

FOR IMMEDIATE RELEASE
MARCH 30, 1987

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ARMY CORPS OF ENGINEERS TO DREDGE WEST VIRGINIA WATERWAYS

WASHINGTON, DC - U.S. Rep. Nick Rahall (D-W.Va.) has announced that the U.S. Army Corps of Engineers has issued a general permit for maintenance dredging for over 200 miles of waterways in the State of West Virginia.

Work in Rahall's Fourth Congressional District includes 21 miles on the Big Sandy River which forms West Virginia's western border with Kentucky in Mingo and Wayne Counties, and the Ohio River in Cabell and Wayne Counties.

The permit pertains authorizes small maintenance dredging activities at existing water intakes in the waterways that follow:

Big Sandy River from Catlettsburg, Ky. to Hewlet, W.Va. (mouth to mile 21.0).

Ohio River from New Martinsville, W.Va. to Foster, Ky. (mile 127.2 to mile 438.0).

Coal River in St. Albans, W.Va. (mouth to mile 2.0).

Elk River in Charleston, W.Va. (mouth to mile 4.0).

Kanawha River from Point Pleasant to Alloy, W.Va. (mouth to mile 90.0).

Little Kanawha River in Parkersburg, W.Va. (mouth to mile 5.0).

The permit for dredging was issued in accordance with Title 33 CFR 325.5 (c)(1) as published on July 22, 1982 in the Federal Register and is pursuant to Section 10 of the Rivers and Harbors Act of 1899.



US Army Corps
of Engineers
Huntington District

Public Notice

Public Notice No.

GP 87-55

Application No.

N/A

In Reply Refer to:

ORHOP-F, 502 EIGHTH ST., HUNTINGTON, WV 25701

Issuance Date:

March 24, 1987

Expiration Date:

March 24, 1992

GENERAL PERMIT FOR MAINTENANCE DREDGING AT WATER INTAKES

TO WHOM IT MAY CONCERN: In accordance with Title 33 CFR 325.5(c)(1) as published on July 22, 1982, in the Federal Register, Volume 47, No. 141, the District Engineer, U. S. Army Engineer District, Huntington, West Virginia, has issued a general permit for maintenance dredging pursuant to Section 10 of the Rivers and Harbors Act of 1899.

The general permit authorizes small maintenance dredging activities at existing water intakes in the waterways specified:

Big Sandy River, Catlettsburg, Kentucky, to Hewlet,
West Virginia (mouth to mile 21.0).

Coal River, St. Albans, West Virginia (mouth to mile 2.0).

Elk River, Charleston, West Virginia (mouth to mile 4.0).

Kanawha River, Point Pleasant, West Virginia, to Alloy,
West Virginia (mouth to mile 90.0).

Little Kanawha River, Parkersburg, West Virginia
(mouth to mile 5.0).

Muskingum River, Marietta, Ohio to Coshocton, Ohio (mouth to
mile 112.5). (See Special Condition m)

Ohio River, New Martinsville, West Virginia, to Foster,
Kentucky (mile 127.2 to mile 438.0).

Scioto River, Portsmouth, Ohio to Greencamp, Ohio
(mouth to mile 175.0).

Tuscarawas River, Coshocton, Ohio to Akron, Ohio
(mouth to mile 113.3).

Those who wish to perform maintenance dredging must notify the District Office at least 20 days prior to initiation of work. Such notification must include a written description and sketch of the proposed work and disposal area. Maintenance dredging which is performed in compliance with the listed special conditions and general conditions will qualify for authorization. Dredging may commence at the end of the 20 day period unless the project proponent is notified that the proposal does not satisfy the conditions of the general permit.

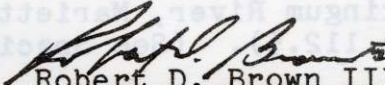
The terms and conditions of the general permit are attached.

The original notice for this activity, Public Notice Number 86-104, also included dredging at docks. The two activities were separated for the permit issuance to simplify the resultant permits.

The conditions of this general permit will be subject to reconsideration at any time, but at least every five years.

Further information is available at:

Department of the Army
U. S. Army Engineer District, Huntington
ATTN: Regulatory Functions Branch
502 Eighth Street
Huntington, West Virginia 25701-2070
Phone (304) 529-5710 for West Virginia
Phone (304) 529-5210 for Ohio, Kentucky


Robert D. Brown III
Colonel, Corps of Engineers
District Engineer

O.K.W

(18/COR-129)

CONDITIONS FOR MAINTENANCE DREDGING

Special Conditions:

a. This permit authorizes dredging, subject to all listed conditions, only at existing water intakes.

b. The maximum volume authorized to be dredged by this general permit is 250 cubic yards.

c. A single project may not be subdivided to allow compliance with the maximum quantity.

d. This permit does not authorize placement of dredged or fill material below ordinary high water elevation in any stream or into any wetland areas.

e. No dredged material may be disposed of at a location such that it would impair surface water flow into or out of any wetland area.

f. The only location permissible for disposing dredged material is a contained upland site. Notice must be provided to the Corps on completion of the activity so that the disposal area may be inspected.

g. The disposal area shall be graded, seeded and mulched on completion of the dredging, except for disposal in ponds or lagoons.

h. Proper notification including information as to the location of the proposed dredging, the method to be used, the approximate volume to be removed, the exact location of the contained upland disposal area, and the time period of the work must be provided at least 20 days prior to the activity.

i. No dredging may be performed during April through June.

j. Authorization may be delayed or denied due to annual Corps of Engineers maintenance dredging activities at any location.

k. All notifications for dredging on the Kanawha River downstream of mile 45, (approximately at the mouth of the Coal River), must include the results of sieve analysis at three equally spaced locations throughout the area to be dredged. All results must be reported as the percent dried weight passing the number 200 sieve. If any sample contains 20 percent or more finer than the 200 sieve, additional testing to determine the concentration of dioxin present must be performed and the results also furnished with the notification. All testing must be performed by a Corps of Engineers or U.S. Environmental Protection Agency approved laboratory.

1. Approval must be received in writing prior to any maintenance dredging at intakes on the Kanawha River downstream of mile 45.0.

m. Populations of a Federally listed endangered species have been documented at certain locations in the Muskingum River. The three mile sections immediately downstream of dams 2, 3, 4 and 5 are excluded from the coverage area of this general permit. (Muskingum River milepoints 2.8 to 5.8, 11.1 to 14.1, 21.9 to 24.9 and 30.9 to 33.9).

General Conditions:

a. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions "k" or "l" hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. All activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. When the activity authorized herein involves a discharge during its construction or operation, of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. The discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. The permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. The permittee agrees that it will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, state, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR Part 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer of the time activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before _____ day of _____, 19____, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable state or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the District Engineer.

The following conditions will be applicable when appropriate:

v. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

w. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

x. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

y. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.