



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. 1989-141

Date: December 22, 2021

Notice No. 21-48

Closing Date: January 22, 2021

1. 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.
2. APPLICANT: Empire Trimodal Terminal
1400 Main Street
Follansbee, WV 26037
3. LOCATION: Ohio River, left bank, Mile 69.9 – 70.1, in Follansbee, Brooke County, WV
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to modify the existing waterfront industrial facility, by replacing 6 tri-ties mooring structures and constructing 3 sheet metal walls, a barge slip/pad and culvert a portion of Allegheny Steel Run.
 - a) Northern (upper) Wall, River Mile 69.9, (40.3362°, -80.6049°); 1600 LF long sheet metal wall. This portion will be utilized for bulk material loading and unloading of barges.
 - b) Central (middle) Wall, River Mile 70.0 (40.331544°, -80.601163°); 1535 LF long sheet metal wall. This will be utilized for break bulk materials and sea containers for loading and offloading of barges.
 - c) Southern (downstream) Slip/Pad and Wall, River Mile 71.1(40.32830556°, -80.59962222°); The proposed barge slip and pad will be utilized for cranes making heavy lifts offloading barges within the slip. To construct the slip and pad, material will be removed from the river's edge and inland. Both sides of the pad and slip will be lined with a sheet metal wall. The pad, measuring approximately 180 ft by 110 ft, will be graded with a 10% slope toward the, 345 ft by 110 ft barge slip. At the end of the barge slip and continuing south along the riverbank, a sheet metal wall will continue for approximately 137 ft and tie into the bank.

d) Adjacent to the Slip and Pad is Allegheny Steel Run (40.32923056°, -80.59893333°), relatively permanent waterway. The stream currently daylight to the site through a 7-foot metal culvert. The applicant proposes to culvert approximately 280 ft of stream into a seven 7-foot box culvert. Pads then will be placed over the culvert for the cranes to transit along the waterfront.

e) Drawings of the proposed dock are attached to this notice.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. An individual 401 water quality certification (WQC) may be required for this proposed activity in conjunction with the Section 10 of the Rivers and Harbors Act permit and/or Section 404 of the Clean Water Act permit. The applicant must apply directly to the WVDEP for an individual 401 WQC. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Please contact the below to determine if an individual 401 WQC is required for this proposed activity:

Mr. Brian Bridgewater, 401 Program Manager
Phone: 304-926-0499 ext. 1829
E-mail: Brian.L.Bridgewater@wv.gov

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect but is not likely to adversely affect endangered species or threatened species, or result in 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence. USFWS Letter April 1, 2021, File No. 05E2WV00-2021-SLI-0432, Official Species List.

7. IMPACT ON CULTURAL RESOURCES: 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). West Virginia Department of Arts, Culture & History letter, June 2, 2021.

8. PUBLIC INVOLVEMENT: 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. EVALUATION: 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.

10. RESPONSES: 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, comments can be mailed to:

U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-RG No. 21-48

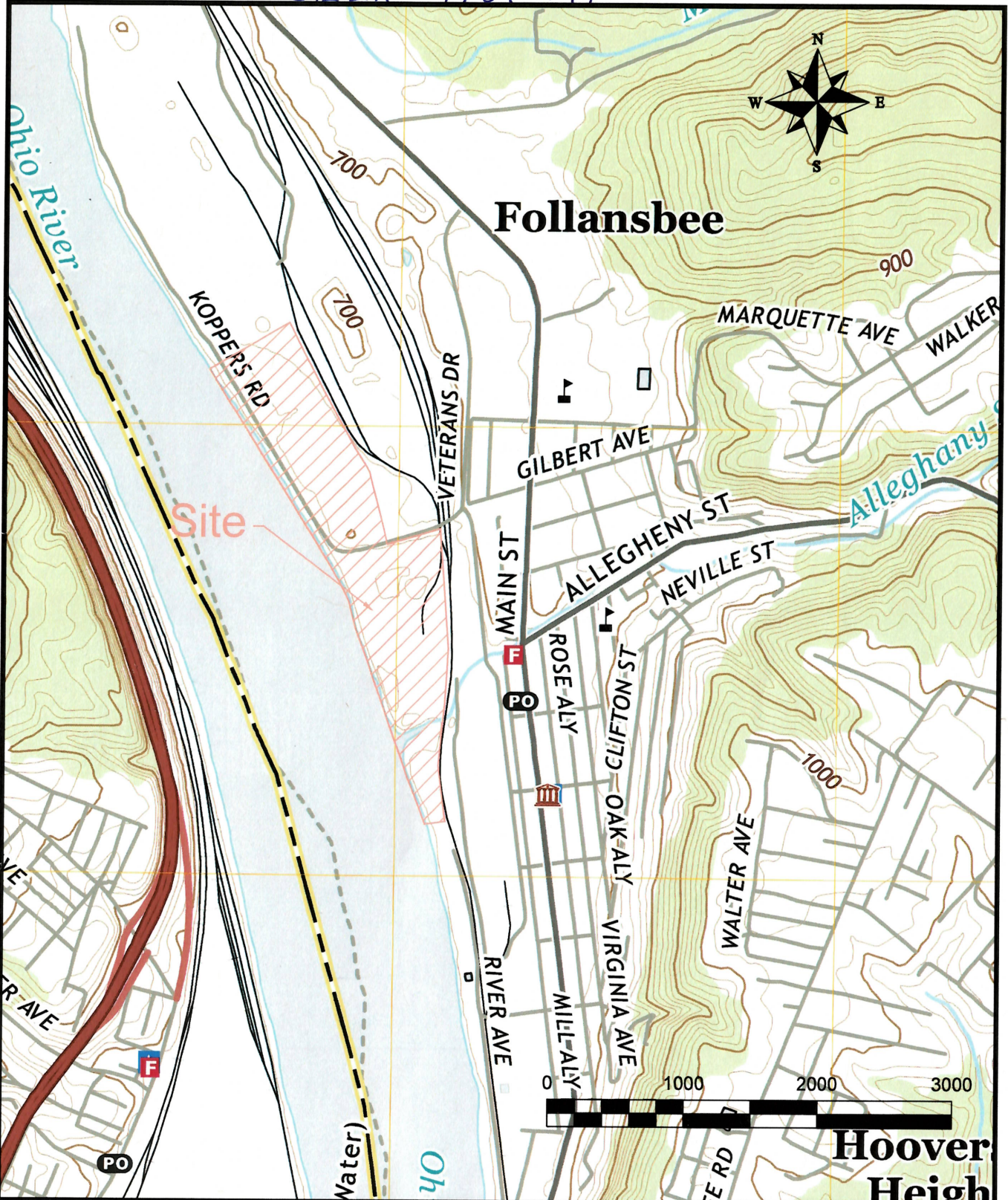
CELRP-RG
Public Notice No. 21-48

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. Public comments may be subject to release under the Freedom of Information Act (FOIA). All responses to this notice should be directed to the Regulatory Division, attn. 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-RG 1989-141 in all responses.

// SIGNED //

Jon T. Coleman
Chief, South Branch
Regulatory Division

CELRP 1989-141



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TETRA TECH

www.tetrattech.com

47443 NATIONAL ROAD, SUITE 3
ST. CLAIRSVILLE, OHIO 43950
T: (740) 298-0066

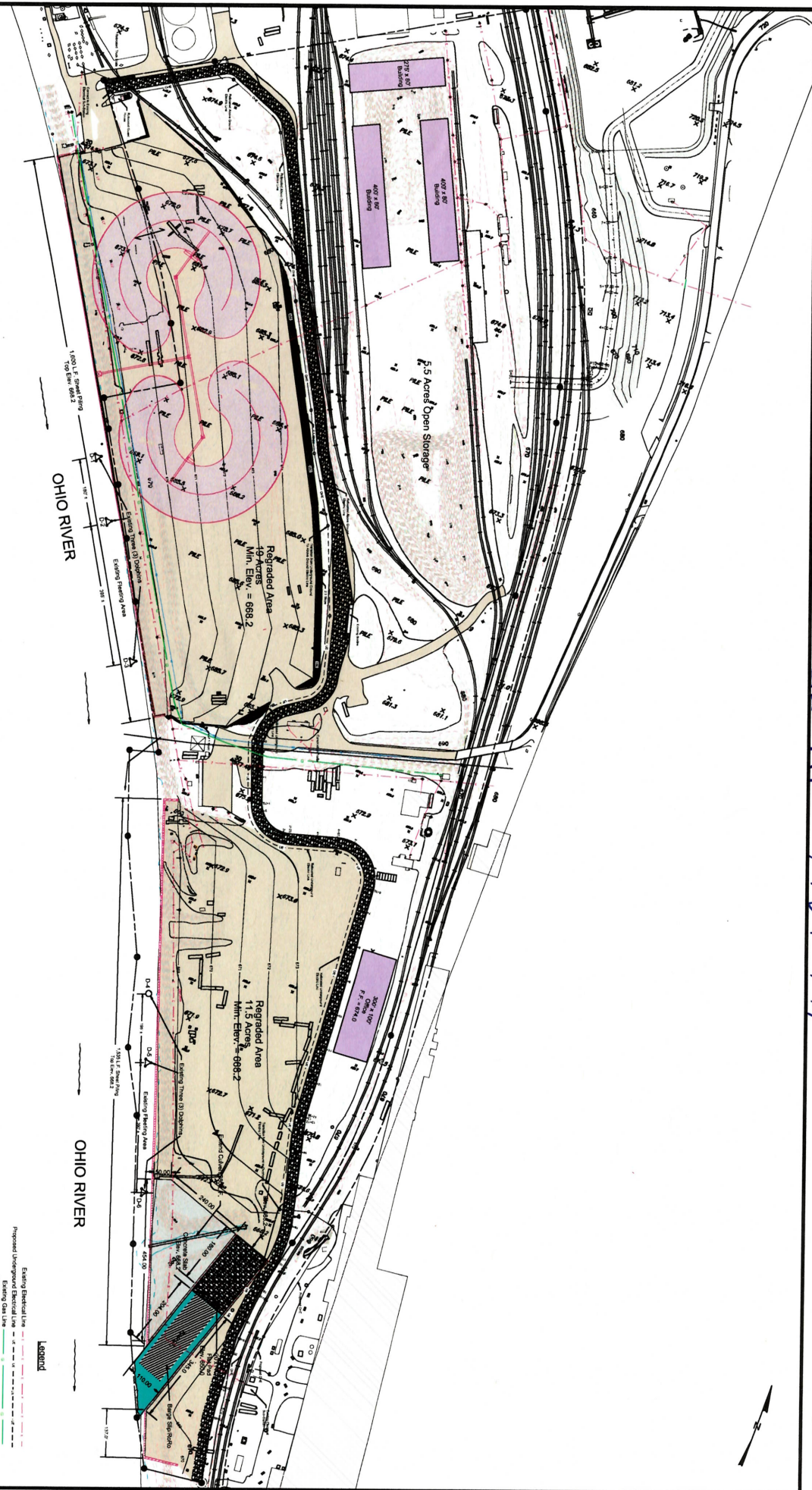
Empire Diversified Energy
Follansbee, West Virginia
Trimodal Terminals
Follansbee, Brooke County, West Virginia

DATE:	08/10/2021
PROJECT NO.:	212C-PB-01861
DESIGNED BY:	KP
DRAWN BY:	MSK
CHECKED BY:	KP

Site Location

SHEET 1 OF 1

ACOE FILE NO: # CELRP 1989-141



TF
TETRA TECH
www.tetra-tech.com
4345 NATIONAL ROAD ST. CLAIRSVILLE, OH 43001
T: (740) 292-2810

REVISIONS		
NO.	BY	DATE

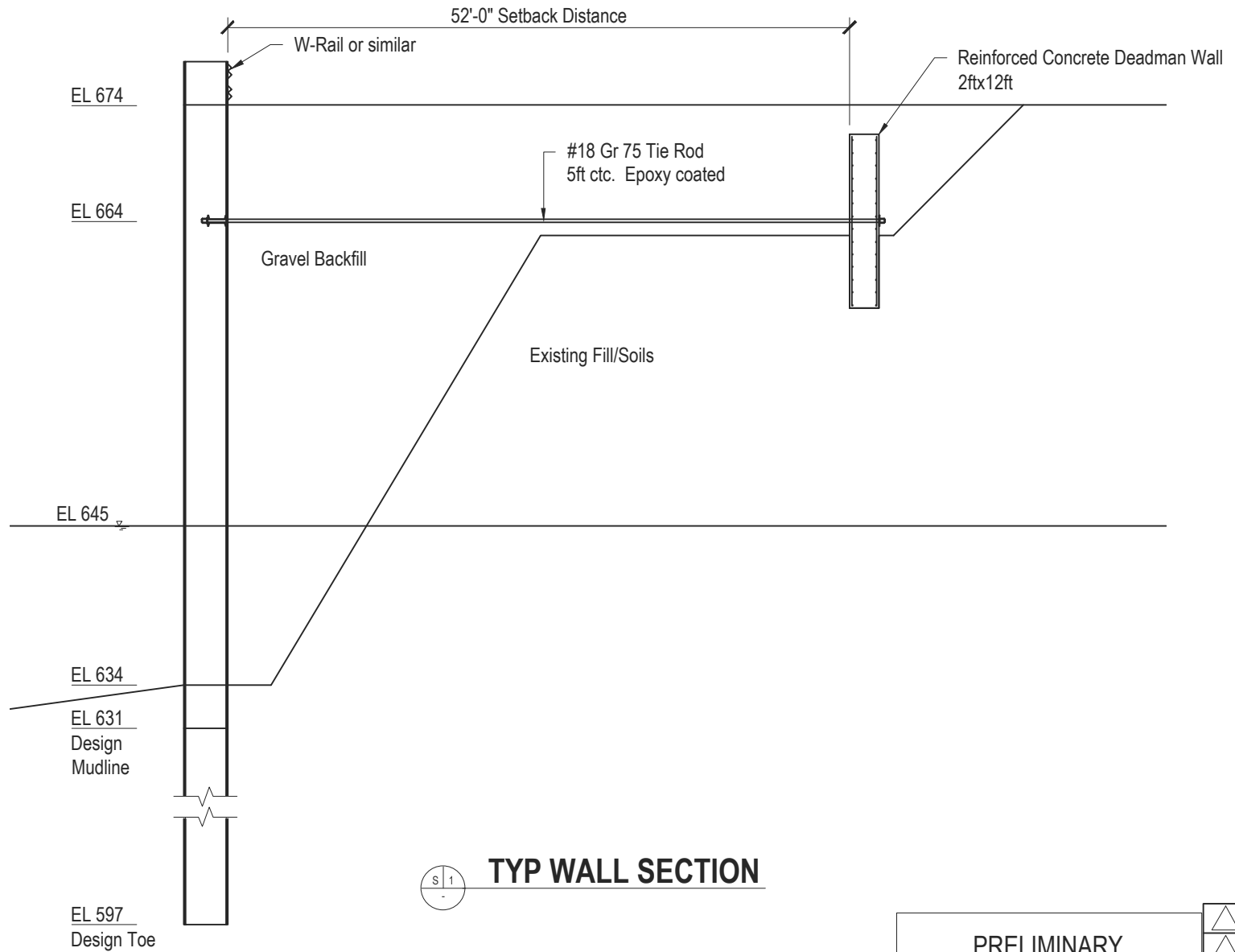
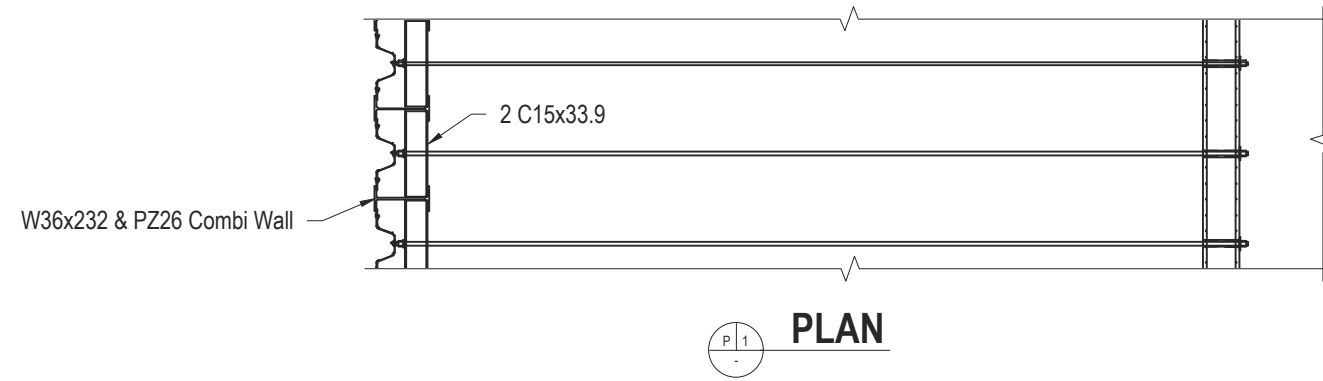
EMPIRE DIVERSIFIED ENERGY


**THE PORT OF WEST VIRGINIA
CONCEPTUAL SITE LAYOUT**

DATE	
PROJECT NO.	270208-2-01
DRAWN BY	NSE
CHECKED BY	FMV
SHEET	1 OF 1

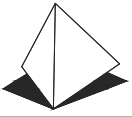
SCALE: 1" = 125 FT.

- Legend**
- Existing Electrical Line
 - Proposed Underground Electrical Line
 - Existing OSB Line
 - Existing Water Line

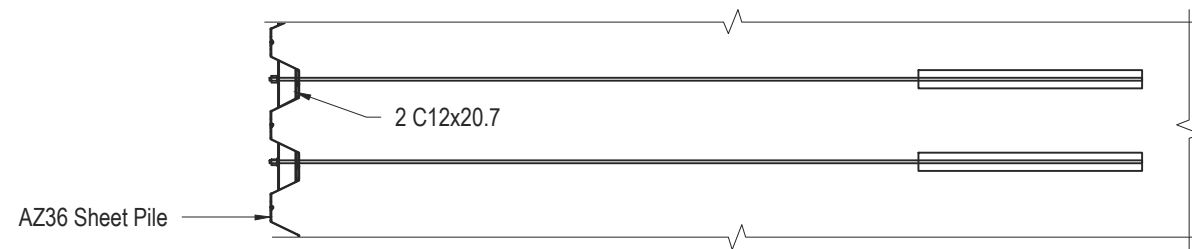


PRELIMINARY
NOT FOR CONSTRUCTION

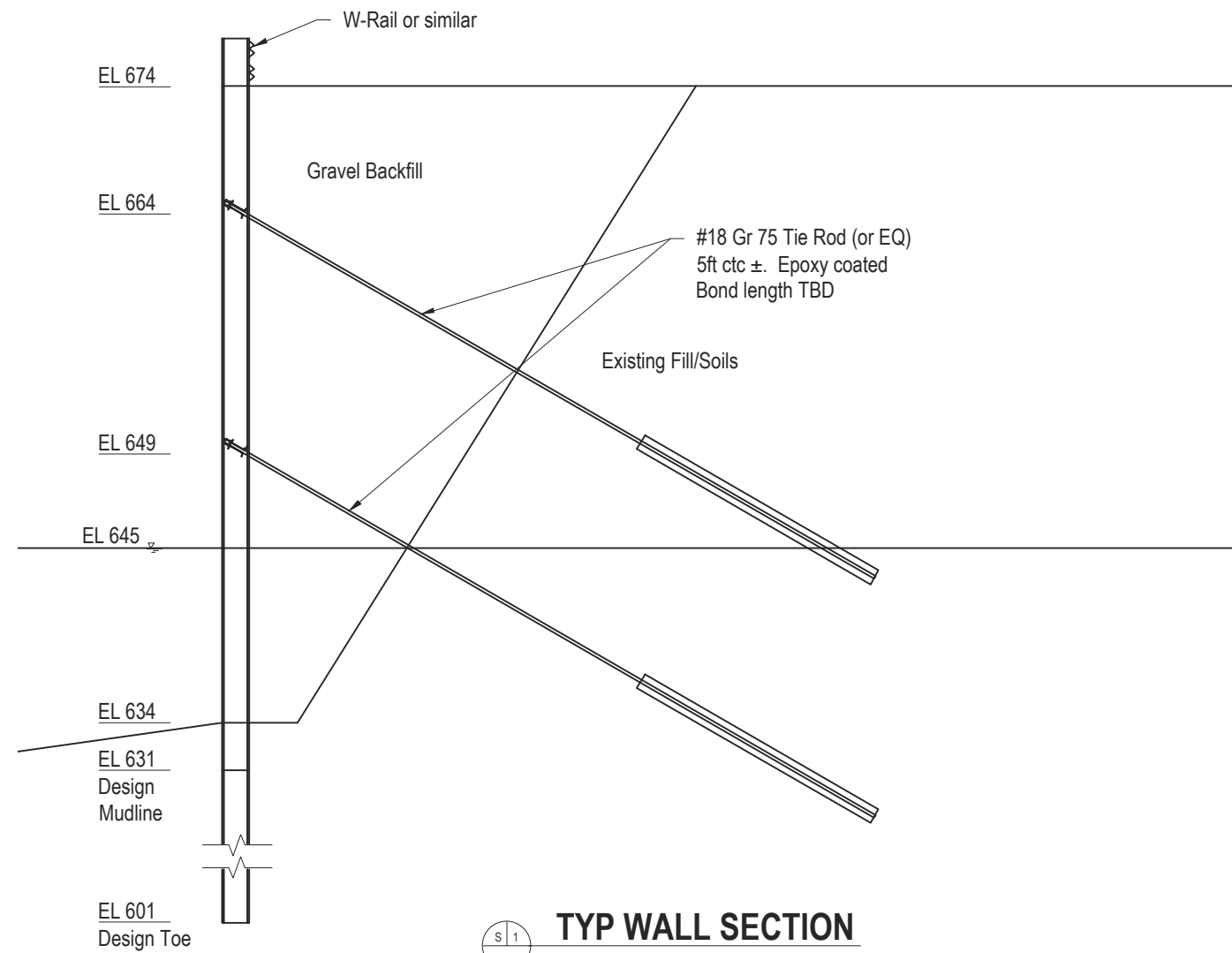
NO.	DATE	REMARKS	BY
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TYPICAL BULKHEAD WALL TRIMODAL TERMINAL	
 GENESIS STRUCTURES, INC. 104. W. 9TH, SUITE 200 KANSAS CITY, MO. 64105 (P) 816-421-1520 www.genesisstructures.com	DRAWN BY JK
	CHK'D BY DMR
PROJECT 1196 - TRIMODAL TERMINAL	DATE 01-01-01
	SHEET NO. G01-101

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TYP WALL SECTION

**PRELIMINARY
NOT FOR CONSTRUCTION**

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TYPICAL BULKHEAD WALL TRIMODAL TERMINAL	
 GENESIS STRUCTURES, INC. 104. W. 9TH, SUITE 200 KANSAS CITY, MO. 64105 (P) 816-421-1520 www.genesisstructures.com	DRAWN BY JK
	CHK'D BY DMR
PROJECT 1196 - TRIMODAL TERMINAL	DATE 01-01-01
	SHEET NO. G01-102