



# 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-2017-00085-EYR**  
Issue Date: **March 15, 2017**  
Expiration Date: **April 14, 2017**

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: Phillips 66  
1400 Park Avenue  
Linden, NJ 07036

ACTIVITY: Ten-year maintenance dredging of Barge Piers "A" and "B" with upland placement of all resultant dredged material. Barge overflow is proposed.

WATERWAY: Arthur Kill

LOCATION: Phillips 66 Bayway Refinery at 1400 Park Avenue, 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 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.

**\*\*\*PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE\*\*\***

CENAN-OP-RE  
Public Notice NAN-2017-00085-EYR

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.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments, including names and addresses, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), our preliminary determination is that the activity for which authorization is sought herein will have no effect on any Federally endangered or threatened species or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit application.

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.

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No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, 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

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) 790-8715 and ask for Mr. Robert Youhas.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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

  
**For and in behalf of**  
Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

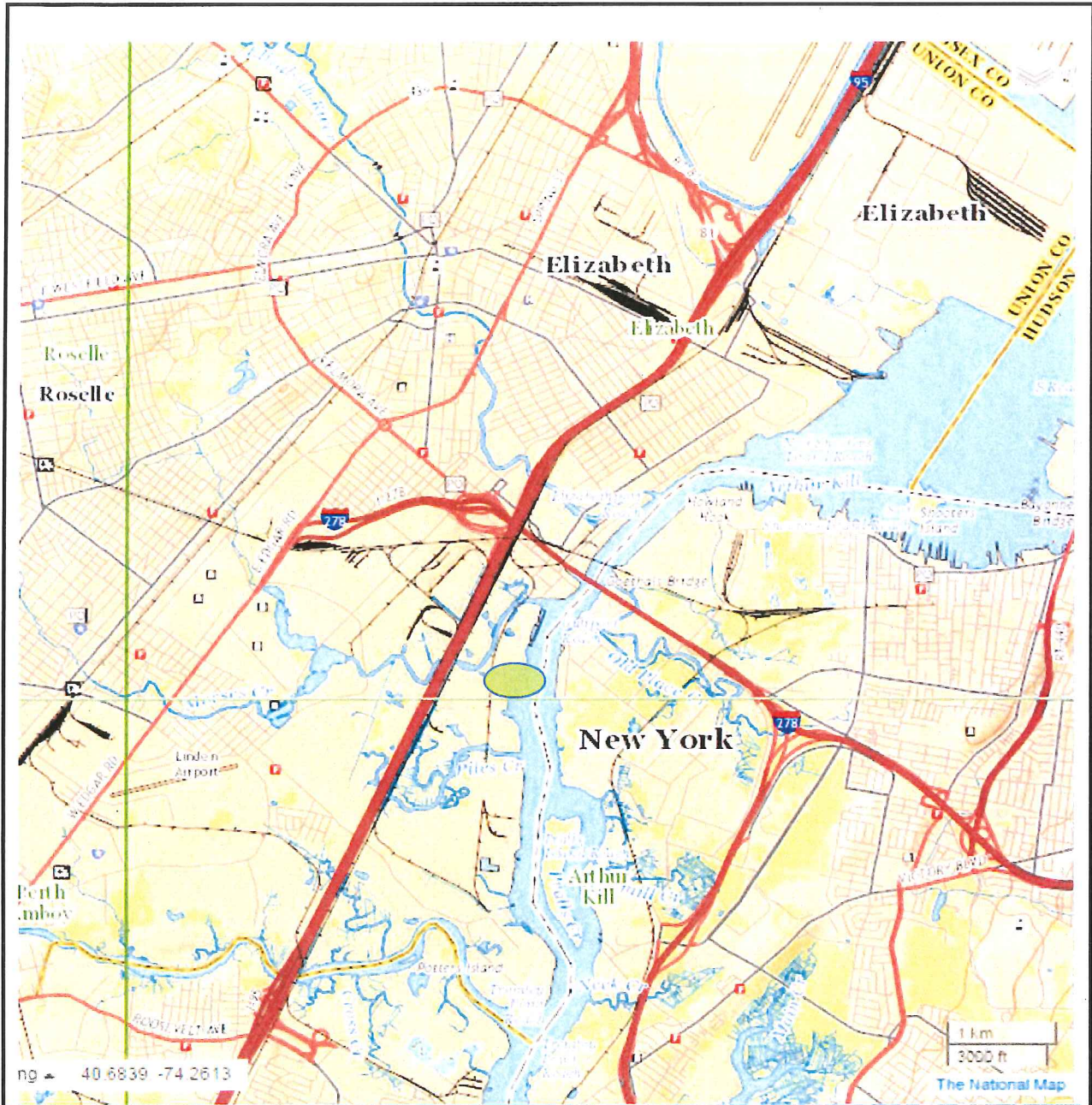
### WORK DESCRIPTION

The permit applicant, Phillips 66, has requested Department of the Army authorization for ten-year maintenance dredging of Barge Piers "A" and "B" at the Phillips 66 Bayway Refinery at 1400 Park Avenue in the City of Linden, Union County, New Jersey. All resultant dredged material is proposed to be mechanically dredged with a standard environmental closed-bucket clamshell dredge and loaded onto floating barges for transport to a State-approved upland disposal facility. Return flow to the waterway of excess barge-decanted water is proposed to occur at the dredging site in accordance with all New Jersey Department of Environmental Protection requirements.

Specifically, removal of an approximate project total of 26,400-cubic yards of dredged material from an irregular-shaped, approximately 80,400-square foot area between and surrounding Barge Piers "A" and "B" to a depth of -25-feet below the plane of Mean Low Water (MLW) plus one (1)-foot of overdredge, is proposed. The permit applicant has estimated that a total of three (3) maintenance dredging events will be required during the ten-year life of the permit in order to maintain safe navigational depths at the Barge Piers. For year 2017 only, approximately 8,400-cubic yards of dredged material is projected to be generated. Approximately 9,000-cubic yards is projected to be generated for each of the other two (2) dredging events projected for the remainder of the ten-year life of the permit.

The stated purpose of the project is to maintain and improve safe vessel navigational and mooring depths at Barge Piers "A" and "B" at the Phillips 66 Bayway Refinery for transfer of liquid bulks and other materials for use in refining processes. Maintenance dredging at Barge Piers "A" and "B" was historically authorized by DA Permit Numbers NAN-2004-00327 and NAN-1992-07650.

# USACE FILE: NAN-2017-00085-EYR



<http://viewer.nationalmap.gov/basic/?basemap=b1&category=ustopo&title=US%20Topo%20Download>

Project Area



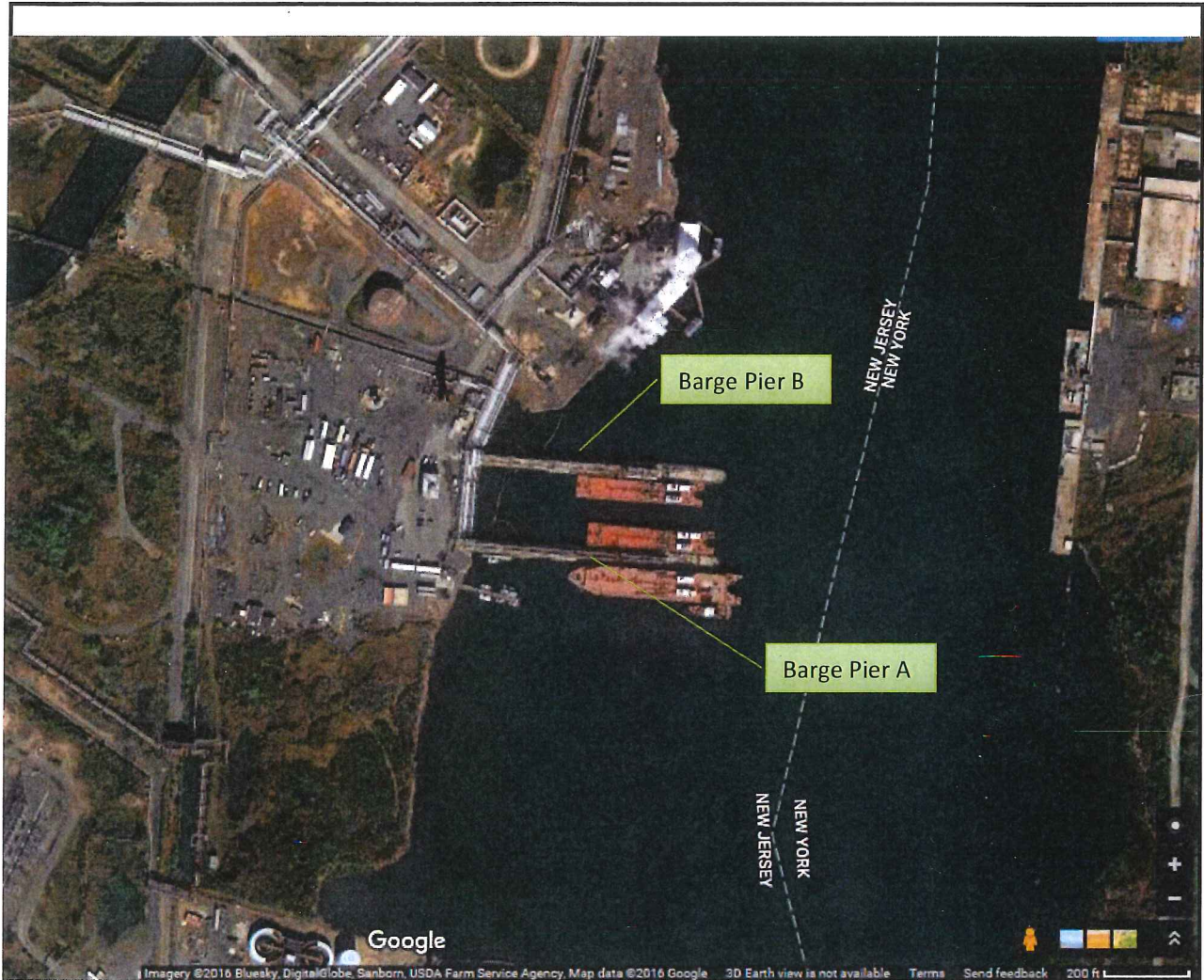
Barge Piers

easting 573,642  
northing 653250



Figure 1  
USGS Topographic Map  
Phillips 66  
Bayway Refinery  
Linden, New Jersey

# USACE FILE: NAN-2017-00085-EYR



Total Dredge Area, Excluding Side Slopes < 1acre  
Total Dredge Volume, Including 2H:1V side slopes 8,400 cy (2017)

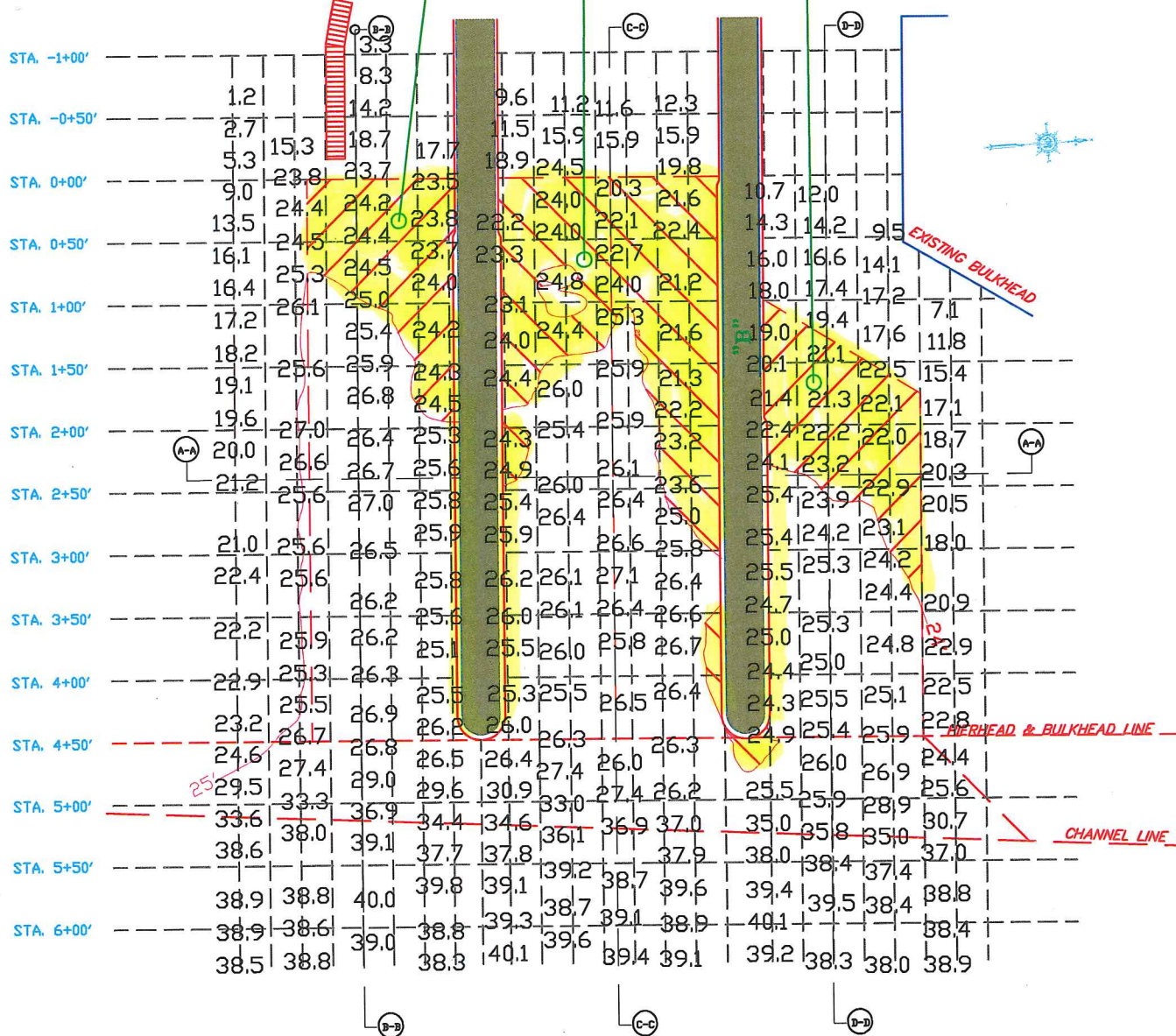
Barge Piers  
    easting 573,642  
    northing 653250

**Figure 4**  
**Overall Dredge Area**  
Phillips 66  
Bayway Refinery  
Linden, New Jersey



# USACE FILE: NAN-2017-00085-EYR

TOTAL 8,400 C.YDS  
INCLUDING 3/1 SLOPES  
AND 1 FOOT OVERDREDGE



**GENERAL NOTES:**

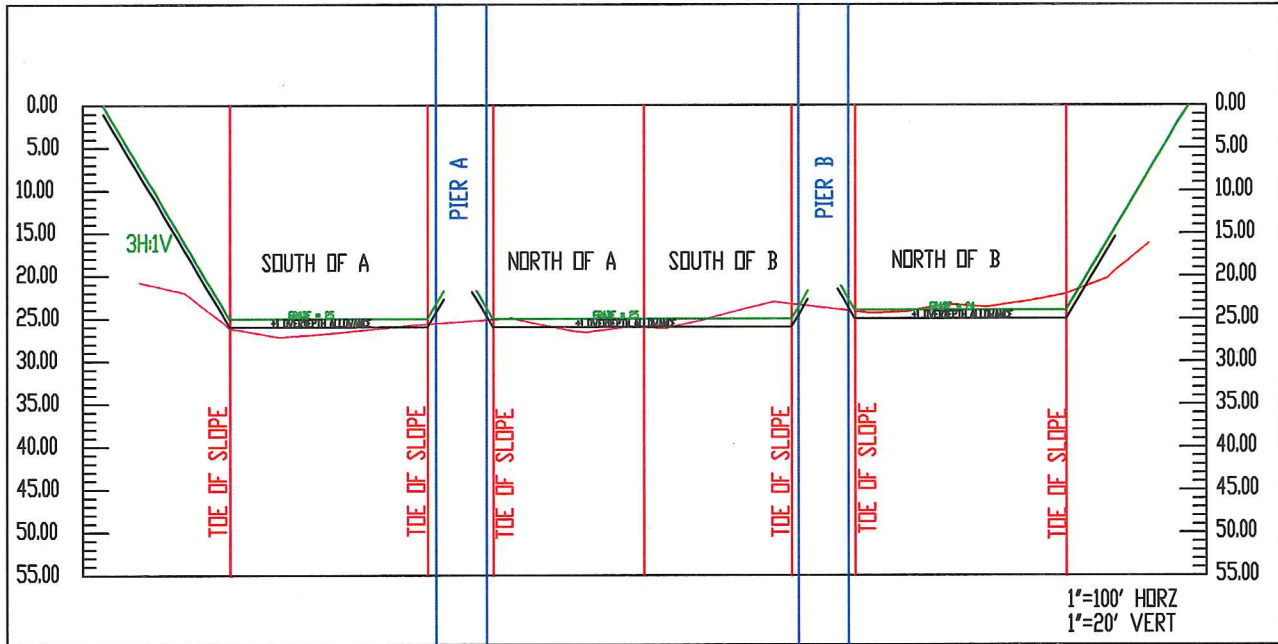
1. All soundings are in feet and tenths and refer to Mean Low Water being 3.4 feet below NAVD'88.
2. All soundings are negative unless shown with a plus (+).
3. Innerspace 456 Precision Survey Fathometer used for soundings.
4. THE TRIMBLE AgGPS 132 DIFFERENTIAL GPS WAS USED FOR POSITIONING.
5. The Hypack 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 indicating the general conditions at that time.
7. Dock and pier structures scaled from drawings by others and are approximate (for reference only).

ARTHUR KILL

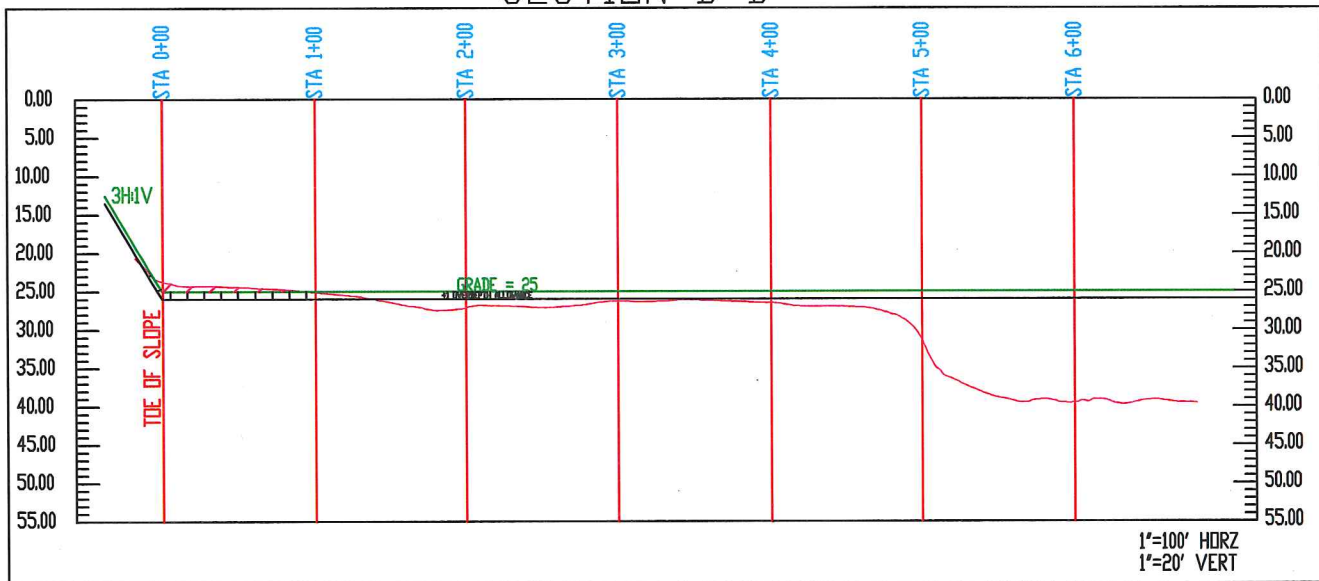


NO.	DATE	DESCRIPTION	APP.	PROJECT	PREP. BY	DATE	HYDROGRAPHIC SURVEY PREPARED FOR:	HYDROGRAPHIC SURVEYS	DATE	NO. OF SHEETS	SCALE
1	06/15/17	HYDRO SURV	[Signature]	RANGE PIERS "A" & "B" CONDITION SURVEY PLAN VIEW	[Signature]	06/15/17	PHILLIPS CO 1400 PARK AVE. LINDEN, NJ 07036	1 OF 2	1:500	16-COHO-18/021-0001-0768	

## SECTION A-A



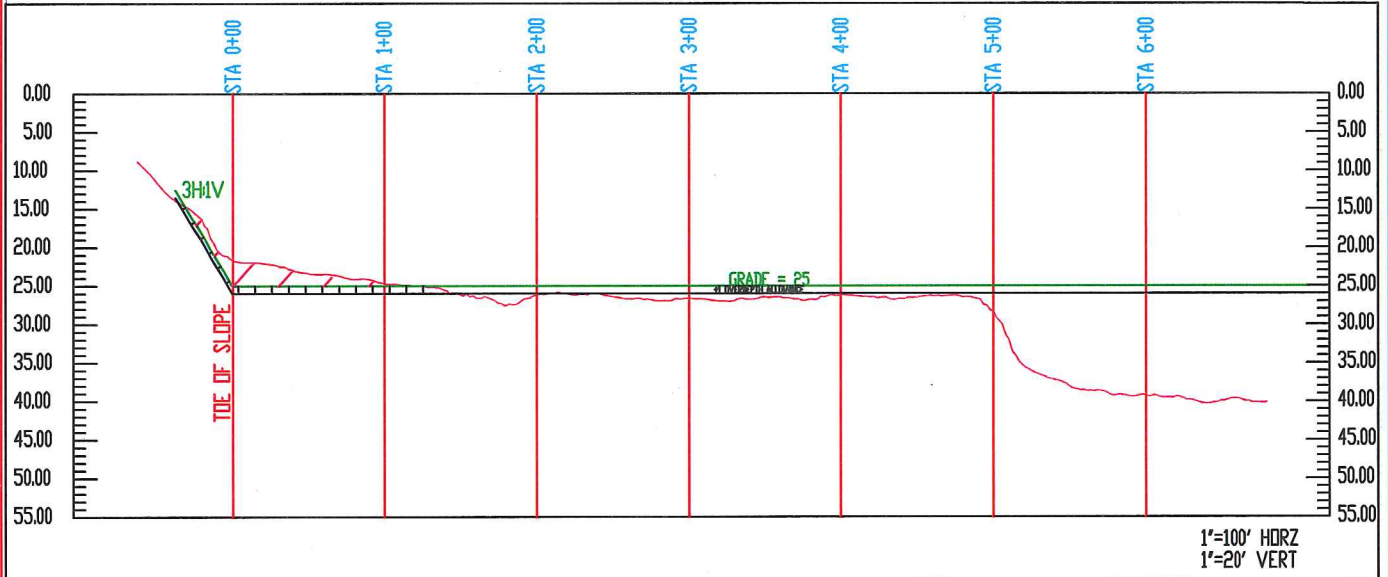
## SECTION B-B



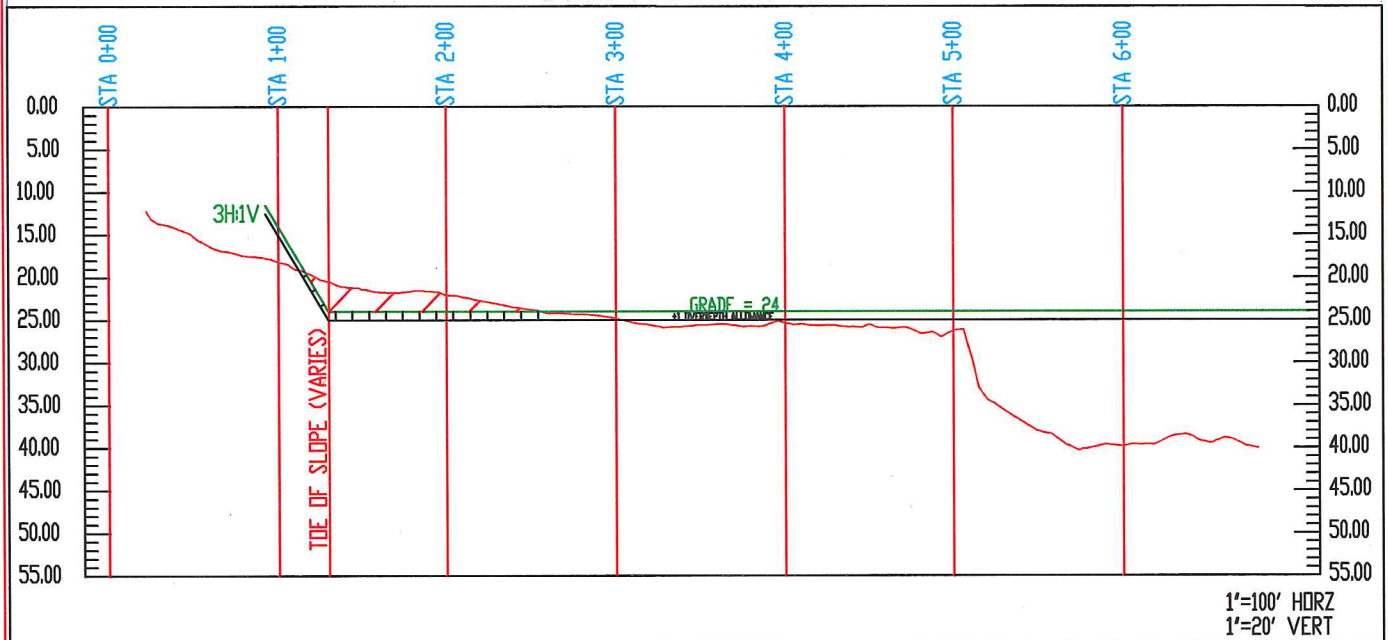
NO.	DATE	DESCRIPTION	APP.	PROJECT:	PREP. BY:	CHECKED BY:	APPROVED BY:	SCALE:	PROJECT:	DATE:	BY:	APP.
				RANGE PIERS "A" & "B" CROSS-SECTIONS	ALFRED W. BROWN			AS SHOWN	PHILLIPS 66 1400 PARK AVE. LINDEN, NJ 07036			
				HYDROGRAPHIC SURVEYS				16-CADD-10/021-2001-2760				



## SECTION C-C



## SECTION D-D



NO.	DATE	DESCRIPTION	APR.

<b>PROJECT:</b> BARGE PILES "A" & "B" CROSS-SECTIONS	<b>DESIGNED BY:</b> <i>AS</i> <b>CHECKED BY:</b> <i>MS</i> <b>APP. BY:</b> <i>AS</i> <b>SCALE:</b> AS SHOWN	<b>PATHEMATIC SURVEY PREPARED FOR:</b> PHILLIPS OIL 1400 PARK AVE. LINDEN, NJ 07036	<b>HYDROGRAPHIC SURVEYS</b> 18-COHO-10/081-001-5752
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