

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS

69A Hagood Avenue

Charleston, SC 29403-5107

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Office of Ocean and Coastal Resource Management

1362 McMillan Avenue, Suite 400

North Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: SAC-2022-01747

January 23, 2023

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. Christopher Chong
Odfjell Terminals (Charleston) Inc.

12211 Port Road

Seabrook, Texas 77586

c/o

Ms. Mary Elizabeth Manning

GEL Engineering, LLC

PO Box 30712

Charleston, South Carolina 29417

mary.elizabeth.manning@gel.com

for a permit to perform routine maintenance dredging in the

Cooper River

located at the Odfjell Terminals at 1003 E Montague Avenue in North Charleston, Charleston County, South Carolina (Latitude: 32.87942 °, Longitude: -79.96745 °), North Charleston Quad Sheet.

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

15 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

from those interested in the activity and whose interests may be affected by the proposed work.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

Applicant's Stated Purpose

According to the applicant, the purpose of the proposed project is to maintain safe operating depths to accommodate deep draft vessels during all tidal phases at the Odfjell facility. Odfjell requires the necessary approvals to perform routine maintenance dredging to allow sea-going tankers, barges and ships to access the berthing area in a safe and efficient manner. The Odfjell facility receives, stores and transfers liquid products, such as specialty chemicals, vegetable oil and petroleum products. These products arrive at the terminal by ship, barge, and rail car and are stored in aboveground tanks, then transferred to outbound vessels and over the road carriers of the same type. Maintenance dredging has occurred at the Odfjell facility at approximately 18 to 24-month intervals since the facility begun operations in 2014. A previous Corps permit, SAC-2010-01308, was issued in 2011 and has expired.

Project Description

The proposed work consists of the maintenance dredging at the Odfjell facility. In detail, the applicant is requesting authorization for a ten-year maintenance dredging permit using either a hydraulic cutterhead dredge or a mechanical dredge with a clamshell bucket. The applicant is requesting both forms of dredging to provide for greater flexibility when hydraulic dredging is not available in the Charleston Harbor. When hydraulically dredging, which is the applicant's preferred method, the material would be transported to the Clouter Creek Dredge Material Placement Facility (DMPF) via pipeline. When mechanical dredging, the material would be placed into a scow and transported to the Clouter Creek DMPF, where the sediment would be liquefied by adding water and the resultant slurry would be pumped into the DMPF. Adequate freeboard will be maintained in the scows to allow for the addition of water without causing overflow. The applicant proposes approximately 15,000 cubic yards of material every 18 months from 2.5 acres of area to a depth of -42' mean low water (MLW) plus an allowable 2' overdepth. If dredged annually over the life of a 10-year permit, approximately 150,000

cubic yards would be dredged.

The applicant understands and intends to acquire the requisite Memorandum of Agreement (MOA) and Consent and License Agreements from the Corps to dispose of dredged sediments in the DMPF. The applicant also intends to conduct a sediment evaluation.

Avoidance and Minimization

The applicant has stated that the proposed project will avoid and/or minimize impacts to the aquatic environment by conducting the dredging within the same footprint of previous dredging activities. Additionally, the applicant intends to conduct a sediment evaluation.

Proposed Compensatory Mitigation

The applicant is not proposing mitigation as the proposed work is a continuation of the facility's maintenance dredging program and no wetlands will be impacted.

South Carolina Department of Health and Environmental Control

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the certifying authority, South Carolina Department of Health and Environmental Control, in accordance with provisions of Section 401 of the Clean Water Act (CWA). The CWA Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification, or waiver, for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 Certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930) This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is

hereby advised that supplemental information may be required by the State to facilitate the review.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 2.5 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project and based on the location of the project and available information, the following species may be present in the County(s) where the work will occur: Frosted flatwoods salamander, American woodstork, Eastern black rail, piping plover, red-cockaded woodpecker, rufa red knot, Atlantic sturgeon, finback whale, humpback whale, northern long-eared bat, right whale, sei whale, sperm whale, West Indian manatee, American chaffseed, Canby's dropwort, pondberry, seabach amaranth, green sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle.

Based on all information provided by the applicant and the most recently available information, the District Engineer has determined the following:

The project will have no effect on all of the above listed species except for West Indian manatee and will not result in the destruction or adverse modification of designated or proposed critical habitat.

The project is not likely to adversely affect West Indian manatee or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether

any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

Corps' Evaluation

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 and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. 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 project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project 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 and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

Solicitation of Public Comment

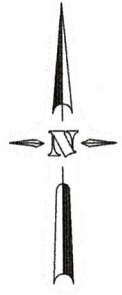
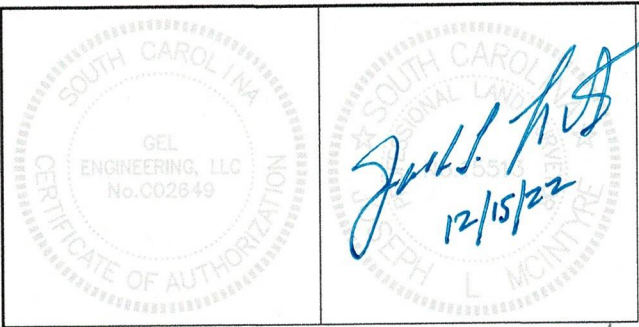
The Corps is soliciting comments from the public; Federal, state, and local agencies

and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. 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 need for a public hearing and to determine the overall public interest of the activity. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

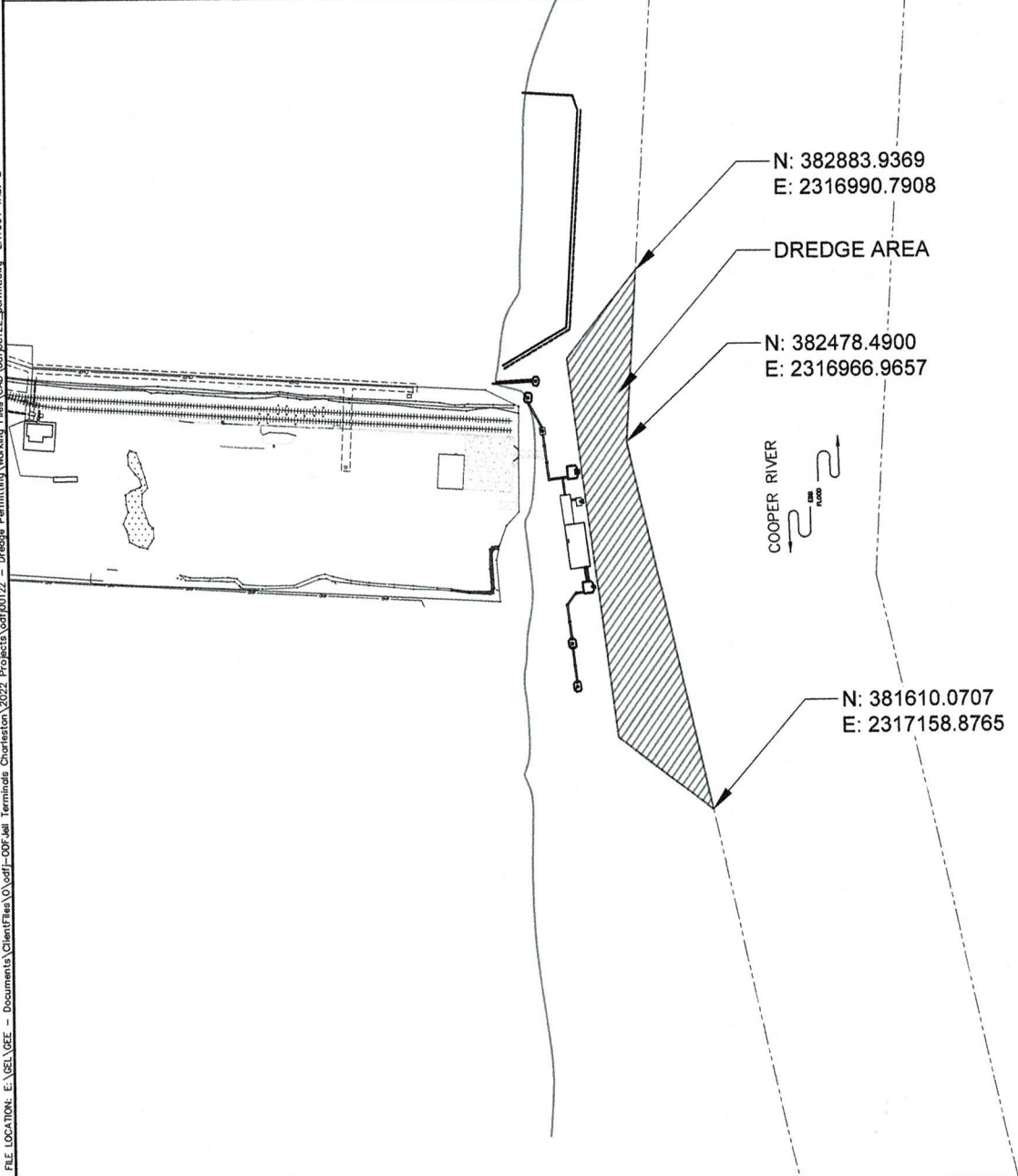
Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2022-01747), to Tracy.D.Sanders@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, SC 29403-5107**

If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at (843) 329-8190, toll free at 1-866-329-8187, or by email at Tracy.D.Sanders@usace.army.mil.



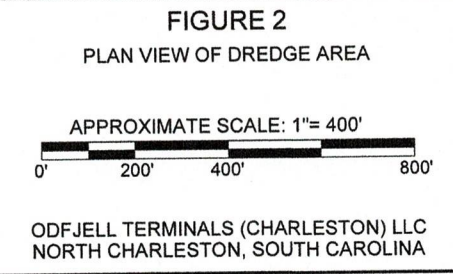
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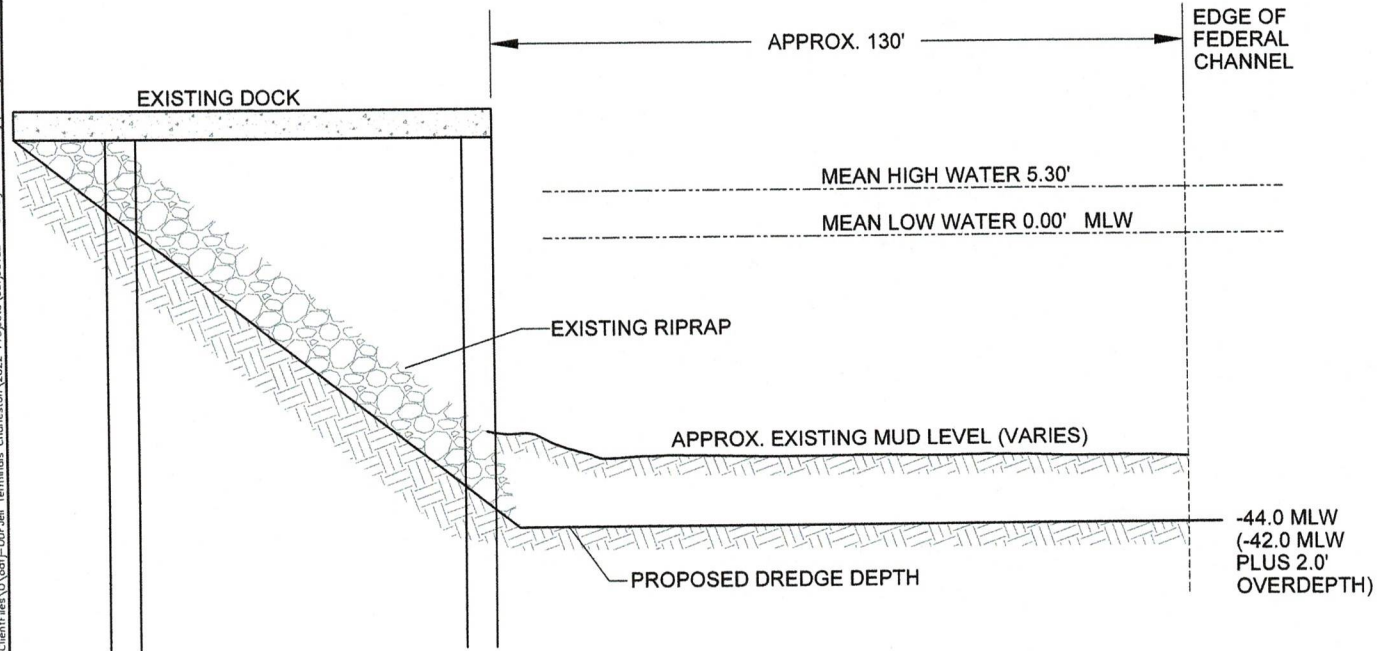
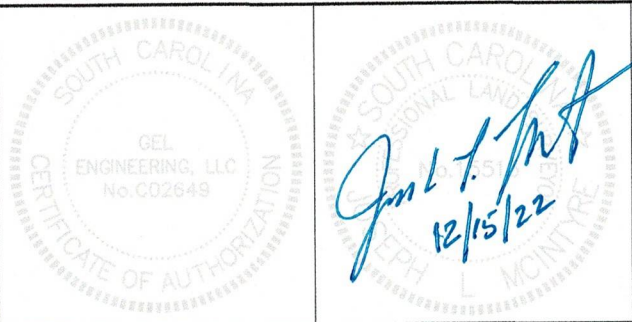
PURPOSE: MAINTAIN SAFE OPERATING DEPTH
 FOR DEEP-DRAFT VESSELS

ADJACENT PROPERTY OWNERS
 CHEM-MARINE CORPORATION
 BUCKEYE TERMINALS

SURVEY DATUM: NAD83



PROPOSED: BERTH MAINTENANCE
 DREDGING
AT: NORTH CHARLESTON
IN: COOPER RIVER
COUNTY OF: CHARLESTON
 SOUTH CAROLINA
SHEET: 2 OF 4 **DATE:** 12/06/2022



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PURPOSE: MAINTAIN SAFE OPERATING DEPTH FOR DEEP-DRAFT VESSELS

ADJACENT PROPERTY OWNERS
 CHEM-MARINE CORPORATION
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SURVEY DATUM: NAD83

FIGURE 3
 TYPICAL CROSS-SECTION

 NOT TO SCALE

 ODFJELL TERMINALS (CHARLESTON) LLC
 NORTH CHARLESTON, SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING
AT: NORTH CHARLESTON
IN: COOPER RIVER
COUNTY OF: CHARLESTON SOUTH CAROLINA
SHEET: 3 OF 4 **DATE:** 12/06/2022