



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.	Date
CENAP-OP-R-2011-00092-64	

Application No.	File No.
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In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: SUEZ Water Delaware Inc. (SUEZ) [formerly United Water Delaware, Inc.],
2000 First State Blvd., Wilmington, DE 19804

AGENT: Not Applicable

WATERWAY: White Clay Creek

LOCATION: The project site is located at the intake structures at SUEZ Water Delaware Inc. water treatment facility (a.k.a. Stanton Water Treatment Plant), on the White Clay Creek near the creek confluence with Red Clay Creek. The treatment facility is on tax parcel numbers 09-011.00-0065 and 09-011.00-066, Stanton, New Castle County, Delaware. Decimal Latitude: 39.706484° North; Longitude: -75.645364° West.

ACTIVITY: The applicant is proposing to conduct mechanical maintenance dredging within the White Clay Creek in the vicinity of the two (2) intake structures on an as-needed basis throughout the year; and it is anticipated that dredging would be performed approximately twelve (12) times per year. The exact frequency of dredging will be adjusted according to the conditions. At intake #1 the creek bed will be dredged at a radius of approximately 50 feet from the dredge crane location surrounding the intake structure removing sand to a depth of up to -3 feet below mean low water (MLW). At intake #2, the bed will be dredged at a radius of approximately 50' from the proposed dredge crane location surrounding the intake structure removing a depth of up to 3' of sand. The total area to be dredged is approximately 2,800 square feet (0.064 acres). From March 15 to May 31, the dredging area will be restricted to within a 15' radius from the entrance to the intake structure. This will limit the total affected area to 900 square feet (0.021 acres). The total volume of dredged materials will be approximately 1,250 cubic yards per year. Plans for the proposed work are attached to this public notice (Exhibits E-1 through E-6).

Approximately 0.64 acres (2,800 square feet) of tidal waters of the United States would be impacted due to dredging activities. Wetlands would not be impacted.

The proposed site for dewatering of dredged material is onsite. Following dewatering the dredged material will be transported to Parkway Gravel, Inc., an upland disposal site located on the southeasterly side of Federal School Lane and westerly side of Route 9, New Castle County, DE 39.622904° north -75.630399° west (E-6).

Previous Department of the Army permits have been issued for the facility include: 2002-00170-45 (SP); CENAP-OP-R-2007-00934-45 (NWP) and 2011-00092 (LOP). The current federal authorization expires on June 23, 2016. The facility also has a state authorization, i.e. Delaware Department of Natural Resources and Environmental Control (DNREC) permit (SP-053/11).

PURPOSE: The purpose of the project is to dredge the proposed areas in order to maintain sufficient water flow into the plant, to limit intake of debris and to protect maintain efficient intake pump operation. Rain events and high stream flows bring sandy sediment to the intakes; maintenance dredging removes the sediment that accumulates. Without regular maintenance dredging the intake structures will begin taking in excessive amounts material with the potential for completely blocking the intakes and shutting down operation.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

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 need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within fifteen (15) days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places, and prior permit files, indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work. It is also noted that the project site has been substantially altered by previous construction, dredging and filling activities at both the dredging and disposal locations.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). Based on the project site location, this office has determined that the project does not fall within an EFH designated area; it is approximately 2.75 miles north of the designated EFH area indicated in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically on page 31. However, the White Clay Creek Dam No. 1 (RM 4.2) was removed on December 4 and 5, 2014 to reopen 3.5 miles and 42 acres of spawning habitat along the National Wild and Scenic River for the passage of American shad, hickory shad, and herring. NOAA Trust Resources that occur in the White Clay Creek include river herring, American shad and hickory shad.

Since it may be necessary for SUEZ Water Delaware to perform maintenance dredging at any time of the year a special condition, protective of anadromous fish, will be added to any permit issued by this office that will require during the period of March 15 May 31 of any year, that the maintenance dredging shall be limited to areas within fifteen (15) feet of the intake structures (an approximately 900 sq. ft. area) to limit the area of disturbance or alteration during the migratory period.

Compensatory mitigation: The proposed project will not involve any discharge of dredged or fill material into any special aquatic or the loss of any aquatic resources. Impacts to aquatic resources resulting from the proposed dredging activities are expected to be temporary. As such, no compensatory mitigation has been proposed.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has submitted an application to the Delaware Coastal Program for a determination of concurrence with the Delaware State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

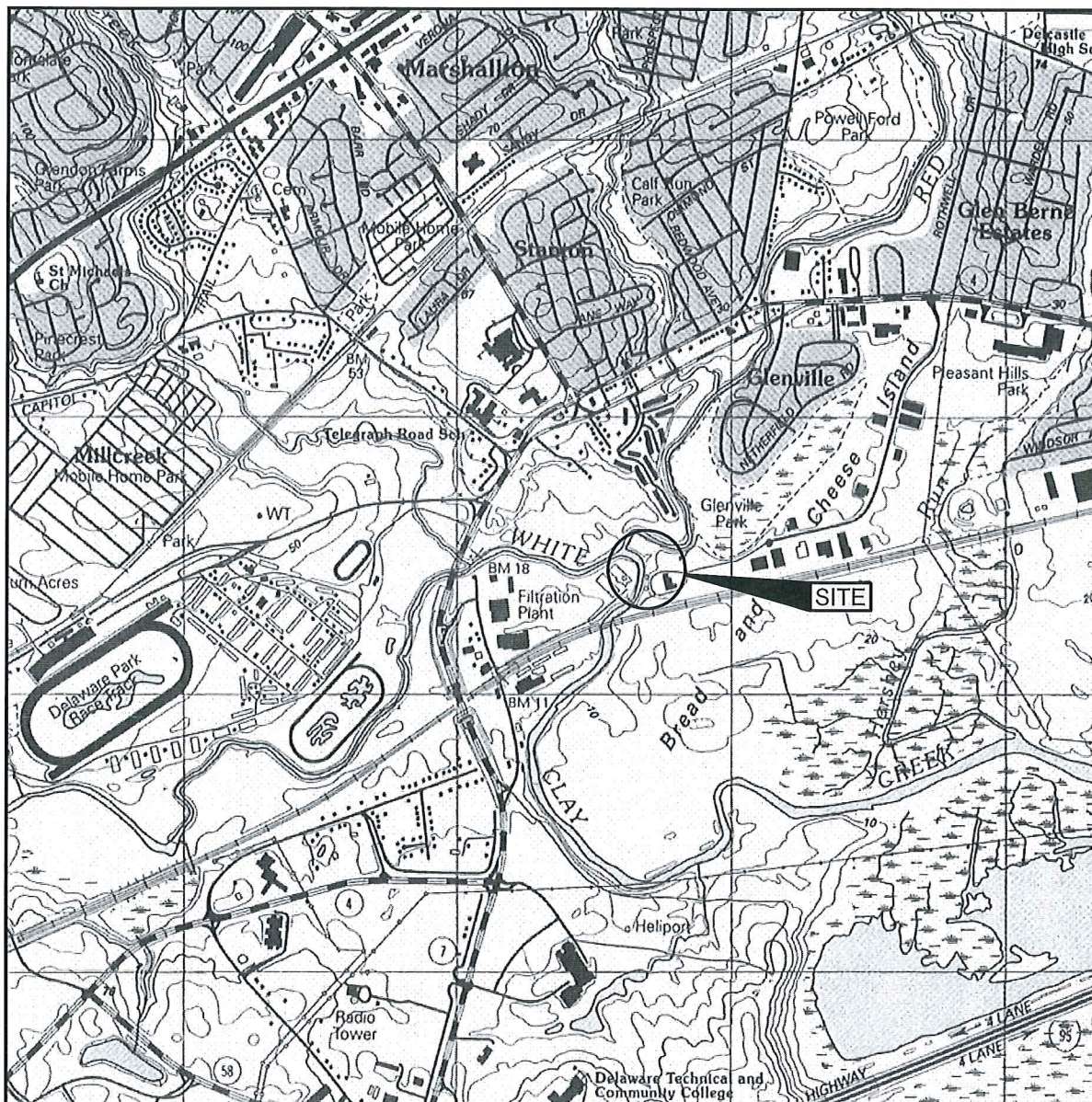
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. An application has been submitted to the Delaware Department of Natural Resources and Environmental Control, Wetlands and Subaqueous Lands Section for this certification. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, 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 in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Michael Green at 215-656-6836, via email at Michael.F.Green@usace.army.mil, or writing this office at the above address.


Samuel L. Reynolds
Acting Chief, Regulatory Branch



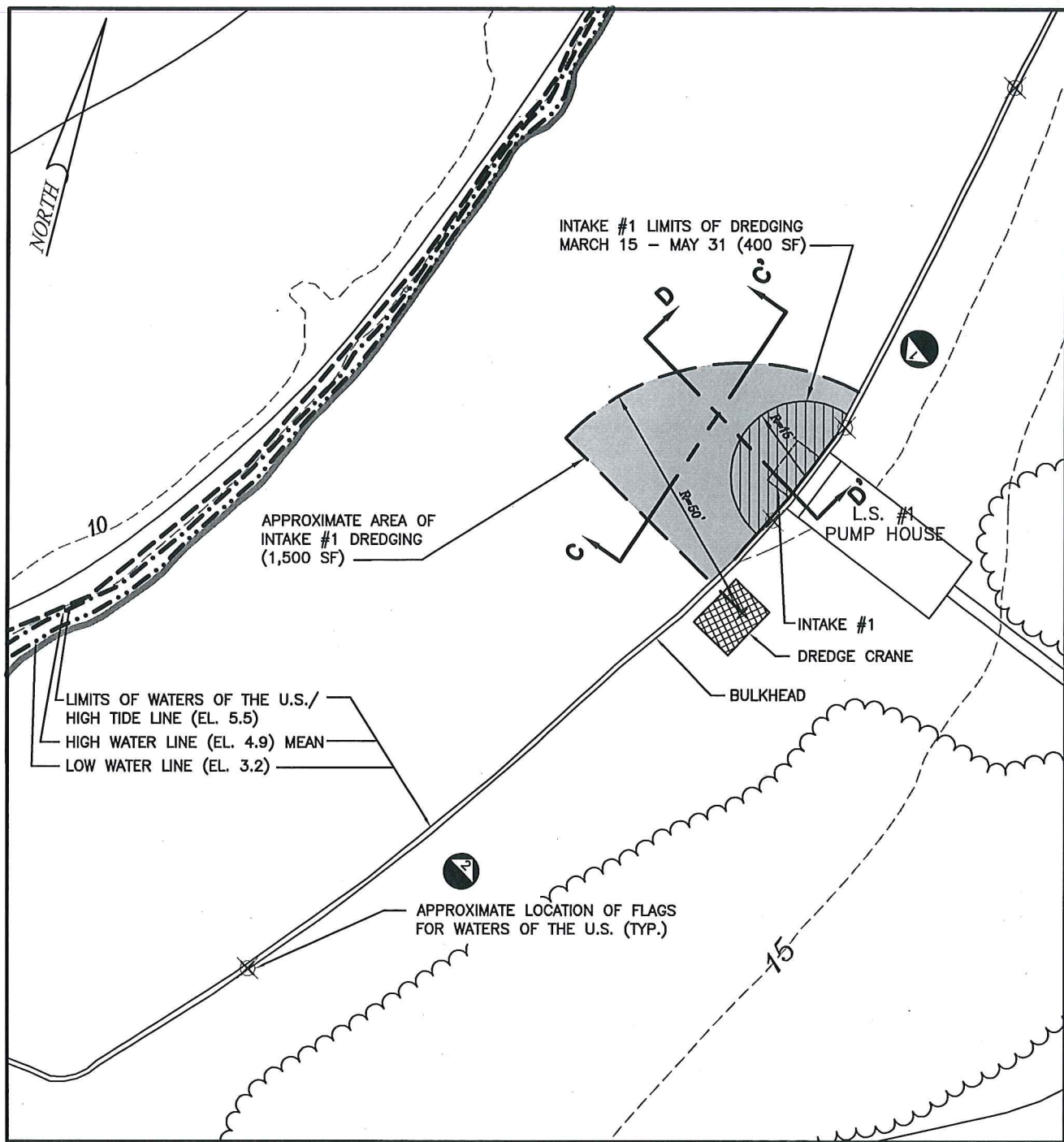
NOTE:

THIS LOCATION SKETCH IS ADAPTED FROM THE U.S.G.S. TOPOGRAPHIC MAP, 7.5 MINUTE SERIES, FOR NEWARK EAST, DELAWARE 1993.

E-1

DATE: 21 DECEMBER 2005	USGS TOPOGRAPHIC MAP MAINTENANCE DREDGING UNITED WATER DELAWARE STANTON PLANT NEW CASTLE COUNTY ~ DELAWARE	DESIGNED BY: PGK	 DUFFIELD ASSOCIATES <i>Consultants in the Geosciences</i> 5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL. (302)239-6634 FAX (302)239-8485 OFFICES IN PHILADELPHIA, PA AND GEORGETOWN, DE E-MAIL: DUFFIELD@DUFFNET.COM
SCALE: 1" = 2000'		DRAWN BY: MCM	
PROJECT NO. 4625.CD		CHECKED BY:	
SHEET: FIGURE 1		FILE: A-4625CD-01	


E-1



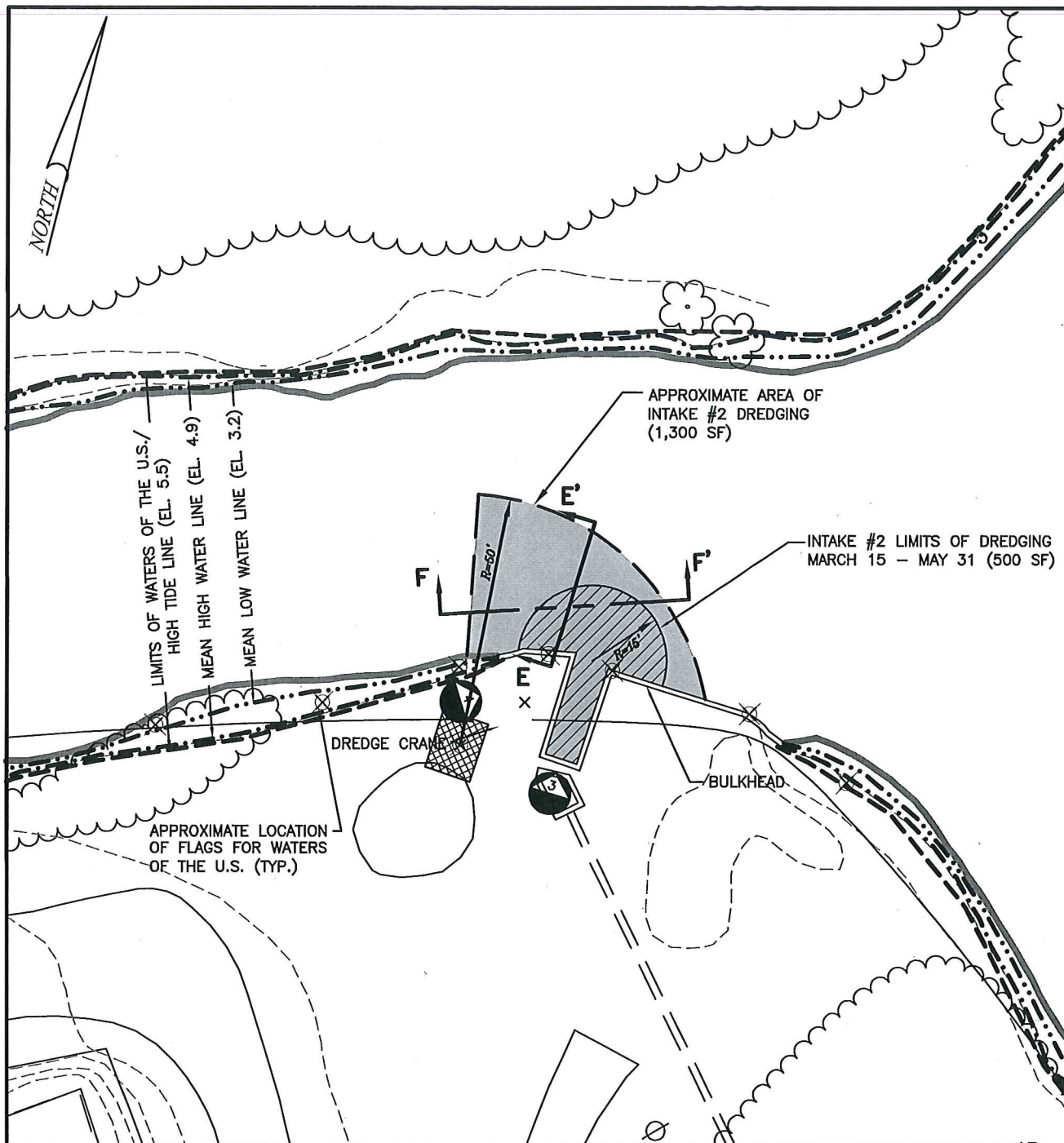
INTAKE #1 PLAN

SCALE 1"=30'

E-2

DATE: 11 FEBRUARY 2011	INTAKE #1 PLAN	DESIGNED BY: DSD	 DUFFIELD ASSOCIATES <i>Consultants in the Geosciences</i> 5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL. (302)239-6634 FAX (302)239-8485 OFFICES IN PHILADELPHIA, PA AND GEORGETOWN, DE E-MAIL: DUFFIELD@DUFFNET.COM
SCALE: 1" = 30'	MAINTENANCE DREDGING UNITED WATER DELAWARE STANTON PLANT	DRAWN BY: GAZ	
PROJECT NO. 4625.CD		CHECKED BY:	
SHEET: FIGURE 4		FILE: A4625CD-Loc-R0	
NEW CASTLE COUNTY ~ DELAWARE			

E-2



INTAKE #2 PLAN

SCALE 1"=30'

E-3

DATE:
11 FEBRUARY 2011

SCALE:
1" = 30'

PROJECT NO.
4625.CD

SHEET:
FIGURE 5

INTAKE #2 PLAN

MAINTENANCE DREDGING UNITED WATER DELAWARE STANTON PLANT

NEW CASTLE COUNTY ~ DELAWARE

DESIGNED BY: DSD

DRAWN BY: GAZ

CHECKED BY:

FILE: A4625CD-Loc-R0

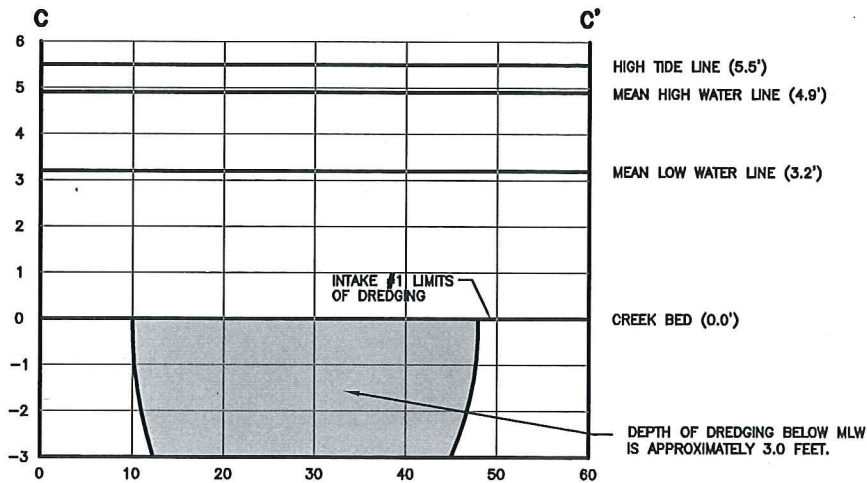
DUFFIELD ASSOCIATES
Consultants in the Geosciences

5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL. (302)239-6634
FAX (302)239-8485

OFFICES IN PHILADELPHIA, PA
AND GEORGETOWN, DE

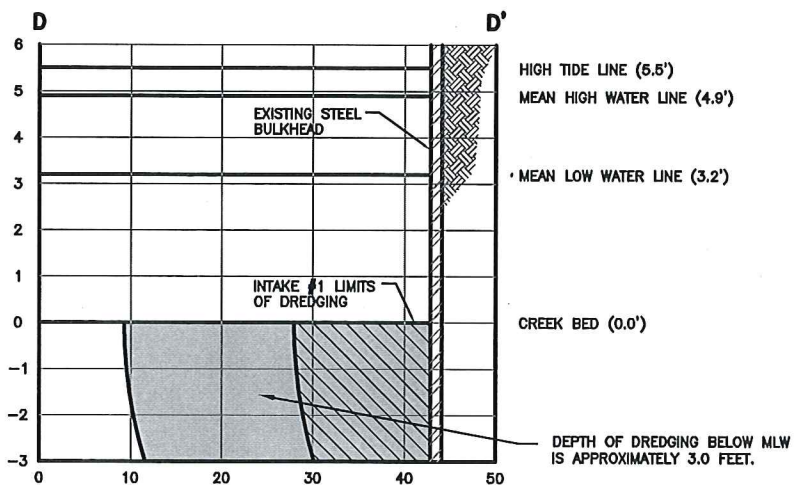
E-MAIL: DUFFIELD@DUFFNET.COM

E-3



SECTION C-C'

SCALE: HORIZONTAL - 1"=20'
VERTICAL - 1"=4'



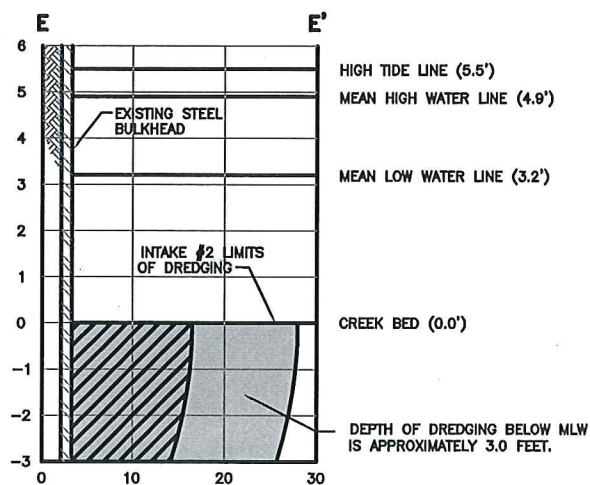
SECTION D-D'

SCALE: HORIZONTAL - 1"=20'
VERTICAL - 1"=4'

E-4

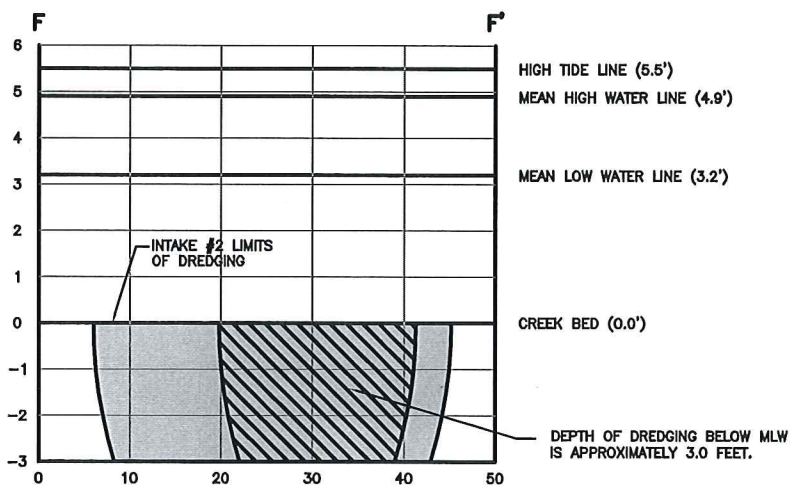
DATE: 11 FEBRUARY 2011	INTAKE #1 SECTIONS C-C' & D-D')	DESIGNED BY: DSD	<p>DUFFIELD ASSOCIATES Consultants in the Geosciences</p> <p>5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL: (302)239-6634 FAX: (302)239-8485</p> <p>OFFICES IN PHILADELPHIA, PA AND GEORGETOWN, DE</p> <p>E-MAIL: DUFFIELD@DUFFNET.COM</p>
SCALE: AS SHOWN	MAINTENANCE DREDGING UNITED WATER DELAWARE STANTON PLANT	DRAWN BY: GAZ	
PROJECT NO. 4625.CD		CHECKED BY:	
SHEET: FIGURE 6		FILE: A4625CDL0c-R0	
NEW CASTLE COUNTY ~ DELAWARE			

E-4



SECTION E-E'


SCALE: HORIZONTAL - 1"=20'
VERTICAL - 1"=4'



SECTION F-F'

SCALE: HORIZONTAL - 1"=20'
VERTICAL - 1"=4'

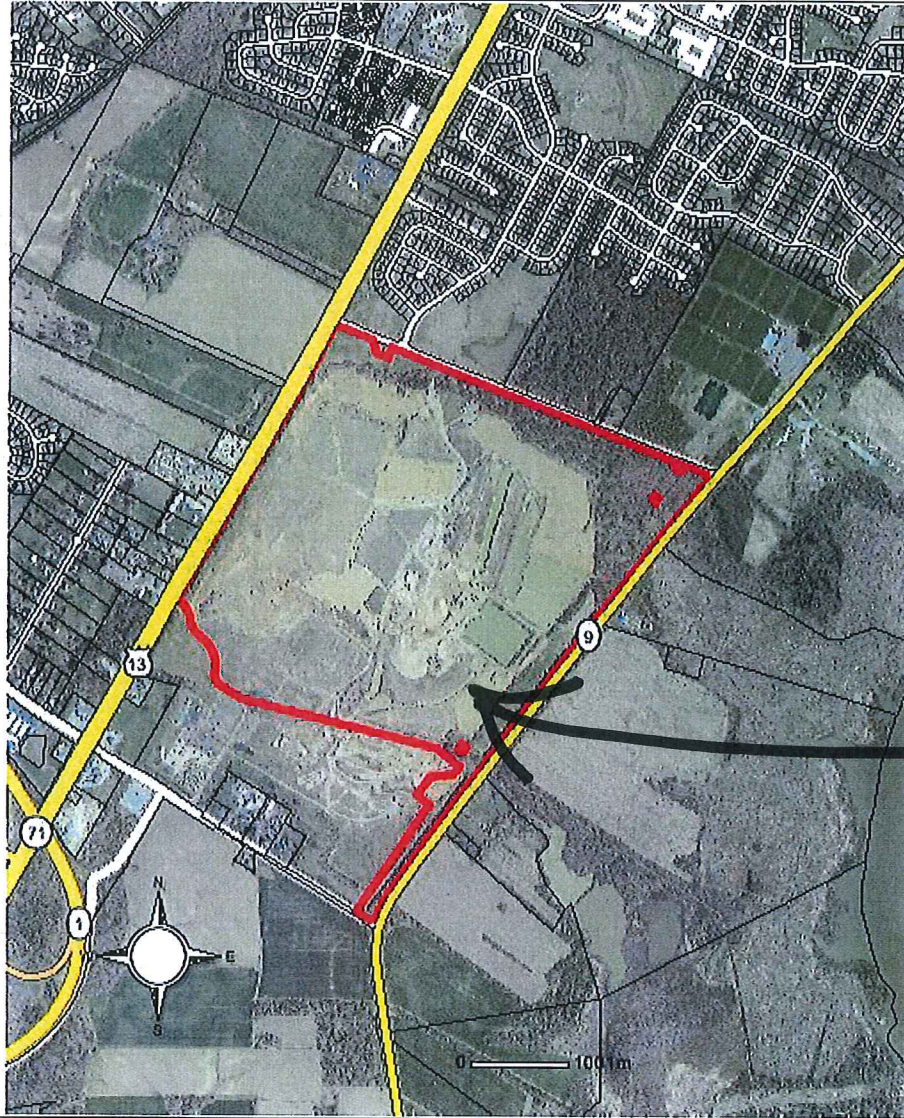
E-5

DATE: 11 FEBRUARY 2011	INTAKE #2 SECTIONS (E-E' & F-F') MAINTENANCE DREDGING UNITED WATER DELAWARE STANTON PLANT NEW CASTLE COUNTY ~ DELAWARE	DESIGNED BY: DSD	 DUFFIELD ASSOCIATES <i>Consultants in the Geosciences</i> 5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL. (302)239-6634 FAX (302)239-8485 OFFICES IN PHILADELPHIA, PA AND GEORGETOWN, DE E-MAIL: DUFFIELD@DUFFNET.COM
SCALE: AS SHOWN		DRAWN BY: GAZ	
PROJECT NO. 4625.CD		CHECKED BY:	
SHEET: FIGURE 7		FILE: A4625CDLoc-R0	

E-5



Parkway Gravel Inc.



Disclaimer: For informational purposes only - not to be used as official documentation.

Dredge disposal site to be used by SUEZ Water Delaware, Inc. (NAP-2011-00092)