



# 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-2019-00354-WCA**  
**Issue Date: May 3, 2019**  
**Expiration Date: June 3, 2019**

## 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:** Tilcon New York Inc.  
9 Entin Road  
Parsippany, New Jersey 07054

**ACTIVITY:** Perform dredging, with ten years maintenance, and upland disposal, of an estimated ten year total dredge volume of approximately 30,000 cubic yards at an existing berth area, with return flow to the waterway.

**WATERWAY:** Hudson River

**LOCATION:** Village of Haverstraw, Rockland County, New York.

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.



**CENAN-OP-RW**  
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Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, 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.

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 (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 work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species. Further consultation with NOAA/FS 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 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 York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

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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) 790-8412 and ask for Jim Cannon.

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: Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures



**WORK DESCRIPTION**

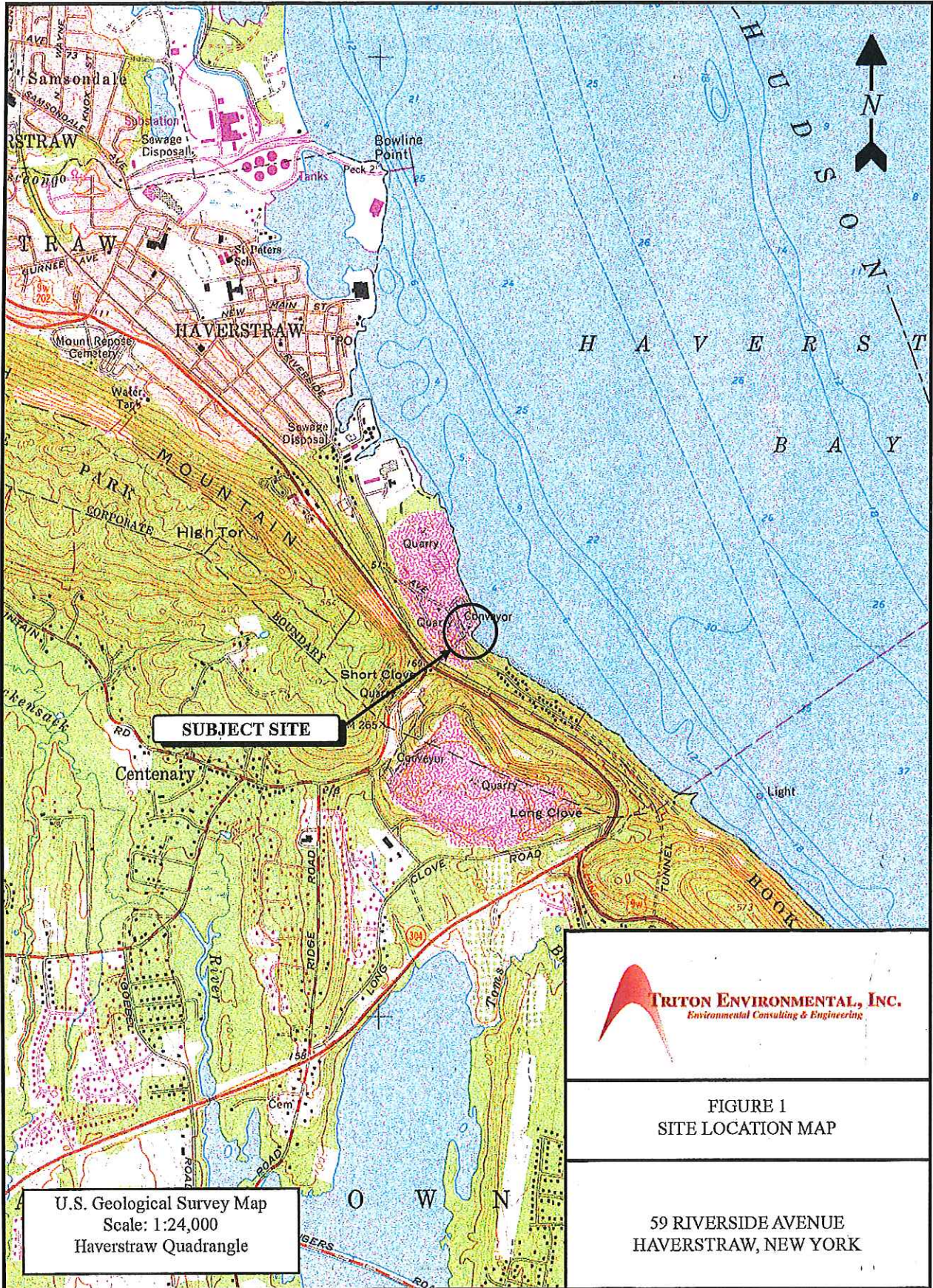
The applicant, Tilcon New York Inc., has requested Department of the Army authorization to perform dredging, with ten years maintenance, and upland disposal, at an existing 450-foot long by 50-foot wide berth area. The project site is located within the Hudson River, in the Village of Haverstraw, Rockland County, New York.

The proposed regulated work would include dredging, with ten years maintenance, and upland disposal, of approximately 30,000 cubic yards of material from a total of ten (10) dredge events (approximately 3,000 cubic yards per dredging event), from a 450-foot long by 50-foot wide berth area. The berth would be dredged to a depth of -20 feet below the plane of Mean Low Water (MLW) (-20 feet below the MLW, North American Vertical Datum, 1988 (NAVD, 88).

An environmental bucket would be used during the proposed dredging activities, and dredge operators would be required to achieve full bucket loads to the maximum extent practicable. Dredging may occur from a land based excavator or a floating excavator barge, and the dredged sediments may either be placed in sealed barges, with no barge overflow, or in upland containment basins with return flow to the waterway. Decanting of excess water would be performed in accordance with the requirements of a Water Quality Certificate from the New York Department of Environmental Conservation (NYSDEC).

The stated purpose of this project is to ensure adequate depths for continued safe navigation access and remove aggregates that have spilled into the waterway during facility operations.





**SUBJECT SITE**

U.S. Geological Survey Map  
 Scale: 1:24,000  
 Haverstraw Quadrangle



**FIGURE 1**  
**SITE LOCATION MAP**

59 RIVERSIDE AVENUE  
 HAVERSTRAW, NEW YORK





TILCON FACILITY

SCREENER

EXISTING LOADING SHUTTLE

A

**MAINTENANCE DREDGING FOOTPRINT  
DIMENSIONS: APPROX. 450' x 50'  
AUTHORIZED DEPTH: -20.0 FEET MLW**

EXISTING BULKHEAD

EXISTING DOCK

EXISTING DOCK

HUDSON RIVER

**NOTES:**

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.68' NAVD'88 ).
2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).
3. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON OCTOBER 9, 2018 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
4. THE LOCATION OF ALL STRUCTURES, EQUIPMENT, DELINEATIONS AND OTHER FEATURES PRESENTED ON THIS DRAWING SHOULD BE CONSIDERED APPROXIMATE. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. TRITON MAKES NO WARRANTY AS TO THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION CONTAINED IN THIS DRAWING, AND THE USER ASSUMES ALL RISK OF LOSS TO PERSONS AND PROPERTY FROM RELIANCE THEREON.



**TRITON ENVIRONMENTAL, INC.**  
Environmental Consulting & Engineering

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**FIGURE 2**

EXISTING AND PROPOSED CONDITIONS

MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.  
HAVERSTRAW LOADING DOCK  
HAVERSTRAW, NEW YORK

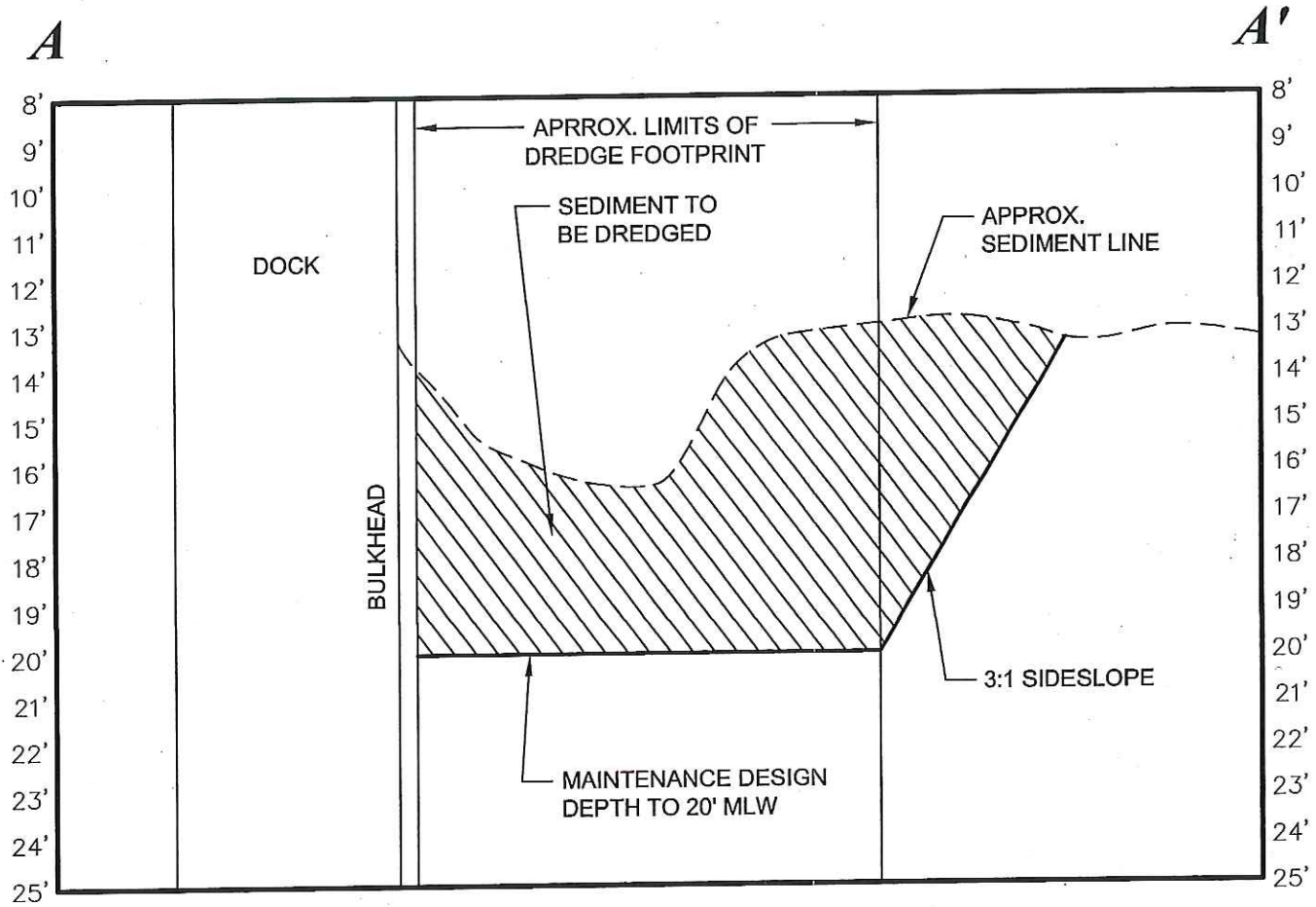
DRAWN BY: RGM

APPROVED BY: RBS

DATE: 11/14/18

SCALE: 1" = 120' FILE No.: 105063MDA-01

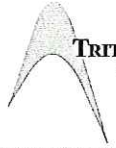
Figure 2 of 5



HORIZONTAL SCALE: 1" = 20'  
 VERTICAL SCALE: 1" = 4'

Figure 3 of 5

- NOTES:**
1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-1.68' NAVD'88).
  2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).

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<b>FIGURE 3</b> CROSS SECTION A-A' MAINTENANCE DREDGING APPLICATION	
TILCON NEW YORK INC. HAVERSTRAW LOADING DOCK HAVERSTRAW, NEW YORK	
DRAWN BY: RGM	APPROVED BY: RBS
DATE: 11/14/18	SCALE: 1" = 120' FILE No.: 105063MDA-01



**Site Photographs  
Tilcon New York Inc.  
Haverstraw Facility**

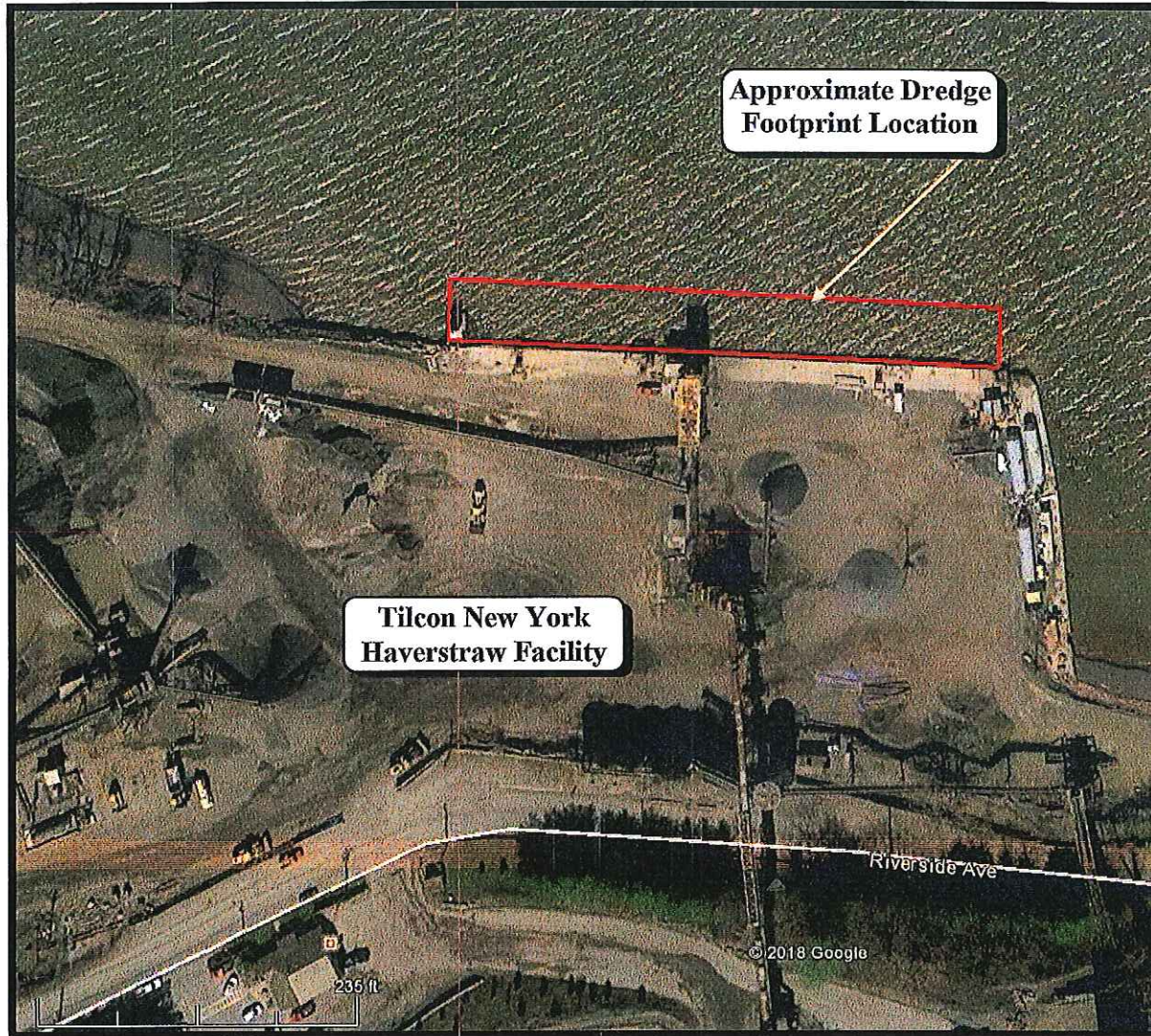


Figure 4 of 5

Aerial Photograph of Tilcon's Haverstraw facility.





Figure 5 of 5



FIGURE 4  
DEWATERING LOCATION PLAN

TILCON NEW YORK  
59 RIVERSIDE AVENUE  
HAVERSTRAW, NEW YORK

Dredge material dewatering will occur within the area highlighted in blue. The exact location will depend on the configuration of product stock piles and mining equipment at the time of dredging, as the site configuration changes regularly. The site operates under an Individual SPDES Permit requiring the management of site water. Runoff water within the area highlighted in blue is contained onsite and collected at either the Sand Plant Sump or the Wash Tower Sump. The water is pumped from these locations to Pond Inlet 1 and treated in a series of settling basins before discharging at Outfall 001 or being reused for the sand washing operation. Outfall 001 is registered under the SPDES permit and is monitored monthly for TSS, pH, and flow and weekly for SS.