

JOINT PUBLIC NOTICE

January 17, 2012

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT
CORPS OF ENGINEERS
REGULATORY FUNCTIONS BRANCH
P.O. BOX 60267
NEW ORLEANS, LA 70160

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL
QUALITY
OFFICE OF ENVIRONMENTAL
SERVICES
P.O. BOX 4313
BATON ROUGE, LA 70821-4313

STATE OF LOUISIANA
DEPARTMENT OF NATURAL
RESOURCES
OFFICE OF COASTAL MANAGEMENT
P.O. BOX 44487
BATON ROUGE, LA 70804-4487

Phone (504) 862-2041

Fax (504) 862-2117

Phone (225) 219-3225

Fax (225) 325-8250

Phone (225) 342-7942

Fax (225) 342-9439

Email regina.staten@la.gov

CORPS REVIEWER:

Robert Tewis

DEQ REVIEWER:

Win Webb

OCM REVIEWER:

Regina Stone

COE NUMBER:

MVN-2008-0030-ETT

WQC NUMBER:

WW 080117-01

CUP NUMBER:

P20071810 (Revised, Revised)

Interested parties are hereby notified that the Office of Coastal Management of the Department of Natural Resources has received the following application for a Coastal Use Permit (CUP) in accordance with the State and Local Coastal Resources Management Act of 1978, as amended, (Louisiana R.S. 49, Sections 214.21-214.41), and the rules and regulations of the Coastal Resources Program. Via this notice, the public is invited to provide comment on the following application.

Additionally, interested parties are hereby notified that applications have been received by the District Engineer for a Department of the Army permit to authorize the following pursuant to: [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344) and/or [X] Section 10 of the River and Harbor Act of 1899 (33 USC 403).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A93) and Provisions of Section 401 of the Clean Water Act (P.O. 95-217).

The official date of the beginning of the public comment period for Coastal Use Permit and Water Quality Certification applications begins on the date of publication of the notice in the official state journal (The Advocate), in accordance with the Rules and Procedures for Coastal Use Permits, §723.C.5.c. The Office of Coastal Management will inform interested parties of the exact date of publication on request.

*Habitat impacts are based on available in-house data and may not represent actual conditions. Field reconnaissance may be required verify extent of impacts.

Approximately NO acres of Essential Fish Habitat (EFH) utilized by various life stages of red drum and panaeid shrimp would be altered or destroyed by this project. This information is provided to initiate federal consultation requirements pertaining to EFH under the Magnuson-Stevens Fishery Conservation and Management Act.

NAME: VALERO ST. CHARLES REFINERY
c/o ENVIRON INTERNATIONAL CORPORATION
8235 YMCA PLAZA DRIVE SUITE 300
BATON ROUGE, LA 70810
Attn: John Hebert

LOCATION: Saint Charles Parish, LA; Norco, LA; Section 7, T12S-R8E; Lat. 29° 59' 53"N / Long. 90° 23' 10"W.

DESCRIPTION: Proposed expansion (approximately 1200' x 3400') of the existing Valero Refinery for a new aromatics recovery unit including a catalytic reforming unit, two new para-xylene extraction units, tatoray and sulfolane processing units, storage tanks, pipe racks and pollution control equipment and flares. To comply with the new MSAT II federal air standards, this unit will remove benzene-rich fragments from gasoline. This will create a co-product which will be processed to commercial grade aromatic petroleum products (primarily para-xylene). Approximately 120,000 cubic yards of concrete, 54,500 cubic yards of crushed stone/gravel, 50,000 cubic yards of tank dike material and 335,100 cubic yards of native (earthen) material will be used as fill. No additional dredge or fill is required for this project. *Approximately 67.59 acres of cypress/bottomland hardwoods and 1.75 acres of an upland area may be impacted as a result of the proposed project. In addition, a 20 acre tract of previously permitted bottomland hardwood/cypress habitat will be impacted.

REVISION 1: Revised plats to show permanent work area and a temporary 4' x 267' walkway needed to install a piperack from a previously permitted area to the existing facility. Approximately 158 cy of native material will be displaced to install the piperack footing. In addition, approximately 1357 cy of crushed stone/gravel and 679 cy of sand will be used as fill in the permanent work area.

REVISION 2: Proposed a reduction in scope of a 2008 approved permit. The proposal reduces wetlands impact from an approved 67.59 acres to approximately 50.39 acres. The reduced scope of the refinery expansion includes a Tatoray Complex and Parex-Isomar Complex to produce para-xylene for offsite sales and a hydrogen plant to support the facility's expansion projects. Storage tanks, pipe racks, an Entergy substation with associated lines, flares and pollution control equipment are also included within the scope of the expansion. Approximately 77,800 cubic yards of concrete, 80,500 cubic yards of crushed stone/gravel, 5,800 cubic yards of tank dike material, 113,600 cubic yards of sand, and 188,000 cubic yards of native (earthen) material will be used as fill. Approximately 50.39 acres (including approximately 0.5 acres outside original project footprint) of cypress/bottomland hardwoods and approximately 0.38 acres of fresh marsh (also outside of original project footprint) may be impacted as a result of this project revision.

EXISTING CONDITIONS: The project site totaling ± 89.34 acres is comprised of ± 69.34 acres of cypress tupelo swamp abutting a ± 20 acre upland parking area/lay-down yard authorized by Corps of Engineers, New Orleans District (CEMVN) permit MVN-2005-775-EE dated 30 June 2005. A railroad spur and utility swale separates the project site from the existing Valero Oil Refinery to the south and abuts a major highway (LA Hwy 61) to the north. CEMVN authorized a refinery expansion project to be constructed in the ± 89.34 acre project site (referenced above) via permit MVN-2007-0030-ETT dated 14 July 2008. The permit authorizes ± 68 acres of wetland impacts, which have been appropriately mitigated for at a Corps approved mitigation bank. The permittee has constructed components of the original plans in addition to a bio fuels refining unit all within the footprint of the parking area/lay-down yard upland parcel. The permittee is requesting to modify the wetland impact footprint authorized by MVN-2007-0030-ETT. The ± 69.34 acres of cypress tupelo swamp parcel has been partially cleared but not filled. The proposed revisions, if approved, would result in a reduction of permanent wetland impacts from ± 68 acres down to ± 50.39 acres of cypress swamp. Any temporarily impacted wetlands not proposed to be filled would be required to be restored. The permittee contends that the proposed revisions are necessary to adapt to the current oil industry market demands.

The comment period for the Department of the Army Permit will close **20 days from 23 January 2012**. The comment period for the Louisiana Department of Environmental Quality WQC will close **20 days** from the date on the public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. Similar letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.

Corps of Engineers Permit Criteria

The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 U.S. Army 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 U.S. Army Corps of Engineers to determine whether to make, 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 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 proposed activity.

The Corps of Engineers is unaware of any properties listed on the National Register of Historic Places at or near the proposed work site. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of N/A acre of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed action will not have an adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services, before a permit is issued.

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 public hearings shall state, with particularity, the reasons for holding a public hearing.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Attachments