



Public Notice

**US ARMY CORPS
OF ENGINEERS**
St. Louis District
Gateway to Excellence

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-R
1222 Spruce Street
St. Louis, Missouri 63103-2833

Permission No.
OD-R 23-029
Public Notice Date
February 29, 2024
Expiration Date
March 28, 2024

Postmaster, Please Post Conspicuously Until:

REQUEST FOR PERMISSION TO MODIFY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work near federally constructed flood protection projects of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers Public Notice number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Readiness Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Jeffrey Wells, P.E.
or Jeffrey.M.Wells@usace.army.mil

REQUESTER: GEI Consultants, Inc. on behalf of Premcor Refining Group Inc. Attention: Mr. Nathan Mcnurlen, CHMM

LOCATION: The site is located along and perpendicular to the Lower Wood River Drainage and Levee District (WRDLD). The work is located at the approximate coordinates 38°50'11.04"N 90°6'1.17"W in Hartford, IL. (Madison County, Illinois).

PROPOSED ACTION: The applicant is requesting to make alterations to the Wood River Levee embankment. Premcor proposes to remediate sediments located in #1, #2, and #3 Lagoons of the River Dock Area of the Premcor Facility (Facility), located in Hartford, Illinois. The River Dock Area is located west of the Village of Hartford, between the flood control levee, authorized and constructed by the USACE and operated and maintained by the WRDLD as the Wood River D&LD Lower Levee System (WRDLD Levee), and the Mississippi River. It includes three connected Lagoons with a total

area of approximately 47.8 acres. From south to north, the Lagoons are referred to as #1 Lagoon, #2 Lagoon, and #3 Lagoon.

The Lagoons' construction as borrow pits during construction of the Mississippi River flood control levee, circa 1955, created depressions that were approximately 10 to 12 feet below the surrounding grade and extended horizontally to the current limits of the Lagoons today. The Lagoons' construction included leaving a dike or raised portion between each of the Lagoons that still exists today. The dike between the #2 and #3 Lagoons was further improved to allow for the construction of an above ground product pipeline rack. Beginning in 1956 and continuing through circa 1981, the three Lagoons were used by former facility owners and operators as part of the wastewater treatment system, functioning as oxidation lagoons for the disposal of refinery wastes.

The Lagoons currently have no active use and are located on private property restricted to the public, with "No Trespassing" signs posted. The RDA is and will remain the property of an active industrial facility.

Due to the disparate degree of impacts observed in the #1 and #2 Lagoons in comparison to the #3 Lagoon, separate conceptual remedies are planned. The remedy for the #1 and #2 Lagoons, which are relatively more impacted, is to eliminate the surface water and install an engineered cover system. The remedy for the #3 Lagoon, which is relatively less impacted, consists of draining the surface water, adding a soil barrier, and vegetating the area with plants native to the region.

LOCATION MAPS AND DRAWINGS: See Attachment

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jeffrey Wells, P.E., St. Louis District 408 Coordinator, U.S. Army Corps of Engineers, at (314) 331-8568. Your inquiries may also be sent by e-mail to Jeffrey.M.Wells@usace.army.mil.

REGULATORY AUTHORITY: The St. Louis District Regulatory Branch has conducted a preliminary review of the proposed project. Based upon review of the project activity description, as well as the location of the work, the Regulatory Branch determined that the lagoon remediation may trigger the need for a Department of the Army Permit under Section 404 of the Clean Water Act. The Regulatory Branch also determined that the proposed outfall structure would trigger the need for a Department of the Army Permit under Section 10 of the Rivers and Harbors Act.

EVALUATION: The decision whether to grant the requested permission for project modification under Section 408 will be based on several factors. 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. Review of the requests for modification will be reviewed by a U.S. Army Corps of Engineers technical review team considering the following factors:

1. **Impair the Usefulness of the Project Determination.** The review team will determine if the proposed alteration would limit the ability of the project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.
2. **Injurious to the Public Interest Determination.** Proposed alterations will be reviewed to determine

the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the U.S. Army Corps of Engineers project may have on the public interest requires a careful weighing of all those factors that are relevant in each case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

3. Environmental Compliance. A decision on a Section 408 request is a federal action and is therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the St. Louis District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. NEPA and other analysis completed to comply with the other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the US Army Corps of Engineers project. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review is limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration.

In compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, updated lists of species and critical habitat were acquired from the USFWS Information for Planning and Conservation (IPaC) website on 23 February 2024 for the Action Area (Project Code: 2024-0053611). The listed species included Indiana Bat, Northern Long-eared Bat, Tricolored Bat, Eastern Massasauga, Spectaclecase Mussel, Monarch Butterfly, Decurrent False Aster, Eastern Prairie Fringed Orchid. The St. Louis District has made a “may affect, not likely to adversely affect” (NLAA) determination for the Indiana Bat, Northern Long-eared Bat, Tricolored Bat, Spectaclecase, and Decurrent False Aster. The St. Louis District has made a “no effect” determination for the Eastern Massasauga and Eastern Prairie Fringed Orchid. A “not likely to jeopardize the continued existence of” determination was made for the Monarch Butterfly.

An automated EcoCAT Report (#2208581) was obtained from Illinois Department of Natural Resources (IDNR) on 13 January 2022. The report identified resources that may be in the vicinity of the project location including Indiana bat, Butterfly Mussel (*Ellipsaria lineolate*), and Spectaclecase Mussel. No other state-listed threatened or endangered species were identified in the Project Area.

The Migratory Bird Treaty Act (MBTA) of 1918 provides protection for bird species native to North America. The project area is in the Mississippi Flyway, a bird migration route which follows the Mississippi River, the Missouri River, and the Lower Ohio River in the United States. A variety of migratory birds might occur in the project areas, some as migrants and some as breeders, depending on the time of year. Year-round residents would also be present. The construction disturbance would cause temporary minor adverse impacts.

Although the bald eagle (*Haliaeetus leucocephalus*) was removed from the federal list of threatened and endangered species in 2007, it continues to be protected under the Migratory

Bird Treaty Act and the Bald and Golden Eagle Protection Act (BGEPA). The BGEPA prohibits unregulated take of bald eagles, including disturbance. The U.S. Fish and Wildlife Service developed the National Bald Eagle Management Guidelines to provide landowners, land managers, and others with information and recommendations regarding how to minimize potential project impacts to bald eagles, particularly where such impacts may constitute disturbance. The site was surveyed for bald eagle nests on 21 February 2022 and none were found. If a bald eagle nest is found in the project area, or in the vicinity of the project area, then the USFWS would be contacted and the National Bald Eagle Guidelines shall be implemented.

St. Louis District Archaeologists conducted a Historic Property Preliminary Review on 26 September 2023. This review determined that there are no known archeological sites within the project area. Additionally, the area has been extensively disturbed by the construction of the lagoons, roadways, and associated structures and utilizations of the Premcor Facility. For these reasons, the USACE – St. Louis has made a “No Historic Properties Affected” determination for the project.

All actions taken were in accordance with the National Historic Preservation Act of 1966, as amended (NHPA). In the unlikely event that, earthmoving activities associated with the proposed work did impact potentially significant archeological/historic remains, all construction activities and earthmoving actions in the immediate vicinity of the remains would be held in abeyance until the potential significance of the remains could be determined. The precise nature of such investigations would be developed by the Saint Louis District in concert with the professional staff of the Illinois SHPO.

4. Environmental Impact Statement. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
5. Technical Analysis. The St. Louis District is working closely with the requestor to ensure that all technical plans, maps, drawings, specifications are provided and complete. A District-led Technical Review is being conducted to determine any potential adverse impacts to the US Army Corps of Engineers flood protection system.

SOLICITATION OF COMMENTS: 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 the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition, or deny a permission 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 taken into consideration 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.

SUMMARY: It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the St. Louis District Corps of Engineers, Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later than **March 28, 2024**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

ORIGINAL SIGNED

John L. Osterhage
Chief, Readiness Branch

Attachment

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.



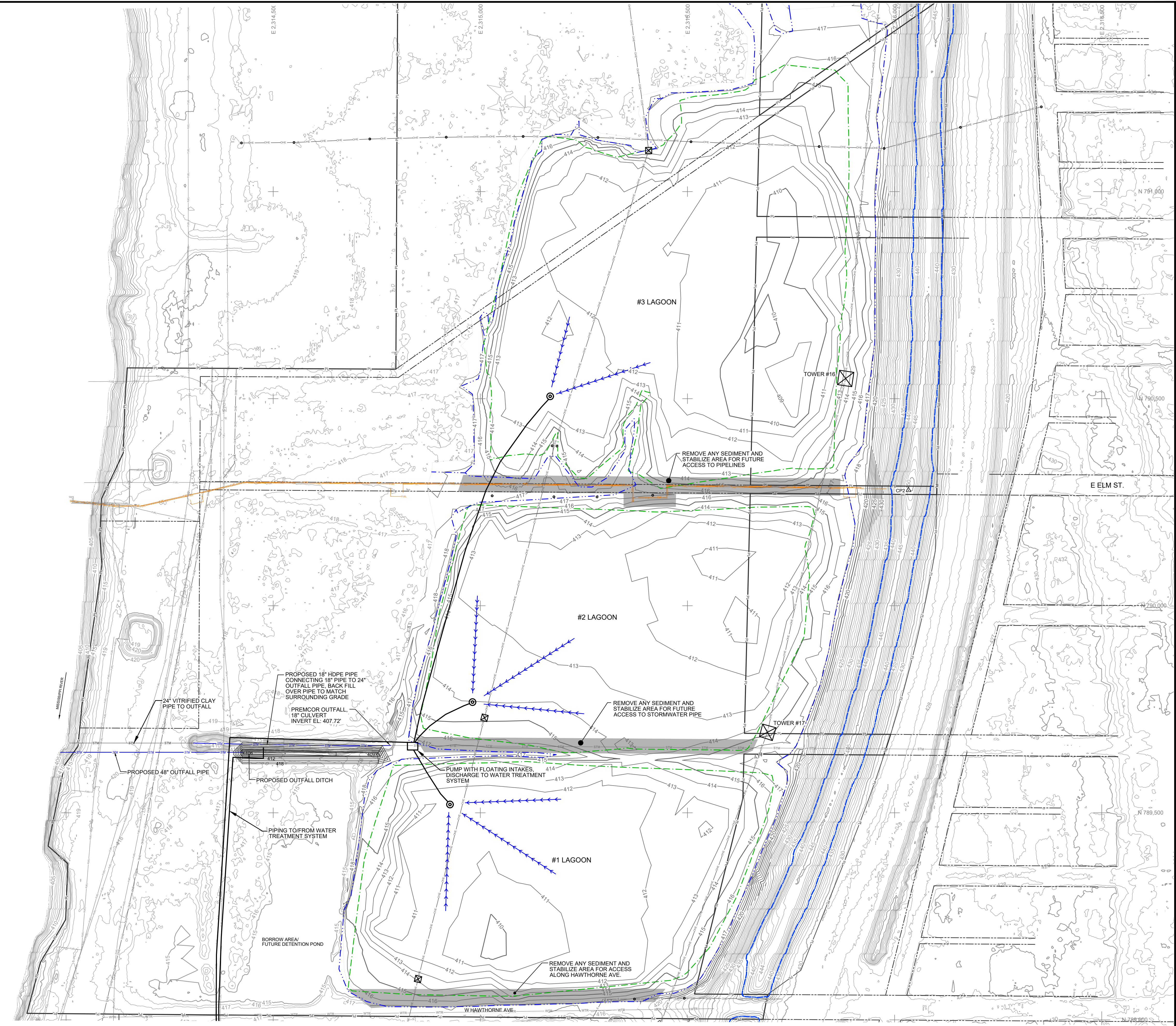
PUMPING TO WATER TREATMENT SYSTEM
SCALE: 1" = 300'


LEGEND

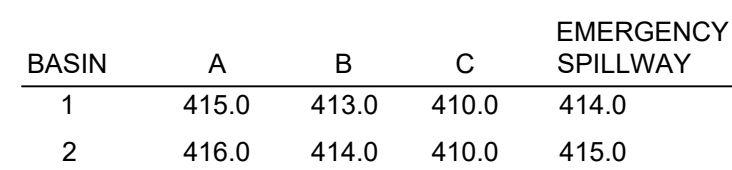
- 415 TOP OF SEDIMENT CONTOUR
- 420 APPROXIMATE EDGE OF SEDIMENT, 12/10/2019
- EXISTING GROUND SURFACE CONTOUR
- EDGE OF WATER, 12/11/2019
- PREMCO PROPERTY LINE
- PARCEL LINES
- FLOODPLAIN, EL. 437.1
- OVERHEAD POWERLINES
- UNDERGROUND ELECTRIC
- ELECTRIC TRANSMISSION/DISTRIBUTION TOWER
- ABOVE GROUND PIPELINE
- BELOW GROUND PIPELINE, APPROX. LOCATION
- WATER PIPELINE, APPROX. LOCATION
- SEWER PIPELINE, APPROX. LOCATION
- SURVEY CONTROL POINT
- DRAINAGE DURING DEWATERING

NOTES

- LAGOON TOPOGRAPHY OBTAINED FROM GEI BATHYMETRIC SURVEYS DATED 10/2/2019 AND 12/11/2019. BATHYMETRIC SURVEY PERFORMED USING GPS AND GRADE ROD WITH A 8 INCH PLATE ON THE BOTTOM. ACCURACY OF BATHYMETRIC SURVEY +/- 0.2 FEET WITHIN LAGOON LIMITS. ACCURACY OF TOPOGRAPHIC SURVEY +/- 0.1 FEET OUTSIDE OF LAGOON LIMITS.
- SHORELINE / LAGOON BOUNDARY IS FROM GEI SURVEY ON 12/11/2019. WATER ELEVATION ON THAT DATE WAS 417.11' NAVD88.
- SITE TOPOGRAPHY OUTSIDE OF LAGOONS IS FROM USGS LIDAR SURVEY (MARCH 2014).
- HORIZONTAL DATUM: ILLINOIS STATE PLANE COORDINATE WEST ZONE (NAD83 2011) VERTICAL DATUM: NAVD88 (GEOID18)
- FLOODPLAIN ELEVATION (437.1 NAVD88) IS FROM FEMA MAP 170444-005-B



Attention:				Designed: KJC		 3159 Voyager Drive Green Bay, Wisconsin 54311 920-455-8200	THE PREMCO REFINING GROUP INC. HARTFORD, ILLINOIS	CORRECTIVE ACTION DESIGN PLAN FOR LAGOON SEDIMENT		DWG. NO. C-6
0 1"				Checked: MJV				GEI Project 2300010	SITE PREP AND DEWATERING	SHEET NO. 6
If this scale bar does not measure 1" then drawing is not original scale.				Drawn: KJC						
Submittal Date: 8/15/2023										
NO.	DATE	ISSUE/REVISION	APP							
0	8/15/23	ISSUED FOR REGULATORY REVIEW	MJV							



6'-6"

2'-3"

2'-0"

2'-0"

2'-0"

8" C/C TYP.

1/2" SLOTTED HOLES FOR 3/8" DIA. BOLTS

2" TYP.

2" TYP.

2" TYP.

12" MINIMUM

CONTINUOUS WELD BOTH SIDES

TWO-PIECE CONNECTING BAND (MODIFY TO ELIMINATE OVERLAP AROUND PIPE)

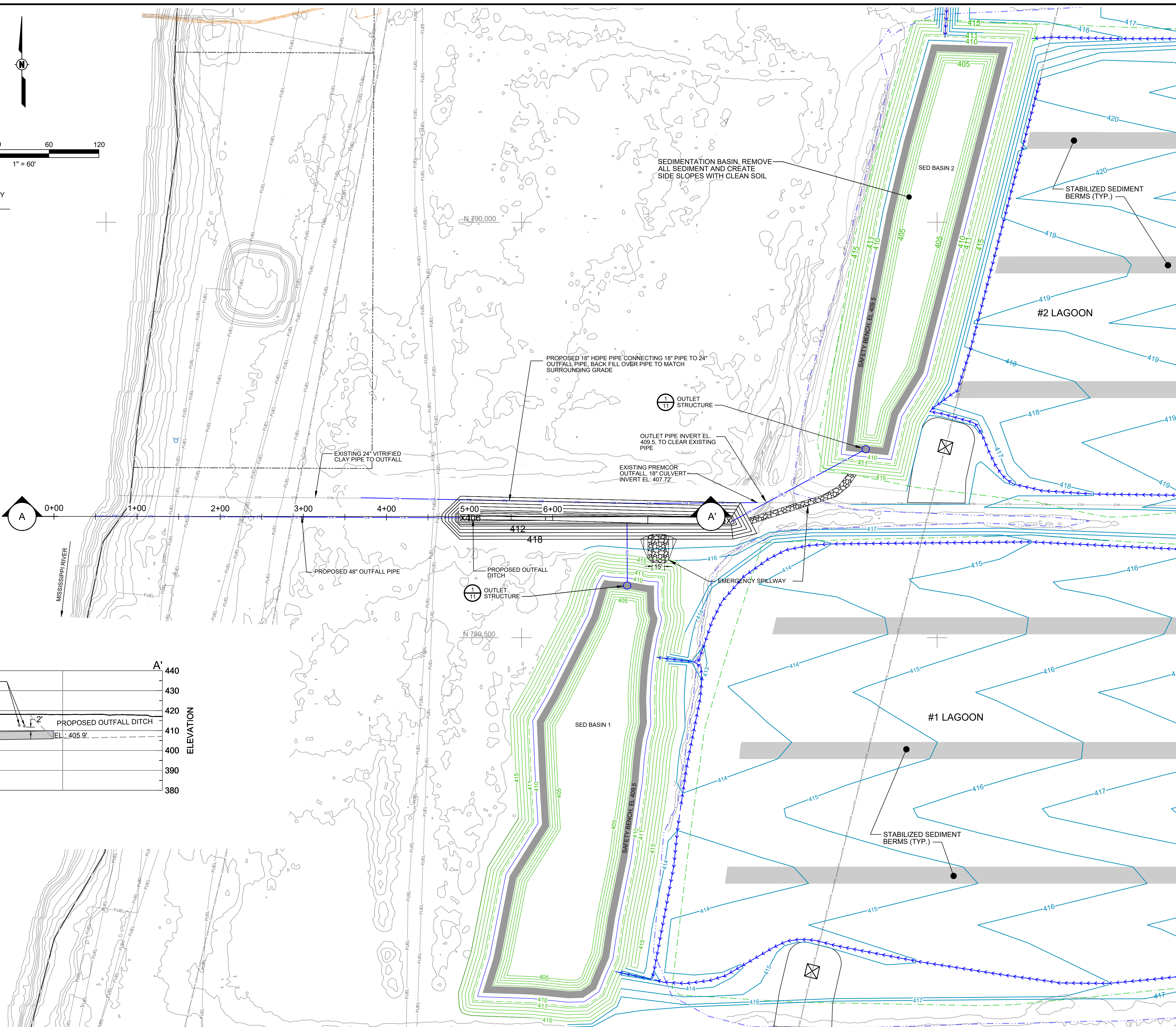
NOTE: THE HALF BETWEEN THE TWO HALF SECTIONS SHALL BE CAULKED WITH BITUMINOUS MASTIC AT TIME OF INSTALLATION


CORRUGATED SHEET METAL

CROSS SECTION A-A'
SCALE: 1"=50' HORIZ. & 1"=25' VERT.
2X VERTICAL EXAGGERATION

LEGEND

- EXISTING GROUND SURFACE CONTOUR
- APPROXIMATE EDGE OF SEDIMENT, 12/10/2019
- EDGE OF WATER, 12/11/2019
- PREMCOR PROPERTY LINE
- PARCEL LINES
- FLOODPLAIN, EL. 437.1
- OVERHEAD POWERLINES
- ELECTRIC TRANSMISSION/DISTRIBUTION TOWER
- SURVEY CONTROL POINT
- FINAL COVER GRADE
- FINAL COVER SURFACE WATER DRAINAGE PATH
- STABILIZED BERM
- ABOVE GROUND PIPELINE
- BELOW GROUND PIPELINE, APPROX. LOCATION
- WATER PIPELINE, APPROX. LOCATION
- SEWER PIPELINE, APPROX. LOCATION
- SD BASIN CONTOUR
- NPD'S DISCHARGE PIPE - PROPOSED



Attention:  If this scale bar does not measure 1" then drawing is not original scale.				
	0	8/15/23	ISSUED FOR REGULATORY REVIEW	MJV.
	NO.	DATE	ISSUE/REVISION	APP

<i>Designed:</i>	KJC
<i>Checked:</i>	MJV
<i>Drawn:</i>	KJC
<i>Submittal Date:</i>	8/15/2023



THE PREMCOR REFINING GROUP INC.
HARTFORD, ILLINOIS

GEI Project 2300010

CORRECTIVE ACTION DESIGN PLAN
FOR LAGOON SEDIMENT

SEDIMENTATION BASIN DETAILS

DWG. NO.	C-11
SHEET NO	11