

Public Notice

U.S. Army Corps of Engineers

Pittsburgh District

In Reply Refer to Notice No. below US Army Corps of Engineers, Pittsburgh District 1000 Liberty Avenue

Pittsburgh, PA 15222-4186

Application No. 2011-1472

Date: November 4, 2011

Notice No. 11-43

Closing Date: December 5, 2011

- TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
- 2. APPLICANT:

Valvoline Rochester Packaging Plant

3499 Blazer Parkway Lexington, KY. 40509

- LOCATION: Ohio River, Right Bank, Mile 24.3, 501 Railroad Street, Rochester Borough, Beaver County, Pennsylvania.
- PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct a new barge unloading dock to supply lubricating oils to the existing facility. The proposed waterfront construction will include a 108 linear foot walkway/bridge, 8 feet wide by 9 feet high with a middle bridge support structure, constructed with four 12 inch diameter (dia.) pipe pilings. The walkway /bridge will begin from the right bank and extend to one of the two newly constructed 24 foot sheet pile cells. Both 24 foot dia. cells will each be built with float guides to support a 70 foot floating deck-barge placed between them. The cells and floating deck-barge will be used to support the transiting barges offloading their products and for temporary moorage. In addition to the two 24 foot dia. cells, two 72 inch dia. pipe dolphins will also be constructed to support the mooring of barges. Project pool Montgomery Dam, Elevation 682.0.

The approximate bottom elevation levels of the following structures:

- Downstream Cell #1, elevation 660.0:
- Upstream Cell #2, elevation 667.0
- Downstream Dolphin, elevation 666.0
- Upstream Dolphin, elevation 667.0
- Middle Walkway/Bridge support, elevation 678.0 to 680.0
- Top elevation levels of both the 24 foot dia. cells and 72 inch dia. dolphins' will be at approximately 705.0.

The applicant is also proposing a maximum mooring area of 520 linear feet by 54 feet wide (very rarely used) and/or a typical moorage area of 320 linear feet by 35 feet wide.

Drawings of the proposed dock are attached to this notice.

5. <u>ENCROACHMENT PERMIT</u>: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection Southwest Regional Office Soils and Waterways Section 400 Waterfront Drive Pittsburgh, PA 15222-4745

Telephone: 412-442-4000

- 6. <u>IMPACT ON NATURAL RESOURCES</u>: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).
- 7. <u>IMPACT ON CULTURAL RESOURCES</u>: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 Public Law 89-665 as amended (including Public Law 96-515).
- 8. <u>PUBLIC INVOLVEMENT</u>: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.
- 9. <u>EVALUATION</u>: Interested parties are invited to state any objections they may have to the proposed work. 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 proposals 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, flood plain 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 the 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 overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

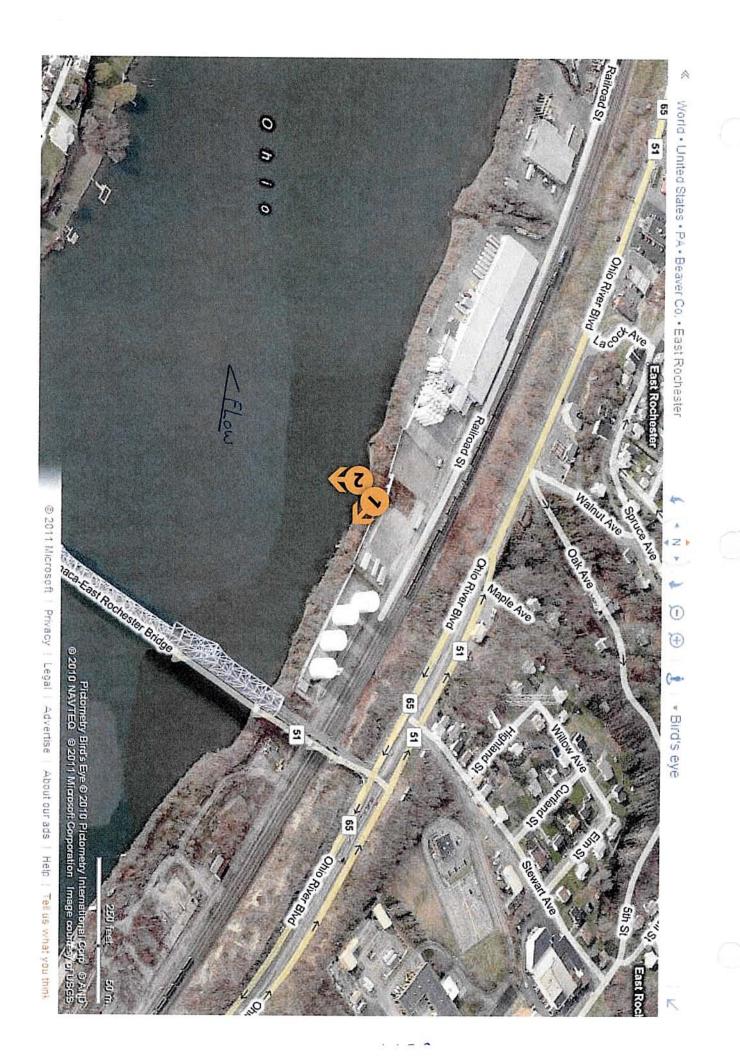
10. <u>RESPONSES</u>: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Waterways Inspector George Brkovich at the above address, by telephoning (412) 395-7247, or by e-mail at george.r.brkovich@usace.army.mil Please refer to CELRP-OP-F 2011-1472 in all responses.

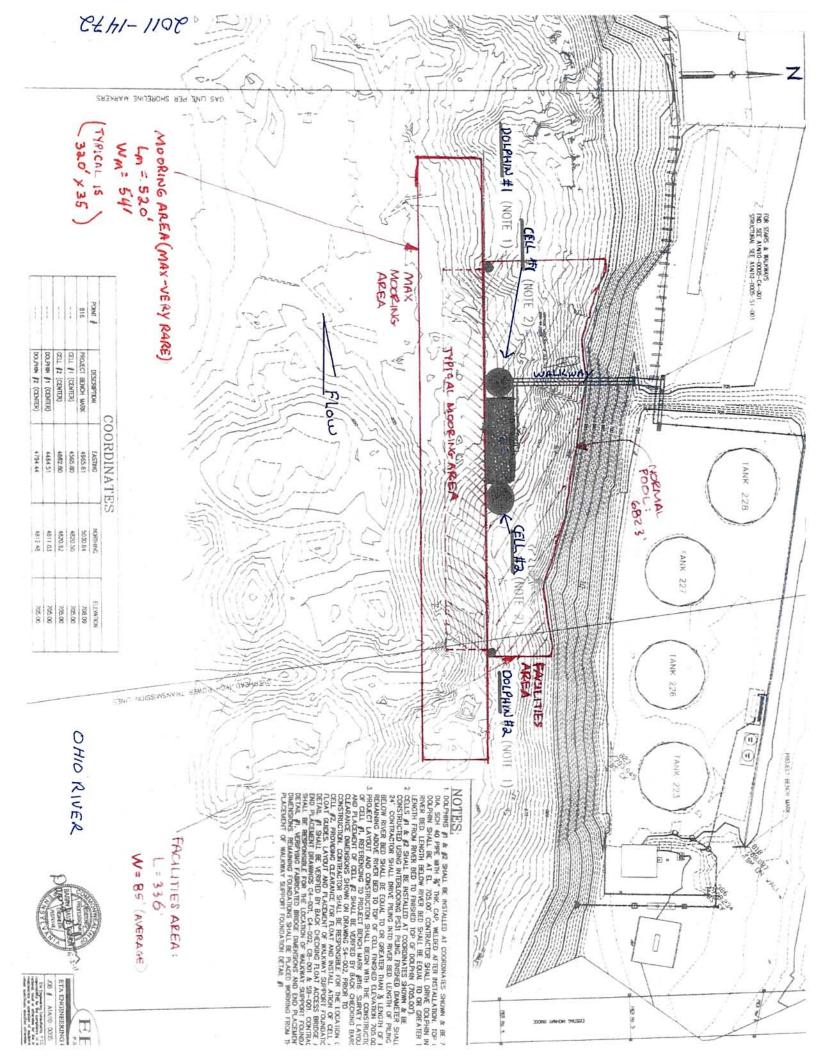
FOR THE DISTRICT ENGINEER:

Karen A. Kochenbach Chief, Southern Section

Regulatory Branch







OHIO RIVER

