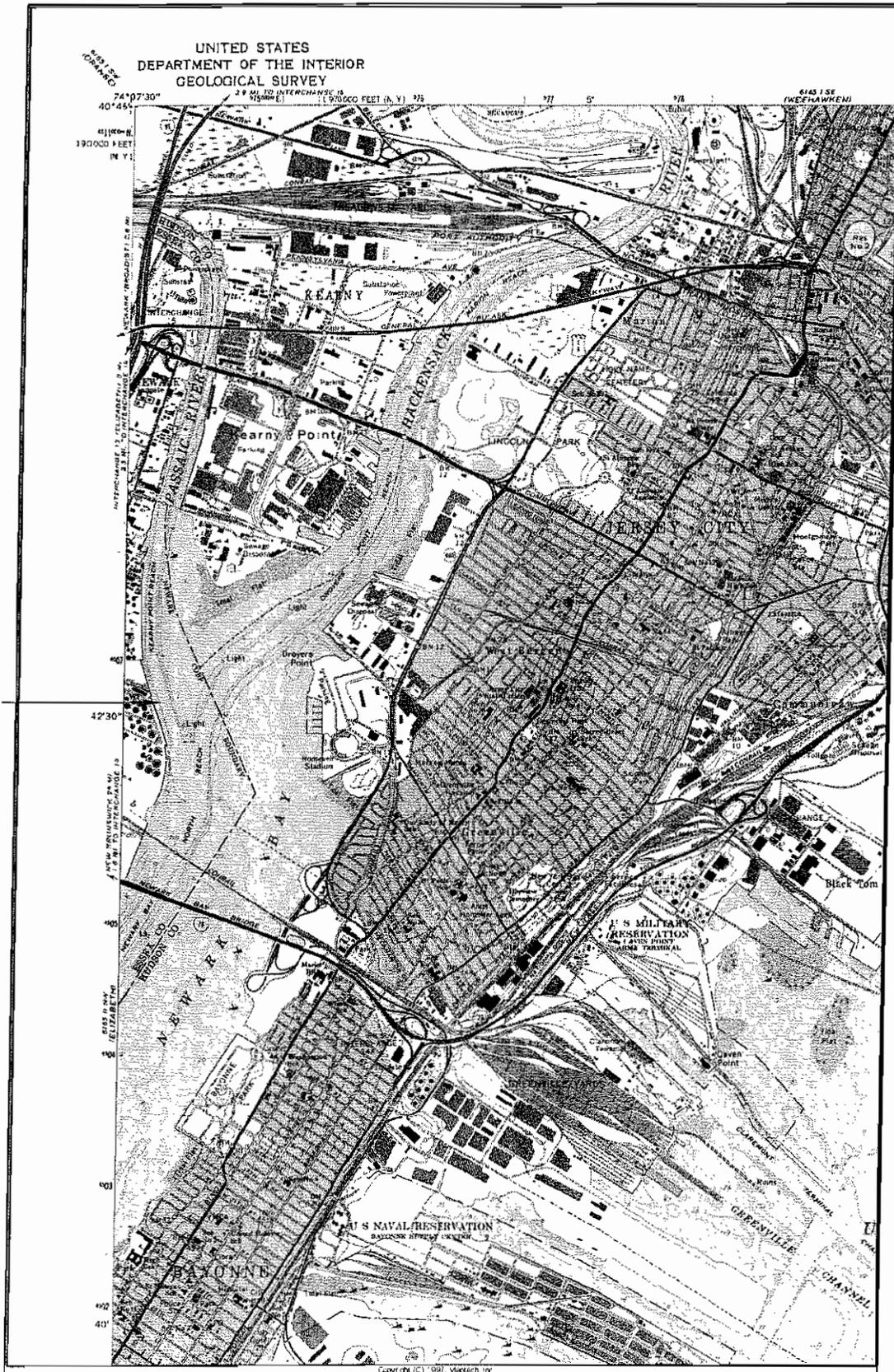
The permit applicant, Apex Oil Company, Center Point Terminal, Newark, LLC, is requesting a Department of the Army permit to maintenance dredge with ten-years subsequent maintenance dredging at its existing operating terminal located in the Passaic River at 678 Doremus Avenue, Newark, Essex County, New Jersey.

The requested permit work would involve initial maintenance dredging of approximately 30,000 cubic yards of dredged material from an area of approximately 250 feet by 900 feet to a depth of 22 feet below the plane of mean low water plus a 2 foot dredging overdepth to obtain the required safe depth for petroleum vessels using the berth. The dredging would be performed by a watertight environmental clamshell bucket dredge with no barge overflow. The dredged material would be transported by barges to a waterfront dredged material processing facility where it would be dewatered and stabilized with fly ash and/or portland cement and beneficially used at a State-approved upland placement site.

The applicant estimates that the initial dredging would occur within a one-two week timeframe, and subsequent maintenance dredging is anticipated to be performed two more times over the ten-year life of the permit, if issued.

The stated purpose of the applicant's work is to remove shoals to restore adequate safe depths for petroleum-carrying vessels using the existing berthing facility of the Center Point Terminal.

This proposed dredging work is located within the ongoing US Environmental Protection Agency - Region 2 Remedial Investigation/Feasibility Study area for the Passaic River, and will be coordinated with them.



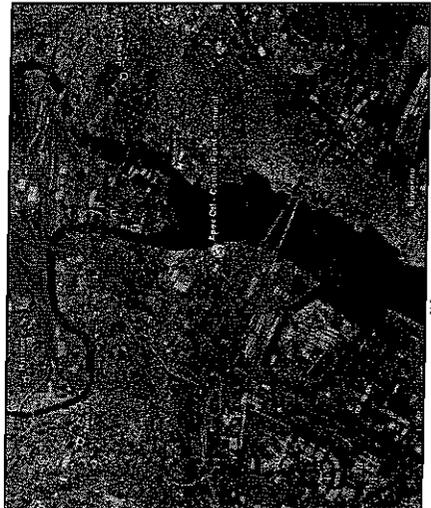
SITE

STATE PLANE COORDINATES
 EASTINGS 597,049.27
 NORTHINGS 683,212.73
 LAT/LONG 40° 42' 30.68" N
 AND 74° 07' 17.72" W
 M&N ENGINEERING, P.C.
 104 W. 40TH ST. 14TH FLOOR
 NEW YORK, NY 10018

MAINTENANCE DREDGING
 CENTER POINT TERMINAL
 NEWARK, ESSES CO. N.J.

VICINITY MAP
 1.B USGS QUAD MAP
 HIGH RESOLUTION
 APPLICATION BY: APEX OIL

ADJACENT PROPERTY OWNERS:
 NORTH
 NJ PASSAIC VALLEY SEWERAGE AUTHORITY
 600 WILSON AVE. NEWARK N.J. 07105
 SOUTH
 HESS CORPORATION
 1 HESS PLAZA WOODBRIDGE N.J. 07095
 Sheet 1 of 3 DATE: 5/3/07

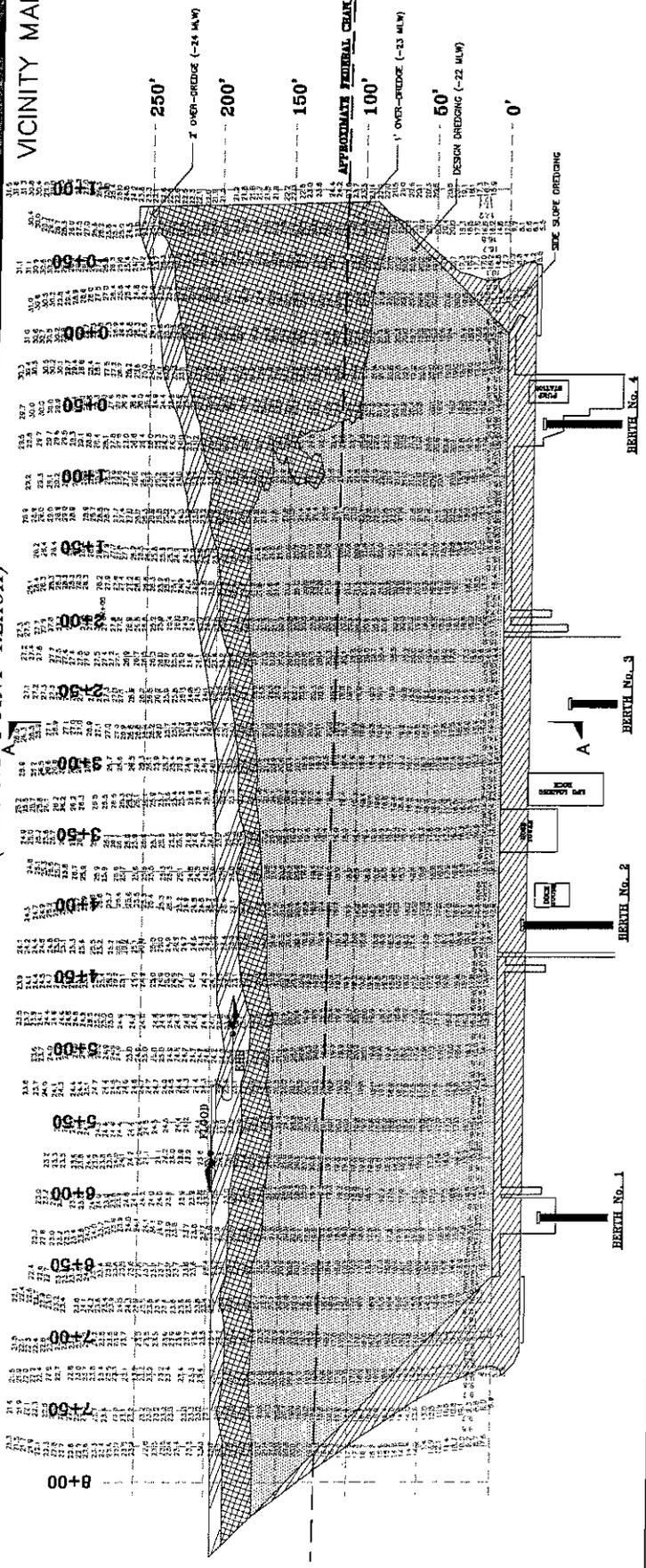


VICINITY MAP



PASSAIC

RIVER
(KEARNY POINT REACH)



WIDTH OF BAY
APPROX. 0.7 MILES

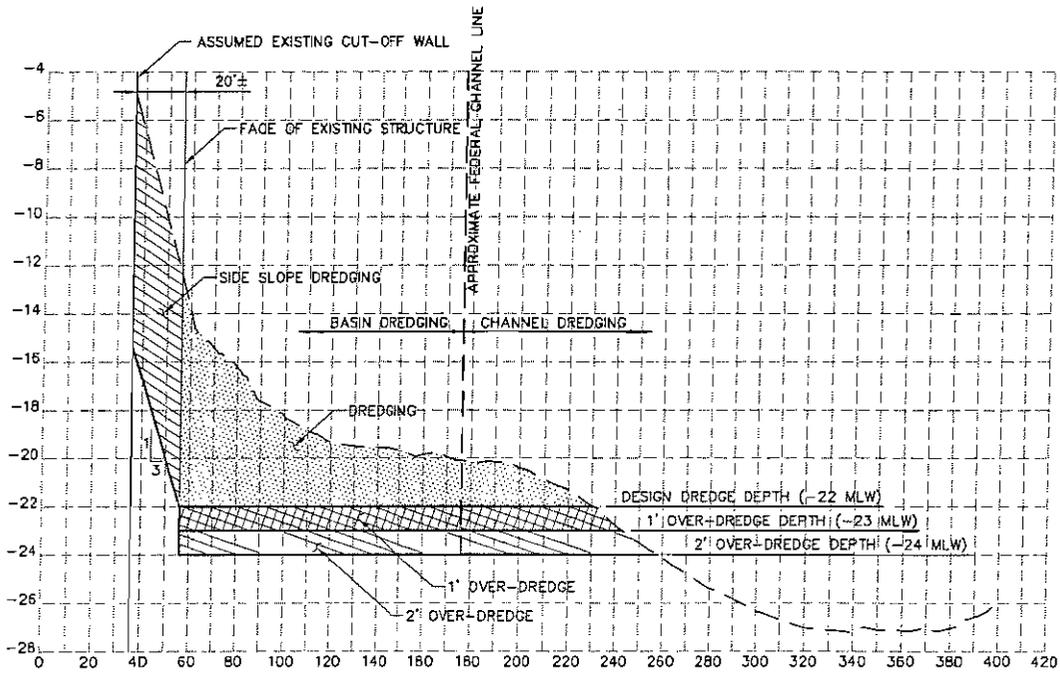
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HESS CORPORATION
1 HESS PLAZA WOODBRIDGE N.J. 07095
Sheet 2 of 3 DATE: 5/3/07

MAINTENANCE DREDGING
CENTER POINT TERMINAL
NEWARK, ESSES CO. N.J.
PLAN VIEW
2.8 DREDGING DISTRIBUTION
APPLICATION BY: APEX OIL

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NORTHINGS 683,212.73
LAT/LONG 40° 42' 30.68" N
AND 74° 07' 17.72" W
M&N ENGINEERING, P.C.
104 W. 40TH ST. 14TH FLOOR
NEW YORK, NY 10018



VICINITY MAP



SECTION A-A



SCALE: 1"=80'

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 AND 74° 07' 17.72" W
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MAINTENANCE DREDGING
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3. SECTION VIEW

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Sheet 3 of 3

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