

PUBLIC NOTICE

March 28, 2022

United States Army
Corps of Engineers
New Orleans District
Regulatory Division (RGE)
7400 Leake Avenue
New Orleans, Louisiana 70118

State of Louisiana
Department of Environmental Quality
Attn: Water Quality Certificate
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

Permit Application Number:
MVN 2018-00358 EMM
Project Manager
Scott N. Kennedy
(504) 862-2259
scott.n.kennedy@usace.army.mil

WQC Application Number:
WQC 211122-03
Project Manager
Elizabeth Hill
(225) 219-3225

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

CLEAR, GRADE, AND FILL FOR THE MODIFICATIONS TO A VEGETABLE OIL MANUFACTURING FACILITY IN JEFFERSON PARISH

NAME OF APPLICANT: International Matex Tank Terminals, c/o Elos Engineering, 607 W. Morris Avenue, Hammond, Louisiana 70403.

LOCATION OF WORK: Sections 25, 26, 66, and 67, Township 13 South, Range 22 East, in Avondale, Louisiana, in Jefferson Parish, as shown on the attached drawings.

Hydrologic Unit Code: 08090301: East Central Louisiana Coastal
Latitude: 29.912631 Longitude: -90.199009

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have since been deferred.

CHARACTER OF WORK: Clear, grade, and fill for modifications to an existing vegetable oil manufacturing facility in Avondale, Louisiana. The expansion includes an expanded containment area and a ditch relocation with culverts. The original site is approximately 16.21 acres and the expansion area is approximately 2.0 acres. Additional impacts include approximately 0.32 acres of jurisdictional wetlands and 0.26 acres of Other Waters of the US. The applicant has proposed to compensate for

any unavoidable impacts to jurisdictional wetlands by utilizing a Corps approved mitigation bank within the watershed.

This project was originally authorized in January 2019. Approximately 0.96 acres of permanent impacts to jurisdictional wetlands were mitigated for at a Corps approved mitigation bank in the original authorization.

The applicant may be required to fully or partially restore the site to pre-project conditions if issuance of a permit is determined to be contrary to the public interest.

The comment period for the Department of the Army Permit will close **20 days** from the date of this 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 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 can be preferably emailed to the Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION**. 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. Individuals or parties may request an extension of time in which to comment on the proposed work by writing or e-mailing the Corps of Engineers Project Manager listed above. Any request must be specific and substantively supportive of the requested extension, and received by this office prior to the end of the initial comment period. The Section Chief will review the request and the requestor will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

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 New Orleans District is unaware of properties listed on the National Register of Historic Places near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

The New Orleans District has determined that the project footprint is located in an area that may be known to be utilized by the Monarch Butterfly (*Danaus plexippus*). It has been determined that the proposed activities are not likely to adversely affect the Monarch Butterfly based on the Information & Planning Consultation for Endangered Species in Louisiana (IPaC), dated January 27, 2020 between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office.

Our initial finding is that the proposed work is Not Likely to Adversely Affect any species listed as endangered by the U.S. Departments of Commerce, nor affect any habitat designated as critical to the survival and recovery of such species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal is not expected to result in the destruction or alteration of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would have no 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, Water Quality Certifications, before a permit is issued.

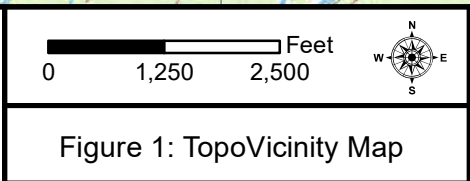
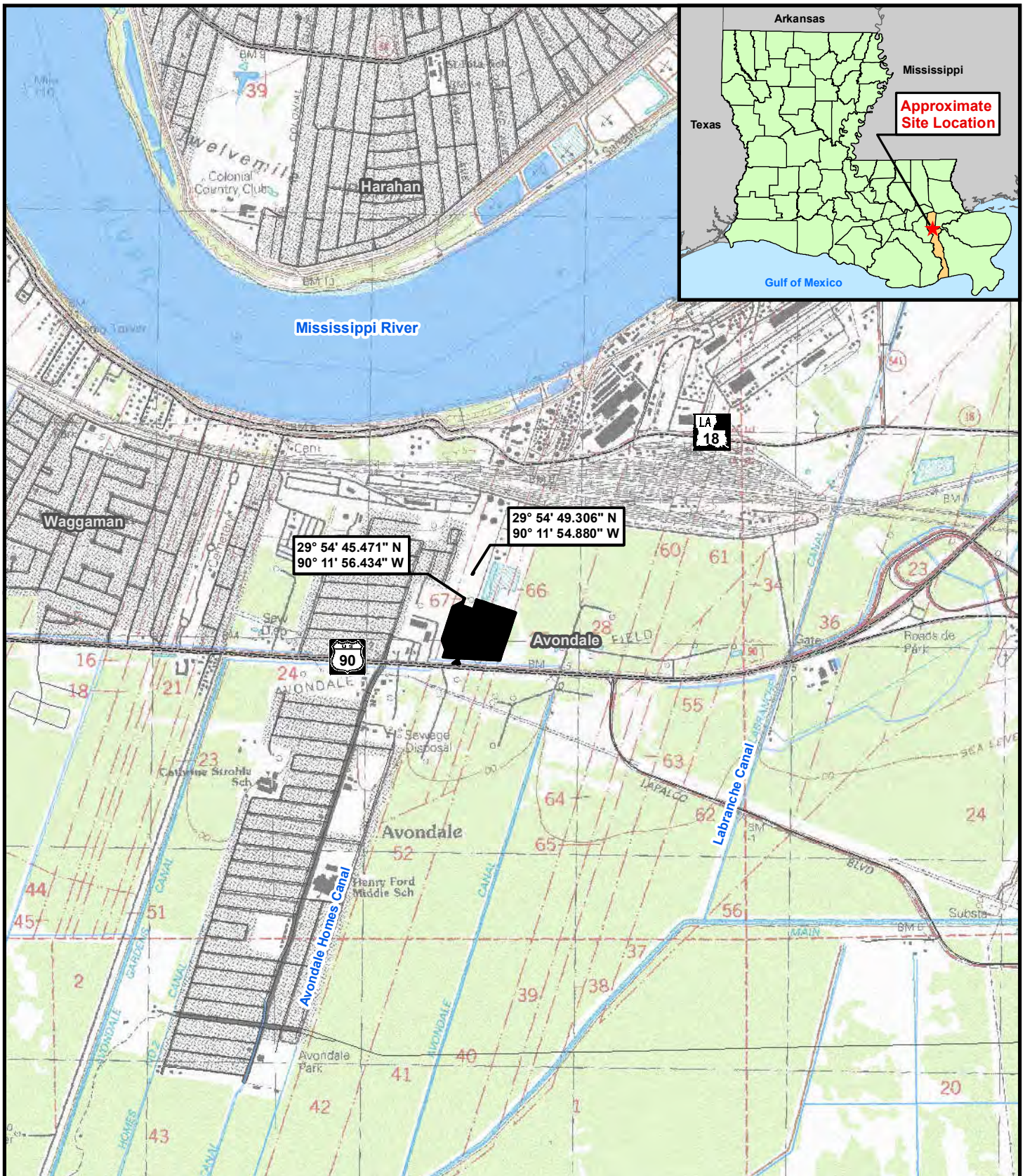
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

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.

Michael V. Farabee
Chief, Eastern Evaluation Branch

Enclosure



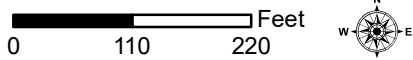
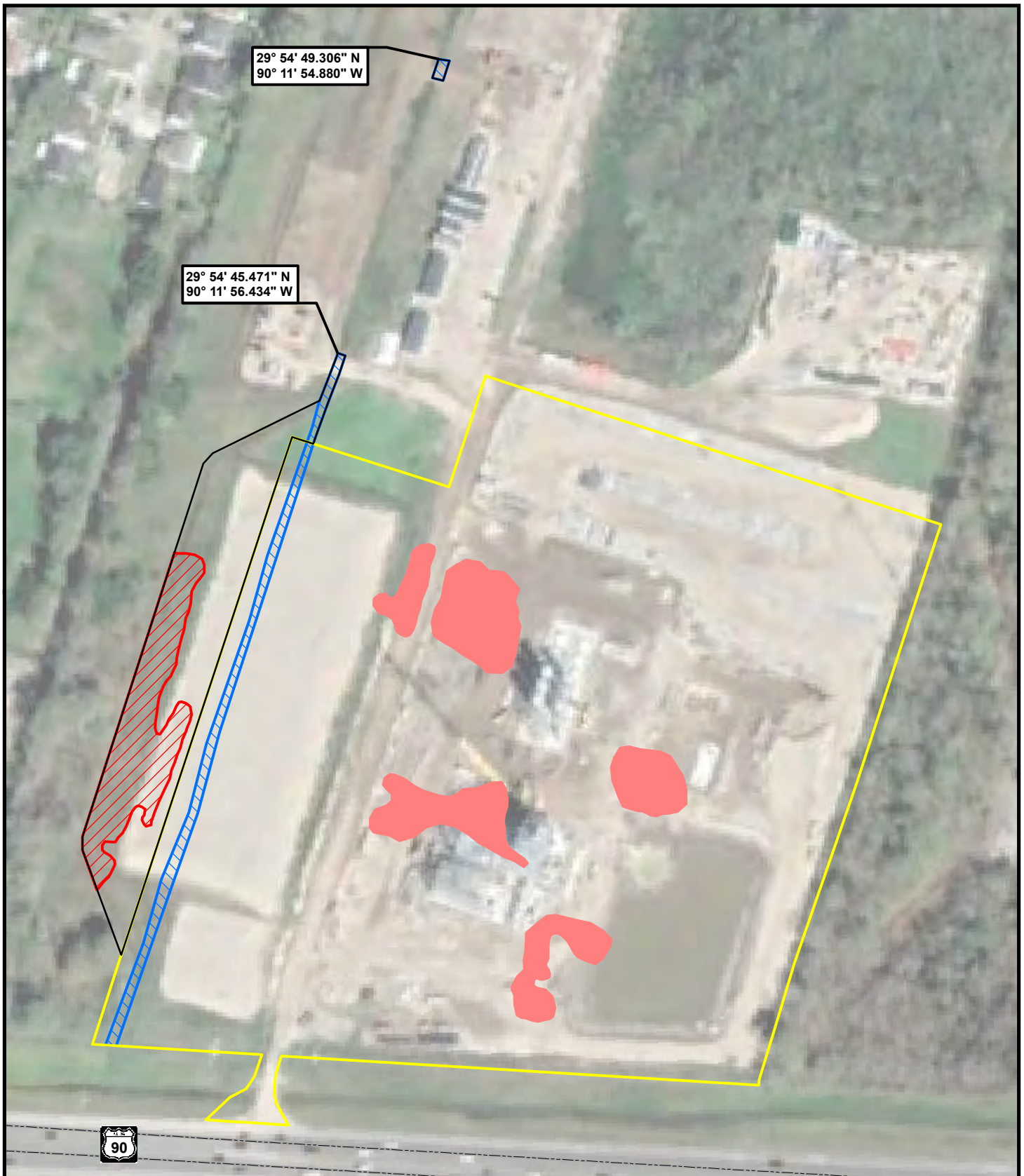
Legend:

- Site Outline
- Stream/River
- Waterbody
- Highway
- Roadway

Sections: 25,26,66,67
Township: 13 South
Range: 22 East

**IMTT Avondale
Tank Terminal 2021**

This figure was prepared utilizing public and proprietary data. It should not be used to establish any legal boundaries or specific locations. ELOS Environmental, L.L.C., is not responsible for any usage of this figure contrary to its original, intended purpose.



Legend:

- Additional Area
- Previously Permitted
- Other Waters
- Wetlands
- Previously Mitigated Wetlands
- Highway

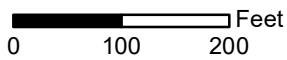
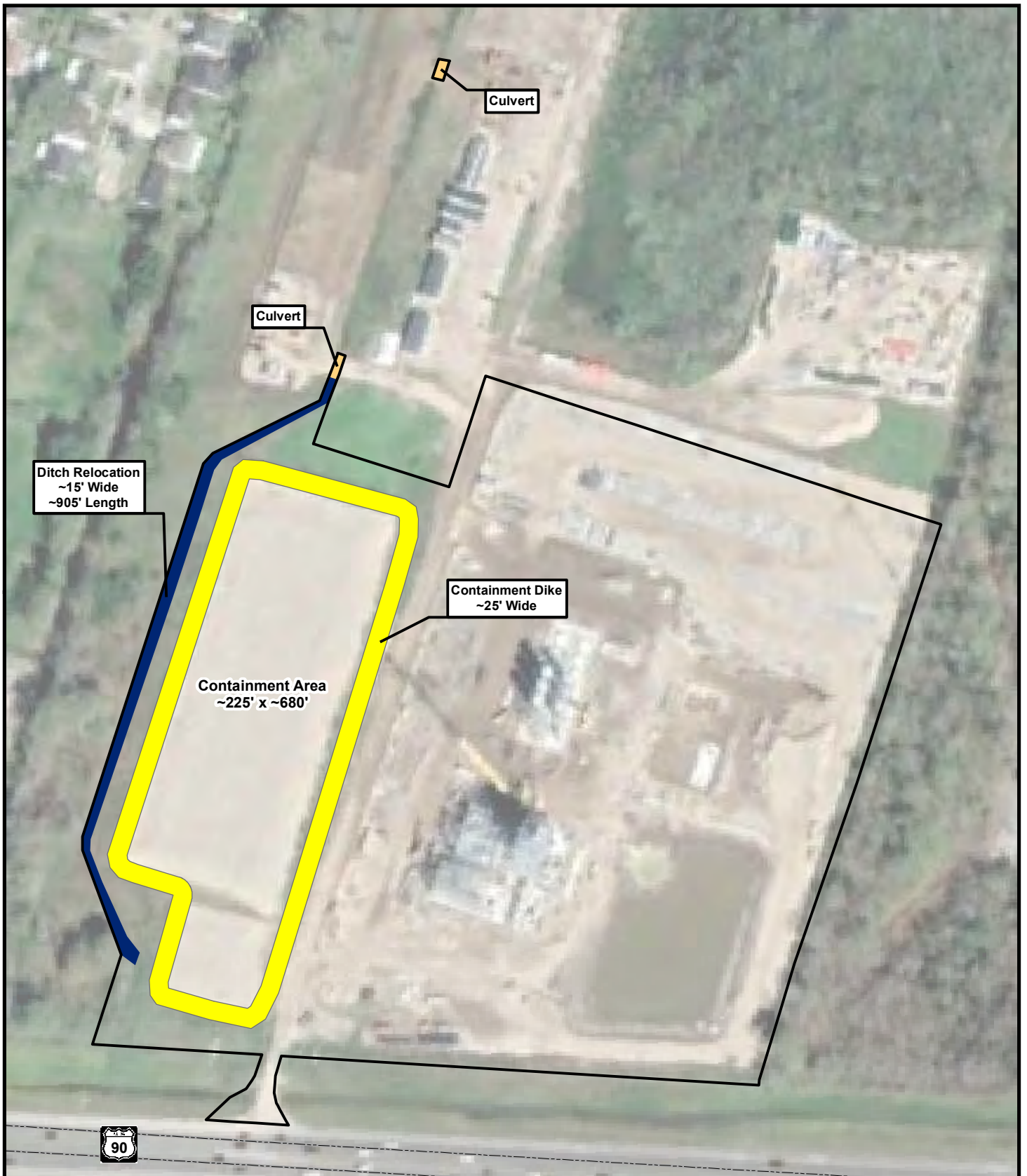
Figure 2: Existing Conditions

Refer to MVN-2018-00358-EMM

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Tank Terminal 2021**

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Legend:

- Site Outline
- Containment Dike
- Culvert
- Ditch Relocation
- Highway

Figure 3: Plan View

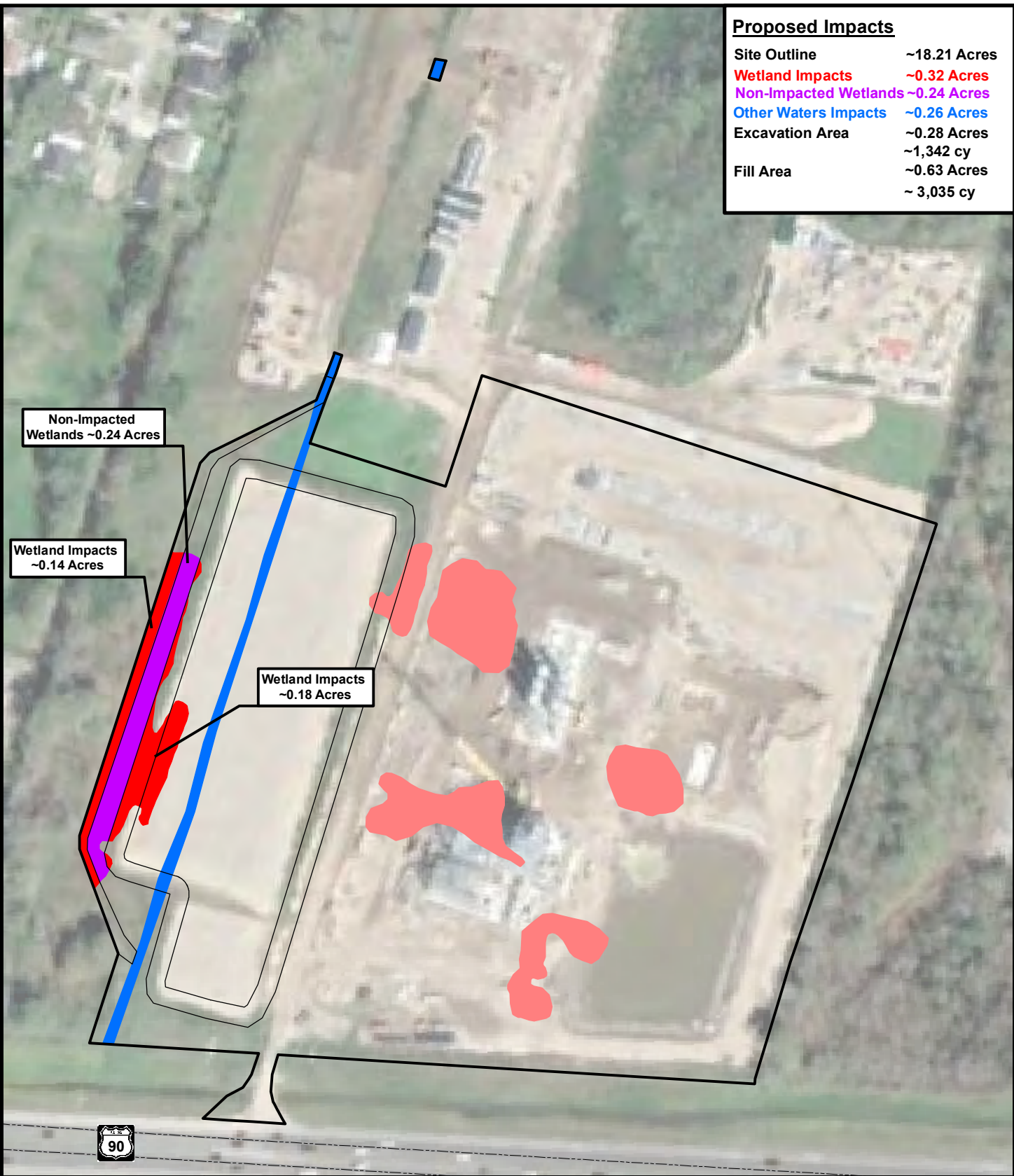
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Proposed Impacts

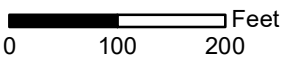
Site Outline	~18.21 Acres
Wetland Impacts	~0.32 Acres
Non-Impacted Wetlands	~0.24 Acres
Other Waters Impacts	~0.26 Acres
Excavation Area	~0.28 Acres
	~1,342 cy
Fill Area	~0.63 Acres
	~ 3,035 cy



Non-Impacted Wetlands ~0.24 Acres

Wetland Impacts ~0.14 Acres

Wetland Impacts ~0.18 Acres



Legend:

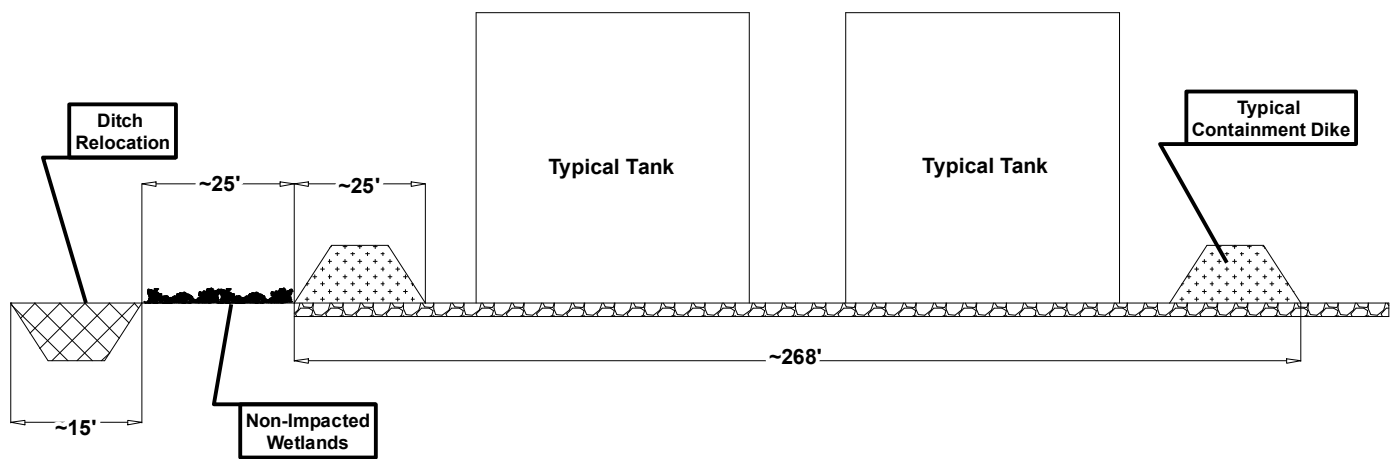
- Site Outline
- Other Water Impacts
- Wetland Impacts
- Non-Impacted Wetlands
- Previously Mitigated Wetlands
- Highway

Figure 4: Proposed Impacts

IMTT Avondale Tank Terminal 2021

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Scale = Not to Scale

Figure 5: Typical Section

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