

**LOCKS AND DAMS 2, 3, AND 4
MONONGAHELA RIVER PROJECT**

**RELOCATION OF PUBLICLY OWNED FACILITIES
DESIGN MEMORANDUM NO. 3**

**ENVIRONMENTAL ASSESSMENT
September 1994**

**ADDITIONAL DOCUMENTATION TO THE
LOWER MONONGAHELA RIVER
FEASIBILITY STUDY
FINAL ENVIRONMENTAL IMPACT STATEMENT
DECEMBER 1991**

LOCKS AND DAMS 2, 3, AND 4 MONONGAHELA RIVER PROJECT RELOCATION OF PUBLICLY OWNED FACILITIES DESIGN MEMORANDUM NO. 3

ENVIRONMENTAL ASSESSMENT

TABLE OF CONTENTS

1.	SUMMARY	EA-1
a.	<u>Major Conclusions</u>	EA-1
b.	<u>Areas of Controversy</u>	EA-2
c.	<u>Unresolved Issues</u>	EA-3
2.	BACKGROUND	EA-3
a.	<u>General</u>	EA-3
b.	<u>Impacted Private Facilities</u>	EA-4
c.	<u>Impacted Public Facilities</u>	EA-4
d.	<u>Need For Relocation Of Publicly Owned Facilities</u>	EA-4
e.	<u>Need for Federal Funding of Publicly-Owned Facilities</u>	EA-5
f.	<u>Need For Environmental Assessment</u>	EA-5
3.	ALTERNATIVES	EA-6
a.	<u>"No-Action" Alternative</u>	EA-6
b.	<u>Proposed Relocations</u>	EA-7
4.	RELOCATIONS TO BE MADE WITH FEDERAL FUNDS	EA-7
a.	<u>General</u>	EA-7
b.	<u>Relocations Qualifying For Nationwide Permits</u>	EA-8
	(1) <u>Outfalls</u>	EA-9
	(2) <u>Submarine Crossings</u>	EA-9
	(3) <u>Public Boat Ramps</u>	EA-9
c.	<u>Relocations Not Qualifying For Nationwide Permits</u>	EA-9
	(1) <u>General</u>	EA-9
	(2) <u>New Eagle Boat Ramp (M14L)</u>	EA-9
	(3) <u>City of Monongahela Aquatorium (M17L)</u>	EA-10
	(4) <u>City of Monongahela Boat Ramp (M18L)</u>	EA-10
	(5) <u>Pennsylvania Fish and Boat Commission Boat Ramp (M19L)</u>	EA-11
	(6) <u>Elizabeth Borough River Park (M24R)</u>	EA-11
5.	ENVIRONMENTAL SETTING	EA-12
a.	<u>General</u>	EA-12
b.	<u>Water Quality</u>	EA-12
c.	<u>Terrestrial Habitat</u>	EA-12
d.	<u>Aquatic Habitat</u>	EA-13

TABLE OF CONTENTS (cont.)

e.	<u>Fish and Wildlife</u>	EA-13
f.	<u>Wetlands</u>	EA-14
g.	<u>Floodplains</u>	EA-14
h.	<u>Endangered and Threatened Species, and Species of Special Concern</u>	EA-14
i.	<u>Cultural Resources</u>	EA-14
j.	<u>Air Quality</u>	EA-15
k.	<u>Scenic Rivers</u>	EA-15
l.	<u>Prime Farmland</u>	EA-16
m.	<u>Socio-Economic Resources</u>	EA-16
	(1) <u>Noise</u>	EA-16
	(2) <u>Aesthetics</u>	EA-16
	(3) <u>Displacement of People</u>	EA-16
	(4) <u>Community Cohesion</u>	EA-16
	(5) <u>Desirable Community Growth</u>	EA-17
	(6) <u>Tax Revenues</u>	EA-17
	(7) <u>Property Values</u>	EA-17
	(8) <u>Public Facilities and Services</u>	EA-17
	(9) <u>Employment/Labor Forces</u>	EA-17
	(10) <u>Business and Industrial Activity</u>	EA-17
	(11) <u>Displacement of Farms</u>	EA-17
n.	<u>Hazardous, Toxic, and Radioactive Wastes</u>	EA-18
	(1) <u>Feasibility Report and FEIS Investigations</u>	EA-18
	(2) <u>Relocations Design Memorandum Investigations</u>	EA-18
6.	ENVIRONMENTAL EFFECTS	EA-19
a.	<u>General</u>	EA-19
b.	<u>Water Quality</u>	EA-19
c.	<u>Terrestrial Habitat</u>	EA-20
d.	<u>Aquatic Habitat</u>	EA-20
e.	<u>Fish and Wildlife Resources</u>	EA-21
f.	<u>Wetlands</u>	EA-21
g.	<u>Floodplains</u>	EA-21
h.	<u>Endangered and Threatened Species, and Species of Special Concern</u>	EA-22
i.	<u>Cultural Resources Investigations</u>	EA-22
j.	<u>Air Quality Compliance</u>	EA-22
k.	<u>Scenic Rivers</u>	EA-23
l.	<u>Prime Farmland</u>	EA-23
	(1) <u>Noise</u>	EA-23
	(2) <u>Aesthetics</u>	EA-23
	(3) <u>Displacement of People</u>	EA-23
	(4) <u>Community Cohesion</u>	EA-23
	(5) <u>Desirable Community Growth</u>	EA-23
	(6) <u>Tax Revenues</u>	EA-24
	(7) <u>Property Values</u>	EA-24
	(8) <u>Public Facilities and Services</u>	EA-24
	(9) <u>Employment/Labor Forces</u>	EA-24
	(10) <u>Business and Industrial Activity</u>	EA-24
	(11) <u>Displacement of Farms</u>	EA-24

TABLE OF CONTENTS (cont.)

n.	<u>Hazardous, Toxic, and Radioactive Wastes</u>	EA-24
	(1) <u>General</u>	EA-24
	(2) <u>Phase II Hazardous, Toxic, and Radioactive</u> <u>Waste Survey</u>	EA-24
	(3) <u>Potential Impacts</u>	EA-25
7.	STATUS OF ENVIRONMENTAL COMPLIANCE	EA-25
8.	COORDINATION AND PUBLIC INVOLVEMENT	EA-25
a.	<u>Coordination</u>	EA-25
	(1) <u>Facility Owners</u>	EA-25
	(2) <u>Resource Agencies</u>	EA-26
b.	<u>Public Involvement</u>	EA-26

TABLES

<u>Number</u>	<u>Title</u>	<u>Page</u>
1	FEDERALLY FUNDED RELOCATIONS NATIONWIDE PERMIT APPLICABILITY	EA-8

MAPS

Title

RELOCATION OF PUBLIC FACILITIES - LOCATION OF
FACILITIES (6 sheets)

PLATES

<u>Number</u>	<u>Title</u>
1	TYPICAL SEWER ADJUSTMENTS - POOL 2
2	TYPICAL SEWER OUTLET AND SUBMARINE CROSSING ADJUSTMENTS - POOL 3
3	NEW EAGLE BOROUGH LAUNCHING RAMP - FACILITY M14L - POOL 3

TABLE OF CONTENTS (cont.)

PLATES (cont)

<u>Number</u>	<u>Title</u>
4	CITY OF MONONGAHELA AQUATORIUM - FACILITY M17L - POOL 3
5	MON CITY LAUNCHING RAMP - FACILITY M18L - POOL 3
6	PA FISH AND BOAT COMMISSION - LAUNCHING RAMP - FACILITY M19L - POOL 3
7	ELIZABETH BORO RIVERFRONT PARK - FACILITY M24R - POOL 2

EXHIBITS

<u>Number</u>	<u>Title</u>
1	LIST OF FEDERALLY FUNDED RELOCATIONS
2	SECTION 404 (b) (1) EVALUATION
3	PROGRAMMATIC AGREEMENT
4	HAZARDOUS, TOXIC AND RADIOACTIVE WASTE PHASE I INVESTIGATION SUMARY
5	RELATIONSHIP OF THE PROPOSED RELOCATIONS TO ENVIRONMENTAL PROTECTION STATUTES AND OTHER ENVIRONMENTAL REQUIREMENTS
6	COORDINATION WITH THE FISH AND WILDLIFE SERVICE
7	COORDINATION WITH THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
8	ENVIRONMENTAL ASSESSMENT RECIPIENTS

**LOCKS AND DAMS 2, 3, AND 4
MONONGAHELA RIVER PROJECT
RELOCATION OF PUBLICLY OWNED FACILITIES**

ENVIRONMENTAL ASSESSMENT

**THE OFFICIAL CLOSING DATE FOR THE RECEIPT OF
COMMENTS ON THIS ENVIRONMENTAL ASSESSMENT (EA)
AND DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONS)
IS 30 DAYS FROM THE DATE ON THE LETTER OF
TRANSMITTAL**

The responsible lead agency is the U.S. Army Engineer District,
Pittsburgh.

Abstract: The authorized navigation improvement project for the Lower Monongahela River will create a new pool level between Braddock and Charleroi, Pennsylvania. The new pool will impact a number of public and private shoreside and interconnected landward facilities. Adjustment of the private facilities is the responsibility of the respective owners. The adjustment or relocation of the public facilities affected by the new pool has been authorized by the Congress as a Federal project cost. To qualify, the facility must be owned by an agency of government and used in a government function. The project described in the feasibility report and final environmental impact statement, and authorized by the Congress, provided for the relocation of 37 facilities at Federal expense. Since project authorization, further investigations and detailed engineering studies have resulted in the facilities to be relocated at Federal expense increasing to 65. This environmental assessment addresses the environmental, economic, and social impacts due to the relocation of all public facilities that will be relocated at Federal expense. The Pittsburgh District is finalizing a Design Memorandum that addresses the specific features of the relocations.

If you would like further information regarding this environmental assessment, please contact:

Mr. James A. Purdy, Chief
Environmental Studies Branch
U.S. Army Corps of Engineers
Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Phone: 412-644-6844

**LOCKS AND DAMS 2, 3, AND 4
MONONGAHELA RIVER PROJECT
RELOCATION OF PUBLICLY OWNED FACILITIES
DESIGN MEMORANDUM NO. 3**

ENVIRONMENTAL ASSESSMENT

1. SUMMARY

a. Major Conclusions - The authorized navigation improvement project for the Lower Monongahela River between Locks and Dam 2 at Braddock and Locks and Dam 4 at Charleroi, PA will impact 65 facilities that will be relocated at Federal expense. Sixty-four of these facilities along the Monongahela and Youghiogheny Rivers and within navigation servitude (i.e. subject to Federal permit jurisdiction) are owned by an agency of government and utilized in the performance of a governmental function. These facilities will be relocated with project funds under the provisions of Section 111 of P.L. 85-500. One other facility is a private railroad located on Turtle Creek, a non-navigable tributary of the Monongahela River. This facility will be relocated at Federal expense since it is outside of navigation servitude and Federal permit jurisdiction. The major facility types include sewer outfalls, submarine crossings, park facilities and boat ramps. The objective of all relocations is to maintain the same function within the new pool.

Two alternatives for the relocations eligible for Federal funding under Section 111 were considered. The selected alternative would accomplish the work necessary to relocate the facility with Federal funds under the Section 111 authority, while the other alternative would require the facility's owner to fund and accomplish the necessary relocation. Because of the tenuous economic condition of the majority of communities in the project area, it would be extremely difficult if not infeasible for them to fund the relocations. If the relocations are not made, the end result would be increased flooding or the release of sewage to the river in the case of storm drainage or sewage facilities, damage to the submarine crossings, and increased unavailability of the boat ramps and parks. The "no relocation" alternative that would result from the lack of local funding is not acceptable. All relocations of publicly owned facilities described herein, including those in the Feasibility Report, will be made with Federal funds.

All relocation designs represent cost effective adjustments that provide for the same level of operation and maintenance within the new pool. Designs were presented to the facility

owners (usually representatives of the municipalities or sanitation authorities) and, for all but one owner, West Elizabeth Borough, were mutually agreed upon. The District has submitted all proposed sewer relocation plans to the Pennsylvania Department of Environmental Resources (PADER) for their review and comment. The facilities owned by the West Elizabeth Sanitary Authority, the Municipal Authority of the City of McKeesport, the Borough of West Mifflin and the Borough of Glassport have received a favorable review by PADER with minor comments that have been incorporated into the District's proposed designs. Comments have not been received from PADER on the most recent submittal concerning the Borough of Dravosburg, the City of Duquesne and the Borough of Elizabeth. However, the District does not anticipate any major comments on these proposed relocations. It will be incumbent upon each facility owner to demonstrate compliance with appropriate environmental regulations prior to the execution of a contract with the Corps of Engineers for adjustment of their respective facility at Federal expense.

The majority of the facilities (58) will be relocated in accordance with an appropriate Nationwide Permit (NWP). NWPs are a type of general permit designed to regulate certain activities that have minimal adverse impacts and generally comply with all related laws. As part of the documentation performed by the Corps of Engineers for the NWP program, environmental assessments were prepared and coordinated. These assessments fulfill the requirements for environmental coordination for all facilities falling under the jurisdiction of a NWP. The assessments are cited herein as appropriate in the discussion of environmental impacts. Regardless of the issuance of a NWP, threatened or endangered species, cultural resources, wetlands, and hazardous, toxic and radioactive waste (HTRW) must be addressed for each specific activity. Therefore, the impacts to threatened or endangered species, cultural resources, wetlands, and HTRW for all relocations are addressed in this environmental assessment (EA).

Cultural resource investigations are proceeding as specified under a programmatic agreement between the District, the Pennsylvania State Historic Preservation Office, and the Advisory Council on Historic Preservation. If a determination is made that mitigation measures are required for any historical impacts, they will be proposed and coordinated in accordance with the Programmatic Agreement.

b. Areas of Controversy - There are no known areas of controversy relative to environmental issues. Essentially all proposed relocations have been presented to the owners and the only disagreement is with the West Elizabeth Borough. The Feasibility Report included a cost estimate for separating the Borough's combined sewer system. Subsequent investigations by the District led to a less costly alternative that involves only

raising critical portions of the existing system and providing infiltration protection for the main intercepting sewer. West Elizabeth still prefers the plan presented in the Feasibility Report, although the District has explained to them that it is prohibited by law from providing more than the least cost alternative.

c. Unresolved Issues - The only unresolved issue as of the date of this EA is a disagreement between the District and the Borough of West Elizabeth described in paragraph 1.b. The District continues to support the currently proposed design because it is more cost effective and will provide an adequate relocation of the sewer system. At the request of West Elizabeth, the District is investigating the option of separating a portion of the sewer system. However, the District has explained that the Corps is only authorized to provide a financial contribution in an amount not to exceed the least cost alternative as presented in the Relocations Design Memorandum (DM). The District is continuing to coordinate with West Elizabeth to arrive at a mutually agreeable solution.

2. BACKGROUND

a. General - The Pittsburgh District completed the Lower Monongahela River Navigation System Feasibility Report and Final Environmental Impact Statement (FEIS) in December 1991. The feasibility report recommended as the National Economic Development (NED) plan a *two for three* strategy that would include elimination of Locks and Dam 3 near Elizabeth PA; replacement of the fixed crest dam at Locks and Dam 2 near Braddock, PA with a gated dam; and replacement of the existing locks at Locks and Dam 4 near Charleroi, PA with larger twin 84-foot x 720-foot locks. This project would create a new longer Pool 2, to be renamed the Braddock Pool, comprising existing pools 2 and 3 with a normal pool elevation of 723.7 National Geodetic Vertical Datum - NGVD (hereinafter all elevations in this environmental assessment will be NGVD). The net effect is that the existing navigation pool between Locks and Dam 2 and Locks and Dam 3, comprising 12.6 river miles, will be raised 5 feet and the existing pool between Locks and Dam 3 and Locks and Dam 4, comprising 17.6 river miles, will be lowered 3.2 feet. This plan was approved by Congress and authorized in the Water Resource Development Act of 1992.

The new pool elevation within existing pools 2 and 3 will impact numerous shoreside facilities by changing the degree of inundation. Facilities affected in existing Pool 2 will experience greater degrees of inundation, including total inundation at the normal pool level. Those facilities affected in existing Pool 3 will be inundated to lesser degrees. In either case, certain facilities will be affected, requiring

adjustment to maintain similar functionality with the new pool. As most adjustments will primarily consist of raising or lowering to accommodate the new pool level, the term "relocations" is used to generally describe the necessary work. Other facilities will be impacted by dredging operations necessary in Pool 3 to retain an adequate navigation channel.

b. Impacted Private Facilities - Impacted private facilities consist primarily of commercial docks constructed in accordance with the regulatory program to protect navigational servitude under Section 10 of the River and Harbor Act of 1899. Under provision of the issued Section 10 permits, owners are not entitled to compensation at project expense for adjustments to facilities necessitated by a federal project. Since it is the responsibility of the owners to comply to the provisions of their permit and adjust their facilities at their own expense, the required relocations of the private facilities are not covered in this EA.

c. Impacted Public Facilities - Impacted facilities within navigation servitude, owned by a governmental body and used in the performance of a governmental function, although constructed in accordance with Section 10 of the Rivers and Harbor Act of 1899, will be relocated at Federal expense under discretionary authority provided to the Chief of Engineers in Section 111 of Public Law 85-500. An affected facility along Turtle Creek and outside navigation servitude will also be relocated at Federal expense.

d. Need For Relocation Of Publicly Owned Facilities - The basic qualitative criterion that determines whether or not any facility will need to be relocated as a result of the pool changes is its ability to function acceptably within the new normal pool. The general objective of all relocations is to maintain service presently provided by the affected facilities with the same capability for maintenance.

The public facilities most commonly affected in Pool 2 and on the two tributaries are sanitary, storm or combined sewer outfalls. The greater inundation of these facilities has the effect of reducing their capacity to pass flows from community streets or treatment plants to the river, primarily because of increased siltation at the outlet structure. Public facilities in existing Pool 3 could be impacted in two ways. One is through lesser inundation of shoreside facilities within river elevations 723.7 and 726.9. Public facilities adversely impacted by this effect include boat ramps, outfalls and the City of Monongahela Aquatorium, where use is dependent upon the 726.9 pool elevation. Five boat ramps in this area would be out of the water and unusable for most of the recreation season. Outfalls in this pool will be affected in that additional shoreline beneath the structures will be exposed. Protection of these facilities will

be required to prevent erosion of the exposed shoreline. Access to the aquatorium from the new lower pool will be unsafe. The second way certain facilities will be effected is through the need to dredge a portion of this pool to maintain the authorized nine-foot navigation channel depth. This could impact submarine crossings (pipelines buried in the river bottom) that would no longer have sufficient cover or be exposed by the dredging operations. These submarine crossings must be lowered to accommodate dredging and the new pool.

e. Need for Federal Funding of Publicly-Owned Facilities - Given that the publicly owned facilities must be relocated, the only question is the source of funding. As has been documented in the Feasibility Report and FEIS, and other sources, many of the municipalities have experienced a declining tax base over the past two decades due primarily to closure of the steel mills and an outmigration of the younger population. The remaining population consists of predominately elderly and low income residents, which makes even basic services difficult to afford. Therefore, if these municipalities were required to fund the necessary relocations, many would not be accomplished in time to accommodate the pool changes, if at all.

Because of the possible economic hardship that would be imposed on the riverside communities if they were to fund the necessary relocations, the Lower Monongahela River Navigation Project was authorized with a provision that allows the Chief of Engineers to make compensation for adjustments to facilities owned by an agency of government. The facilities must be used in the performance of a government function, be located riverward of existing Ordinary High Water (OHW) on a navigable waterway and be adversely impacted by the new pool. This authority is granted by Section 111 of Public Law 85-500 (72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. 633)).

f. Need For Environmental Assessment - The relocation of 30 publicly owned facilities on the Monongahela and Youghiogheny rivers were addressed in the 1991 Feasibility Report and FEIS, and were authorized by the Congress. (These 30 facilities were expanded to 41 relocations in the current Relocations DM.) Subsequent detailed engineering studies determined that five of the original 30 would not be impacted. However, 28 additional facilities on these two rivers that would be impacted have been identified, 20 on the Monongahela River and eight on the Youghiogheny River. Adjustment to these additional facilities are recommended for Federal funding under the Section 111 in the current Relocations DM. One other privately owned facility will be relocated on Turtle Creek, a non-navigable tributary to the Monongahela River. The net result is that 65 individual facilities will be relocated at Federal expense as a result of the planned navigation improvements.

When there are changes in the plan from that described in the project FEIS or more detailed information becomes available, additional National Environmental Policy Act (NEPA) documentation is required. The primary purpose of this EA is to assure that all public facilities to be relocated with Federal funds, particularly those not addressed in the FEIS, are in compliance with NEPA. The relocation of privately owned facilities are not addressed in this EA.

An EA was chosen as the appropriate NEPA compliance document because it has been determined that three categories of relocations for this project are covered by NWP; outfalls, utility lines and boat ramps. Also, bank stabilization associated with the relocation activities is covered under a NWP. The NWPs suggest that implementation of these categories of relocations would not result in significant impacts to the environment. Also, the five required relocations not qualifying for a NWP were not expected to result in impacts of such magnitude to require the preparation of a Supplement to the FEIS.

The list of public facilities in the Feasibility Report to be relocated under Section 111 authority was modified for one of two reasons. First, several of the facilities identified in the Feasibility Report were determined not to be affected by the pool changes. These facilities on the Monongahela River include a sanitary sewer owned by the City of Duquesne at river mile 11.5, left bank; a storm sewer owned by West Elizabeth Borough at river mile 23.0, left bank; abandoned boat ramps owned by Webster Borough at river mile 36.4, right bank; a boat ramp owned by the City of Monessen at river mile 38.5, left bank; and a 24" storm sewer owned by the City of McKeesport at river mile 0.1, left bank, Youghiogheny River. Second, additional facilities not included in the Feasibility Report inventory were identified upon subsequent investigations.

This EA is being prepared to address the effects that will result from the five relocations that are not covered by a NWP. In addition it will address the effects of the general conditions that must be followed in order for the respective NWPs to be valid.

3. ALTERNATIVES

a. "No-Action" Alternative - The need for all relocations are directly related to the change in pool elevations inherent in the authorized project. In general, the basic design objective for each relocation is to retain the same level of function within the new pool. This equates to retaining the same discharge capacity and maintenance requirements in the case of storm and sanitary outfalls and availability for public use in the case of parks and boat ramps. The "no-action" alternative or

alternative of doing nothing with respect to relocations necessitated by the authorized project is not acceptable because these facilities would no longer function satisfactorily for their intended purpose. Without the proposed relocations the end result would be increased flooding or releases of sewage to the river in the case of storm or sewage facilities, damage to submarine crossings interrupting a needed service or allowing pollutants to enter the river or increased unavailability of boat ramps and parks.

b. Proposed Relocations - All relocations must be accomplished in a manner that ensures that the existing level of operation and maintainability continues with the new pool. Each relocation proposed has been determined to be a cost-effective solution. It has been agreed to by the current facility owner, except in the case of West Elizabeth Borough, who is presently not in agreement with the District's plan for adjustment of their combined sewer system.

Alternative methods for relocating certain facilities have been considered where appropriate. For example, alternate alignments for sewer piping and outlets were considered to minimize interference with existing above ground facilities. Further, a redesign may be warranted if any relocation is found to occur in a contaminated area. On-going HTRW investigations is described later in this EA.

The only alternative to the proposed relocations, which would apply to those adjustments eligible for Section 111 funding, would be for the facility owners to fund the necessary work themselves. The tenuous economic condition of the communities in the Lower Monongahela River Valley could make infeasible the allocation of the necessary funds and thereby prevent the relocations.

4. RELOCATIONS TO BE MADE WITH FEDERAL FUNDS

a. General - EXHIBIT 1 lists the 65 separate facilities that either were included in the Feasibility Report and FEIS and authorized to be relocated with Federal funds or will be proposed to be relocated at Federal expense. The locations of these facilities are shown on Maps 1 through 6, referenced by Facility ID number shown in EXHIBIT 1. (Facility Y01L is not shown on the maps since there is no land disturbance associated with that relocation.) General information for each category of facility affected and the types of relocations are provided below. Owners of the facilities to be relocated under Section 111 authority include the cities of Duquesne and Monongahela; the boroughs of Dravosburg, West Mifflin, Glassport, Elizabeth, West Elizabeth, New Eagle, and Charleroi; Forward and Rostraver Townships; the Mon Valley Sewage Authority, the Municipal Authority of the City

of McKeesport, West Elizabeth Sanitary Authority, the Sanitary Authority of Elizabeth Township; and the Pennsylvania Fish and Boat Commission. In addition, Conrail owns a facility on Turtle Creek to be relocated with project funds.

The relocations will be accomplished in a series of eight packages where each package involves between one to about two dozen facilities. The Pool 2 relocations and submarine crossings in Pool 3 will be accomplished during the 1995-1999 time frame before the raising of Pool 2. All other Pool 3 relocations will be completed in 2003 after the lowering of Pool 3. The estimated total cost of all relocations to public facilities under the authority of Section 111 is approximately \$35 million.

b. Relocations Qualifying For Nationwide Permits - Three categories of relocations for this project are covered by Department of the Army, Corps of Engineers Nationwide Permits - Outfalls (NWP 7), Utility Lines (Submarine Crossings) (NWP 12), and Boat Ramps (NWP 36). In addition, several relocations will involve bank stabilization that qualifies under NWP 13. Each relocation activity must conform to general conditions and, if discharge of dredged or fill material is involved, Section 404 conditions. The Section 404 conditions are contained in Public Notice No. 92-NWP4. TABLE 1 provides a summary of applicability of NWP for all federally funded relocations. The applicability of NWP will be referenced further in the discussion of environmental effects in Section 7.

TABLE 1
PROJECT FUNDED RELOCATIONS
NATIONWIDE PERMIT APPLICABILITY

Nationwide Permit No.	Facilities (by facility ID #)
7	M01L, M03-5L, M7-12L, M01-23R, M25-28R, T01R, Y1-10R
12	M02-04B
13	M13L, M15-16L, M20L
36	M29-30R
No COE Permit Req.	M06L, Y01L
No NWP applicable	M02L, M14L, M17-19L, M24R

(1) Outfalls - A total of 53 publicly owned outfall facilities, including 47 sanitary or combined storm/sanitary sewer outfalls and six storm sewer outfalls, must be relocated. Each relocation involves an outlet structure, one or more segments of pipe and possibly one or two regulator stations. All outlet work construction will be in accordance with NWP No. 7. These facilities are in the following communities along the Monongahela and Youghiogheny rivers: Duquesne, McKeesport, Dravosburg, West Mifflin, Glassport, Elizabeth, West Elizabeth, Monongahela, and New Eagle. In addition, an outfall along non-navigable Turtle Creek that is owned by Conrail will be relocated at Federal expense. All but nine of the outfall relocations in Pool 2 involve vertical movement of the outfall and pipe only. Those relocations involving horizontal displacement are indicated in EXHIBIT 1. There will be no horizontal changes to any outlet structure in Pool 3. This characteristic will minimize both the areas of ground affected by the work and the associated impacts. Typical sewer adjustment details are shown on PLATE 1 (Pool 2) and PLATE 2 (Pool 3).

(2) Submarine Crossings - Three submarine crossings in Pool 3, M02B, M03B and M04B, will be relocated in accordance with NWP 12. The Pittsburgh District, through its Operations Division, will comply with all Section 10 permit requirements prior to any construction activities. A typical submarine crossing is shown on PLATE 2.

(3) Public Boat Ramps - Two public boat ramps will be adjusted in accordance with NWP 36. These relocations are similar to those for the boat ramps not covered by a NWP (PLATES 3, 5 and 6).

c. Relocations Not Qualifying For Nationwide Permits

(1) General - Five relocations that are within Corps permit jurisdiction and that are to be relocated under Section 111 authority (M14L, M17L, M18L, M19L, M24R) will not qualify under any existing NWP. They include a riverside park in the Borough of Elizabeth, an aquatorium in the City of Monongahela, and three boat ramps owned by the Borough of New Eagle, the City of Monongahela, and the Pennsylvania Fish and Boat Commission. The three boat ramps do not qualify under a NWP only because they are over twenty feet wide.

The work for each facility is described below and shown on PLATES 3-7, respectively.

(2) New Eagle Boat Ramp (M14L) - This existing ramp is located on the right bank of the Monongahela River at mile 30.1. It is 20.5 feet wide and constructed of reinforced concrete. The end elevation of the ramp is 725.7.

Relocation M14L is shown on PLATE 3. The new ramp will extend 53.5 feet further riverward than the existing ramp to accommodate the lower Pool 3. Approximately 41.5 feet of the existing ramp will be removed and 95 feet added to the remaining section. A base consisting of approximately 36 cubic yards of compacted stone will be provided for the new ramp section. An excavation in the wet to accommodate this base will remove about 8 cubic yards of material. The lower portion of the ramp will be constructed on dry land and pushed onto the base. The upper portions will be constructed of reinforced concrete and doweled into the lower portion and anchored with reinforced concrete toes at both the upper and lower ends. Stone rip rap will be placed along both sides and the end of the ramp to protect it from erosion due to wave action and higher river flows. Fill material quantities include 2,000 pounds of reinforcing bar, 35 cubic yards of concrete, 155 cubic yards of stone protection, 35 cubic yards of crushed aggregate, 245 cubic yards of compacted fill, and 335 square yards of filter fabric. Approximately 0.1 acre of river bottom will be affected.

(3) City of Monongahela Aquatorium (M17L) - The existing facility is located at mile 31.9 on the left bank of the Monongahela River. It is constructed of sheet piling tied to pile anchors. The piling terminates into a three foot wide concrete cap. The remaining top surface of the aquatorium is bituminous concrete. The top of the aquatorium is at elevation 732.1 (5.2 feet above existing normal Pool 3 elevation 726.9). Existing mooring posts are available for boaters and local river recreation.

Relocation M17L is shown on PLATE 4. A new "step" extending 18 feet riverward of the existing aquatorium will be constructed to replicate the existing water to structure relationship with the new lower pool. It will consist of a concrete cap placed on sheet piling. A hand railing will be provided along the river edge and along the landward interface with the existing structure. Ramps will be constructed at both ends of the step to provide access for the physically challenged. Mooring posts will be provided for public recreation. Approximately 2,800 cubic yards of river bottom material will be dredged adjacent to the new 18 foot wide step. Fill material quantities include 5,200 pounds of reinforcing, 200 cubic yards of concrete, 30,800 pounds of structural steel, 5,400 linear feet of sheet piling, 2,700 cubic yards of stone, and 100 cubic yards of crushed aggregate. Construction of the new step and the dredging will affect about 1.15 acres of river bottom.

(4) City of Monongahela Boat Ramp (M18L) - The existing boat ramp is located at mile 32.0 on the left bank of the Monongahela River. It is 23.4 feet wide and is constructed of bricks with a bituminous concrete overlay.

Relocation M18L is shown on PLATE 5. The ramp will be extended about 60 linear feet riverward to accommodate the new lower normal pool. The extension will be constructed of reinforced concrete. A base consisting of approximately 25 cubic yards of compacted stone will be provided for the extension. About 104 cubic yards of material will be removed to accommodate this base. The lower 30 feet of the ramp will be constructed on dry land and pushed onto this base. The upper 30 feet of ramp will also be constructed on dry land and doweled into the lower portion and anchored with reinforced concrete toes at both the upper and lower ends. Stone riprap will be placed along both sides and the end of the ramp to protect it from erosion due to wave action and high river flows. Fill material quantities include 1,500 lbs. of reinforcing bar, 25 cubic yards of concrete, 20 cubic yards of stone protection, 25 cubic yards of crushed aggregate, and 85 square yards of filter fabric. Less than one-tenth acre of river bottom will be affected.

(5) Pennsylvania Fish and Boat Commission Boat Ramp (M19L) - The existing facility is located at mile 33.2 on the left bank of the Monongahela River. It is 29.5 feet wide and constructed of concrete beams, each approximately 10 feet wide. The end elevation of the ramp is 725.4.

Relocation M19L is shown on PLATE 6. The ramp will be extended approximately 30 feet to accommodate the new lower pool elevation. This extension will be constructed of reinforced concrete. A base consisting of approximately 15 cubic yards of compacted stone will be provided for the extension. No excavation is required for the base. The lower portion of the ramp will be constructed on dry land and pushed onto the base. The upper portion will be doweled into the lower portion and anchored with reinforced concrete toes at both the upper and lower ends. Stone riprap will be placed along both sides and the end of the ramp to protect it from wave action and higher river flows. Fill quantities include 400 lbs. of reinforcing bar, 15 cubic yards of concrete, 15 cubic yards of stone, 15 cubic yards of crushed aggregate, and 55 square yards of filter fabric. Less than one-tenth acre of river bottom will be affected.

(6) Elizabeth Borough River Park (M24R) - The existing facility is situated on the right bank of the Monongahela River at mile 22.9 in the Borough of Elizabeth. It consists of a grounded barge imbedded into the bank with a deck of bituminous and concrete pavements. The sunken barge slightly protrudes into the river. Along the landward embankment there are reinforced concrete grandstands and stone bank protection. The bank protection was constructed by the Works Progress Administration and is not expected to be a cultural resources concern. Access to the park is via an access roadway on the downstream side of the park. The access roadway embankment is protected by stone riprap. Wooden posts with nylon ropes serve as the guide rail

along the access road. Along the river edge of the park are 8 check posts which are an integral part of the barge.

Relocation M24R is shown on PLATE 7. Sheet piling will be driven riverward, upstream and downstream of the sunken barge supporting the esplanade and will be secured to the grounded barge. As shown in Section A-A of PLATE 7, the new deck elevation will be provided by placing five feet of pervious fill landward of the sheet piling and capping it with bituminous and concrete pavements. Reinforced concrete grandstands will be constructed similar to the existing grandstands. The access road will be adjusted to enter the park at its new deck elevation. Guide rail, similar to that existing along the river edge of the park, and four check posts anchored in reinforced concrete, will also be provided. Fill material quantities include 5,800 pounds of reinforcing bar, 2,500 cubic yards of concrete, 16,800 pounds of structural steel, 4,000 lineal feet of sheet piling, 1,900 cubic yards of compacted pervious fill, and 200 cubic yards of crushed aggregate. Essentially no river bottom will be affected.

5. ENVIRONMENTAL SETTING

a. General - All relocations depicted on Maps 1 through 6 lie within the study area described in Section IV of the FEIS. Generally, the Lower Monongahela River study area is heavily developed with large riverside industrial plants and extensive urban lands. The discussion below focuses on those topics addressed in the Environmental Effects section, specifically, water quality, terrestrial habitat, aquatic habitat, wetlands, fish and wildlife, floodplains, endangered and threatened species, scenic rivers, and cultural resources. Details on Physiography and Topography, Climate, Geology and Hydrology can be found in Sections IV.A through IV.E of the FEIS.

b. Water Quality - Although water quality of the Monongahela River has improved in recent years due to the abatement of acid mine drainage, domestic and industrial sewage treatment, and the loss of much of the steel industry, pollution is still a concern. Water quality problems on the Lower Monongahela River include elevated temperatures, reduced dissolved oxygen, elevated iron and sulfate ions, and high levels of turbidity and dissolved solids. Also, contaminated substrates have been identified with polychlorinated biphenyls (PCBs), chlordane (an organochlorine pesticide), and aromatic volatile organic compounds being of greatest concern.

c. Terrestrial Habitat - Riparian habitat bordering the river in the area averages about 60 feet in width. Characteristic vegetation consists of immature (and scattered mature) black willow, silver maple, sycamore, and box elder in the canopy layer, and spicebush, silky cornel, and wingstem in the

understory. Areas of prior disturbance, such as abandoned railroad grades, coal spoil piles, and slag fills consist primarily of herbaceous species with scattered shrubs and immature trees. Because of the extremely small amounts of vegetation that would be affected by each of the relocation activities, the District determined that it would not be appropriate to conduct a Habitat Evaluation Procedure (HEP) study.

d. Aquatic Habitat - The aquatic habitat of the Monongahela River can be segmented into five zones, the main channel, the main channel border, the shoreline-debris zone, tailwater zone (below each lock and dam), and the creek mouths and flooded channel zone. These river channel zones include the substrate and the overlying water column. With the improved water quality of the Monongahela River, the aquatic substrate may be the single most significant factor in the continued growth of the fishery.

The five zones are briefly discussed below from the standpoint of fish reproduction, which is considered to be the most critical evaluation criteria. The "main Channel" includes the designated navigation channel (minimum width, 300 feet) and areas where the water depth is greater than nine feet. The substrate consists primarily of sand, although silt, gravel, rubble and bedrock may be present. This zone is constantly scoured by tow traffic and believed to be of limited value regarding reproductive success. The "main channel border" is a transitional area between the main channel and shoreline debris zone. The substrate is often sand or silt, but gravel or rubble may occur. This typically narrow zone is believed to be used for spawning by freshwater drum, emerald shiner and gizzard shad. The "shoreline debris zone", also known as "shallow water habitat", extends from the shoreline riverward up to about 150 feet. Water depths range from zero to five feet, the approximate limit of light penetration. This zone contains organic debris and rooted aquatic vegetation. Generally in the project area this zone varies from a hard rocky bottom, through coarse gravel and sand, to silt. This zone receives the most use by reproducing fishes when suitable substrate is available. The "tailwater zone" lies directly below the navigation dams and, because of the oxygen-rich water and clean substrate, the majority of walleye and sauger spawning is believed to occur here. There are only a few "creek mouths and flooded channel areas" in the Lower Monongahela River. Turtle Creek and the Youghiogheny River are the two main tributaries, both in Pool 2. Nest building species such as smallmouth bass and sunfishes use these areas for spawning.

e. Fish and Wildlife - Since 1970, lock surveys have shown a vast improvement in the Monongahela River fishery. As the

physical habitat has remained essentially unchanged, the improved water quality has allowed many species to reappear in the river. Further information on the current status of the lower Monongahela River fish community is available in the *Fish and Wildlife Coordination Act Report Assessing Impacts of Proposed Modifications to Locks and Dams 2, 3 and 4, Lower Monongahela River Navigation Project, Allegheny, Washington and Westmoreland Counties, Pennsylvania* (Volume 6 of the Lower Monongahela River Navigation Report).

The Pennsylvania Fish and Wildlife Database lists 47 species of mammals, 260 species of birds, 58 species of reptiles and amphibians, and 65 species of fish that may be present in the project area. However, limited habitat for wildlife restricts numbers of individual species.

f. Wetlands - During preparation of the Feasibility Report and FEIS, the District performed a wetland delineation for Pools 2 and 3 using the routine on-site determination method described in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, published in 1969. It was determined that, in general, along the relatively undisturbed portions of the shoreline, a wetland band covered the area between the normal pool level and OHW line. Wetland types included aquatic bed, emergent, shrub-scrub and forested. It was determined that 80 acres of wetlands exist along Pool 2 and 165 acres of riparian and submergent wetlands exist in Pool 3. There are no known wetlands in the relocation areas landward of ordinary high water.

g. Floodplains - The 100-year floodplain in pools 2 and 3 varies in width from approximately 800 to 2,000 feet. Most of the flood plain is urban, with many residences, business and industries being located there. Some of the low land areas are brush covered and unused.

h. Endangered and Threatened Species, and Species of Special Concern - During preparation of the EIS for the Feasibility Study, the District, under Section 7 of the Endangered Species Act, coordinated with the U.S. Fish and Wildlife Service (USFWS) and respective state resource management agencies. Three federally listed endangered birds may be found as transient species in the project area; the Bald Eagle (*Haliaeetus leucocephalus*); peregrine falcon (*Falco peregrinus*); and kirtland's warbler (*Dendroica kirtlandii*). There is no listed critical habitat for these species in the project area.

i. Cultural Resources - The cultural resources study area for the authorized navigation improvement project included the entire Monongahela River corridor between the railroad lines which parallel both sides of the river in Pools 2 and 3. There are numerous sites of known or potential historical significance in the study area along the main channel. Two sites, the

Webster-Donora Bridge (r.m. 36.4) and the Charleroi-Monessen Bridge (r.m. 41.0), both state highway bridges, are listed on the National Register of Historic Places. Many other sites, including prehistoric sites, have been inventoried, but not evaluated for National Register significance.

Twenty-one prehistoric archeological sites have been recorded within the study area, four in the vicinity of Pool 2 and 17 in the vicinity of Pool 3. Few, if any, future intact sites are likely in Pool 2 due to the heavy industrialization within the area. In Pool 3, most of the habitable flood plain has been industrialized, but there may be a potential for intact deeply buried deposits in areas receiving only surface disturbances.

Twenty-four historic sites have been identified within the study area. Fifteen are transportation sites - six river navigation structures and nine bridges. The remainder consist of two potential archeological sites, three residential structures, a circa 1880 bureau of water building and the waterfront portions of Elizabeth, Monongahela and Webster.

j. Air Quality - Two agencies have jurisdiction for compliance with the Clean Air Act of 1990 (CAA) in the study area, the Allegheny County Health Department's Bureau of Air Pollution Control and the PADER's Bureau of Air Quality Control. While the State Implementation Plan (SIP) for Pennsylvania is being finalized, the Environmental Protection Agency's CFR 6, 51, and 93 entitled "Determining Conformity of General Federal Actions to State or Federal Implementation Plans - Final Rule" is in effect. PADER has jurisdiction for implementing the SIP for all counties within the state except Allegheny and Philadelphia Counties. The District has held discussions with both of the above offices to ensure full compliance with the CAA.

k. Scenic Rivers - Neither the Monongahela River or the backwater portion of the Youghiogheny River or Turtle Creek have been designated as components of the Federal Wild and Scenic River System.

The Pennsylvania Scenic Rivers Inventory, revised in April 1987, lists the Monongahela River from Point Marion to Pittsburgh (r.m. 91 - 0) as a proposed Modified Classification. This classification indicates that the lower 91 miles of the Monongahela River has the capability to maintain recreational use, as well as certain levels of residential, commercial, and industrial use which would not degrade the recreational aspect.

The listing of the Monongahela River in the Pennsylvania Scenic Rivers Inventory identifies it as a potential component of the Scenic Rivers system but does not convey it Scenic River status. Future detailed waterway studies to determine the

significance and eligibility for inclusion in the Scenic River system, and to recommend legislation needed for designation are undertaken on a priority basis.

1. Prime Farmland - There are no designated prime farmlands in the project area.

m. Socio-Economic Resources

(1) Noise - Ambient noise levels in the project area are those found in a mixed urbanized and industrial setting. Residential areas are interspersed with commercial and industrial activities. The present industrial activities generally do not create noise levels that are obnoxious to the community. Local traffic results in noise levels typical for an urban area. Periodically diesel powered trains pass through the area on both sides of the Monongahela River. Also diesel powered tow boats continually navigate the rivers. On occasion, their whistles create a temporary elevated sound.

(2) Aesthetics - The present visual setting of the project area is one of highly urbanized and industrial/commercial development within the flood plain. In many areas, a thin strip of vegetation lines the banks. On the floodplains vegetation is generally sparse. In other areas the banks are covered with slag or stone and are considered barren. Barge fleeting areas line the banks. The Monongahela remains a highly used industrial river.

The primary recreation activities along the Monongahela River are power boating and fishing, with power boating being the most popular activity. Generally, most shoreline fishing occurs at the tailwaters of the dams, stream mouths, and areas with easy access. The heaviest shoreline fishing activity along the Monongahela River in the area that is 25 miles below Locks and Dam 4 (r.m. 16 - 41).

Overall, there are no unique or high quality aesthetic resources in the immediate project area.

(3) Displacement of People - No persons live within the construction area limits of any of the facilities to be relocated.

(4) Community Cohesion - Communities within the study area have withstood a downturn in economic conditions which has resulted in a smaller and older population base. The residents who remain have strong family ties to the area. Maintenance of the infrastructure supporting these communities is vital to their survival and future growth.

(5) Desirable Community Growth - The project area is changing from a highly industrialized community where basic steel was the main employer to one with a more diversified light industrial and commercial base. This is primarily due to the closing of mills during the 1960's and 1980's, including all or portions of U.S. Steel plants in McKeesport, Duquesne, Clairton and Donora and the Wheeling-Pittsburgh Plant in Monessen. A recent newspaper article proclaimed that communities in the Mon Valley have stabilized.

(6) Tax Revenues - The facilities to be relocated are not revenue producers. However, their continued operation allows a level of confidence in these communities whereby existing development can be retained and new capital investments attracted which will result in future growth of tax bases.

(7) Property Values - Property values have generally remained stable in the recent years. They are expected to remain stable or increase slightly in the future. Currently, the prospect for legalized river boat gambling in Pennsylvania has created much speculation for shoreside land properties in the greater Pittsburgh region. Property values are directly related to tax revenues which are discussed above.

(8) Public Facilities and Services - The publicly owned facilities that will be relocated represent all such facilities which will be adversely affected by the navigation improvement project. These relocations will ensure the continued provision of existing service levels and same convenience of maintainability with the new pool. Operation and maintenance of all relocated facilities will remain the function of the facility owners.

(9) Employment/Labor Forces - Employment and labor forces have decreased over the years due to the steel plant closures. This decline has stabilized in the recent years due to increases in the light industrial and commercial employment sectors. A modest growth in employment opportunities is projected for the future.

(10) Business and Industrial Activity - Business and industrial activity has also declined over the years because of the declining steel industry. This decline has stabilized in recent years with the move to a more diversified light industrial and commercial base.

(11) Displacement of Farms - There are no farms in the project area.

n. Hazardous, Toxic, and Radioactive Wastes

(1) Feasibility Report and FEIS Investigations - In January 1990, The Pittsburgh District sampled the Pool 3 navigation channel substrate for the presence of contamination that is identified on the modified list of Environmental Protection Agency's (EPA) priority pollutants. Except for some scattered and relatively thin lenses of dense clays, the navigation channel consists of coarse sand and gravel sized particles. Tests showed the navigation channel substrate to be remarkably clean of priority pollutant contaminants. The District determined that the dredged material may be considered clean fill.

Near shore sediments that would be disturbed by construction activities near Locks and Dams 2, 3, and 4 were examined in October 1991. Samples were tested using bulk chemical analysis priority pollutants, ASTM elution analysis, complete toxic characteristic leaching procedure (TCLP) and total recoverable petroleum hydrocarbons (TRPH). The resulting data indicated that no HTRW problems would be anticipated from construction related dredging of Monongahela River sediments near Locks and Dams 3 and 4, although the District should avoid disturbing the left bank abutment area of Locks and Dam 3 near the Ashland Oil/Hercules-Picco sites. There are also some mild polynuclear aromatic hydrocarbons (PAH) and moderate TRPH problems with the sediments that may be disturbed in the Locks and Dam 2 reach of the Monongahela River.

For the FEIS, investigations also included assembling an inventory of known hazardous and toxic waste sites within one quarter mile landward from the top of left and right banks along the river study area and potential disposal sites being considered at that time. These sites were compiled using the U.S. EPA's Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS). The list was modified slightly based on review by the PADER and provided in APPENDIX F of the FEIS. These sites were then further investigated to determine how the sites would be affected by the pool changes corresponding to their locations.

(2) Relocations Design Memorandum Investigations - The Pittsburgh District is conducting a Phase I HTRW Investigation by contract of all areas required for the relocations work. A Draft Phase I HTRW Survey Report has been received by the District. EXHIBIT 4 lists potential contaminants identified for each relocation facility that may require further investigation.

6. ENVIRONMENTAL EFFECTS

a. General - Impacts for all relocations covered by NWP have been addressed by environmental assessments prepared for the appropriate NWP. These assessments concentrate on water quality and aquatic habitat and are referred to as appropriate in this EA. Water quality and aquatic habitat effects for those relocations not covered by NWP are addressed below. Effects evaluated for all relocations include terrestrial impacts, cultural resources, endangered species, socio-economic, and recreation. Finally, District activities in response to the Clean Air Act, which were not included in the FEIS, are documented.

b. Water Quality - The only relocations for which water quality has not been addressed individually by an EA are the two parks and three boat ramps that do not qualify for NWP. However, all of these relocations were included in the Feasibility Report and FEIS and authorized by the Congress. Fill material quantities and areas of river bottom affected are described in paragraph 4.c.

The only water quality parameter that will be impacted by the relocations work is turbidity levels. Construction activities will be expected to cause increased turbidity levels in the immediate vicinity of the work. However, these impacts will be temporary and have no lasting effect on the river's water quality. Turbidity levels expected from placement of fill material would not cause any change in chemical or physical properties of the water column, and will not violate water quality standards. Changes to the physical substrate will be minimal as the total river bottom area covered by these facilities is slightly more than one acre. The fill material, consisting of stone obtained from a clean upland source, concrete structures, and steel sheet pile, will not cause any change in chemical or physical properties of the water column and will not violate water quality standards. No permanent adverse water quality impacts will result from these relocations. Furthermore, these five relocations will maintain the current usage levels of the facilities.

There will be no cumulative impacts from the relocation of the 65 facilities. Most relocations qualify under NWP and the conditions of the NWPs used for the relocations have been developed to minimize cumulative impacts. The impacts associated with any one relocation will be due to the construction activities only and be localized and temporary. Further, as the work will be divided into eight packages, grouped primarily by municipality, the actual construction of all 65 relocations will be spread out over approximately an eight year period.

A Section 404(b)(1) Evaluation has been completed for the five relocations that do not qualify under a NWP and is included as EXHIBIT 2.

c. Terrestrial Habitat - The relocation activities will not result in any significant impacts to terrestrial wildlife habitat. Short-term losses of approximately 12 acres of scattered non-wetland riparian and other non-wetland vegetated areas will be associated with the relocation projects, all of which are in the Monongahela River Pool 2 and 3 areas.

Most of the disturbance will be due to sewer adjustments in Pool 2 and landward connections for the new submarine crossings in Pool 3. As shown in PLATE 1, typical relocations to sewer facilities will require vertical trenching through the soil, usually following the area of original disturbance for the existing pipes. The vegetation that will be disturbed is primarily along the river banks. Trees and shrubs will be removed for trenching and to permit equipment access along the corridor. The soil overburden impacted landward of the banks has been disturbed in most cases and usually contains sparse vegetation. Corridor widths will be minimized and will typically be between 50 and 100 feet to minimize impacts to wildlife habitat. Generally, most outfall relocations will result in significantly less than one acre of vegetation removal.

All disturbed areas will be seeded with an erosion control and conservation cover mixture (as specified in the Penn State Agronomy Guide) that is beneficial to wildlife. Areas on the bank within close proximity to the shoreline, and up to 60 feet landward, may be planted with native deciduous seedlings or cuttings to accelerate reestablishment of the riparian habitat. Black willow, alder, dogwood, etc. may be planted in clumped configurations of a single species, at two-foot intervals. In the absence of any deciduous plantings, however rapid, natural colonization by woody vegetation would be expected on most affected areas due to existing soil and adjacent area seed sources. In Pool 3, adjustments to the outfalls will consist of extending the existing outlets to the lower river level. The impacted area will be approximately 25-85 feet in length and about 5-15 feet in width, including channel width and stone protection. Seeding the disturbed areas with an erosion control and conservation cover mixture will be utilized after activity completion. Modifications to the boat ramps in Pool 3 will impact significantly less than one acre of shoreline vegetation.

d. Aquatic Habitat - Relocations activities will not result in any significant adverse impacts to the aquatic habitat in the study area. Submarine crossing construction will affect the main channel, main channel border and shoreline debris zones. All other relocations would impact only small portions of the shoreline debris zone. These impacts, due to increased turbidity

caused by site preparation, including removal of surface material and/or grading of waterway bottom, will be temporary and limited to construction activities.

e. Fish and Wildlife Resources - Relocations activities will result in minor and temporary adverse impacts to the fish and wildlife in the study area. During construction, fish and other motile aquatic organisms will most likely avoid the area until the work is complete. Immobile organisms in the path of the equipment will be destroyed or smothered when suspended material settles to the bottom. No known blockages to fish passage will result from the relocations work. The existing outfalls in Pool 2 will be retained wherever possible and continue to provide fisheries habitat.

There would be no cumulative impacts to aquatic resources from the relocations work since any impacts will be temporary and limited to the immediate area around the facility. Construction will be spread out over several years which will serve to further reduce any cumulative impact.

Construction activities impacting vegetated shoreline areas will temporarily dislocate some wildlife species from the affected areas. However, since wildlife habitat within the project area is limited, these impacts will be minimal. The revegetation program described in paragraph 6.c. will serve to restore the wildlife habitat to pre-project levels.

f. Wetlands - Executive Order 11990, Protection of Wetlands, has been considered. As outlined in the FEIS, the raising of Dam 2 will eliminate the estimated 80 acres of wetlands within Pool 2. No reestablishment of wetlands at different elevations in this pool will occur since the new pool elevation will fall within the existing OHW elevation with no corresponding increase in OHW elevation. Consequently, the construction within Pool 2 is not a factor concerning wetlands since these wetlands will be eliminated by the authorized navigation improvement project. In Pool 3, the removal of Locks and Dam 3 will result in the de-watering and the temporary loss of an estimated 165 acres of wetlands. However, the new pool elevation of 723.7 will eventually result in the re-establishment of the lost riparian wetlands about 20-30 feet of new wetlands riverward from the new shoreline over time (about one growing season). Pool 3 will be lowered less than one year prior to the relocations in that pool (excluding the submarine crossings). Therefore, no impacts to shoreline wetlands due to the relocations are expected. No wetlands will be impacted landward of ordinary high water.

g. Floodplains - Under Executive Order 11988, Floodplain Management, it has been determined that the following structures would be situated within the 100-year flood plain of the

Monongahela or Youghiogheny rivers or Turtle Creek: the outlet works for all 53 outfalls and associated bank protection, boat ramp extensions, Elizabeth Borough River Park and the Monongahela City Aquatorium. None of these facilities will affect flood heights along the Monongahela River, Youghiogheny River and Turtle Creek.

h. Endangered and Threatened Species, and Species of Special Concern - There are no federally listed endangered or threatened species or their critical habitat in the project area. Consequently, there will be no impacts due to the relocations work.

i. Cultural Resources Investigations - The District has executed a Programmatic Agreement (PA), EXHIBIT 3, with the PASHPO and the ACHP for compliance with Section 106 of the National Historic Preservation Act. The PA obligates the District to conduct all necessary and appropriate cultural resource investigations associated with all features of the project, including "all publicly owned shoreside facilities relocated at Federal expense." Field investigations of the facilities to be relocated are presently being conducted by the National Park Service's HABS/HAER office in Homestead, PA. Their report will describe the development of sewer and waste systems, and the changes in materials and technology as applied along the lower Monongahela River. Based on the report findings, the District will, in coordination with the Pennsylvania State Historic Preservation Office (PASHPO), determine if any properties are eligible for the National Register of Historic Places and if the proposed relocation activities would adversely affect any eligible properties. Any mitigation requirements will be determined by the District in consultation with the PASHPO and the Advisory Council on Historic Preservation (ACHP).

j. Air Quality Compliance - The major air quality concern in the Lower Monongahela River area is a non-attainment area within Allegheny County for Particulate Matter-10 (PM-10) that includes the communities of Clairton and Glassport along the Monongahela River. Allegheny County expressed concern over two potential impacts from the overall navigation improvement project. One is the hauling of spoil material during disposal activities which could create "fugitive emissions." Fugitive emissions (dust) may occur when materials become dry and airborne upon being stockpiled or hauled (spilled) along the roadways. The second is increased turbidity in the Monongahela River near the water intakes used for quenching operations by the USX Clairton Coke Works facility. Any suspended solids in the water used in that process becomes air borne in steam and creates higher plant emissions levels.

However, the activities associated with the proposed relocations will not impact air quality. The quantities of spoil

material are very small (usually much less than 500 cubic yards per relocation site) and the fugitive emissions are considered negligible based on discussions with the county and the state. Also, turbidity increases from any relocation construction activity along the shore would be small and confined to within a few hundred feet from the site. Therefore, the relocations work is in compliance with the CAA and will not require any permits from either the county or state.

k. Scenic Rivers - There are no scenic rivers in the project area.

l. Prime Farmland - There are no designated prime farmland soils affected by relocation activities.

m. Socio-Economic Resources

(1) Noise - Ambient noise levels in the immediate vicinity of each work area may increase slightly during the construction activities. The use of heavy construction equipment would be the primary source of noise, which would occur during working hours only. Any increase would be temporary and highly localized. After construction ceases, the noise levels would return to pre-project conditions.

(2) Aesthetics - Visual impacts of the relocation activities will result from the removal of a total of about 12 acres of vegetation from various shoreline areas due to the extension of outlets and boat ramps. These impacts, however, will be minor. The impacted shoreline areas will be quickly reseeded with native species, thereby making any visual impacts temporary. The new structures associated with the outlets and boat ramps will occupy significantly less than one acre of bank each.

(3) Displacement of People - The relocations will not require the displacement of people.

(4) Community Cohesion - The proposed relocations will not have any known adverse impacts on community cohesion. A positive result is that the new outfalls in Pool 2 may replace old facilities that are nearing the end of their service life. The relocated facilities within the new pool will maintain the basic utility service and recreational opportunities that are important for these communities.

(5) Desirable Community Growth - Adjustment of the various facilities will not adversely affect desirable community growth. It could even have positive impacts by providing newer utility lines with longer service lives than the existing facilities. There would be a greater likelihood that these new facilities could support future growth.

(6) Tax Revenues - Tax revenues will be essentially unaffected by the relocations. There is a small chance that tax revenues may increase due to increased employment opportunities associated with the project.

(7) Property Values - Property values will not be impacted by the relocations.

(8) Public Facilities and Services - The objective of all relocations is to assure the same level of function provided by the existing facilities within the new pool. There will be no interruptions of service due to the sewer system and submarine crossing adjustments. Adjustments to the boat ramps and parks will cause short durations of closure. The District will attempt to allow use of the parks during major holidays and for annual events.

(9) Employment/Labor Forces - The relocation work will provide the potential for slight increased employment in the local areas during construction.

(10) Business and Industrial Activity - There will be no impact to the business and industrial activities in the communities affected by the relocations work.

(11) Displacement of Farms - No farms would be displaced by the relocation activities.

n. Hazardous, Toxic, and Radioactive Wastes

(1) General - Quantities of contaminated materials that would necessitate an area being listed as a National Priority List (NPL) site are not expected in conjunction with the relocation construction activities. However, some chemical and petroleum hydrocarbon contamination is an almost certainty. The type, extent and significance of this potential will be determined in a Phase II HTRW Survey.

(2) Phase II Hazardous, Toxic, and Radioactive Waste Survey - The draft Phase I HTRW Survey Report, which is presently undergoing District review, lists a total of 29 relocation facilities as having potential for environmental contamination. The draft Phase I Report includes a proposed Phase II testing program, with suggested locations and numbers of borings and suspected contaminants to be tested for each facility. The contaminants specified for testing in Phase II are shown in EXHIBIT 4. The District will develop a Phase II HTRW investigation plan with the assistance of the Corps' Nashville District Environmental Testing Center. The Phase II investigation report will compile all sampling and testing data, and identify the type, concentration, and specific location of any contaminants with respect to the various relocation work

areas. It will also make recommendations for disposal of identified contaminated material and specific sites that must be avoided, if any.

(3) Potential Impacts - With the "no-action" or "no relocation" alternative of not adjusting the various sewer outfall and related structures, submarine crossings, boat launching ramps, parks and aquatorium that would be affected by the necessary pool changes, there would be no HTRW impacts. However, these facilities would no longer function satisfactorily for their intended purpose. Implementing the proposed relocations activities as described in the Relocations DM and this EA are expected to affect some contaminated soils. The District will coordinate closely with the Nashville District Environmental Testing Center and the PADER on the safe excavation, handling, and disposal of any identified contaminants. Appropriate precautions will be used during the excavation and disposal of contaminated soils will be in PADER approved sites. Should contaminants be identified that would qualify an area as a NPL site, the District would redesign the affected relocation activity to avoid the site.

7. STATUS OF ENVIRONMENTAL COMPLIANCE

The relationship of the proposed relocations relative to compliance with the environmental protection statutes are shown in EXHIBIT 5. Also, a complete listing of all permits required under the Clean Water Act is shown on EXHIBIT 5.

8. COORDINATION AND PUBLIC INVOLVEMENT

a. Coordination - The Pittsburgh District, Corps of Engineers, is the responsible agency for designing and constructing the relocations to publicly owned facilities that will result from the authorized Lower Monongahela river Navigation Improvement Project. It is also responsible for preparing the detailed Relocations DM and this EA. Two distinct coordination efforts were important to the preparation of these two documents. One involves facility owners and the other the various Federal and state agencies.

(1) Facility Owners - Coordination with facility owners began during preparation of the Feasibility Report and has continued throughout development of the DM. The objective of initial coordination was to produce an inventory of affected facilities and obtain cost estimates from the owners for inclusion in the Feasibility Report. During the feasibility study, a Citizen's Advisory Council was formed to incorporate the concerns of local communities in the planning process.

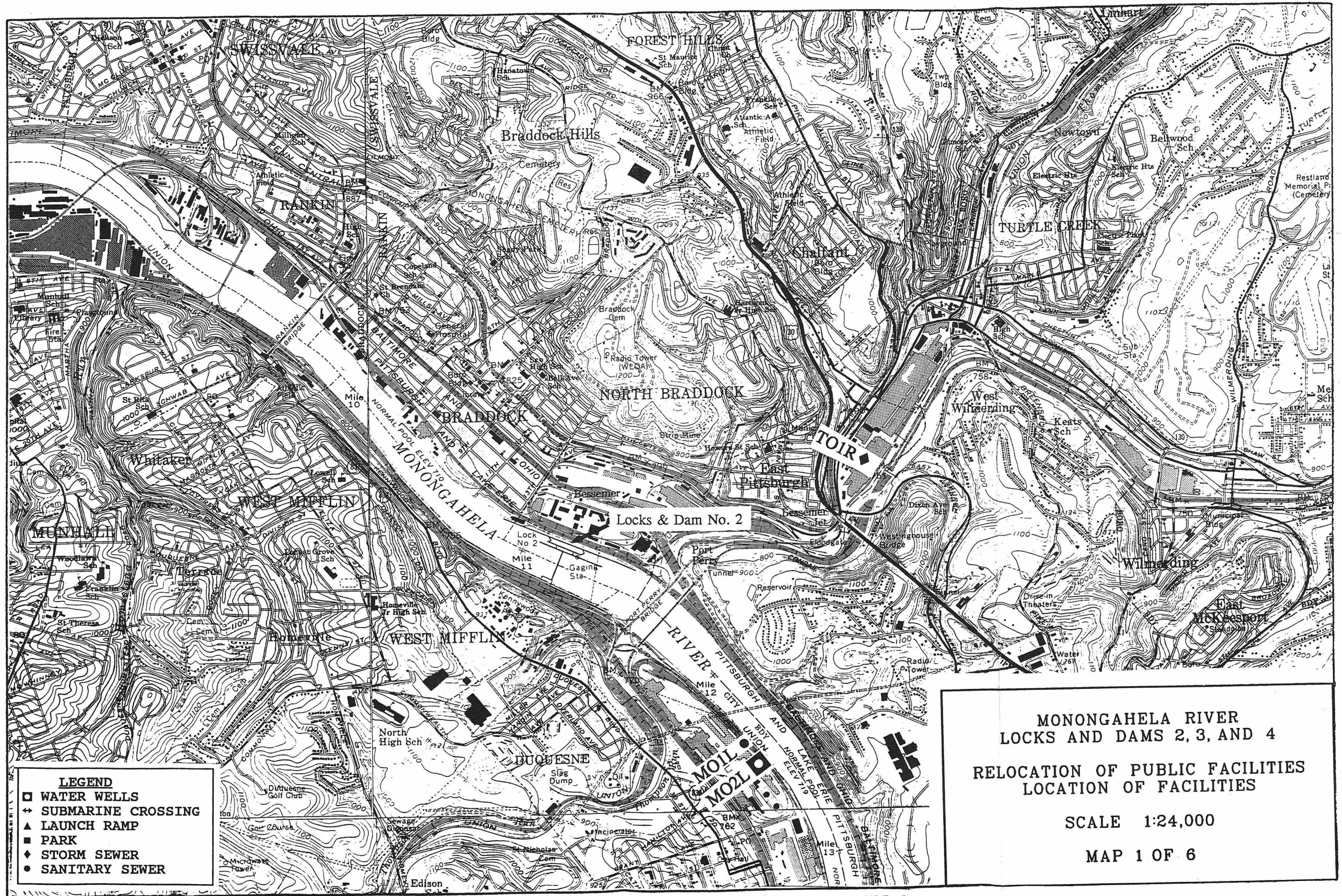
Coordination during the DM has involved (1), the owner's views with regard to the Government's proposed plan of relocation of the affected facility and (2), the owner's views pertaining to the future relocation contract to be executed with the Government to accomplish the contemplated changes. The District has not yet entered into any formal local cooperation agreements with the facility owners. It has been explained to the owners that it will be incumbent upon them to demonstrate compliance with appropriate environmental regulations prior to the execution of a contract for adjustment of the facility at Federal expense. The District will continue to coordinate closely with the affected facility owners.

The proposed relocation plans for government-owned and operated facilities presented in the DM reflect comments from the owners. The proposed relocation plans, as presented in the DM and this EA, are acceptable to all owners except for West Elizabeth. Refer to paragraphs 1.b and 1.c.

(2) Resource Agencies - All required coordination with the appropriate Federal and State agencies, local governmental entities and other interests was accomplished for preparation of the Feasibility Report and FEIS. Similarly, all appropriate coordination was accomplished for the various NWP's under which the majority of the relocation activities are being accomplished. During preparation of this assessment the District coordinated with the USFWS by letter of May 19, 1994. Copies of this letter were also furnished to the Pennsylvania Game Commission and Pennsylvania Fish and Boat Commission. The letter provided a description and preliminary drawings of the five relocation activities not covered by a NWP. The USFWS responded by letter of June 6, 1994 that they would not expect any impacts to result from the relocations (EXHIBIT 6). Follow-up phone discussions with the state agencies confirmed their concurrence with the USFWS position. Air quality compliance was coordinated with both the PADER and Allegheny County. The District has received or is seeking approval from PADER for all proposed sewer system designs. The PADER letters received to date indicating approval are shown in EXHIBIT 7.

b. Public Involvement - All Federal, State and local governmental agencies, public and private organizations and interested citizens on the project mailing list for the FEIS will receive a copy of this EA for review and comment. Also, copies will be furnished to all facility owners and organizations and individuals that have indicated an interest in the relocations work. A copy of the current mailing list is provided in EXHIBIT 8. In addition to the listed distribution, copies are being placed in the McKeesport and Oakland (Pittsburgh) branches of the Carnegie Free Library, John K. Tener Library (Charleroi), Clairton Public Library, Donora Public Library, Samuel A. Weiss Community Library (Glassport), Monongahela Area Library and the

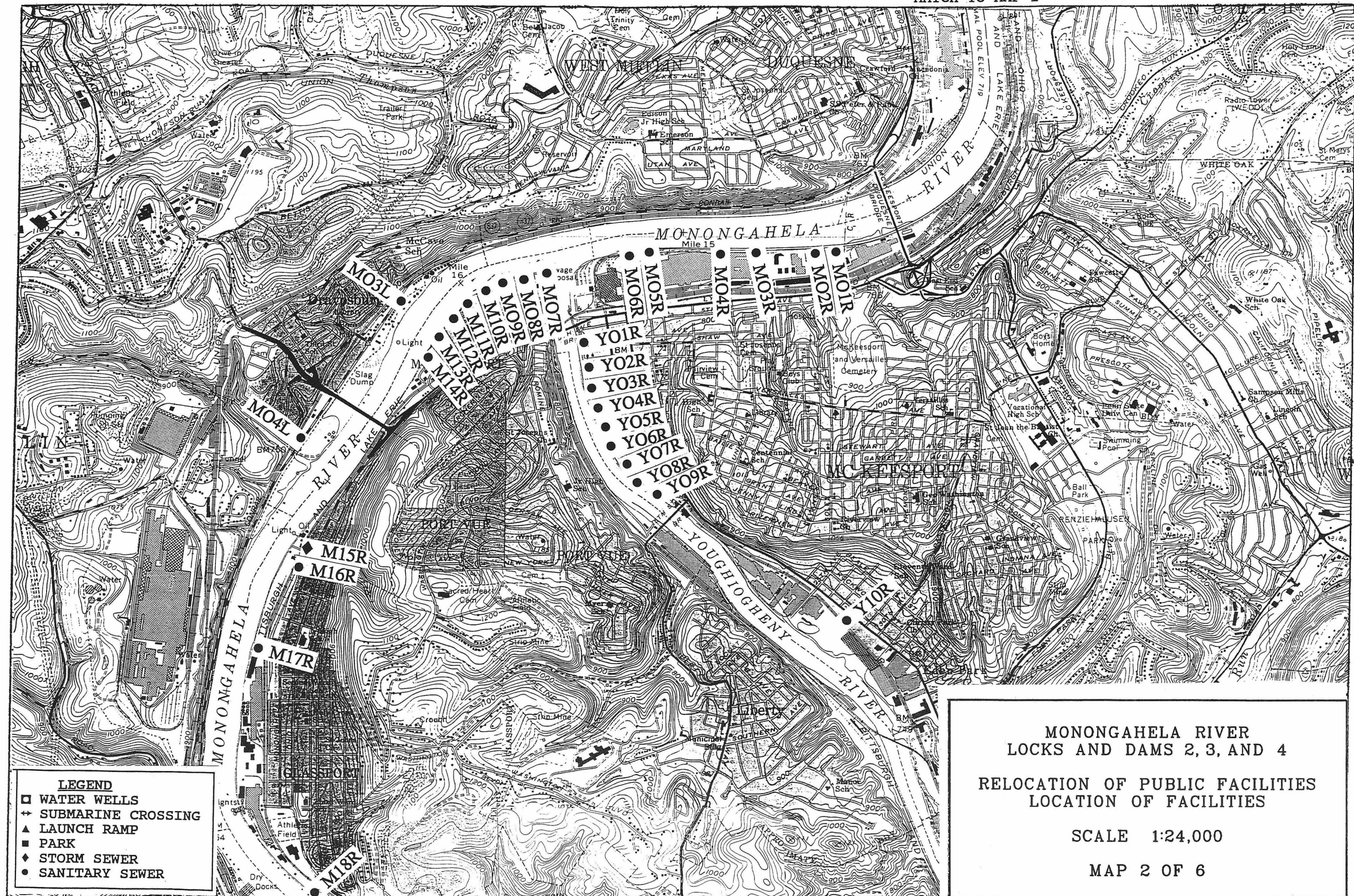
Monessen Public Library & District Center. An advertisement announcing that the EA is available in these libraries for public review is being placed in the *Pittsburgh Post Gazette*, *McKeesport Daily News*, *Monessen Valley Independent* and *Washington Observer Reporter*, all published daily.

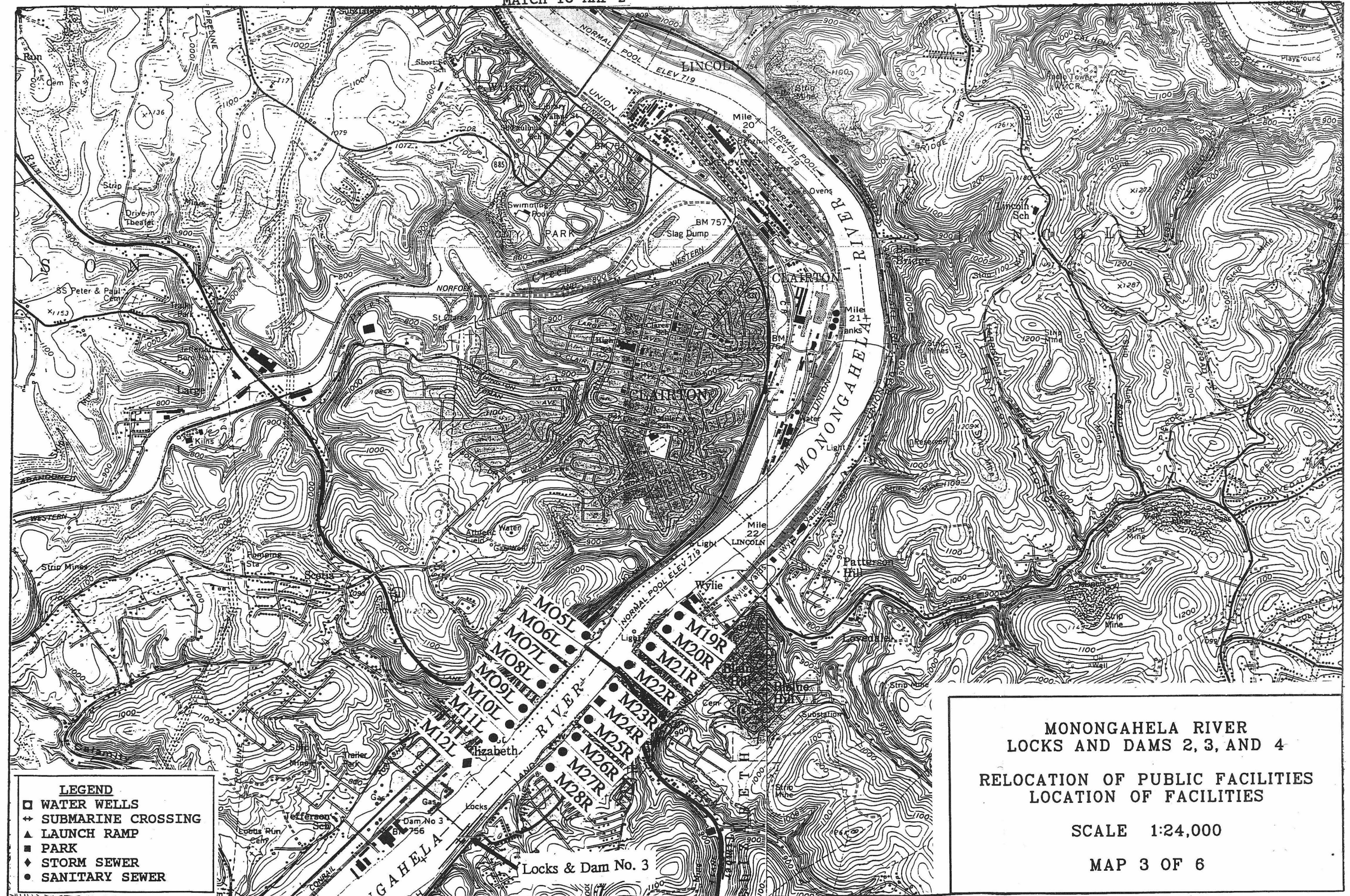


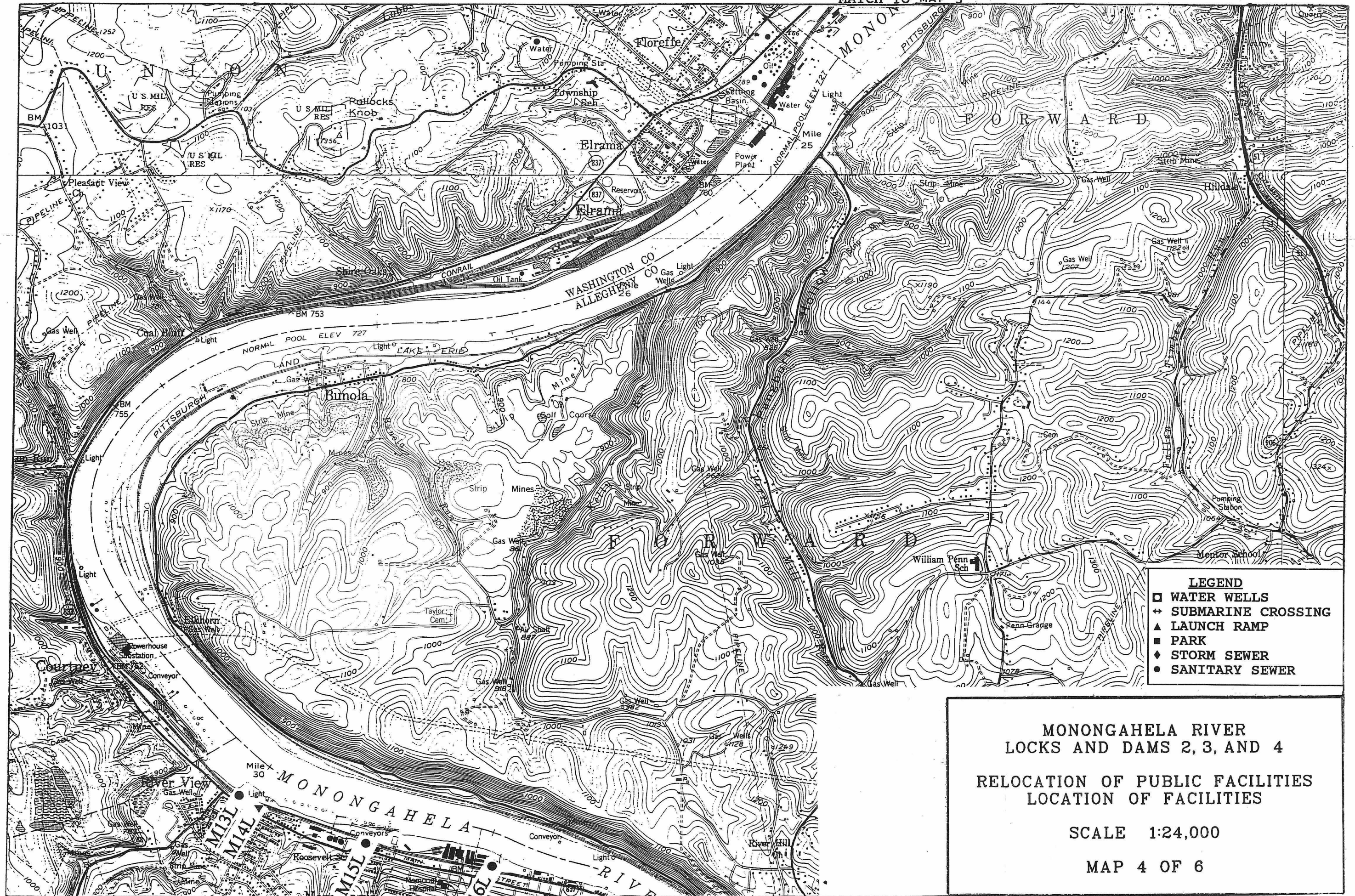
MONONGAHELA RIVER
LOCKS AND DAMS 2, 3, AND 4
RELOCATION OF PUBLIC FACILITIES
LOCATION OF FACILITIES

SCALE 1:24,000
MAP 1 OF 6

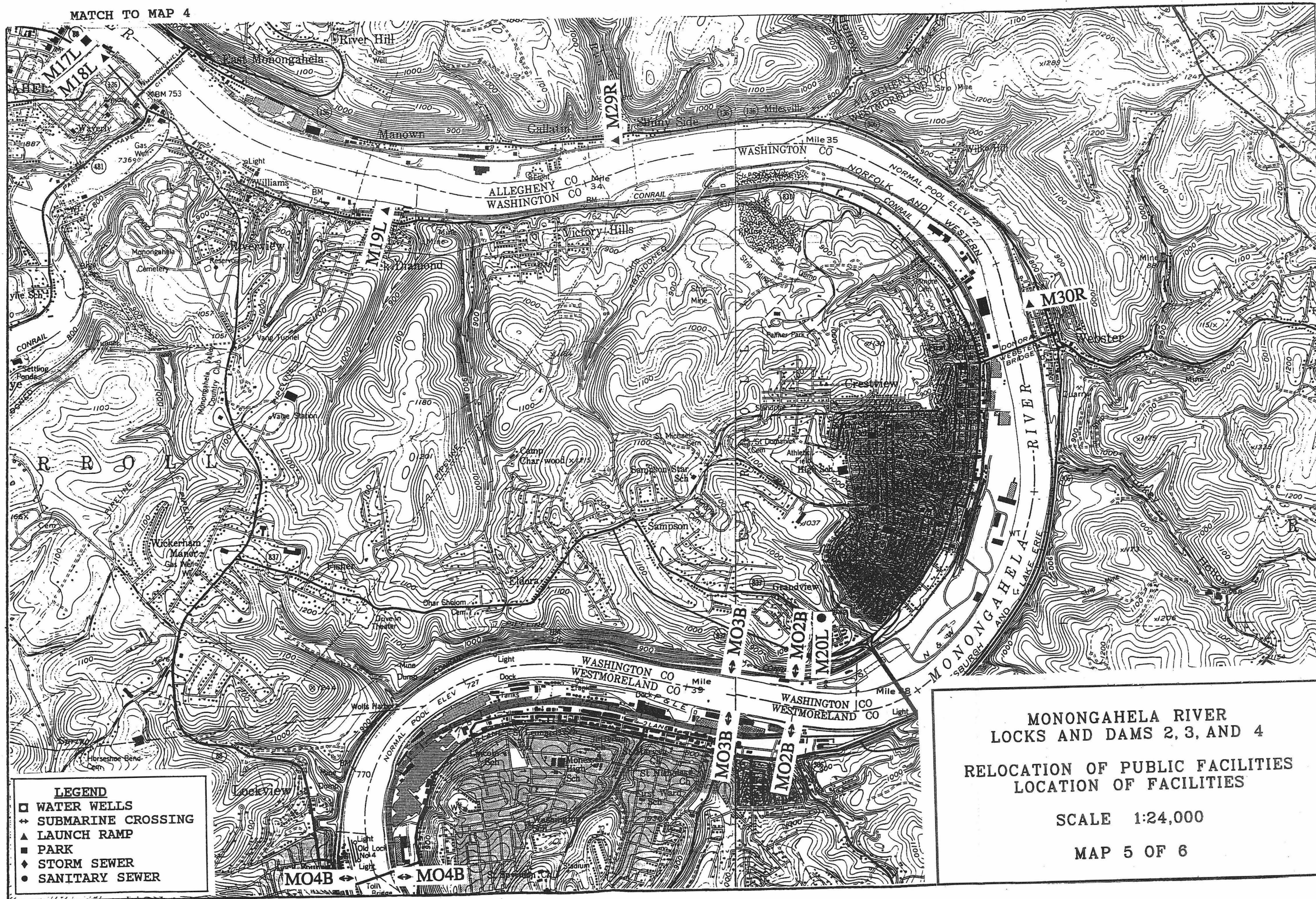
MATCH TO MAP 2



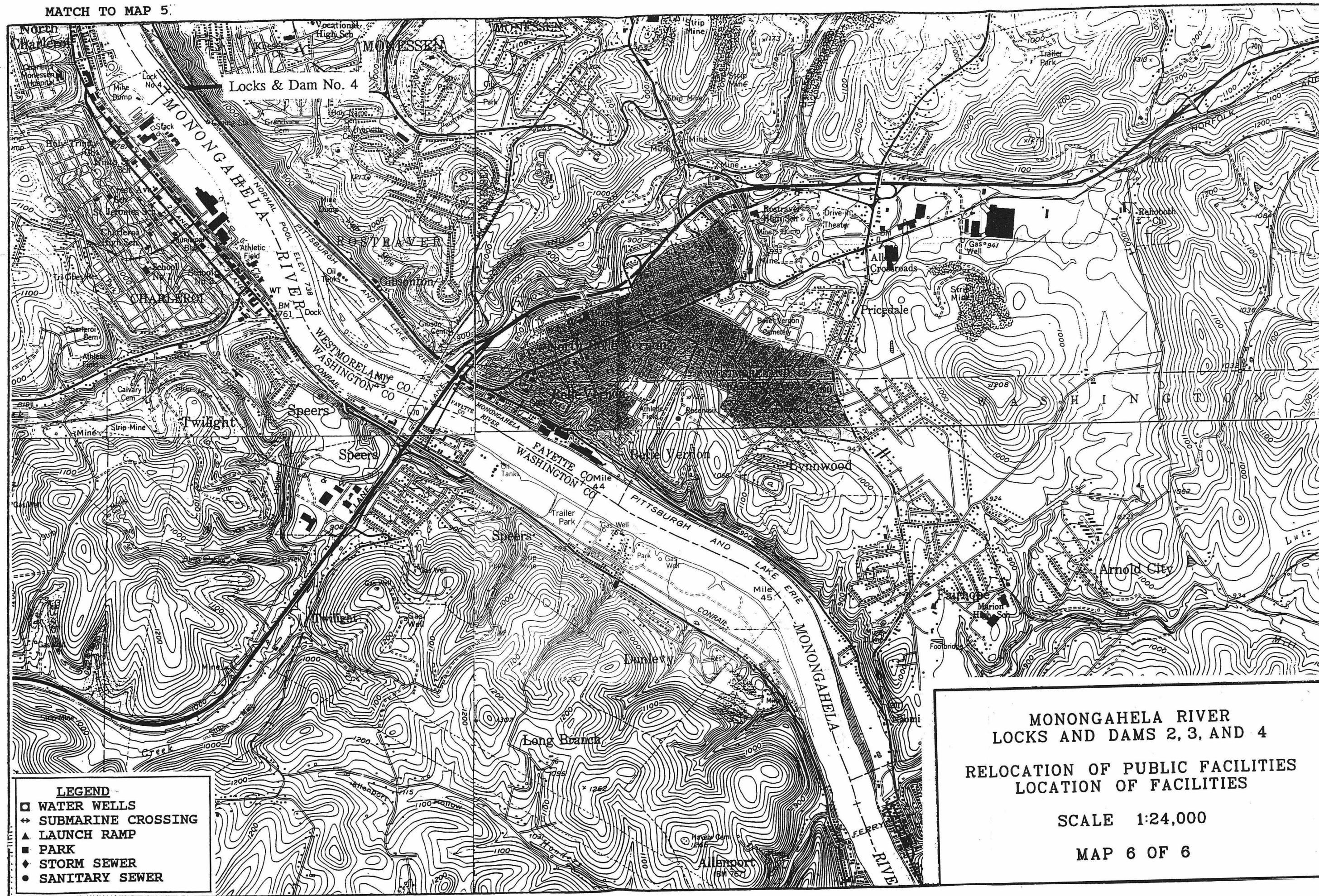




MATCH TO MAP 4



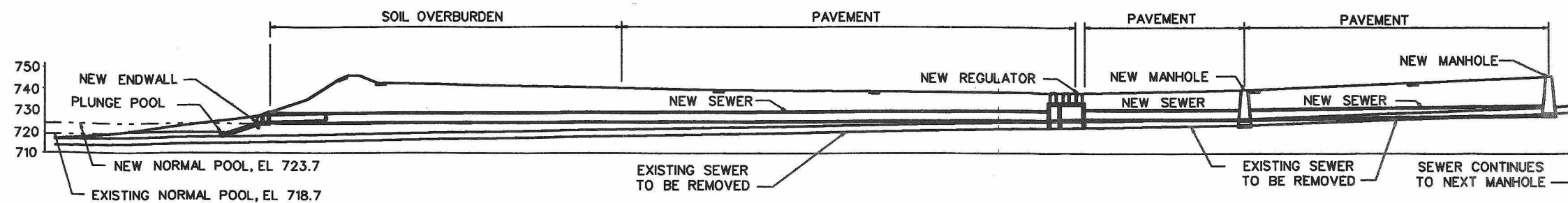
MATCH TO MAP 6



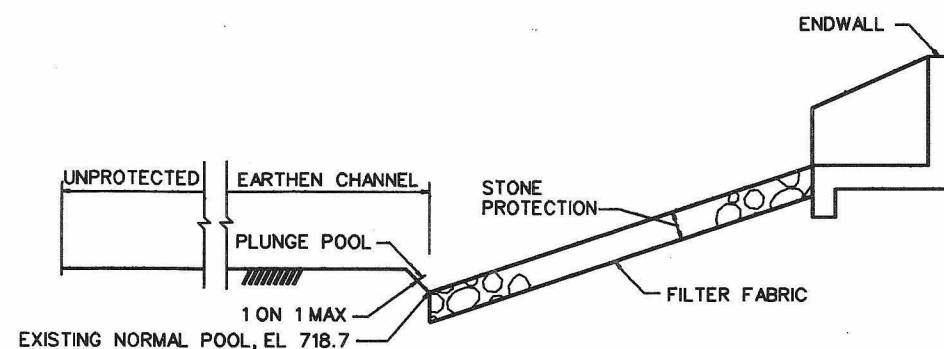
**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3, AND 4
RELOCATION OF PUBLIC FACILITIES
LOCATION OF FACILITIES**

SCALE 1:24,000

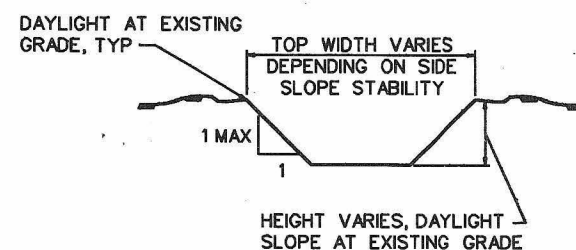
MAP 6 OF 6



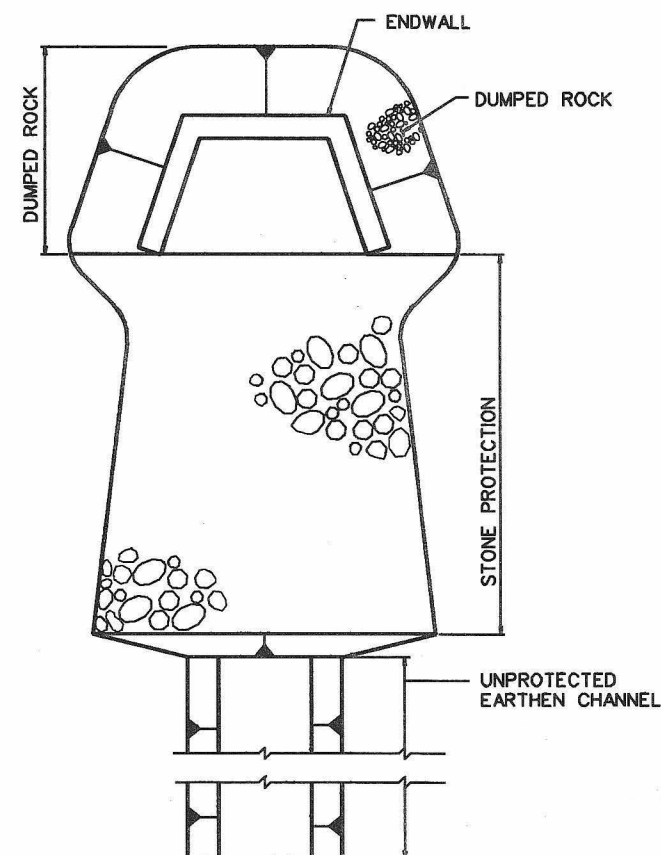
MONONGAHELA RIVER, POOL 2
PROFILE OF TYPICAL COMBINED
SEWER AND OUTFALL ADJUSTMENT



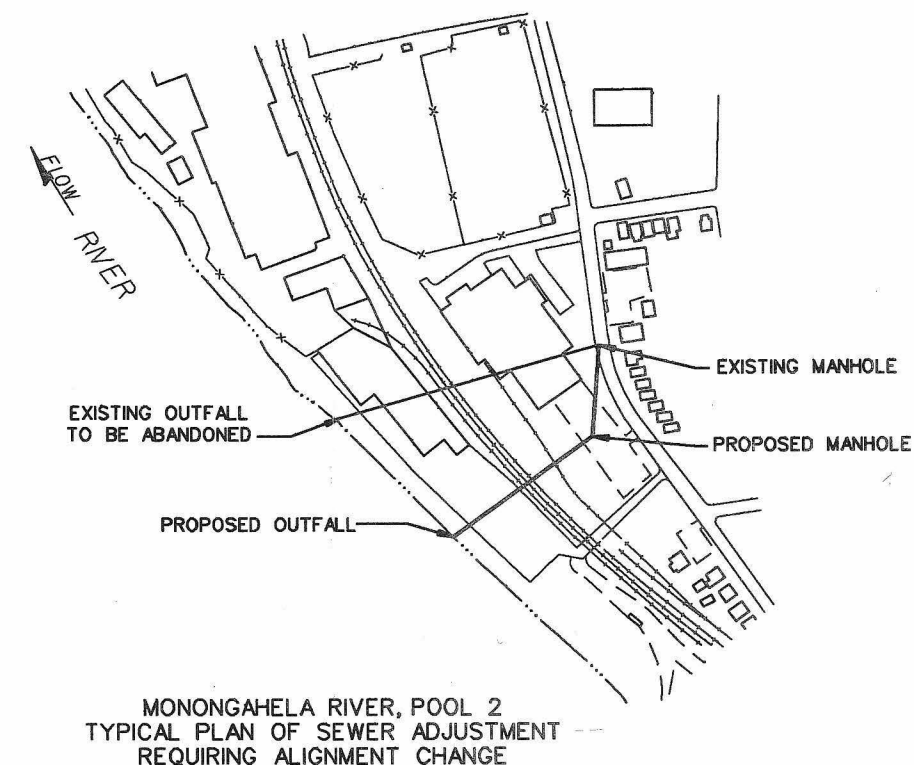
MONONGAHELA RIVER, POOL 2
PROFILE OF STONE PROTECTION AND ENDWALL
FOR TYPICAL COMBINED
SEWER AND OUTFALL ADJUSTMENT



MONONGAHELA RIVER, POOL 2
SECTION OF UNPROTECTED EARTHEN CHANNEL
FOR TYPICAL COMBINED
SEWER AND OUTFALL ADJUSTMENT



MONONGAHELA RIVER, POOL 2
PLAN OF STONE PROTECTION AND ENDWALL
FOR TYPICAL COMBINED
SEWER AND OUTFALL ADJUSTMENT

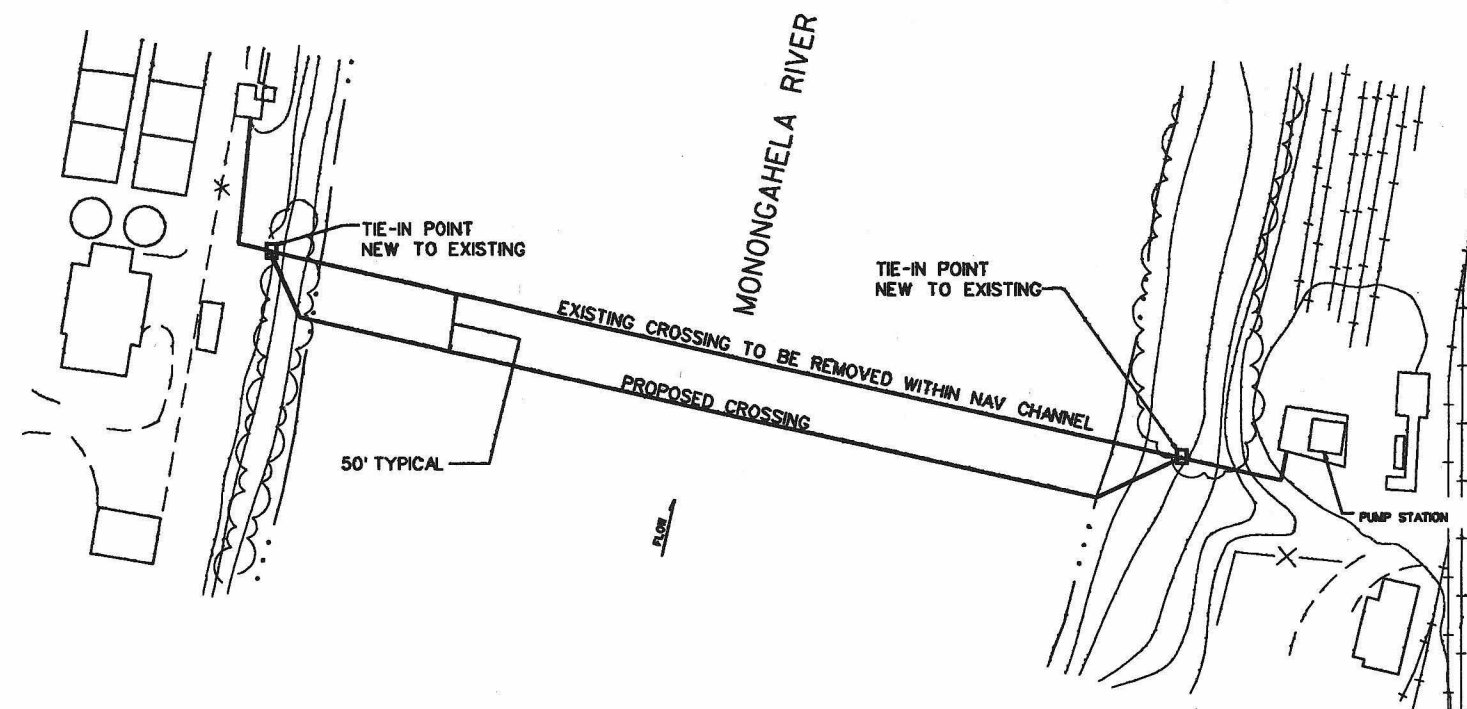


MONONGAHELA RIVER, POOL 2
TYPICAL PLAN OF SEWER ADJUSTMENT
REQUIRING ALIGNMENT CHANGE

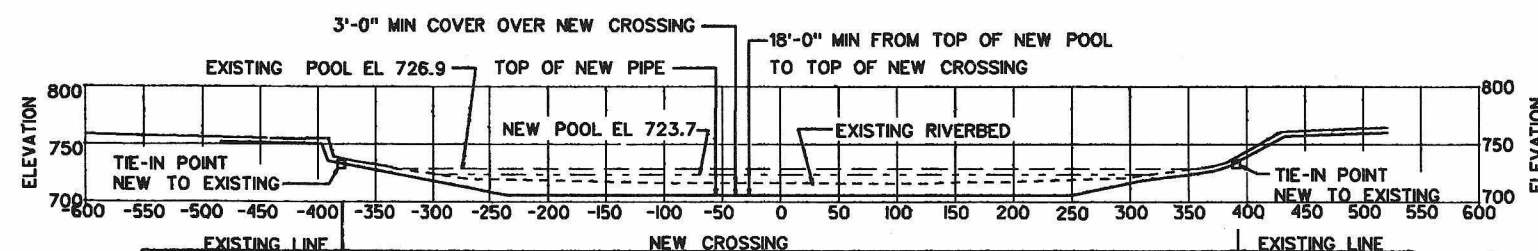
**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3, AND 4
RELOCATION OF PUBLIC FACILITIES
TYPICAL SEWER ADJUSTMENTS
POOL 2**

NO SCALE

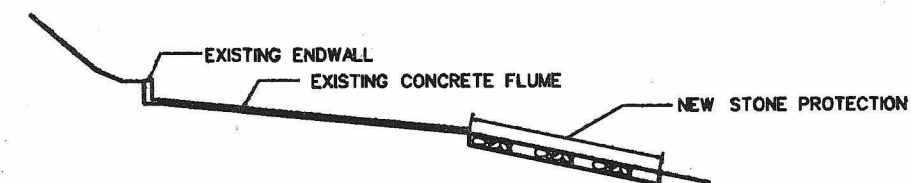
PLATE 1



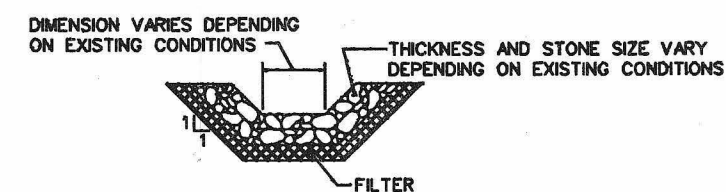
MONONGAHELA RIVER, POOL 3
TYPICAL PLAN OF ADJUSTMENT
TO UTILITY LINE CROSSING



MONONGAHELA RIVER, POOL 3
TYPICAL PROFILE OF ADJUSTMENT
TO UTILITY LINE CROSSING



MONONGAHELA RIVER, POOL 3
TYPICAL PROFILE OF ADJUSTMENT
TO SEWER OUTLET



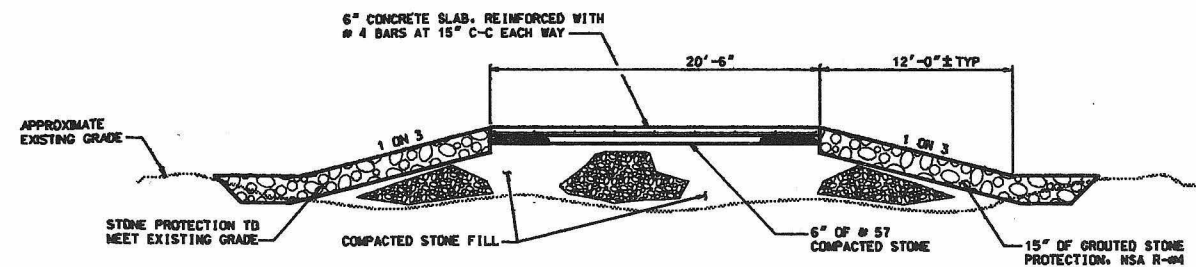
MONONGAHELA RIVER, POOL 3
TYPICAL SECTION OF ADJUSTMENT
TO SEWER OUTLET

**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4**

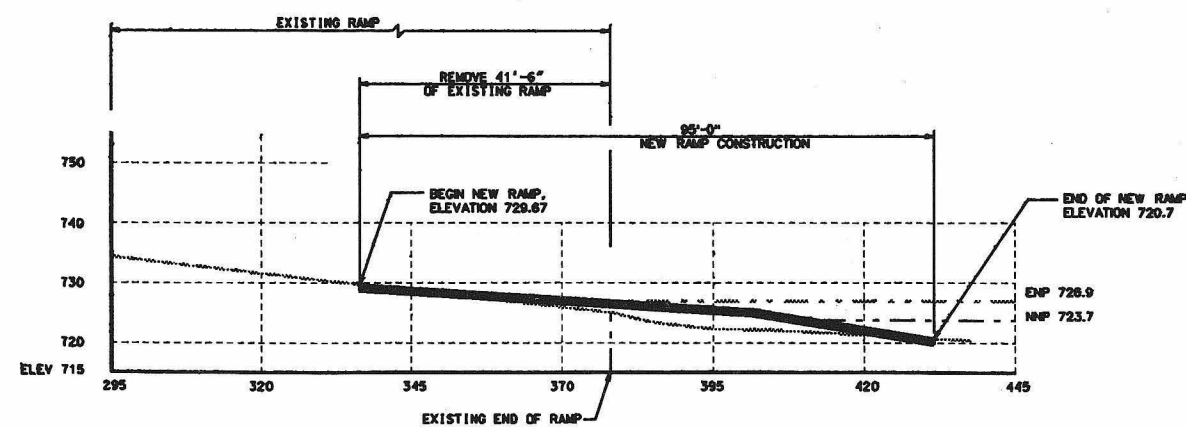
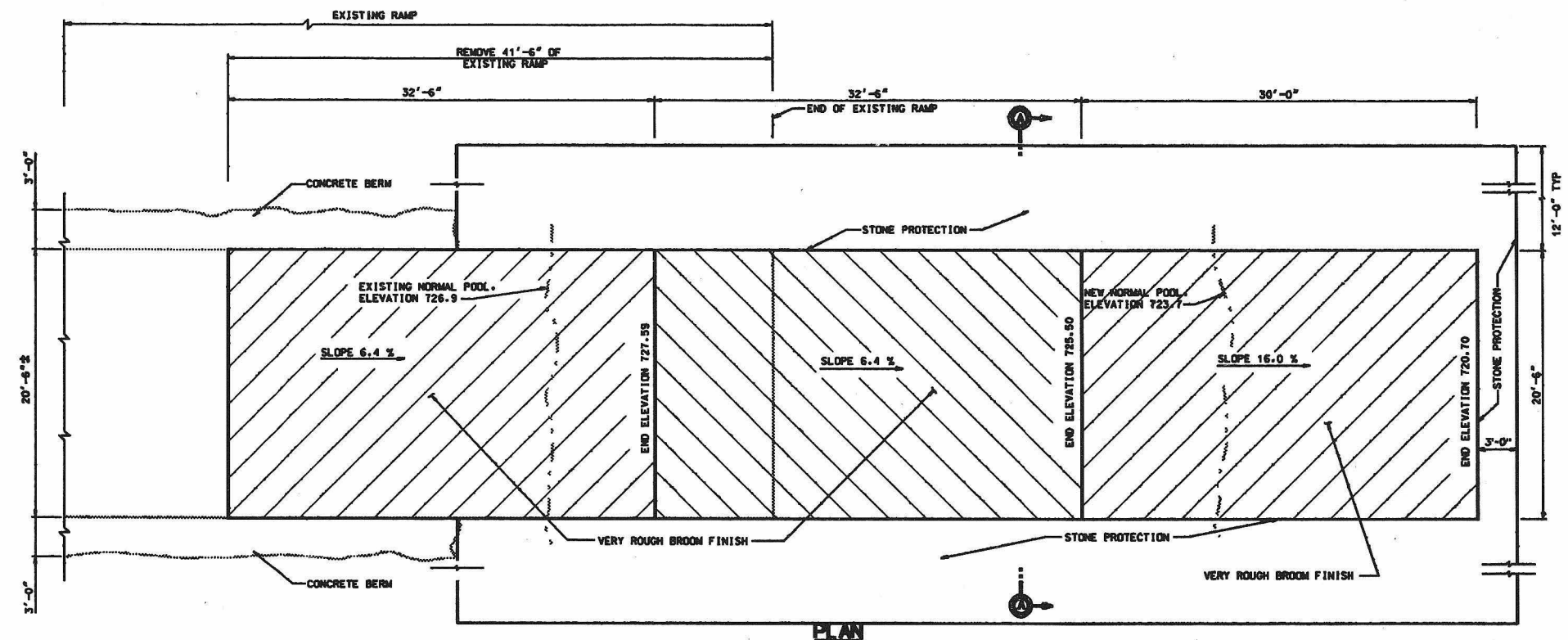
**RELOCATION OF PUBLIC FACILITIES
TYPICAL SEWER OUTLET AND
SUBMARINE CROSSING ADJUSTMENTS
POOL 3**

NO SCALE

PLATE 2



SECTION A-A



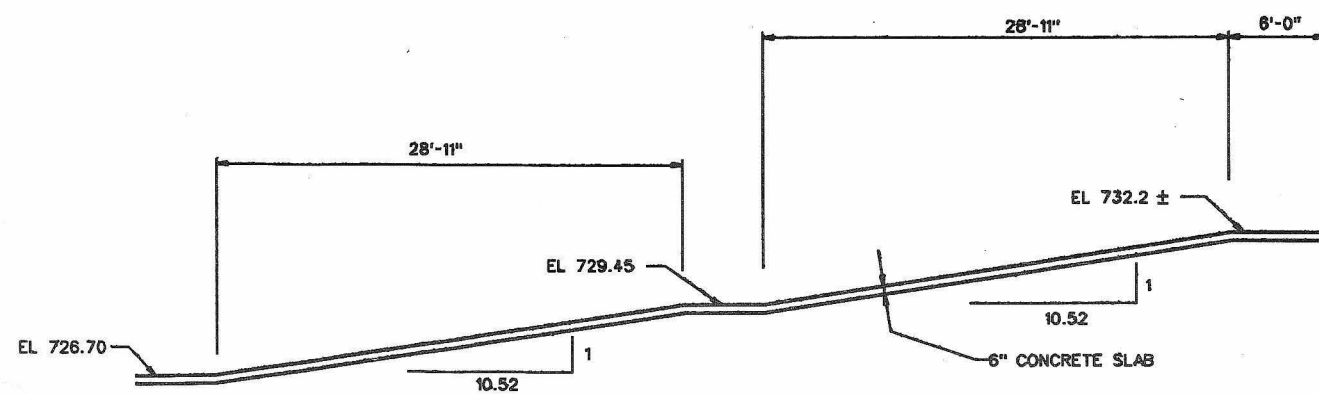
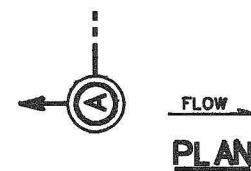
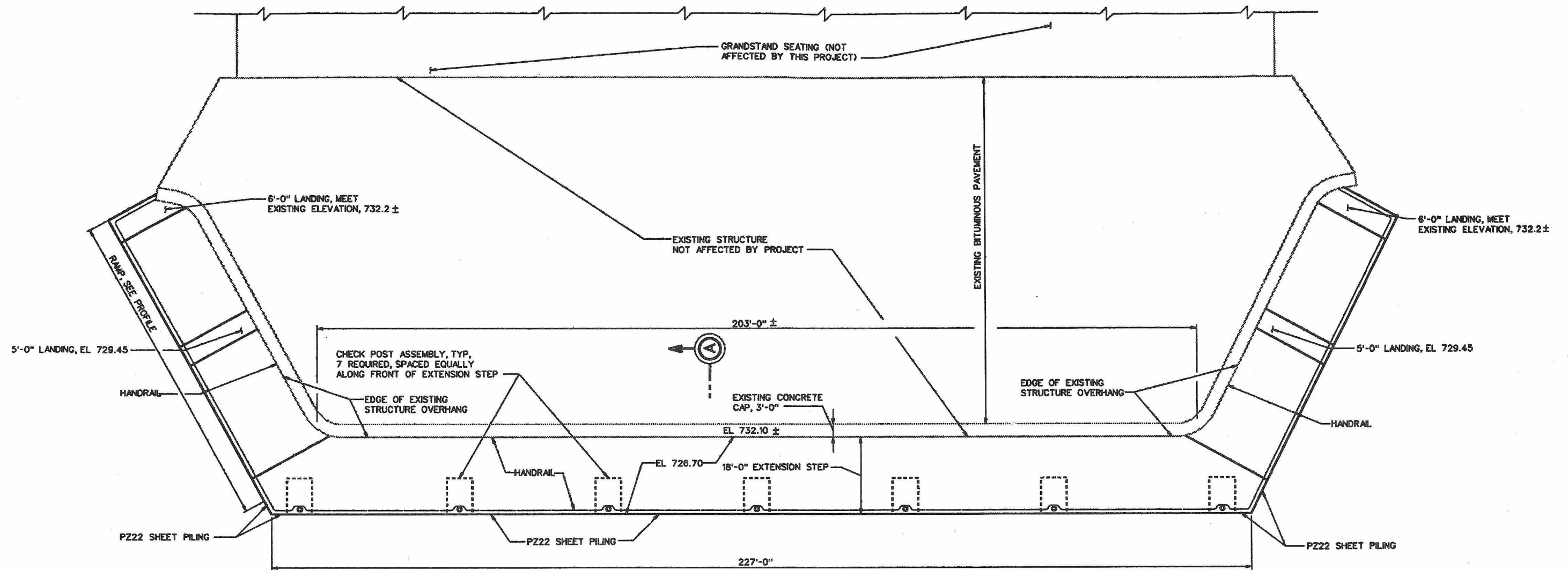
PROFILE

**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4**

**RELOCATION OF PUBLIC FACILITIES
NEW EAGLE BOROUGH LAUNCHING RAMP
FACILITY M14L
POOL 3**

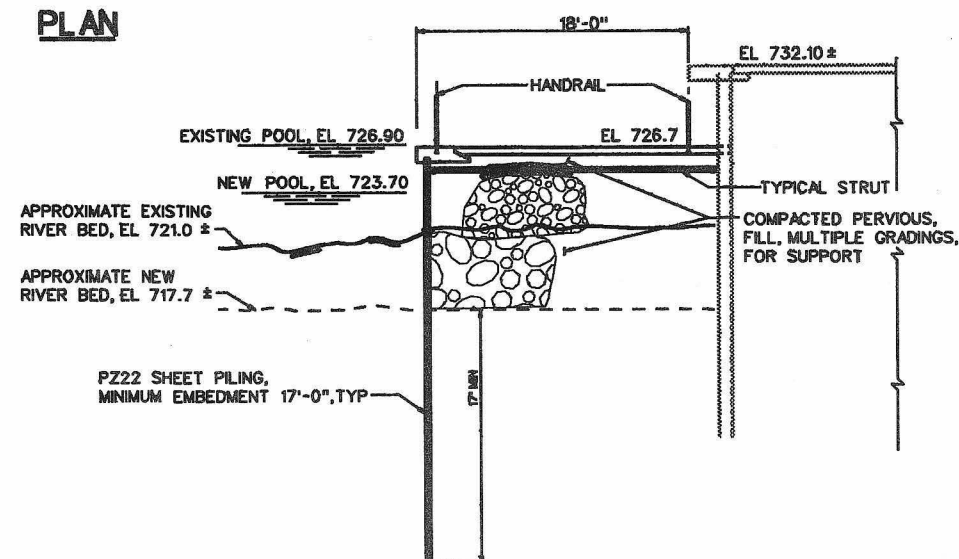
NO SCALE

PLATE 3



TYPICAL RAMP PROFILE

NOTE:
HANDRAIL NOT SHOWN RAMP PROFILE FOR CLARITY.



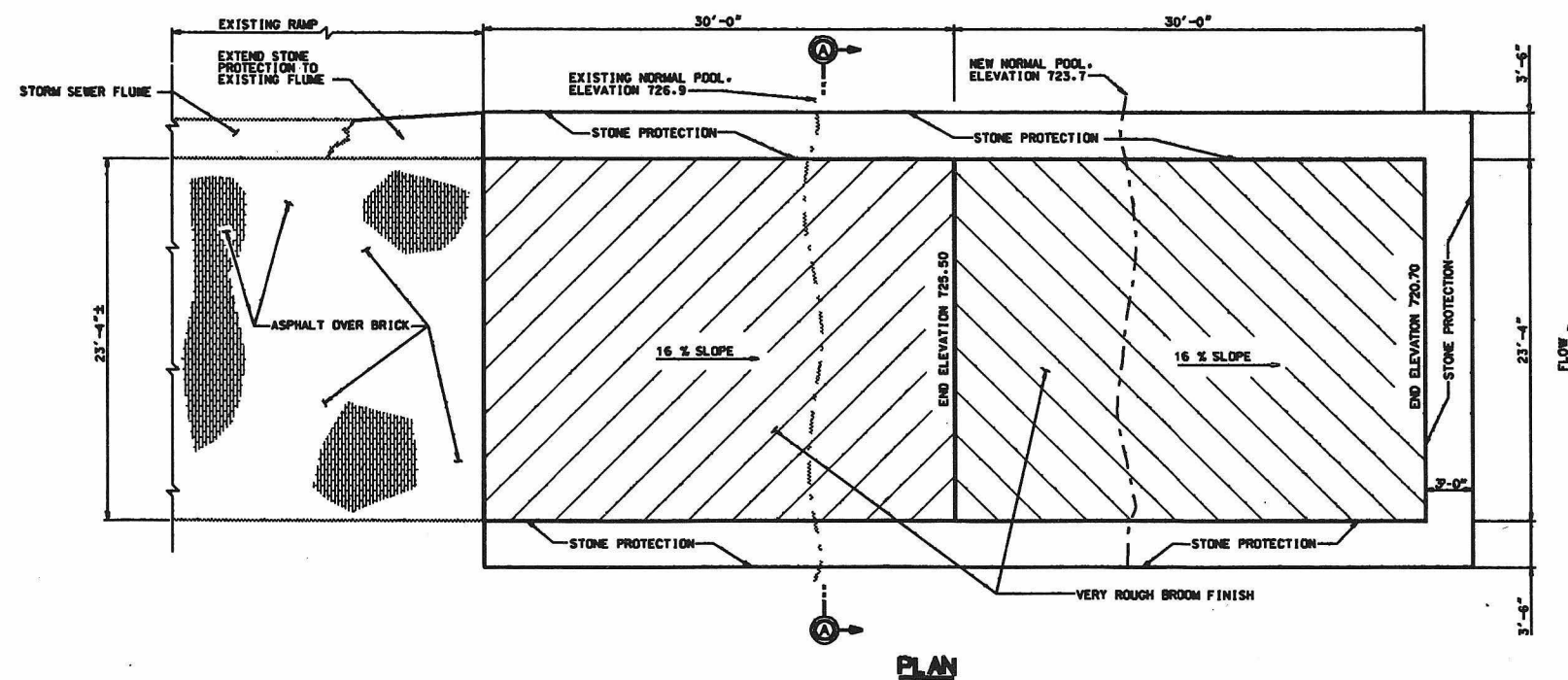
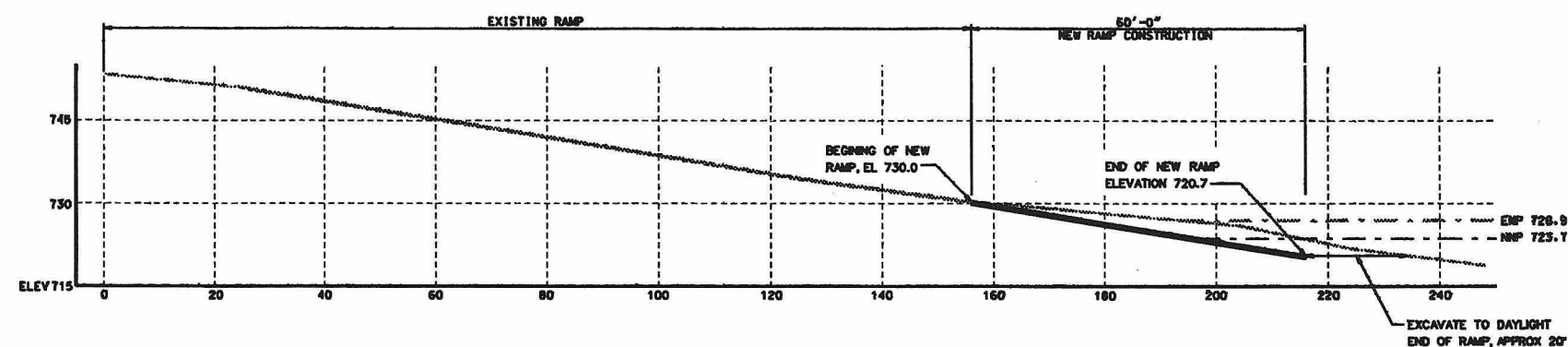
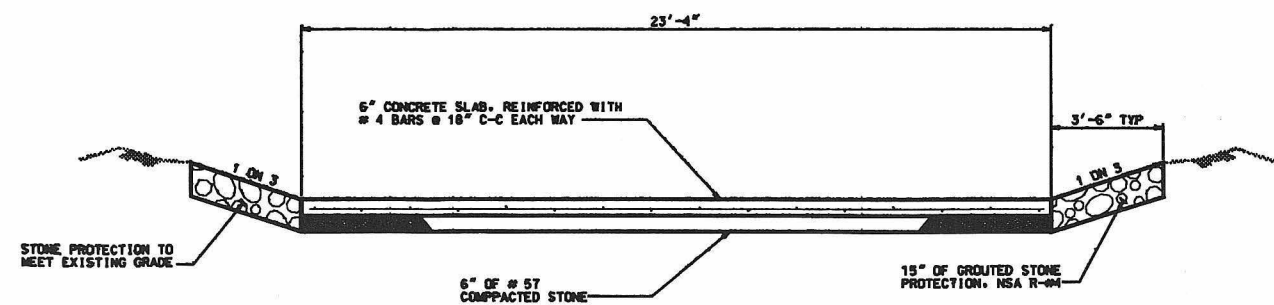
SECTION A-A

**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3, AND 4**

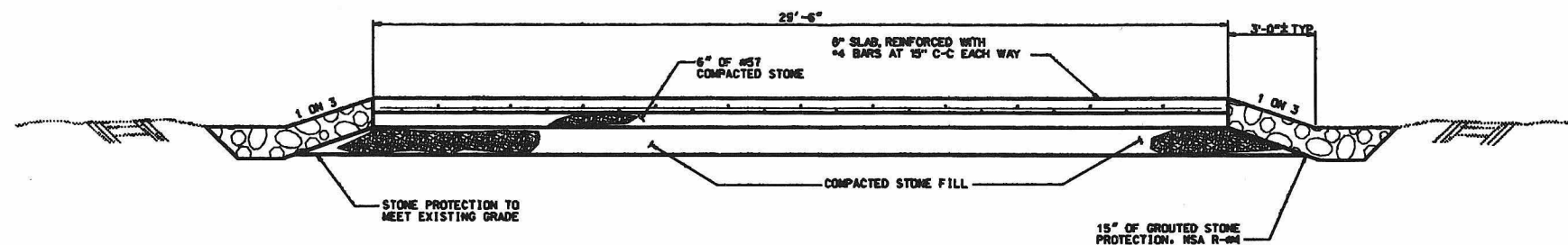
**RELOCATION OF PUBLIC FACILITIES
CITY OF MONONGAHELA AQUATORIUM
FACILITY M17L
POOL 3**

NO SCALE

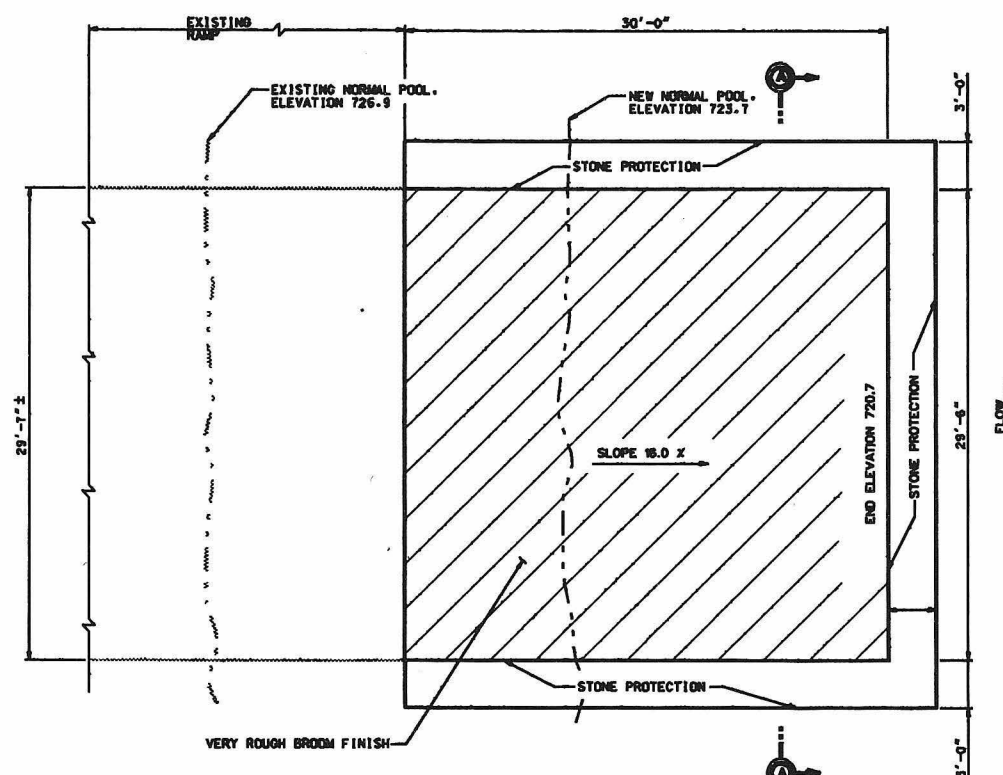
PLATE 4



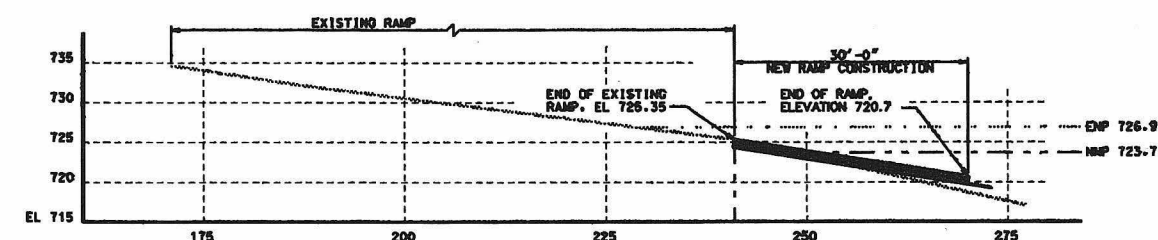
**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4
RELOCATION OF PUBLIC FACILITIES
MON CITY LAUNCHING RAMP
FACILITY M18L
POOL 3
NO SCALE
PLATE 5**



SECTION A-A



PLAN



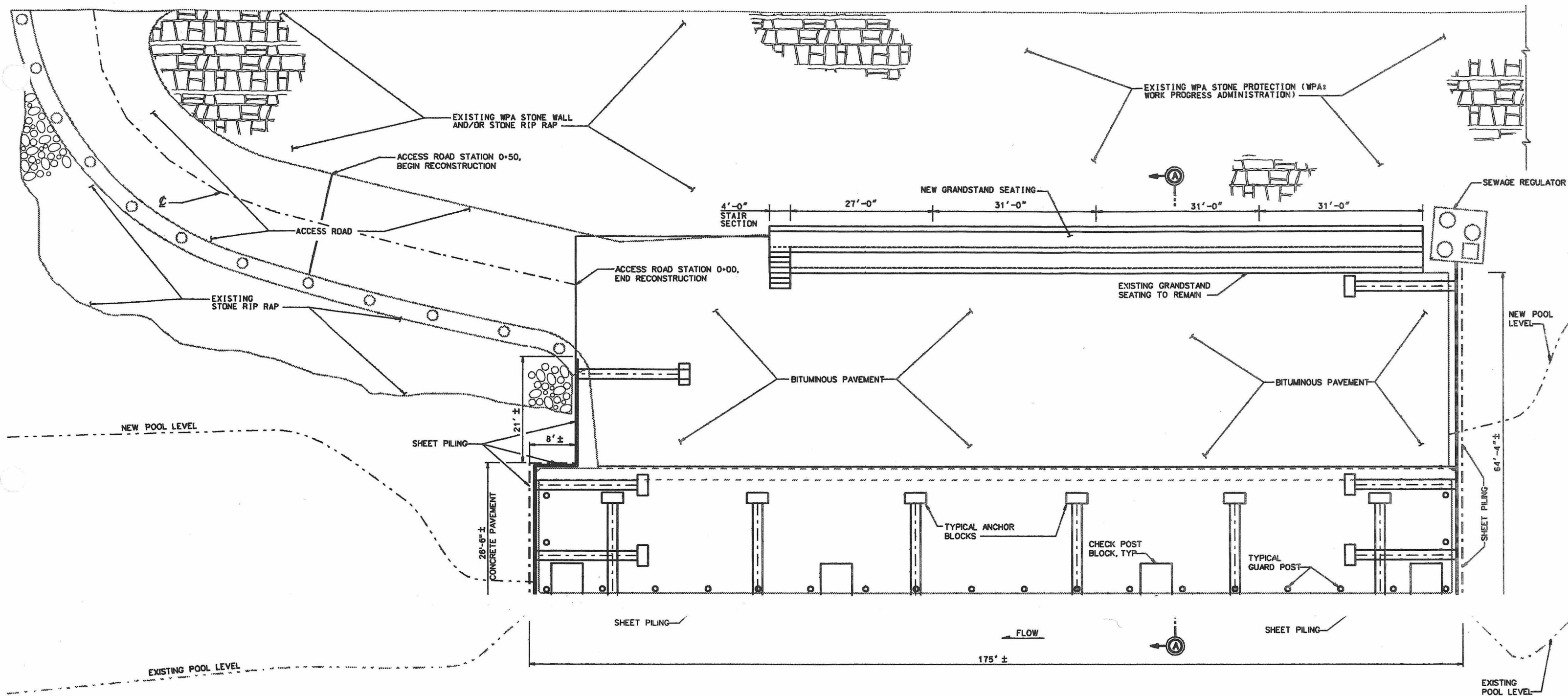
PROFILE

**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4
RELOCATION OF PUBLIC FACILITIES
PA FISH AND BOAT COMMISSION
LAUNCHING RAMP
FACILITY M19L**

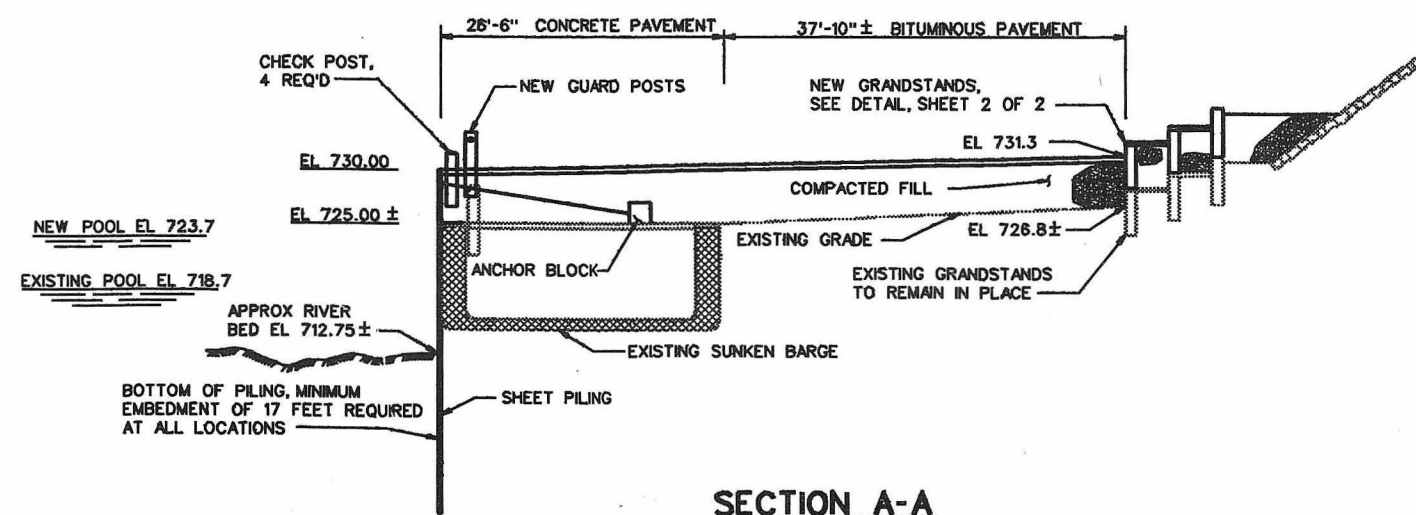
POOL 3

NO SCALE

PLATE 6



PLAN



SECTION A-A

**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3, AND 4**

**RELOCATION OF PUBLIC FACILITIES
ELIZABETH BORO RIVERFRONT PARK
FACILITY M24R
POOL 2**

NO SCALE

PLATE 7

LOCKS AND DAMS 2, 3, AND 4

MONONGAHELA RIVER PROJECT

**RELOCATION OF PUBLICLY OWNED FACILITIES
DESIGN MEMORANDUM NO. 3**

ENVIRONMENTAL DOCUMENTATION

**LOCKS AND DAMS 2, 3, AND 4
MONONGAHELA RIVER PROJECT**

**RELOCATION OF PUBLICLY OWNED FACILITIES
DESIGN MEMORANDUM NO. 3**

**DRAFT
FINDING OF NO SIGNIFICANT IMPACT
September 1994**

**ADDITIONAL DOCUMENTATION TO THE
LOWER MONONGAHELA RIVER
FEASIBILITY STUDY
FINAL ENVIRONMENTAL IMPACT STATEMENT
DECEMBER 1991**

DRAFT

FINDING OF NO SIGNIFICANT IMPACT

LOCKS AND DAMS 2, 3, AND 4

MONONGAHELA RIVER PROJECT

RELOCATION OF PUBLICLY-OWNED FACILITIES

1. The Pittsburgh District completed the Lower Monongahela River Navigation System Feasibility Report and Final Environmental Impact Statement (FEIS) in December 1991 recommending a *two for three* plan for navigation improvement. This plan includes elimination of Locks and Dam 3 near Elizabeth PA; replacement of the fixed crest dam with a gated dam at Locks and Dam 2 near Braddock, PA; and replacement of the existing locks at Locks and Dam 4 near Charleroi, PA with larger twin 84-foot x 720-foot locks. This project will create a new longer Pool 2 (to be known in the future as the Braddock Pool) comprising existing pools 2 and 3, with a normal pool elevation of 723.7. The net effect is that the existing navigation pool between Locks and Dam 2 and Locks and Dam 3, comprising 12.6 river miles, will be raised 5 feet and the existing pool between Locks and Dam 3 and Locks and Dam 4, comprising 17.6 river miles, will be lowered 3.2 feet. This plan was approved by Congress and authorized in the Water Resource Development Act of 1992.

The new pool elevation within existing pools 2 and 3 will impact numerous shoreside facilities by changing the degree of inundation. Facilities affected in existing Pool 2 will experience a greater degree of inundation, including total inundation at the normal pool level. Those facilities affected in existing pool 3 will be inundated to a lesser degree. In either case, facilities will be adversely affected that require adjustments to maintain similar functionality within the new pool. As most adjustments would primarily consist of raising or lowering to accommodate the new pool level, the term "relocations" is used to generally describe the necessary work.

2. In light of the possible economic hardship that could be imposed on the riverside communities if they were required to fund the necessary relocations, the authorized project as presented in the Feasibility Report and FEIS included a special provision. This provision gave the Chief of Engineers authority to make compensation for adjustments to facilities owned by an agency of government and used in a government function provided that they are located riverward of existing Ordinary High Water (OHW) on a navigable waterway and adversely impacted by the new

FONSI-I

pool. This authority is granted by Section 111 of Public Law 85-500 (72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U. S. C. 633)). Thirty publicly owned facilities on the Monongahela and Youghiogheny rivers were identified in the Feasibility Report and FEIS, primarily by field investigation and correspondence with the affected owners. Seven other facilities were identified on Turtle Creek, a non-navigable tributary to the Monongahela River, outside the Federal permit jurisdiction which would also be eligible for relocation at Federal expense. As a result of additional information and more detailed design during preparation of the Relocations DM, however, the 37 facilities described in the Feasibility Report and FEIS that qualify for Federal funding have now increased to 65. These facilities can be categorized into four groups: sanitary and storm sewers, parks, boat launching ramps, and submarine crossings.

3. Fifty-eight of the facilities to be relocated qualify under the Corps of Engineers' Nationwide Permit (NWP) program. NWPs are a type of general permit designed to regulate certain activities that have minimal adverse impacts and generally comply with all environmental laws. Environmental assessments for the NWPs were prepared and coordinated with all appropriate Federal, state and local agencies, other organizations, and the public in conjunction with their processing and approval.

4. The Pittsburgh District has completed an Environmental Assessment (EA) and Section 404 (b)(1) Evaluation to evaluate the impacts associated with the seven remaining relocations activities. The EA addressed impacts to water quality; terrestrial and aquatic habitat; fish and wildlife resources; wetlands; floodplains; endangered and threatened species; cultural resources; prime farmland; air quality; scenic rivers; socio-economic resources; and hazardous, toxic and radioactive wastes (HTRW). It also addressed certain aspects of the relocations activities covered by the NWPs, specifically: wetlands; endangered and threatened species; cultural resources; and HTRW.

5. The water quality of the Monongahela and Youghiogheny rivers and Turtle Creek has improved significantly over the past 10 to 20 years. The proposed relocations will not result in significant impact to the water quality of these streams. However, some minor localized and short-term impacts may occur during construction. There will be no significant impacts to riparian wetlands and there are no known wetlands that might be affected landward of OHW. There will be no significant impacts to the fish and wildlife resources of the project area, floodplains, endangered and threatened species, air quality, scenic rivers, or socio-economic resources.

6. Under the provisions of the National Historic Preservation Act, the District has executed a Programmatic Memorandum of Agreement with the Pennsylvania State Historic Preservation Office (PASHPO) and the Advisory Council on Historic Preservation (ACHP) that obligates it to conduct all necessary and appropriate archeological and historical resources investigations. These investigations, which have been coordinated with the PASHPO, are ongoing. Should these investigations determine that mitigation is appropriate, the District will consult with the PASHPO and ACHP to insure satisfactory implementation.

7. In conjunction with the Feasibility Report and FEIS, the District conducted HTRW studies. Additional HTRW studies are also currently being accomplished in conjunction with the detailed design for the required facility relocations. Based on the findings in the draft Phase I HTRW Survey Report, 29 of the relocation facilities have a potential for environmental contamination. The draft report recommends accomplishing Phase II HTRW studies. The District will, therefore, develop a Phase II HTRW investigation plan with the assistance of the Corps' Nashville District Environmental Testing Center. The Phase II Report will compile all sampling and testing data, and identify the type, concentration, and specific location of any contaminants with respect to the various relocation work areas. It will make recommendations for disposal of identified contaminated material and specific sites that must be avoided, if any. The District will coordinate closely with the Nashville District Environmental Testing Center and the Pennsylvania Department of Environmental Resources on the safe excavation, handling and disposal of any contaminated material. Should contaminants be identified that would qualify an area as a National Priority List site, the District would either redesign the affected relocation activity to avoid the site or require cleanup of the site before any work is performed.

8. The proposed relocation of facilities at Federal expense under the Authority of Section 111 for the authorized Lower Monongahela River Navigation Improvement Project has been evaluated in accordance with the National Environmental Policy Act and all other appropriate environmental laws and statutes, including Section 22 of Public Law 91-611. All aspects of the proposed relocations have been examined, including potential impacts on: water quality; terrestrial and aquatic habitat; fish and wildlife resources; wetlands; floodplains; endangered and threatened species; cultural resources; prime farmland; air quality; scenic rivers; socio-economic resources; and HTRW. The EA and Section 404(b)(1) Evaluation, along with this draft FONSI are being furnished to all appropriate Federal and state agencies, local governmental entities, other organizations, the facility owners, and the interested public for review and comment.

FONSI-III

9. Therefore, after having carefully evaluated and balanced all beneficial and detrimental aspects relating to implementing the proposed relocations described in the EA (and further described in greater detail in the Relocations DM), I have determined that the public interest will be served by implementation of the proposed relocations at Federal expense. Moreover, I have determined that this major Federal action will not significantly affect the quality of the human environment and the preparation of a supplemental environmental impact statement is not warranted.

Date

Richard B. Polin
Colonel, Corps of Engineers
District Engineer

FONSI-IV

**LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT**

EXHIBIT NO. 1

LIST OF FEDERALLY FUNDED RELOCATIONS

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS

FACILITY ID # ^{1,2}	RIVER MILE	FACILITY OWNER	EXISTING FACILITY³	DESCRIPTION OF ADJUSTMENT^{3,4}	DESCRIPTION OF RIVER BANK	DESCRIPTION OF ADJACENT LAND
<u>MONONGAHELA RIVER</u> <u>POOL 2 - LEFT BANK</u>						
M01L•	12.4	City of Duquesne	48" Brick Pipe	Place 1580 LF of 78" RCP.	Soil Embankment, Wooded	Industrial, paved
M02L•	12.5	City of Duquesne	8 Water Wells	Raise wells and access road.	(No Impact)	Wooded
M03L•	16.3	City of Dravosburg	3.5'x4.8' Brick Pipe	Place 821 LF of 78" RCP.	Soil Embankment, Wooded	Commercial, paved
M04L•	16.9	Boro of W. Mifflin	15" VCP	Place 535 LF of and 21" Dia. RCP.	Wooded, Mouth of Curry Hollow Run	Wooded with clearing, debris, pipe along stream
M05L•	22.8	Boro of W. Elizabeth	10" DIP	Place 7.5 LF of 10" DIP.	Wooded with grouted stone protection	Industrial, paved
M06L•	22.8- 23.2	Boro of W. Elizabeth	15" VCP	Place 1,900 LF of Insit-U-Form Liner.	Wooded	Residential
M07L•	22.9	Boro of W. Elizabeth	18" VCP	Place 154 LF of 24" RCP.	Wooded	Residential
M08L*•	22.9	Boro of W. Elizabeth	18" VCP	Place 92 LF of 18" RCP.	Wooded	Residential
M09L•	23.0	Boro of W. Elizabeth	18" VCP	Place 80 LF of 21" RCP.	Wooded	Residential
M10L•	23.0	Boro of W. Elizabeth	18" VCP	Place 76 LF of 24" RCP.	Wooded	Residential

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "•" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS (cont.)

<u>FACILITY ID # ^{1,2}</u>	<u>RIVER MILE</u>	<u>FACILITY OWNER</u>	<u>EXISTING FACILITY³</u>	<u>DESCRIPTION OF ADJUSTMENT^{3,4}</u>	<u>DESCRIPTION OF RIVER BANK</u>	<u>DESCRIPTION OF ADJACENT LAND</u>
<u>MONONGAHELA RIVER</u>						
<u>POOL 2 - LEFT BANK</u>						
M11L*•	23.2	Boro of W. Elizabeth	24" VCP	Place 325 LF of 30" RCP.	Wooded	Residential
M12L•	23.4	Boro of W. Elizabeth	17"/24" CMP	Remove 61 LF of 17/24" CMP, install 61 LF of 24" RCP wall, stone, grout	Wooded	Residential
<u>MONONGAHELA RIVER</u>						
<u>POOL 2 - RIGHT BANK (cont.)</u>						
M01R	14.5	City of McKeesport	84" RCP	Place 980 LF of 120" RCP.	Wooded with masonry wall	Old mill site
M02R	14.6	City of McKeesport	24" RCP	Place 975 LF of 33" RCP.	Wooded with masonry wall	Old mill site
M03R*	14.7	City of McKeesport	42" Pipe	Place 485 LF of 30" RCP.	Wooded with masonry wall	Old mill site
M04R*	14.9	City of McKeesport	20" Pipe	Place 588 LF of 30" RCP.	Wooded	Old mill site
M05R	15.2	City of McKeesport	36" Brick Pipe	Place 698 LF of 48" RCP.	Wooded	Industrial with railroad tracks
M06R*	15.2	City of McKeesport	36" Brick Pipe	Place 347 LF of 60" RCP.	Wooded	Industrial with railroad tracks
M07R*•	15.7	City of McKeesport	36" RCP	Place 86 LF of 42" RCP.	Wooded	Parking lot- paved and brick

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "•" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS (cont.)

FACILITY ID # ^{1,2}	RIVER MILE	FACILITY OWNER	EXISTING FACILITY ³	DESCRIPTION OF ADJUSTMENT ^{3,4}	DESCRIPTION OF RIVER BANK	DESCRIPTION OF ADJACENT LAND
<u>MONONGAHELA RIVER</u>						
<u>POOL 2 - RIGHT BANK (cont.)</u>						
M08R	15.7	City of McKeesport	36" RCP	Place 127 LF of 48" RCP.	Wooded	Parking lot- paved/brick
M09R	15.8	City of McKeesport	15" RCP	Place 270 LF of 21" RCP.	Wooded	Parking lot- paved/brick
M10R	15.9	City of McKeesport	24" VCP	Place 246 LF of 27" RCP.	Wooded	Asphalt/ concrete str.
M11R	15.9	City of McKeesport	24" RCP	Place 185 LF of 24" RCP.	Wooded	Brick street
M12R	16.0	City of McKeesport	16" CIP	Place 152 LF of 21" RCP.	Wooded	Asphalt street
M13R	16.1	City of McKeesport	20" CIP	Place 35 LF of 24" RCP.	Wooded	Asphalt street
M14R	16.2	City of McKeesport	18" RCP	Place 31 LF of 21" RCP.	Wooded	Asphalt street
M15R*•	17.3	Boro of Glassport	48" RCP	Remove 2 manholes, 60 LF of 48" RCP and endwall. Replace 1 manhole and endwall.	Wooded	Wooded
M16R	17.3	Boro of Glassport	24" CMP/VCP	Place 99 LF of 24" RCP. Place 282 LF of 30" RCP.	Wooded	Industrial/ paved tennis court

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "•" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS (cont.)

<u>FACILITY ID # ^{1,2}</u>	<u>RIVER MILE</u>	<u>FACILITY OWNER</u>	<u>EXISTING FACILITY³</u>	<u>DESCRIPTION OF ADJUSTMENT^{3,4}</u>	<u>DESCRIPTION OF RIVER BANK</u>	<u>DESCRIPTION OF ADJACENT LAND</u>
<u>MONONGAHELA RIVER</u>						
<u>POOL 2 - RIGHT BANK (cont.)</u>						
M17R•	17.8	Boro of Glassport	54" RCP	Place 258 LF of 84" pipe.	Wooded	Wooded
M18R*•	18.9	Boro of Glassport	66" Brick Pipe	Place 636 LF of 90" pipe.	Wooded	Industrial/ RR tracks
M19R	22.5	Boro of Elizabeth	15" TCP	Place 135 LF of 42" RCP. Place 112.71 LF of 10" RCP.	Wooded	Wooded
M20R*•	22.6	Boro of Elizabeth	42" RCP	Replace regulator and place 152 LF of 48" RCP and 113 LF of 48" DIP.	No impact	Wooded
M21R•	22.6- 23.2	Boro of Elizabeth	14"+16" CIP	Place 147.34 LF of 15" RCP.	No impact	Paved road, grassy area
M22R•	22.8	Boro of Elizabeth	15" TCP	Construct new regulator and place 14 LF of DIP to new interceptor.	Wooded	Wooded
M23R•	22.9	Boro of Elizabeth	18" VCP	Construct new regulator, place 51 LF of 18" RCP and place 8 LF of DIP to interceptor.	Wooded	Wooded
M24R•	22.9	Boro of Elizabeth	Park	Raise deck 5 feet, adjust access road.	Park	Park, paved road

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "•" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS (cont.)

<u>FACILITY ID # ^{1,2}</u>	<u>RIVER MILE</u>	<u>FACILITY OWNER</u>	<u>EXISTING FACILITY³</u>	<u>DESCRIPTION OF ADJUSTMENT^{3,4}</u>	<u>DESCRIPTION OF RIVER BANK</u>	<u>DESCRIPTION OF ADJACENT LAND</u>
<u>MONONGAHELA RIVER</u>						
<u>POOL 3 - LEFT BANK</u>						
M25R•	22.9	Boro of Elizabeth	18" VCP	Construct new regulator, place 48 LF of 18" RCP and 10 LF of 8" DIP to interceptor.	Wooded	Wooded
M26R•	23.0	Boro of Elizabeth	18" TCP	Construct new regulator, place 57 LF of 18" RCP and 11 LF of 8" DIP to interceptor.	Wooded	Wooded
M27R•	23.1	Boro of Elizabeth	18" TCP	Construct new regulator, place 30 LF of 8" DIP to new interceptor.	Wooded	Wooded
M28R•	23.2	Boro of Elizabeth	30" VCP	Place new 15" RCP interceptor, new 30" RCP, outfall and stone protection.	Wooded	Wooded
M13L	30.0	New Eagle Sanitary Authority	STP Outfall	Provide stone protection below outfall.	Sand, gravel	No impact
M14L•	30.0	Boro of New Eagle	Boat Ramp	Extend ramp 53.5 ft. 20.5 feet wide.	Paved ramp, sand, gravel	No impact
M15L	30.6	New Eagle Sanitary Authority	STP Outfall	Provide stone protection below outfall.	Wooded	No impact

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "•" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS (cont.)

<u>FACILITY ID # ^{1,2}</u>	<u>RIVER MILE</u>	<u>FACILITY OWNER</u>	<u>EXISTING FACILITY³</u>	<u>DESCRIPTION OF ADJUSTMENT^{3,4}</u>	<u>DESCRIPTION OF RIVER BANK</u>	<u>DESCRIPTION OF ADJACENT LAND</u>
<u>MONONGAHELA RIVER</u>						
<u>POOL 3 - LEFT BANK (cont.)</u>						
M16L	31.0	City of Monongahela	18" RCP	Place erosion control at outlet.		
M17L•	31.9	City of Monongahela	Aquatorium	Construct new "step" deck, 18 feet wide.	Paved park, sand, gravel	No impact
M18L•	31.9	City of Monongahela	Boat Ramp	Extend ramp 60 feet, 23.33 feet wide.	Paved ramp, sand, gravel	No impact
M19L•	33.2	PA Fish and Boat Commission	Boat Ramp	Extend ramp 30 feet, 29.5 feet wide.	Paved ramp, sand, gravel	No impact
M20L	38.4	Mon Valley Sewage Auth.	36" RCP	Place erosion control at outlet.	Sand, gravel	No impact
<u>MONONGAHELA RIVER</u>						
<u>POOL 3 - RIGHT BANK</u>						
M29R•	34.1	Forward Township	Boat Ramp	Extend ramp 9 feet, 10.5 feet wide.	Paved ramp, sand, gravel	No impact
M30R•	36.2	Boro of Webster	Boat Ramp	Extend ramp 47 feet, 16 feet wide.	Paved ramp, sand, gravel	No impact
<u>MONONGAHELA RIVER</u>						
<u>POOL 3</u>						
M02B•	36.5	Mon Valley Sewage Auth.	Sub Crossing	Place 1030 LF of 16" dia. sewage pipe crossing.	Wooded	Wooded, industrial

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "•" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS (cont.)

FACILITY ID #^{1,2}	RIVER MILE	FACILITY OWNER	EXISTING FACILITY³	DESCRIPTION OF ADJUSTMENT^{3,4}	DESCRIPTION OF RIVER BANK	DESCRIPTION OF ADJACENT LAND
<u>MONONGAHELA RIVER</u>						
<u>POOL 3 (cont.)</u>						
M03B•	38.7	Tri-Cities Water Co.	Sub Crossing	Place 1090 LF of 12" dia. unflex water line crossing.	Wooded	Wooded, industrial
M04B•	41.0	Boro of Charleroi	Sub Crossing	Place 165 LF of 30" casing and 1305 LF of 20" unflex river crossing pipe.	Wooded	Wooded, industrial, railroad tracks on one bank
<u>TURTLE CREEK</u>						
<u>RIGHT BANK</u>						
T01R	1.0	Conrail	18" RCP @ Sta 55+35	Remove manhole, 2 inlets and 41 LF of 18" RCP. Install 2 inlets and 34 LF of 18" RCP.	Industrial, railroad tracks	Industrial, railroad tracks
<u>YOUGHIOGHENY RIVER</u>						
<u>RIGHT BANK</u>						
Y01R	0.2	City of McKeesport	18" pipe	Place 177 LF of 21" RCP and 145 LF of 21" RCP.	Wooded	Paved street
Y02R	0.3	City of McKeesport	20" pipe	Place 174 LF of 21" RCP.	Wooded	Paved street
Y03R	0.3	City of McKeesport	18" pipe	Place 130 LF of 21" RCP.	Wooded	Paved street, residential

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "•" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS (cont.)

<u>FACILITY ID # ^{1,2}</u>	<u>RIVER MILE</u>	<u>FACILITY OWNER</u>	<u>EXISTING FACILITY³</u>	<u>DESCRIPTION OF ADJUSTMENT^{3,4}</u>	<u>DESCRIPTION OF RIVER BANK</u>	<u>DESCRIPTION OF ADJACENT LAND</u>
<u>YOUGHIOGHENY RIVER RIGHT BANK (cont.)</u>						
Y04R	0.4	City of McKeesport	20" pipe	Place 299 LF of 24" RCP.	Wooded	Paved street, residential
Y05R	0.5	City of McKeesport	20" pipe	Place 499 LF of 48" RCP.	Wooded	Paved street,
Y06R	0.5	City of McKeesport	20" pipe	Place 501 LF of 27" RCP.	Wooded	Paved street
Y07R	0.7	City of McKeesport	20" pipe	Place 565 LF of 24" RCP, 42.5 LF of 16" @ MHI and 56.25 LF of 16" RCP @ CO.	Wooded	Industrial
Y08R	0.7	City of McKeesport	36" pipe	Place 587 LF of 48" RCP, 251 LF of 21" RCP, 345 LF of 24" RCP and 245 LF of 27" RCP.	Wooded	Paved street

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "●" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."

EXHIBIT 1
LIST OF FEDERALLY FUNDED RELOCATIONS (cont.)

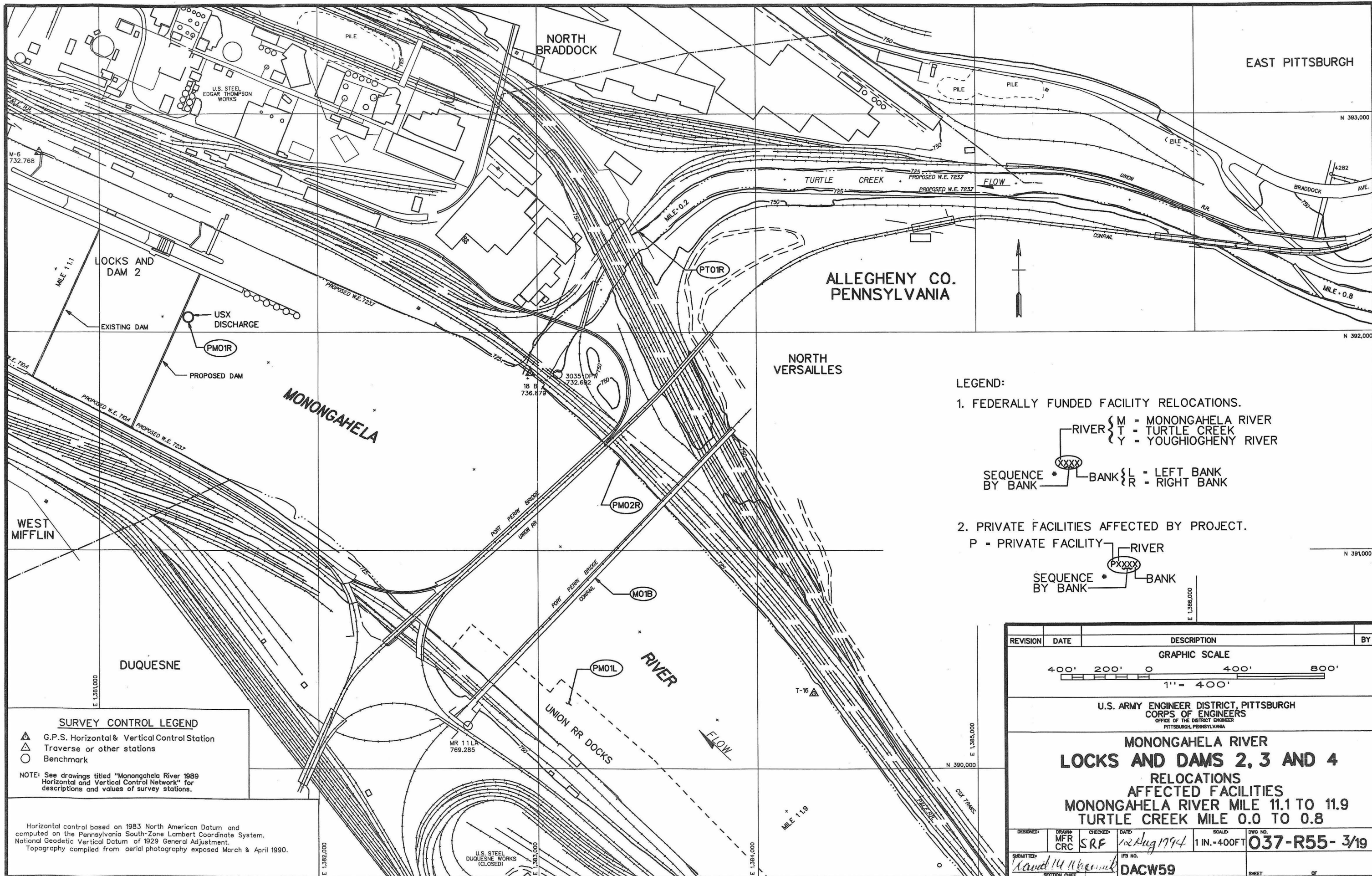
<u>FACILITY ID # ^{1,2}</u>	<u>RIVER MILE</u>	<u>FACILITY OWNER</u>	<u>EXISTING FACILITY³</u>	<u>DESCRIPTION OF ADJUSTMENT^{3,4}</u>	<u>DESCRIPTION OF RIVER BANK</u>	<u>DESCRIPTION OF ADJACENT LAND</u>
<u>YOUGHIOGHENY RIVER RIGHT BANK (cont.)</u>						
Y09R	0.8	City of McKeesport	24" pipe	Place 382.5 LF of 33" RCP, 257 LF of 33" RCP and 199.5 LF of 21" RCP.	Wooded	Paved street
Y10R•	2.1	City of McKeesport	60" Brick Pipe	Place 185 LF of 78" RCP.	Wooded	Wooded
<u>YOUGHIOGHENY RIVER LEFT BANK</u>						
Y01L•	4.1	Sanitation Auth. of Elizabeth Twp.	Pump Station	Place Liner within pipe.	(No Impact)	(No Impact)

1-The symbol "*" besides a facility number denotes a horizontal adjustment is required.

2-The symbol "•" besides a facility number denotes a facility included in the Lower Monongahela River FEIS.

3-"RCP" denotes reinforced concrete pipe, "DIP" denotes ductile iron pipe, "VCP" denotes vitrified clay pipe, "CIP" denotes cast iron pipe, "TCP" denotes terra cotta pipe.

4-The abbreviation "LF" denotes "linear feet."



- LEGEND:
1. FEDERALLY FUNDED FACILITY RELOCATIONS.
- RIVER { M - MONONGAHELA RIVER
T - TURTLE CREEK
Y - YOUGHIOGHENY RIVER
- SEQUENCE BY BANK { XXXX } BANK { L - LEFT BANK
R - RIGHT BANK
2. PRIVATE FACILITIES AFFECTED BY PROJECT.
- P - PRIVATE FACILITY { RIVER
SEQUENCE BY BANK { PXXXX } BANK

SURVEY CONTROL LEGEND

△ G.P.S. Horizontal & Vertical Control Station
△ Traverse or other stations
○ Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER MILE 11.1 TO 11.9 TURTLE CREEK MILE 0.0 TO 0.8			
DESIGNED: MFR CRC	CHECKED: SRF	DATE: 12 Aug 1994	SCALE: 1 IN. = 400 FT
SUBMITTED: David H. Hagan		DATE: 12 Aug 1994	DWG NO. 037-R55-3/19
SECTION CHIEF		SHEET OF	

MATCH TO DWG 3/19

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.



ALLEGHENY CO.
PENNSYLVANIA

DUQUESNE

RIVER

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 12.0 TO 12.8			
DESIGNED:	DRAWN:	CHECKED:	DATE:
	MFR	SRF	12 Aug. 1994
SUBMITTED:		SCALE:	DWG NO.
David M. Wagner		1 IN. = 400 FT	037-R55-3/20
SECTION CHIEF		DATE:	SHEET
DACW59			OF

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

△ G.P.S. Horizontal & Vertical Control Station
△ Traverse or other stations
○ Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

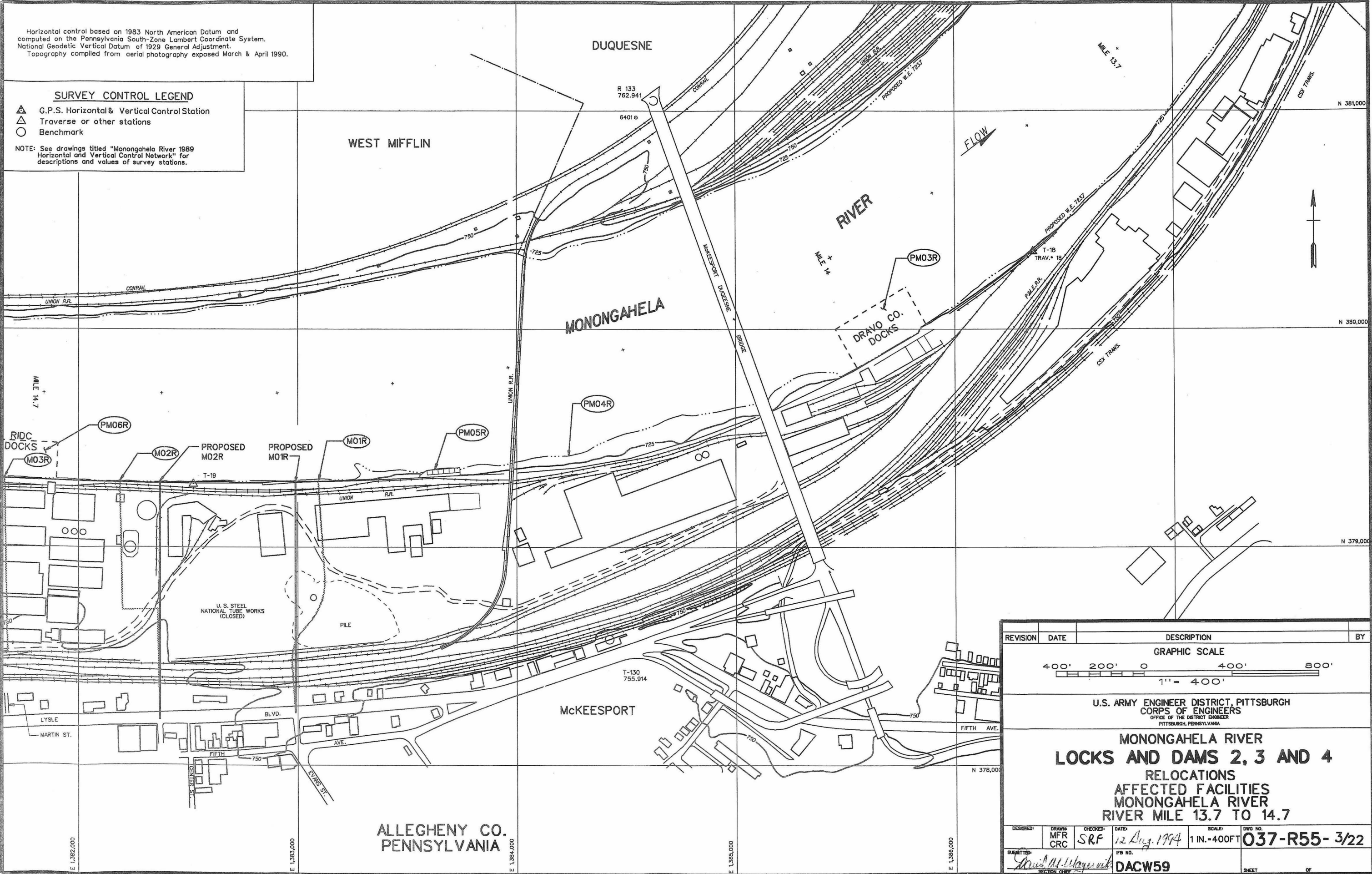
ALLEGHENY CO.
PENNSYLVANIA

DUQUESNE

NORTH VERSAILLES

MONONGAHELA RIVER

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 12.9 TO 13.6			
DESIGNED: SUBMITTED: <i>David M. Haggan</i>	DRAWN: MFR CRC	CHECKED: SRF	DATE: 12 Aug. 1994 SCALE: 1 IN. = 400 FT DWG NO.: 037-R55-3/21
DACW59			SHEET 7 OF 7



REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE			
400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 13.7 TO 14.7			
DESIGNED:	DRAWN: MFR CRC	CHECKED: SRF	DATE: 12 Aug. 1994
		SCALE: 1 IN. = 400 FT	DWG NO. 037-R55- 3/22
SUBMITTED: <i>David M. Wagoner</i>	SECTION CHIEF: DACW59		SHEET OF

ALLEGHENY CO.
PENNSYLVANIA

MR 15 LA
761.418

WEST
MIFFLIN

DRAVOSBURG

MONONGAHELA

RIVER

U. S. STEEL
NATIONAL TUBE WORKS
(CLOSED)

McKEESPORT

McKEESPORT

PORT VUE

+
MILE 0.5

 G.P.S. Horizontal & Vertical Control Station
 Traverse or other stations
 Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

REVISION	DATE	DESCRIPTION	
GRAPHIC SCALE			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER MILE 14.8 TO 15.9 AND YOUGHIOGHENY RIVER MILE 0.0 TO 0.5			
DESIGNED	DRAWN MFR CRC	CHECKED SRF	DATE 12 Aug. 1994
SUBMITTED	FIB NO.		SCALE 1 IN. = 400 FT
David W. Waymire		DAW59	DWG NO. 037-R55-3/23

MATCH TO SHEET 3/22

MATCH TO DWG 3/52

11-AUG-1994

sfritz

```
/usr/projects/lmre/dm/gen/m100323.dgn
```

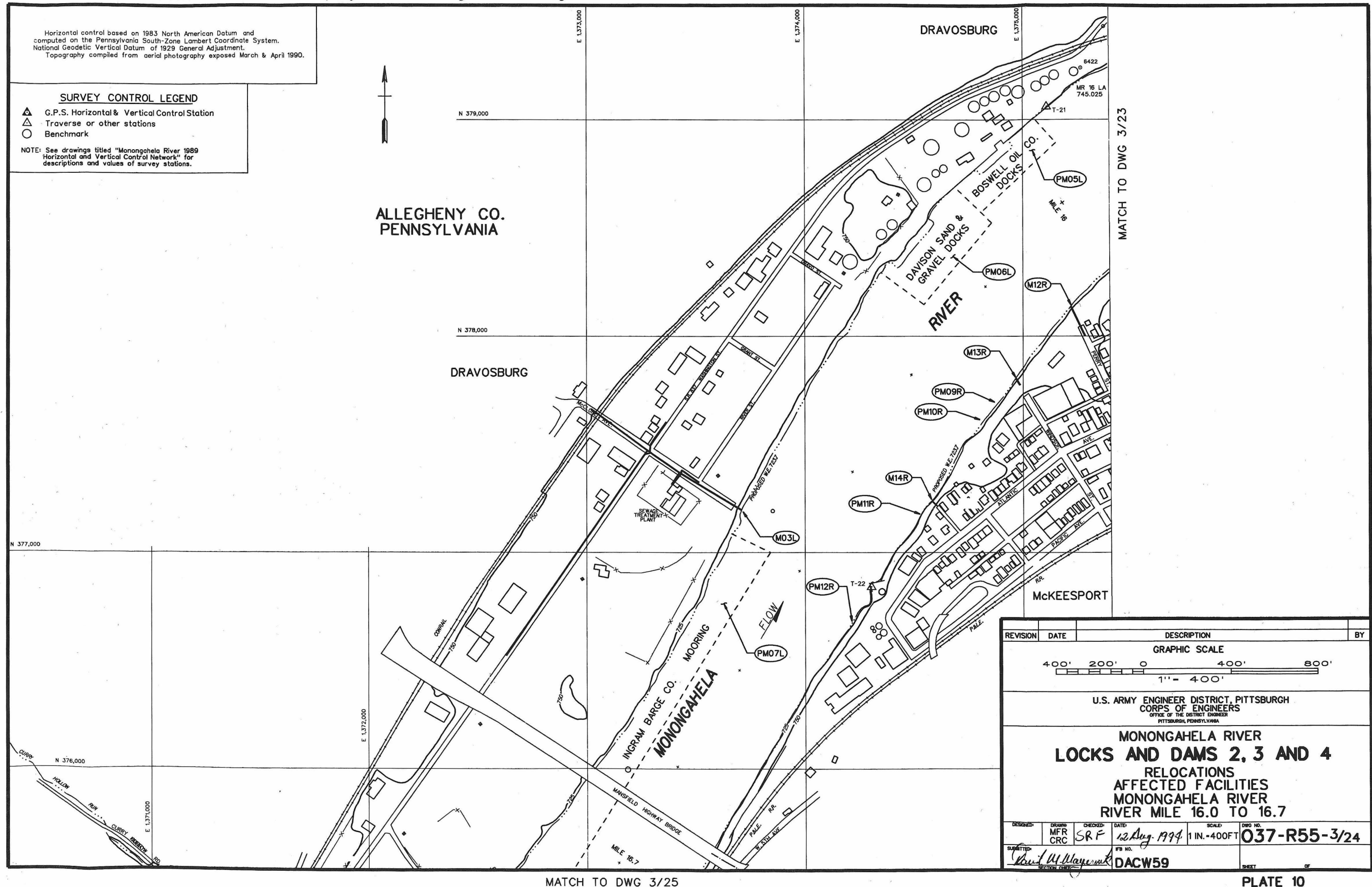
PLATE 9

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System.
National Geodetic Vertical Datum of 1929 General Adjustment.
Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

-  G.P.S. Horizontal & Vertical Control Station
 Traverse or other stations
 Benchmark

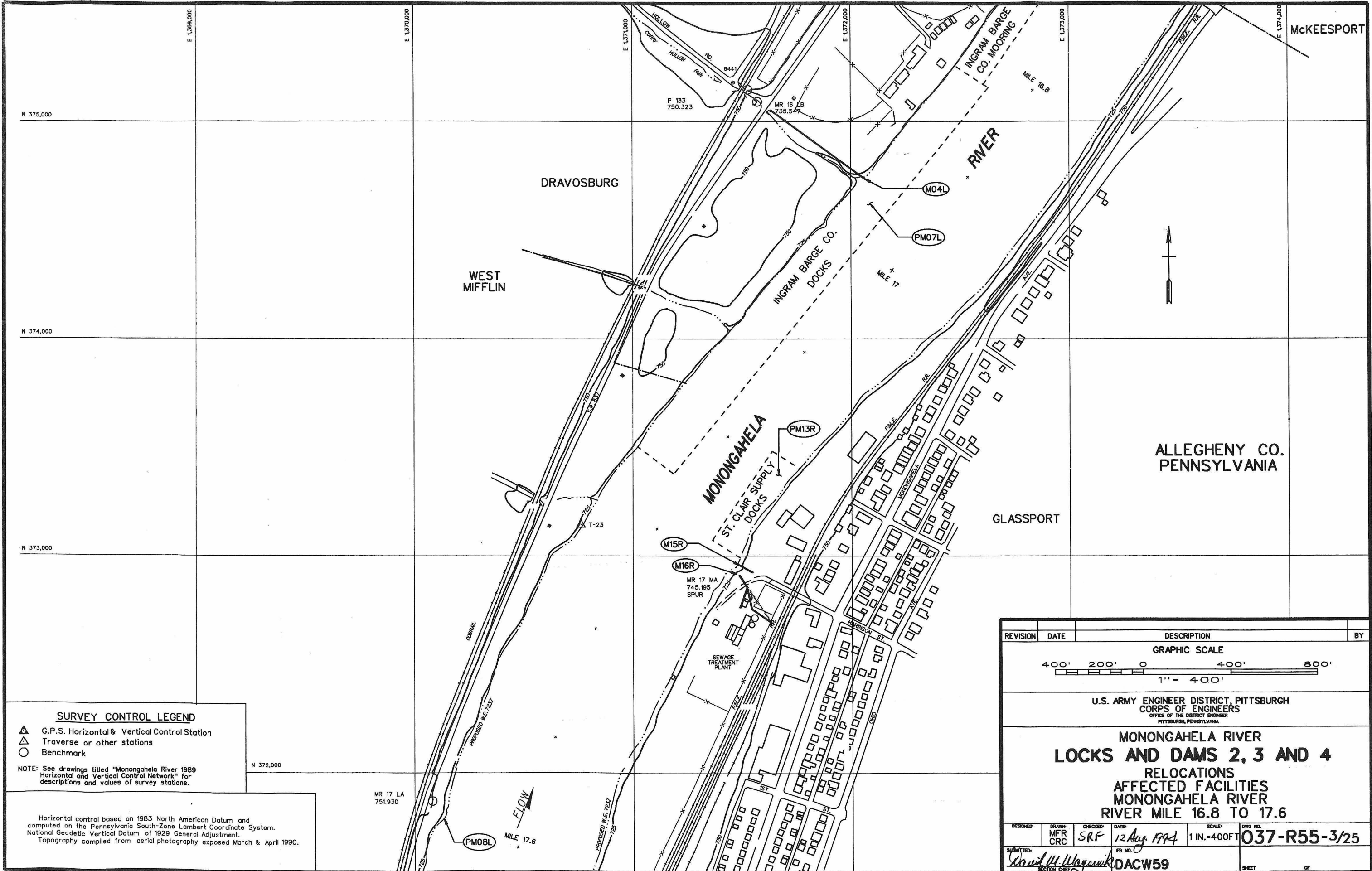
NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.



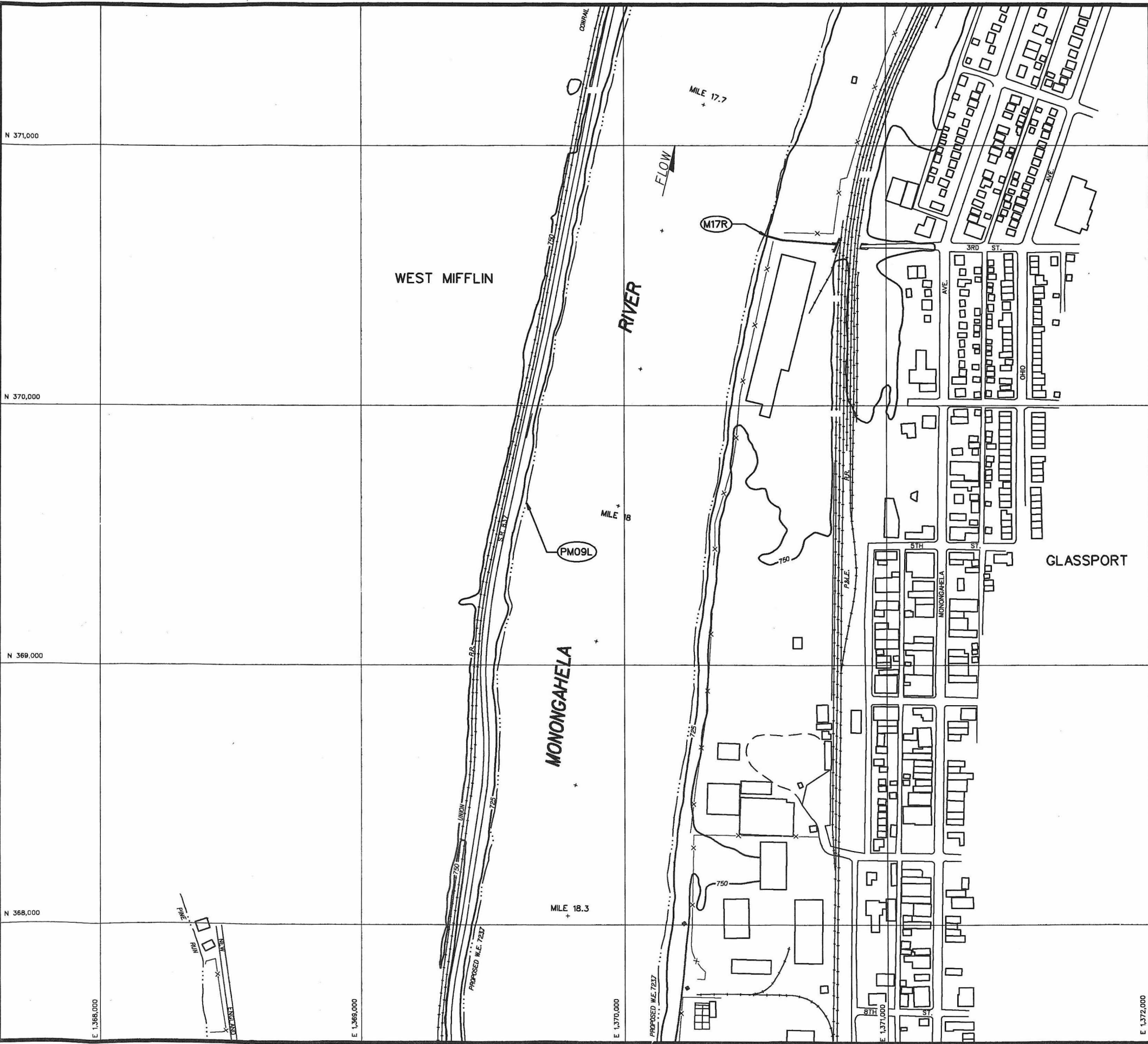
MATCH TO DWG 3/25

MATCH TO DWG 3/23

PLATE 10



MATCH TO DWG 3/25



Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

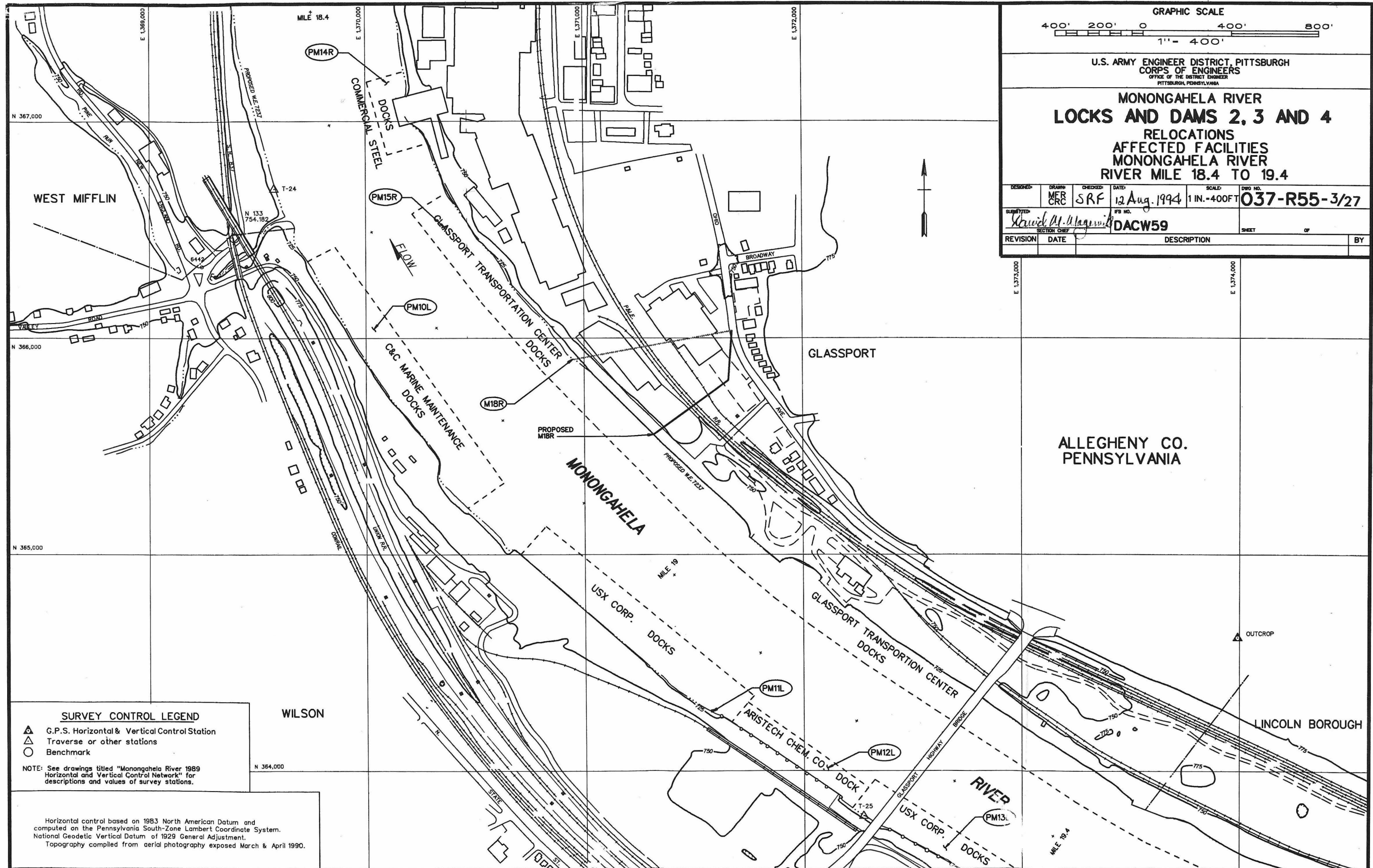
- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

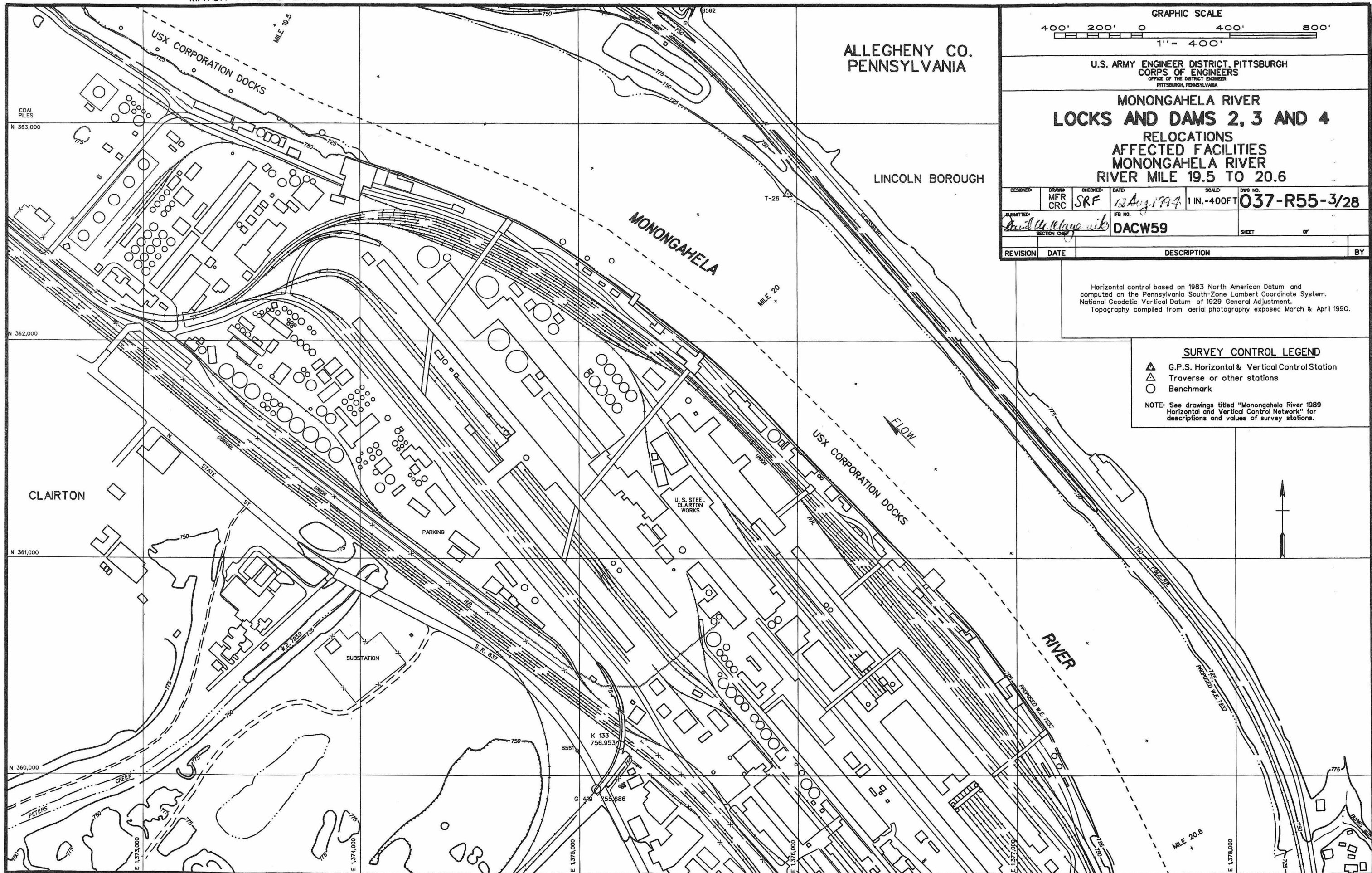
ALLEGHENY CO.
PENNSYLVANIA

GLASSPORT

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 17.7 TO 18.3			
DESIGNED MFR CRC	CHECKED SRF	DATE 12 Aug. 1994	SCALE 1 IN. = 400 FT
SUBMITTED [Signature]		IFB NO. DACW59	DWG NO. 037-R55-3/26



MATCH TO DWG 3/27



ALLEGHENY CO.
PENNSYLVANIA

LINCOLN BOROUGH

CLAIRTON

MONONGAHELA

USX CORPORATION DOCKS

RIVER

U.S. ARMY ENGINEER DISTRICT, PITTSBURGH
CORPS OF ENGINEERS
OFFICE OF THE DISTRICT ENGINEER
PITTSBURGH, PENNSYLVANIA

**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4
RELOCATIONS
AFFECTED FACILITIES
MONONGAHELA RIVER
RIVER MILE 19.5 TO 20.6**

DESIGNED	DRAWN	CHECKED	DATE	SCALE	DWG NO.
	MFR	SRF	12 AUG 1994	1 IN. = 400 FT	037-R55-3/28
SUBMITTED	SECTION CHIEF	FB NO.			
		DACW59			
REVISION	DATE	DESCRIPTION	BY		

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

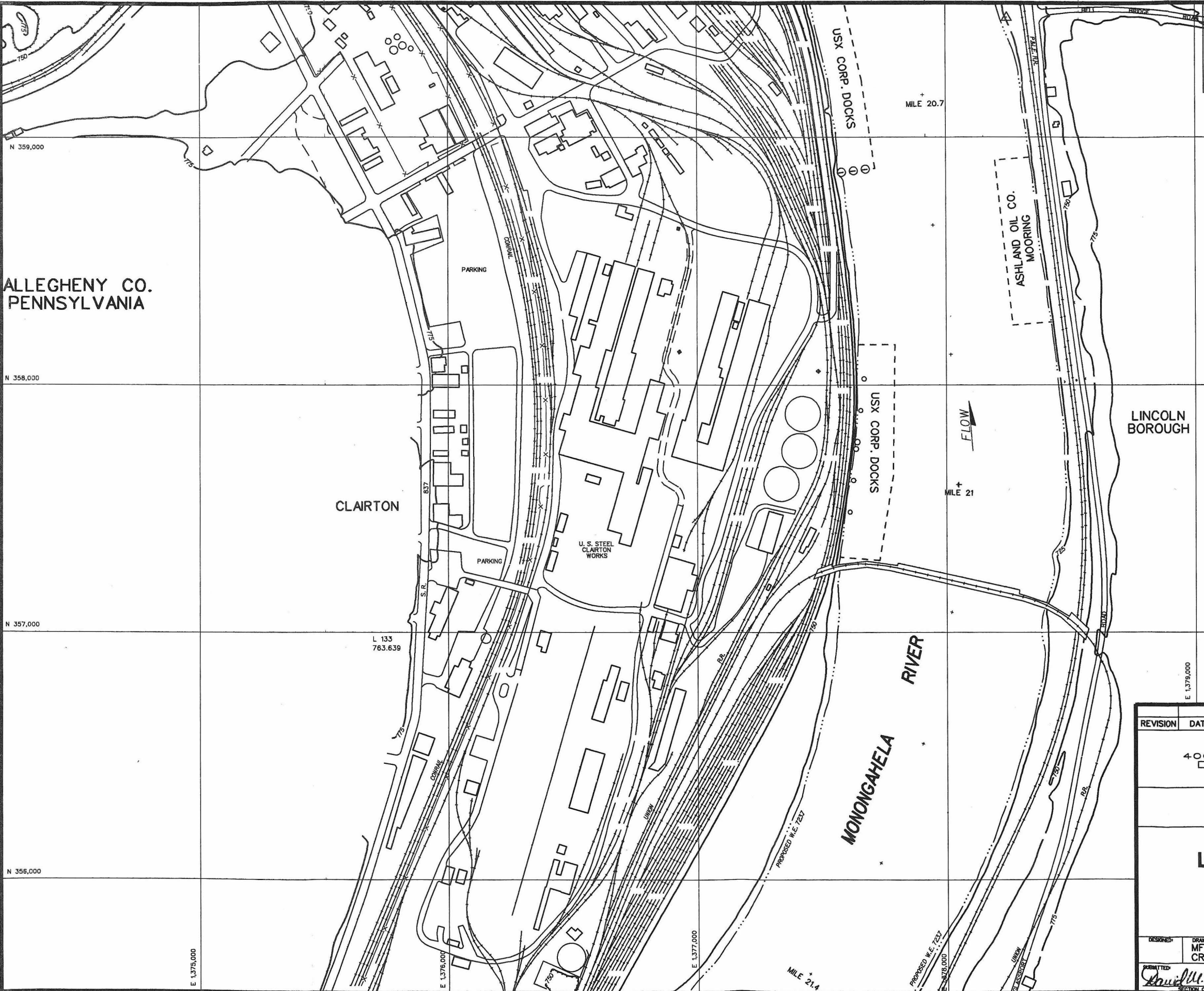
09-AUG-1994

wallison

/usr/projects/lmreldm/gen/m100328.dgn

MATCH TO DWG 3/29

PLATE 14



Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

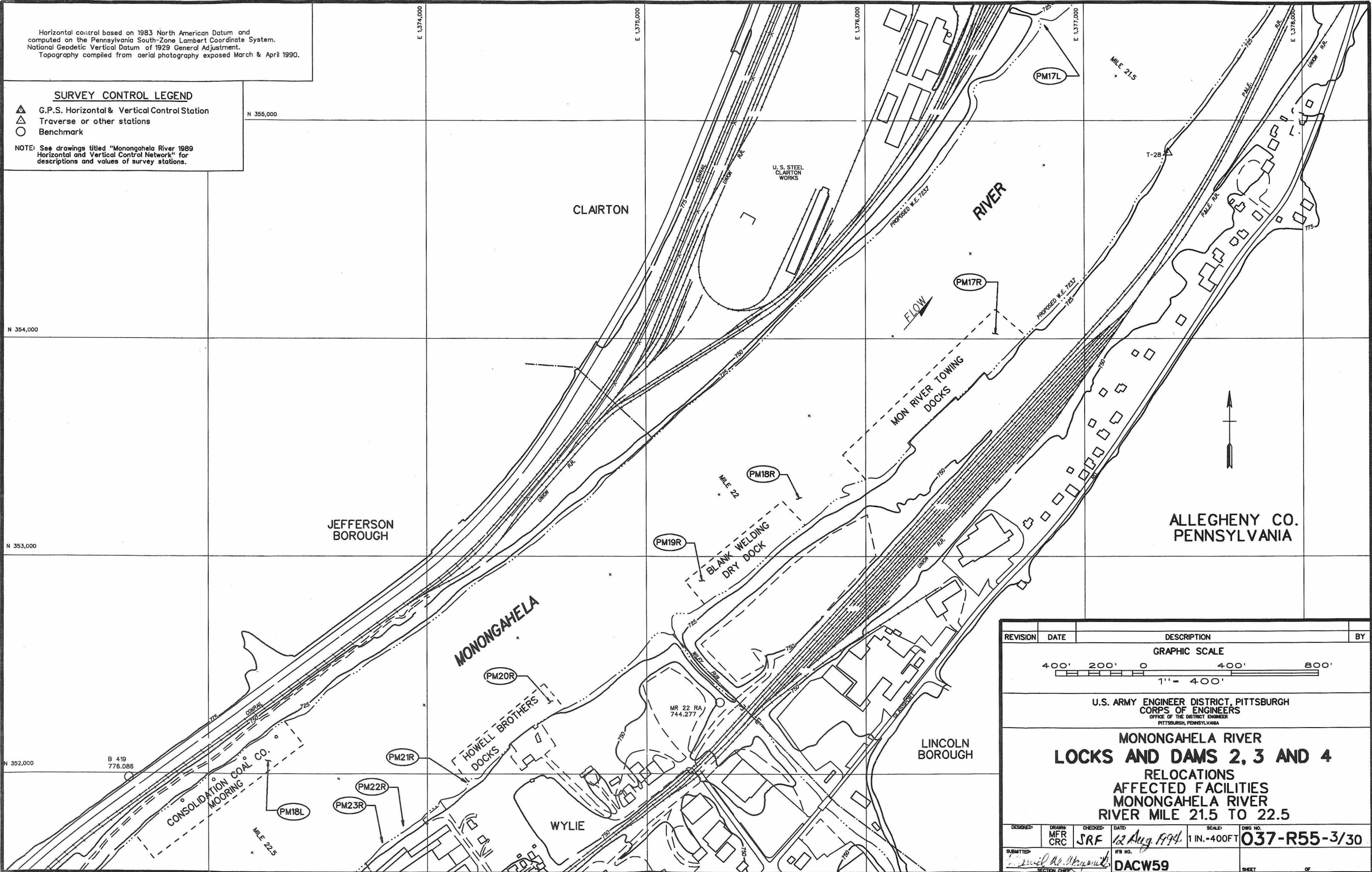
REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 20.7 TO 21.4			
DESIGNED	DRAWN	CHECKED	DATE
	MFR	CRC	12 Aug 1994
SUBMITTED		IFB NO.	DWG NO.
[Signature]		DACW59	037-R55-3/29
SECTION CHIEF		SHEET	

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.



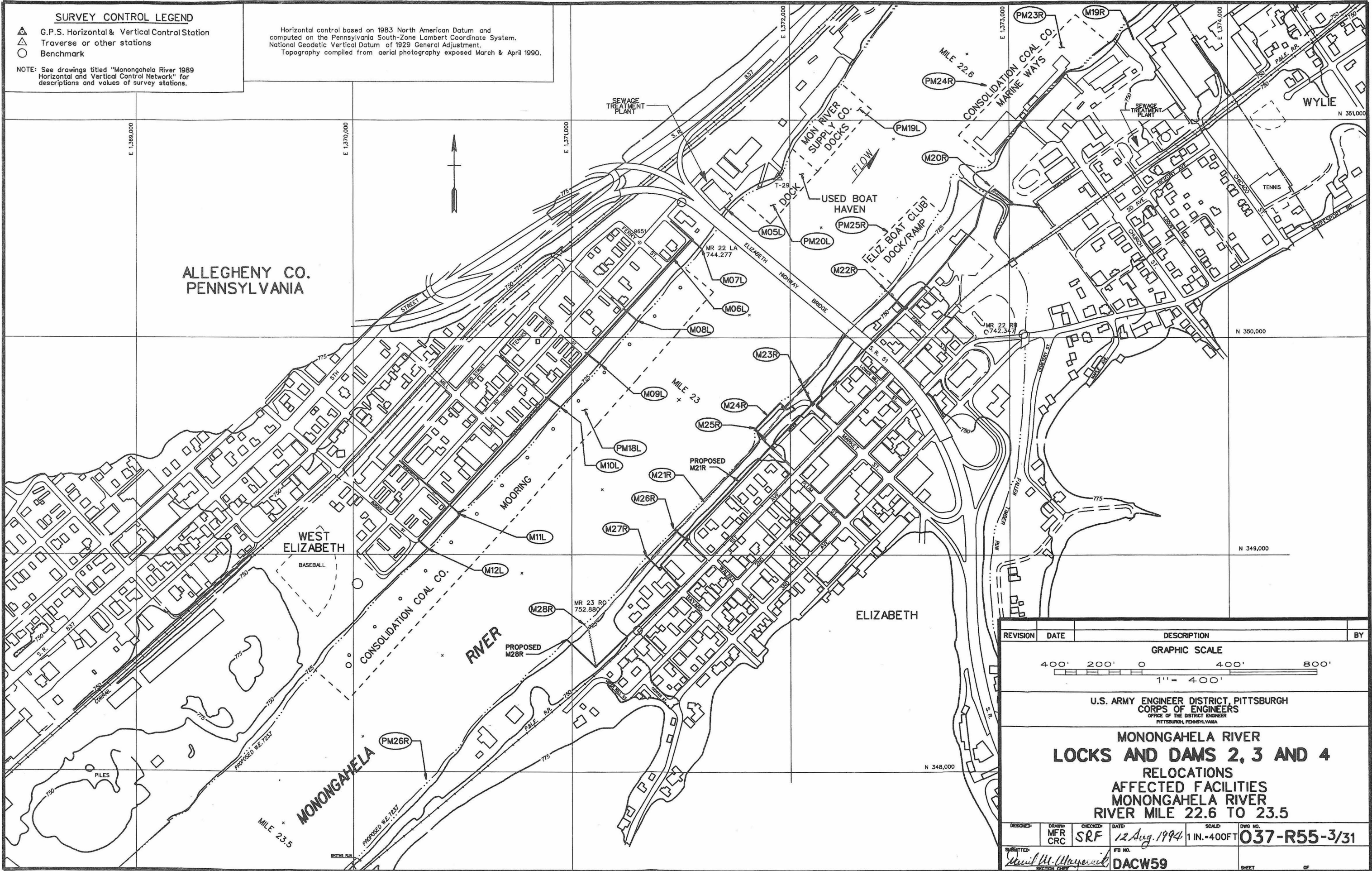
REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 21.5 TO 22.5			
DESIGNED: MFR CRC	CHECKED: SRF	DATE: 12 Aug 1994	SCALE: 1 IN. = 400 FT
SUBMITTED: [Signature]		IFB NO. DACW59	DWG NO. 037-R55-3/30

SURVEY CONTROL LEGEND

- G.P.S. Horizontal & Vertical Control Station
- Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.



REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 22.6 TO 23.5			
DESIGNED: MFR CRC	CHECKED: SRF	DATE: 12 Aug. 1994	SCALE: 1 IN. = 400 FT
SUBMITTED: David M. Maynard SECTION CHIEF			DWG NO. 037-R55-3/31
FB NO. DACW59			SHEET OF

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

ALLEGHENY CO.
PENNSYLVANIA

JEFFERSON TOWNSHIP

WEST
ELIZABETH

HERCULES-PICCO

DILLNER
STORAGE
COMPANY

DILLNER DOCKS

RIVER

MONONGAHELA

CENT OF ANTI MARINE
SERVICE

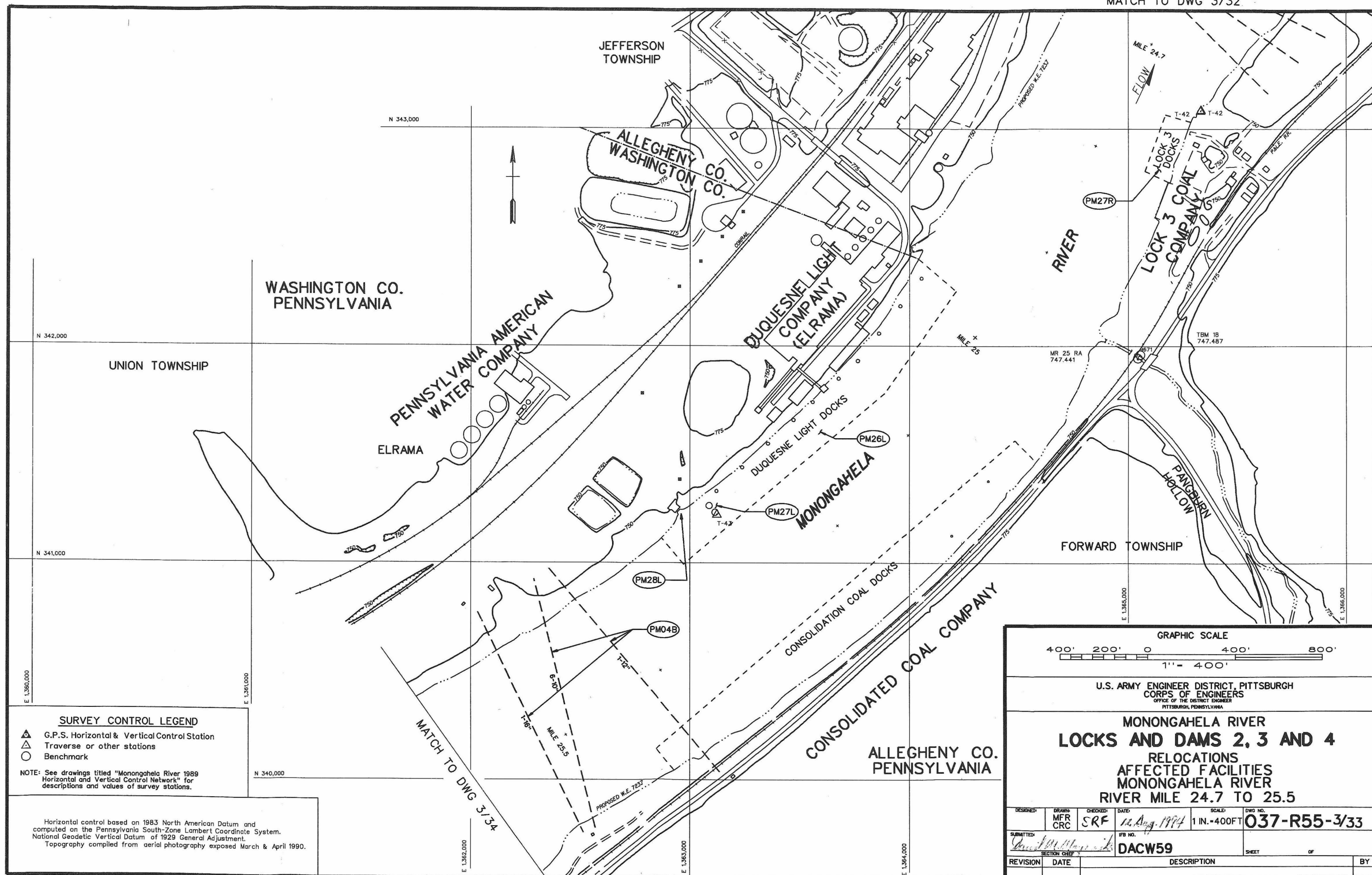
CENT OF ANTI DOCKS

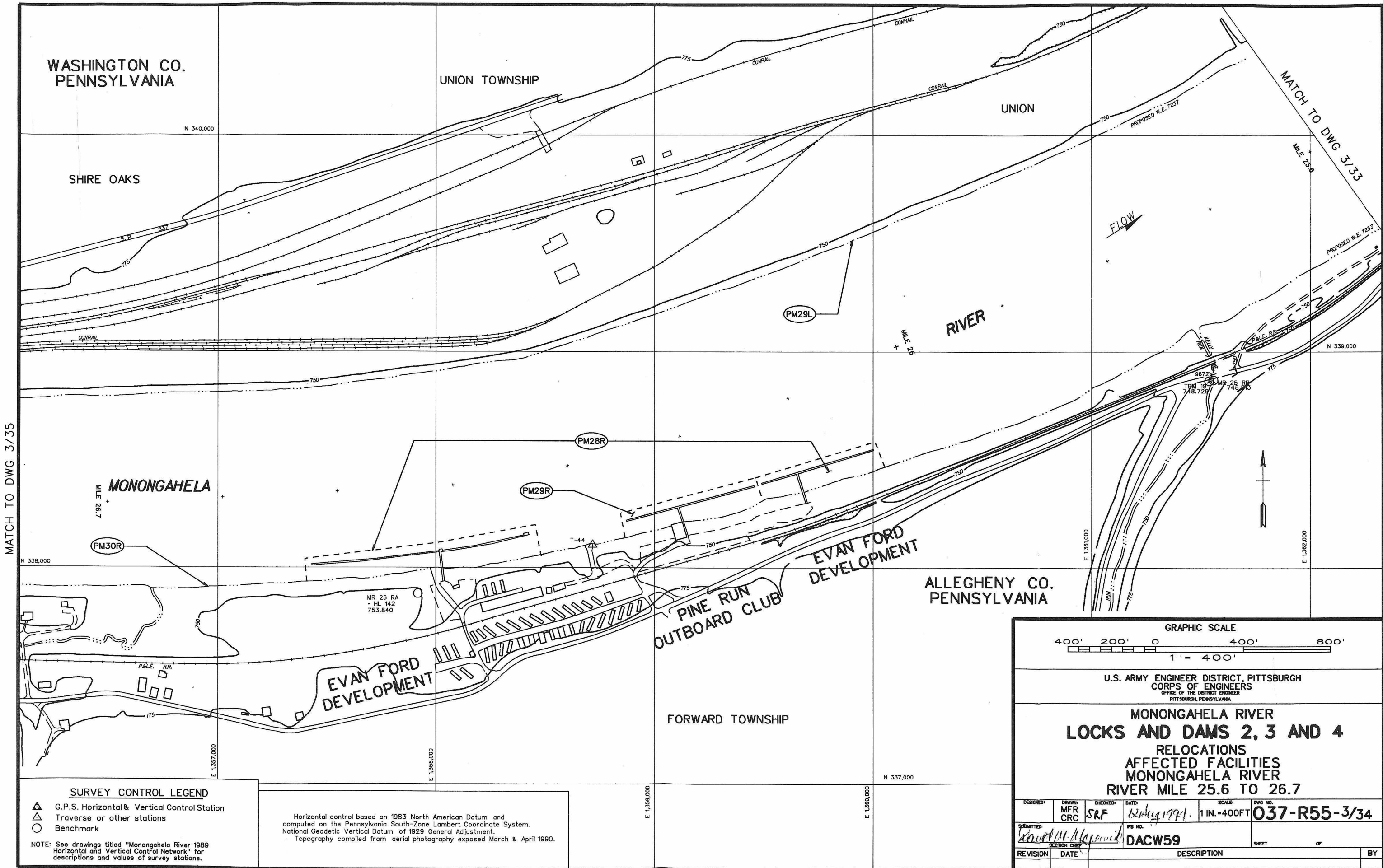
FORWARD TOWNSHIP

FORWARD

LOCKS & DAM
NO. 3
TO BE REMOVED

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 23.6 TO 24.6			
DESIGNED:	DRAWN:	CHECKED:	DATE:
MFR	CRC	SAR	62 Aug 1994
SCALE:		DWG NO.	
1 IN. = 400 FT		037-R55-3/32	
SUBMITTED:		IFB NO.	
[Signature]		DACW59	



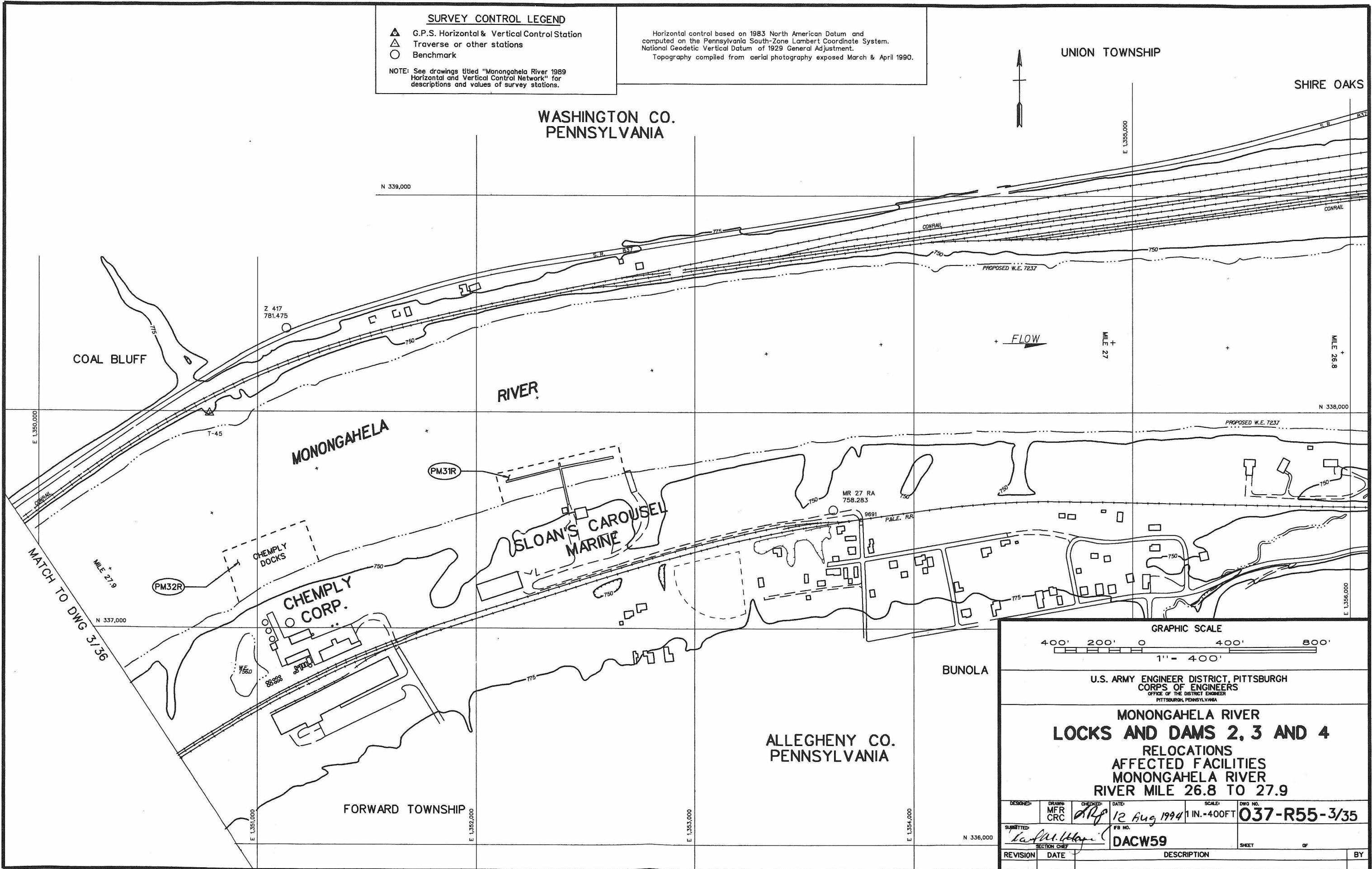


SURVEY CONTROL LEGEND

- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.



GRAPHIC SCALE

400' 200' 0 400' 800'

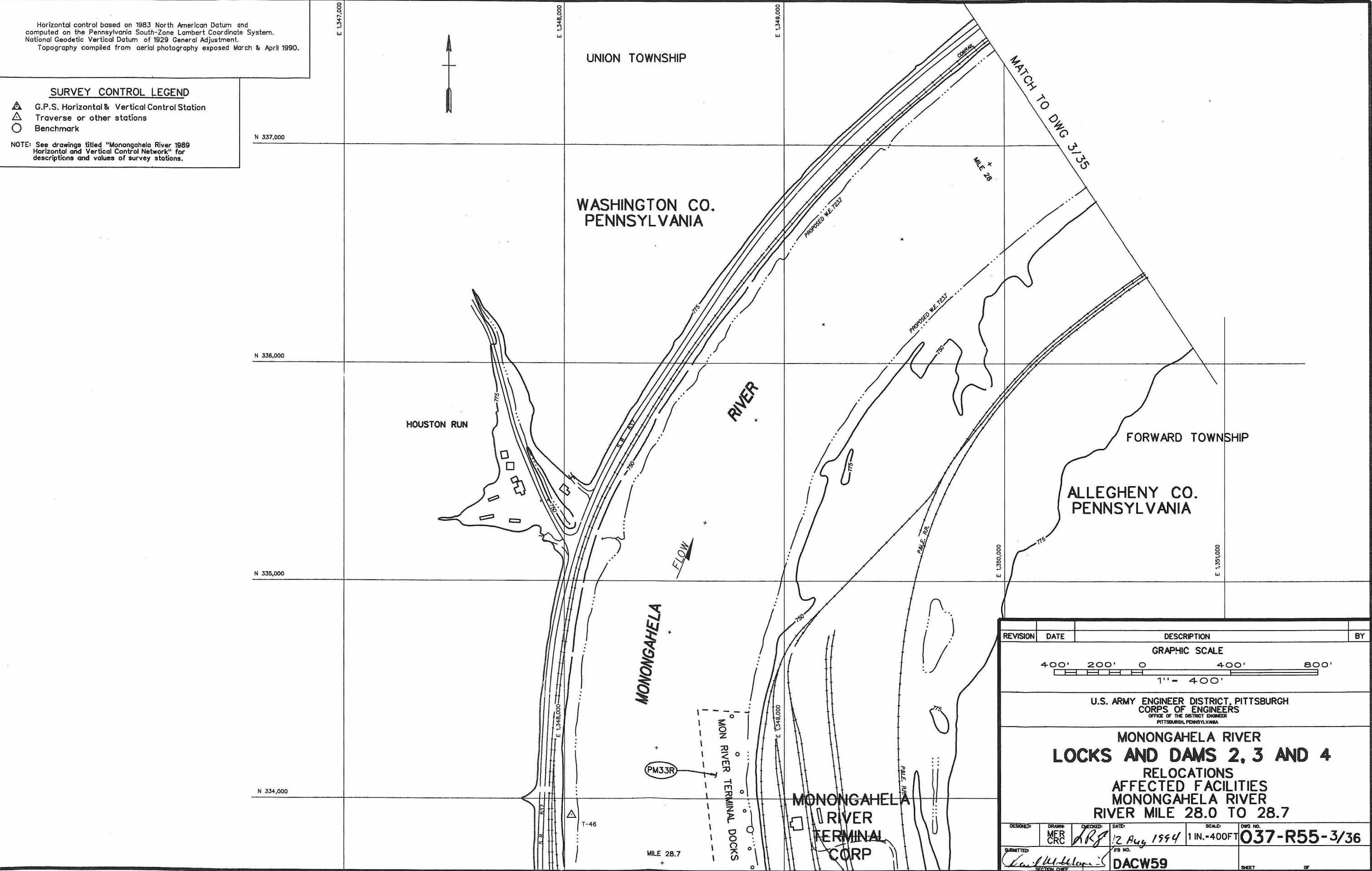
1" = 400'

U.S. ARMY ENGINEER DISTRICT, PITTSBURGH
CORPS OF ENGINEERS
OFFICE OF THE DISTRICT ENGINEER
PITTSBURGH, PENNSYLVANIA

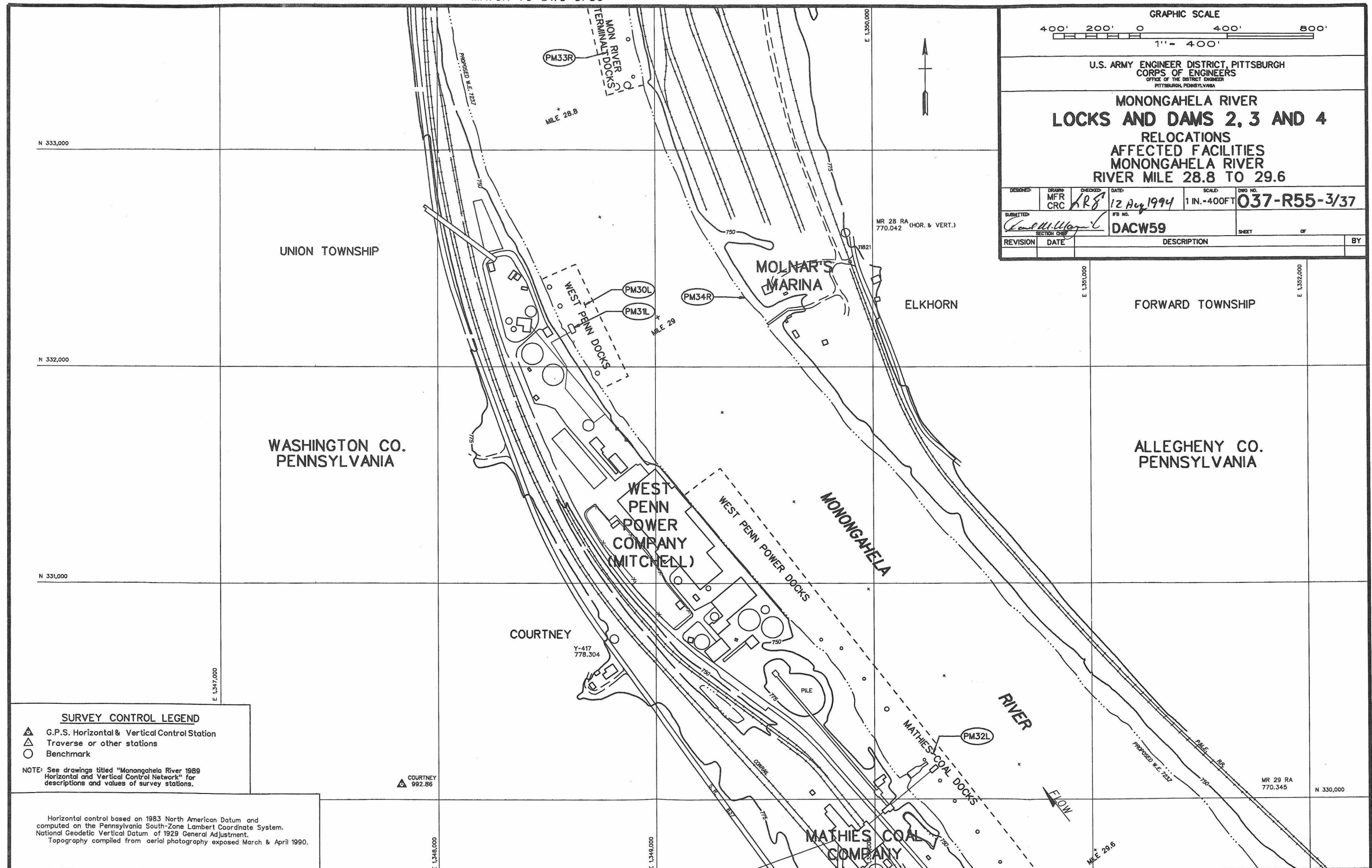
**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4
RELOCATIONS
AFFECTED FACILITIES
MONONGAHELA RIVER
RIVER MILE 26.8 TO 27.9**

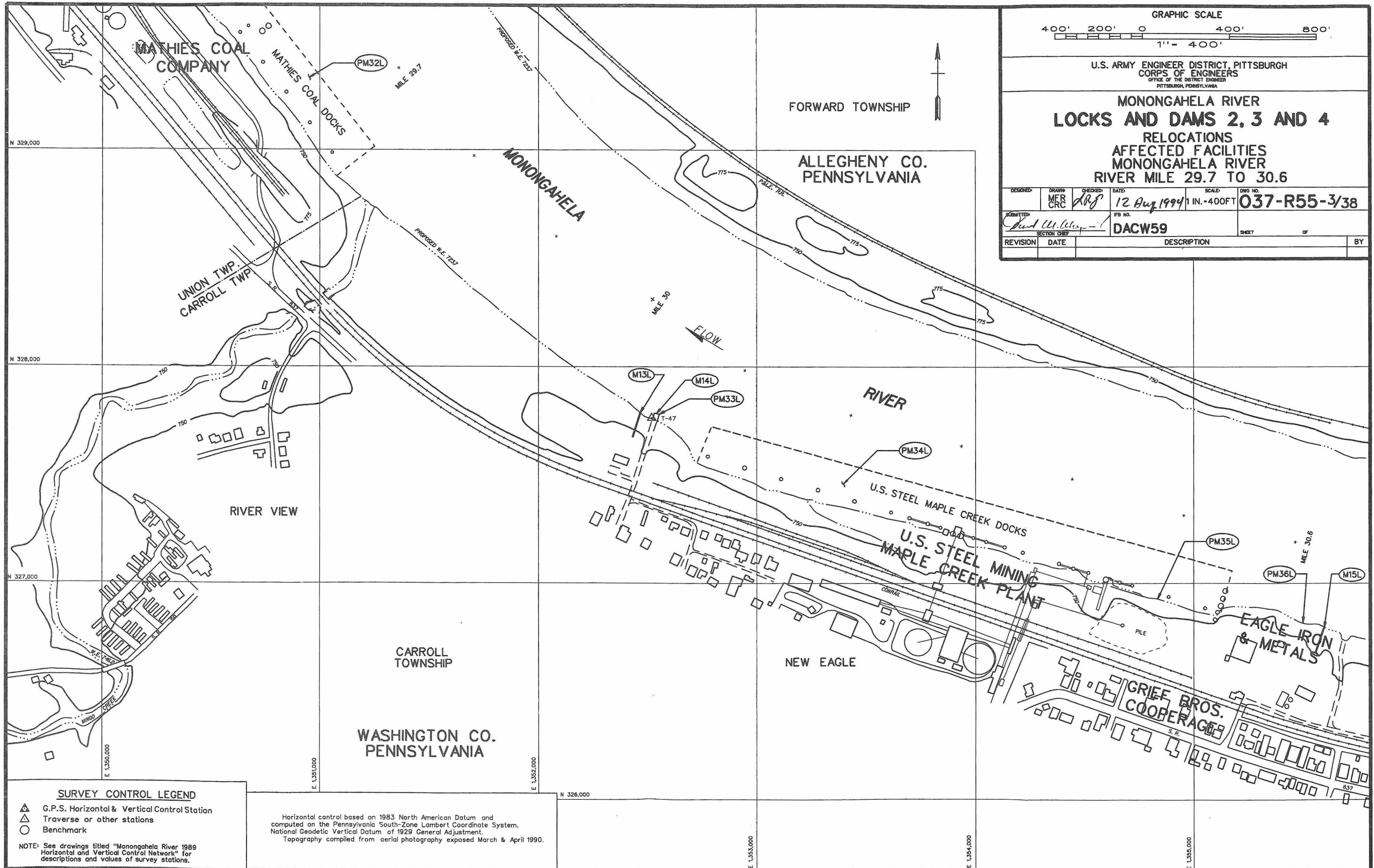
DESIGNED	DRAWN MFR CRC	CHECKED AKG	DATE 12 Aug 1994	SCALE 1 IN. = 400 FT	DWG NO. 037-R55-3/35
SUBMITTED	SECTION CHIEF <i>LaFollette</i>		DATE	DESCRIPTION	BY

REVISION

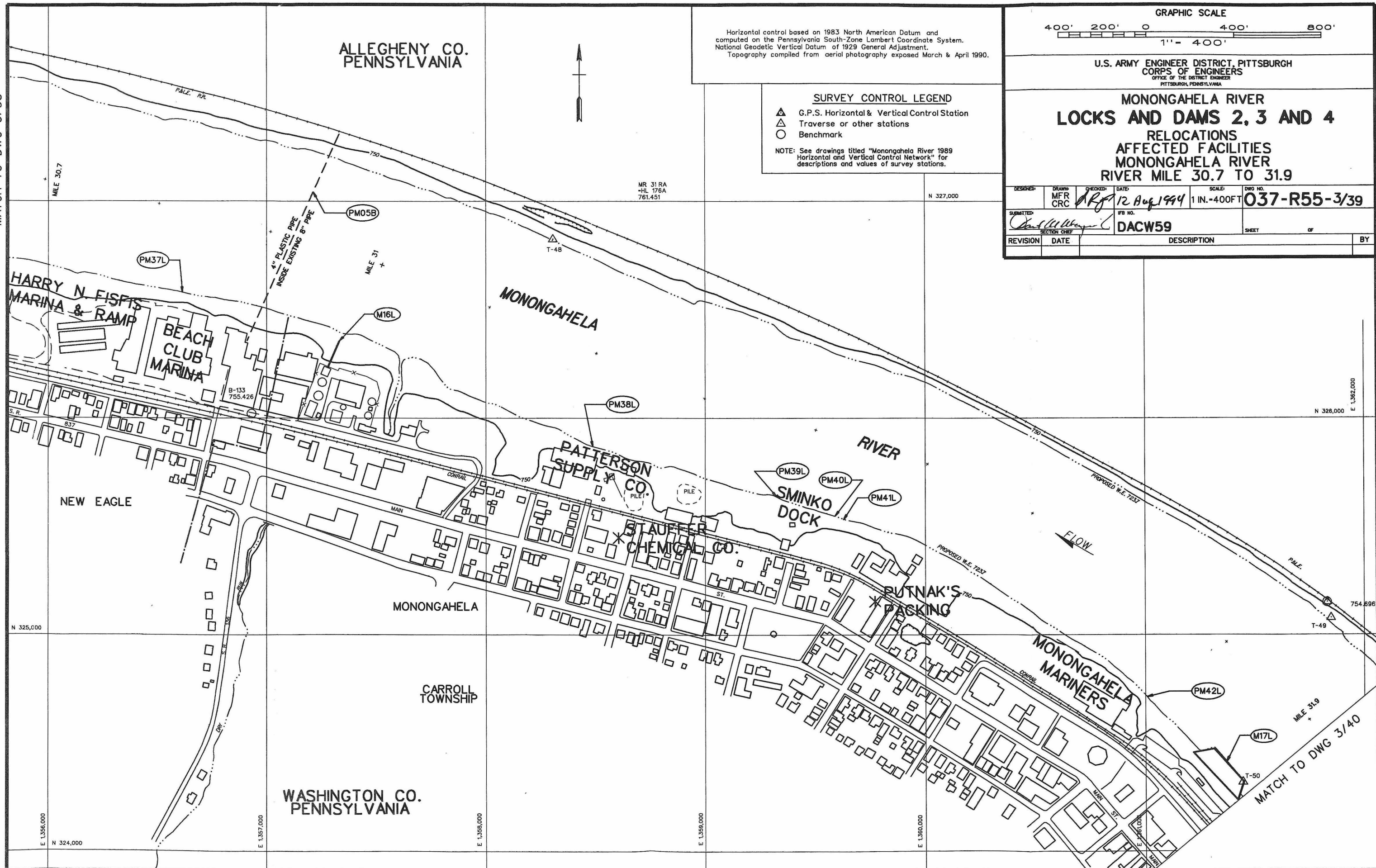


GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'					
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA					
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 28.8 TO 29.6					
DESIGNED:	DRAWN MFR CRC	CHECKED: <i>KRS</i>	DATE: <i>12 Aug 1994</i>	SCALE: 1 IN. = 400 FT	DWG NO. 037-R55-3/37
SUBMITTED: <i>Carol M. Wagoner</i>		FIB NO. DACW59		SHEET OF	
REVISION	DATE	DESCRIPTION			BY





MATCH TO DWG 3/38



ALLEGHENY CO.
PENNSYLVANIA

Horizontal control based on 1983 North American Datum and
computed on the Pennsylvania South-Zone Lambert Coordinate System.
National Geodetic Vertical Datum of 1929 General Adjustment.
Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

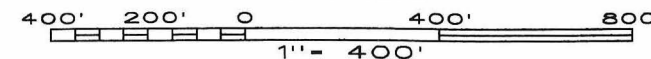
- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989
Horizontal and Vertical Control Network" for
descriptions and values of survey stations.

MR 31 RA
+HL 176A
761.451

N 327,000

GRAPHIC SCALE



U.S. ARMY ENGINEER DISTRICT, PITTSBURGH
CORPS OF ENGINEERS
OFFICE OF THE DISTRICT ENGINEER
PITTSBURGH, PENNSYLVANIA

**MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4
RELOCATIONS
AFFECTED FACILITIES
MONONGAHELA RIVER
RIVER MILE 30.7 TO 31.9**

DESIGNED:	DRAWN:	CHECKED:	DATE:	SCALE:	DWG NO.
	MFR	CRC	12 Aug 1994	1 IN. = 400 FT	037-R55-3/39
SUBMITTED:	SECTION CHIEF		FB NO.	BY	
			DACW59		
REVISION	DATE	DESCRIPTION			

HARRY N. FISPI'S
MARINA & RAMP

BEACH
CLUB
MARINA

B-133
755.426

NEW EAGLE

MONONGAHELA

CARROLL
TOWNSHIP

WASHINGTON CO.
PENNSYLVANIA

MONONGAHELA

PATTERSON
SUPPLY CO.

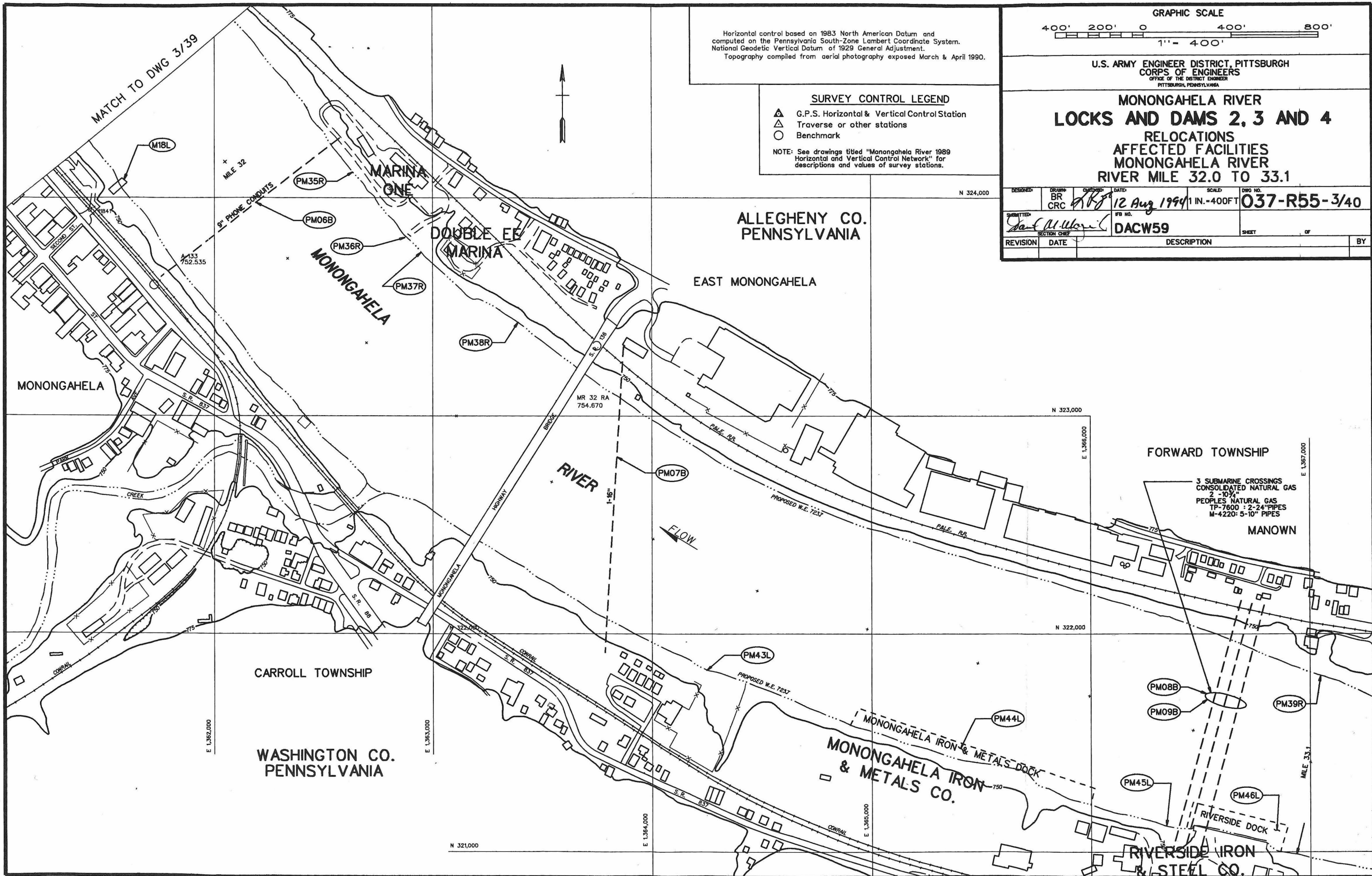
STAUFFER
CHEMICAL CO.

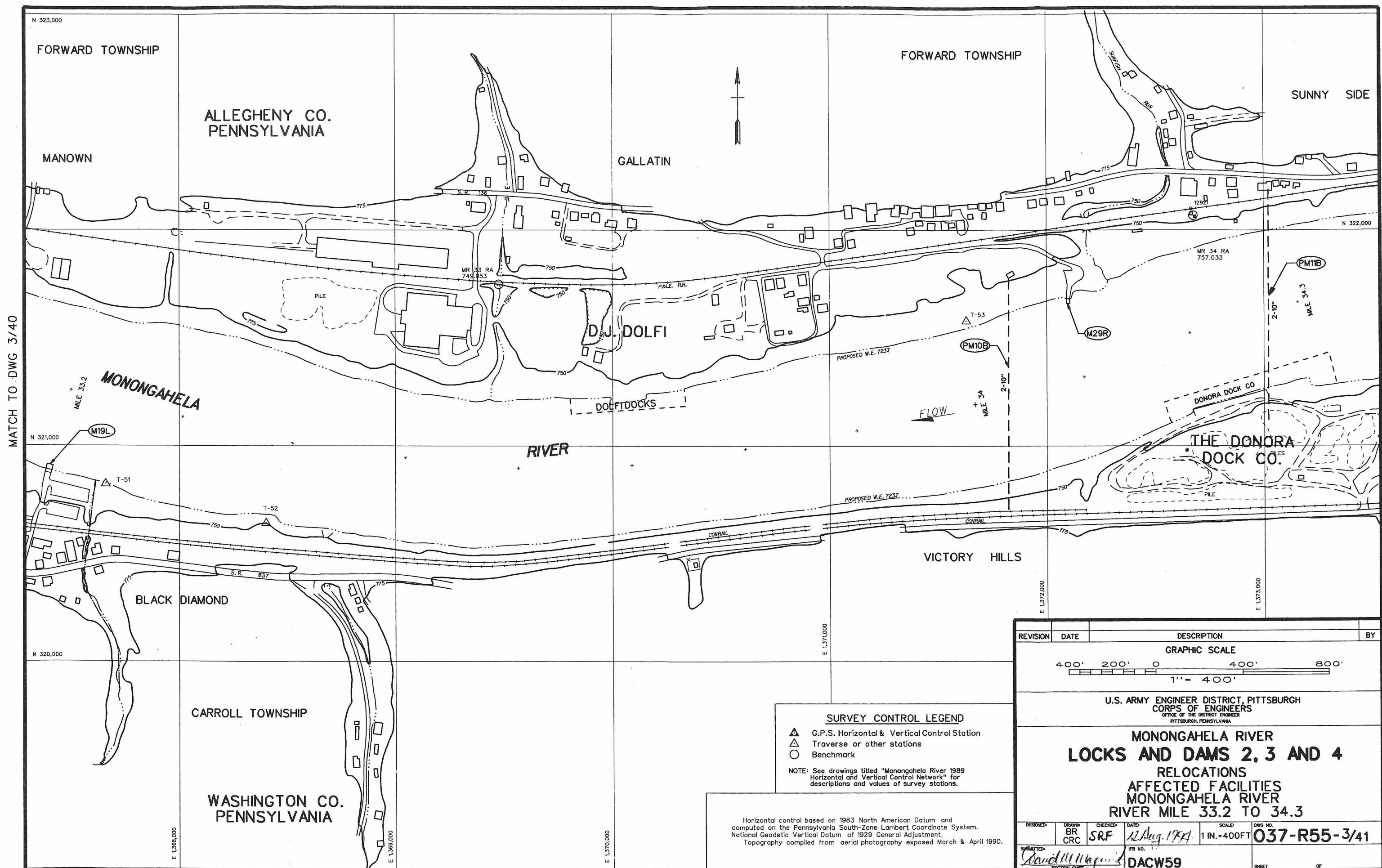
SMINKO
DOCK

PUTNAK'S
PACKING

MONONGAHELA
MARINERS

MATCH TO DWG 3/40





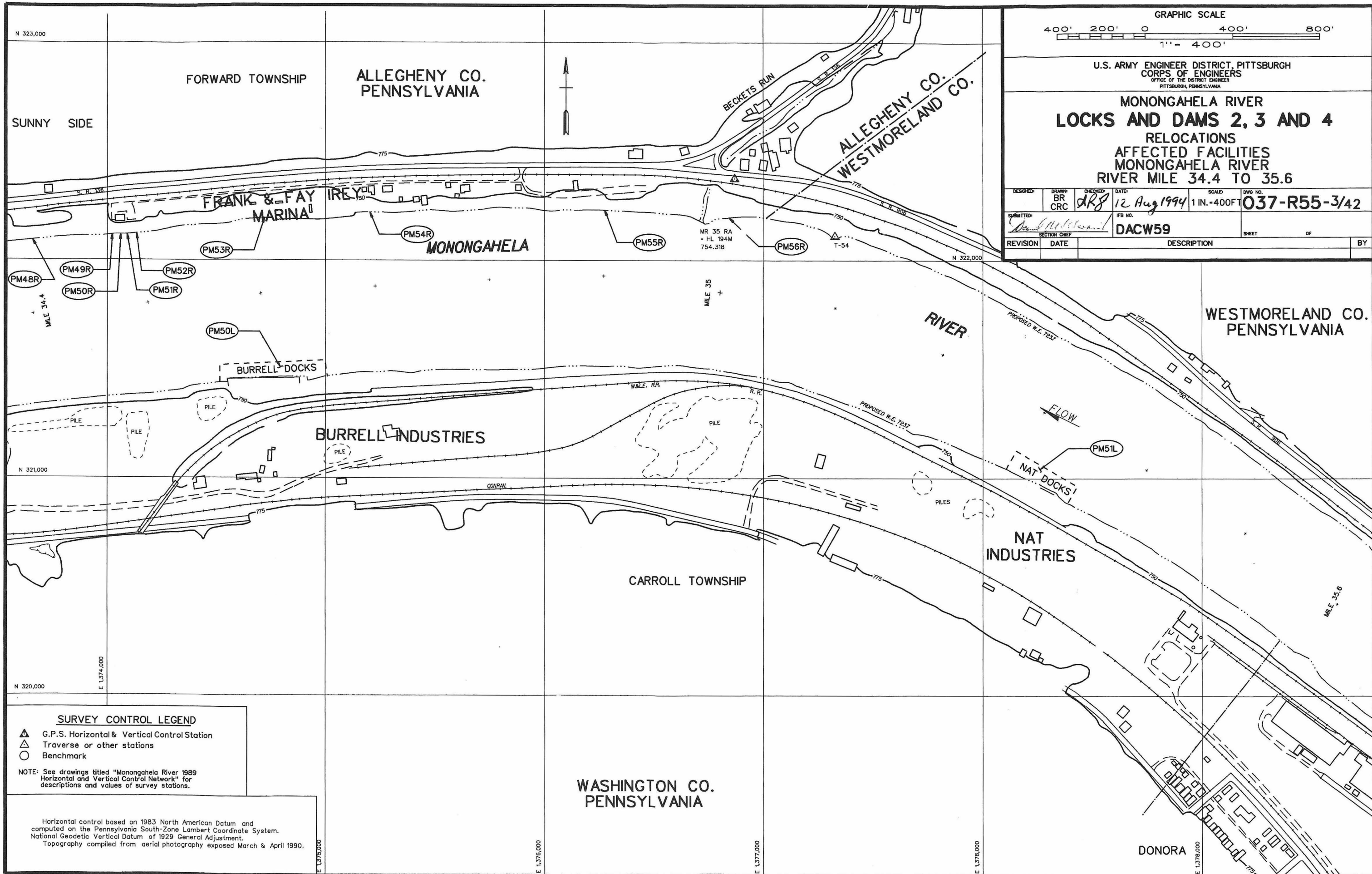
SURVEY CONTROL LEGEND

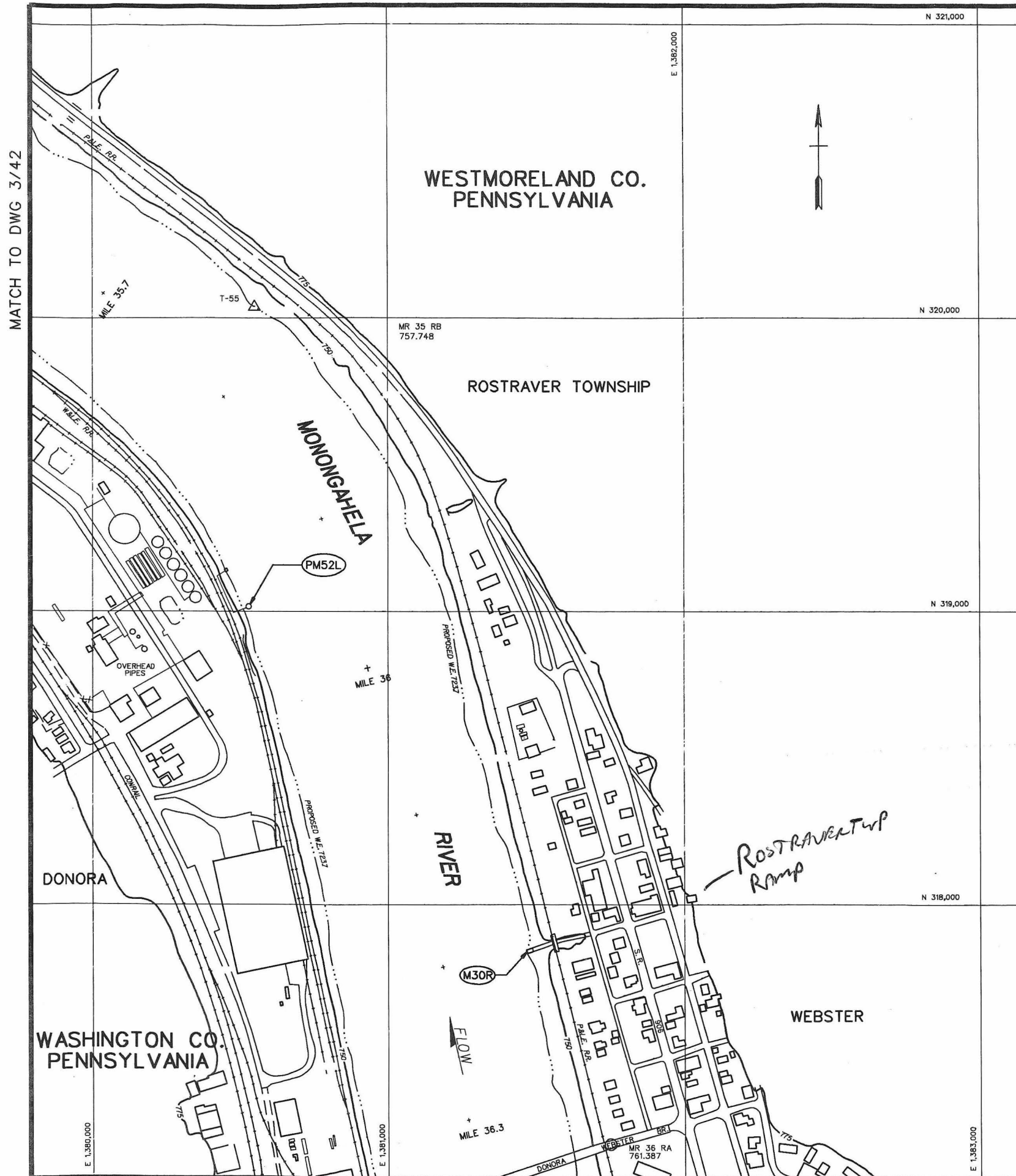
▲ G.P.S. Horizontal & Vertical Control Station
△ Traverse or other stations
○ Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 33.2 TO 34.3			
DESIGNED: <i>David W. Hagen</i>	DRAWN: BR CRC	CHECKED: SRF	DATE: 12 Aug. 1994
SUBMITTED: <i>David W. Hagen</i>		SCALE: 1 IN. = 400 FT	
SHEET NO. DACW59		DWG NO. 037-R55-3/41	





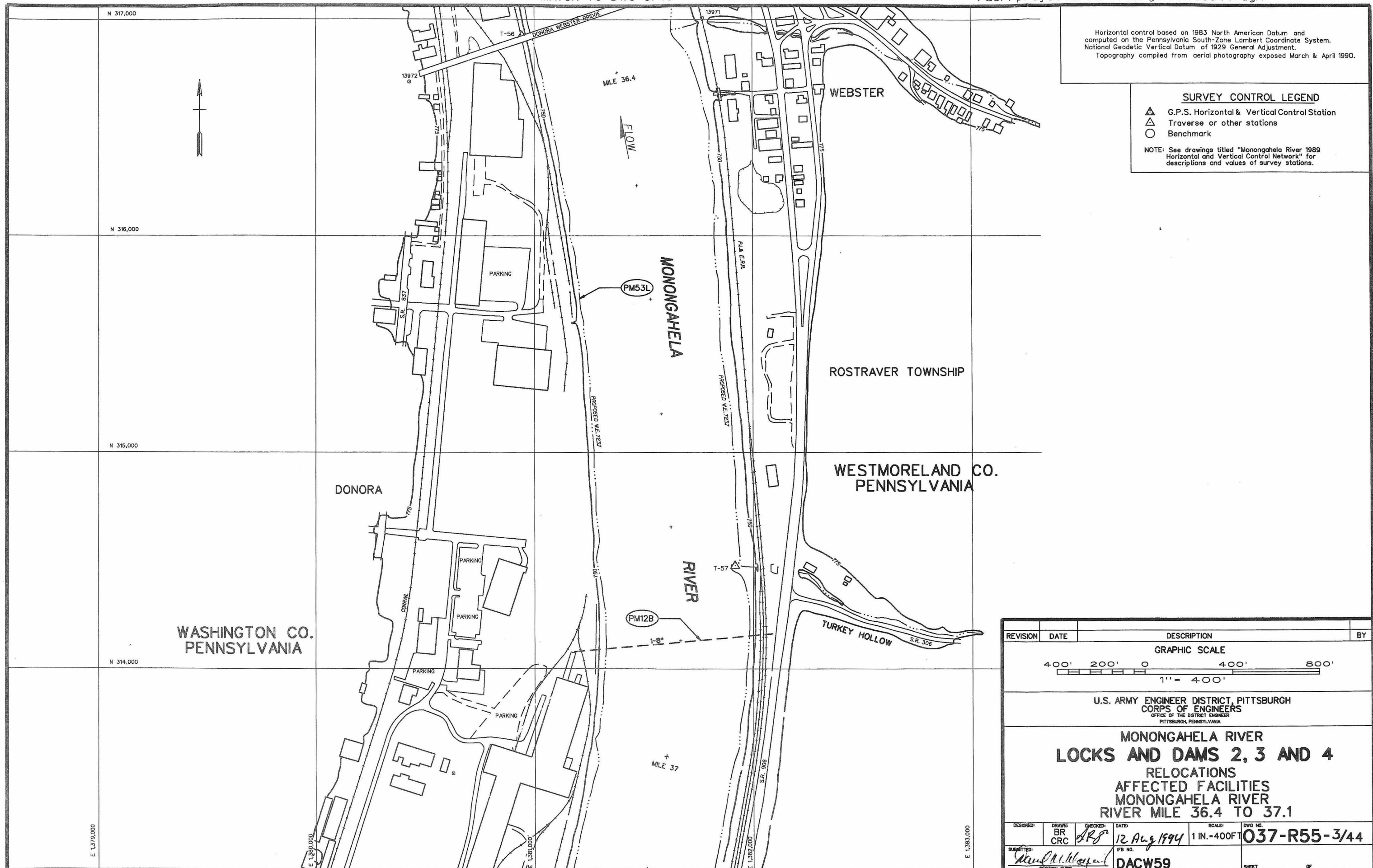
Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

SURVEY CONTROL LEGEND

- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

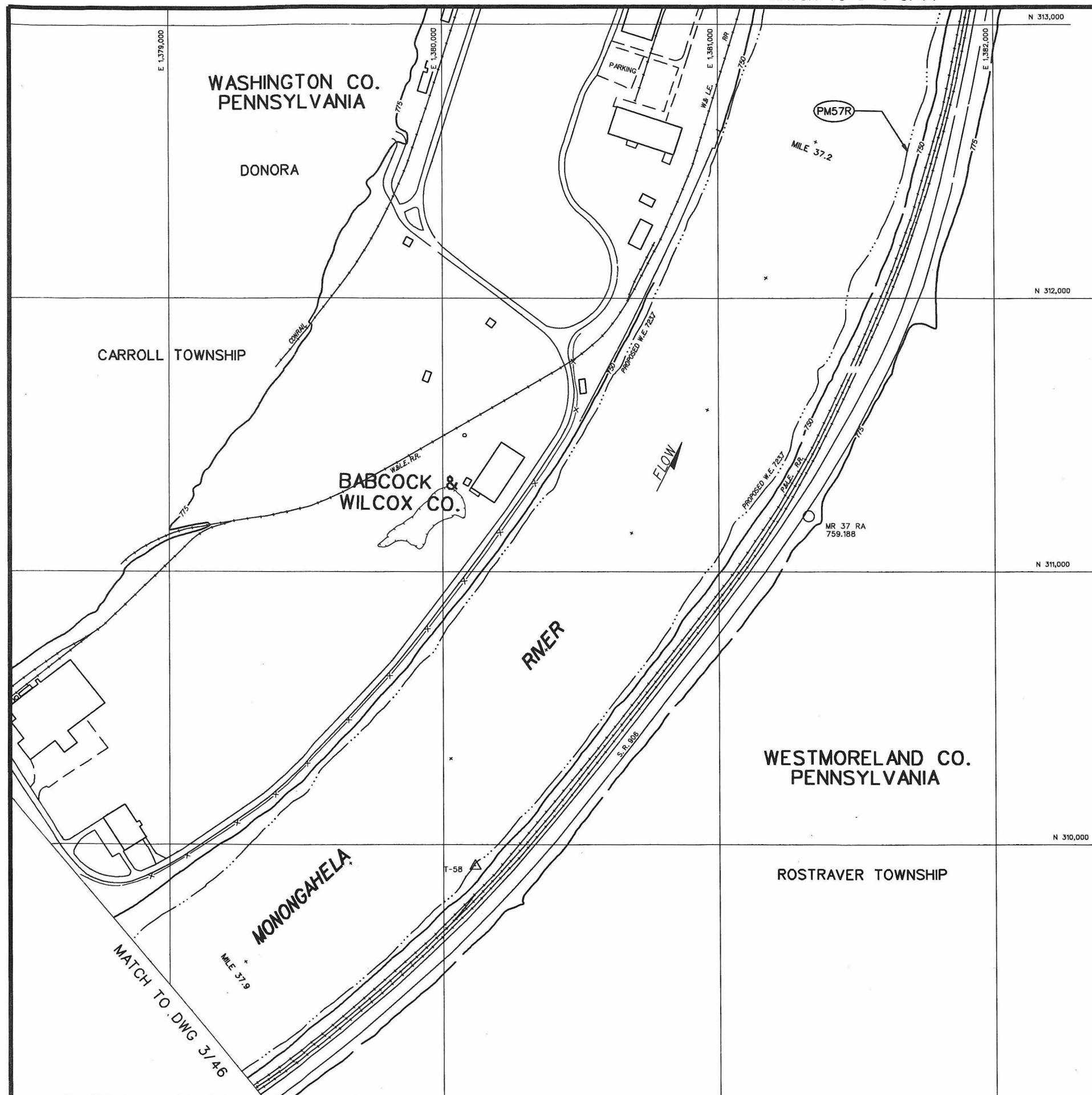
REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 35.7 TO 36.3			
DESIGNED: BR CRC	DRAWN: BR CRC	CHECKED: AKF	DATE: 12 Aug 1994
SCALE: 1 IN. = 400 FT		DWG NO. 037-R55-3/43	
SUBMITTED: [Signature]		IFB NO. DACW59	



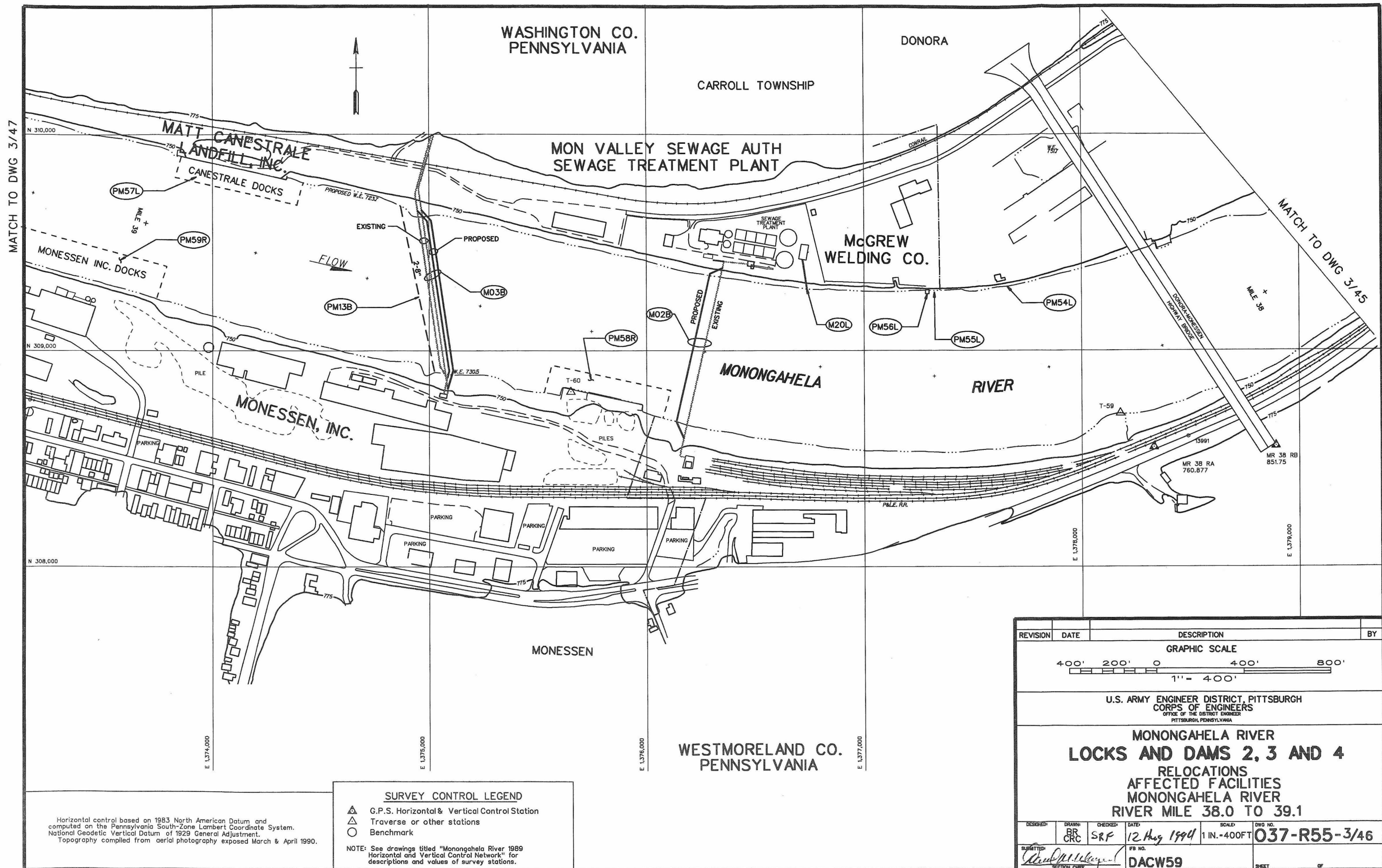
Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System.
National Geodetic Vertical Datum of 1929 General Adjustment.
Topography compiled from aerial photography exposed March & April 1990.

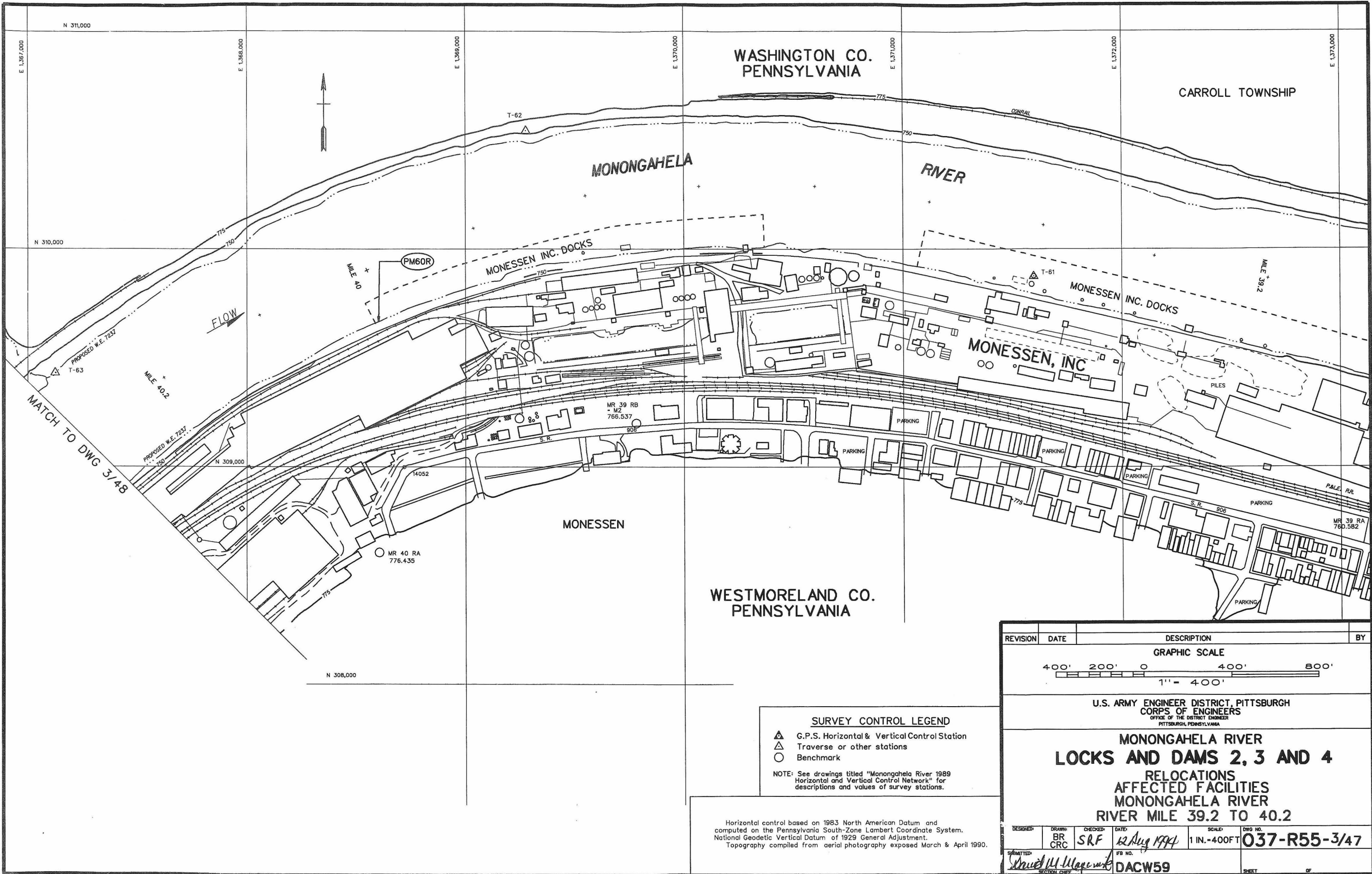
 G.P.S. Horizontal & Vertical Control Station
 Traverse or other stations
 Benchmark

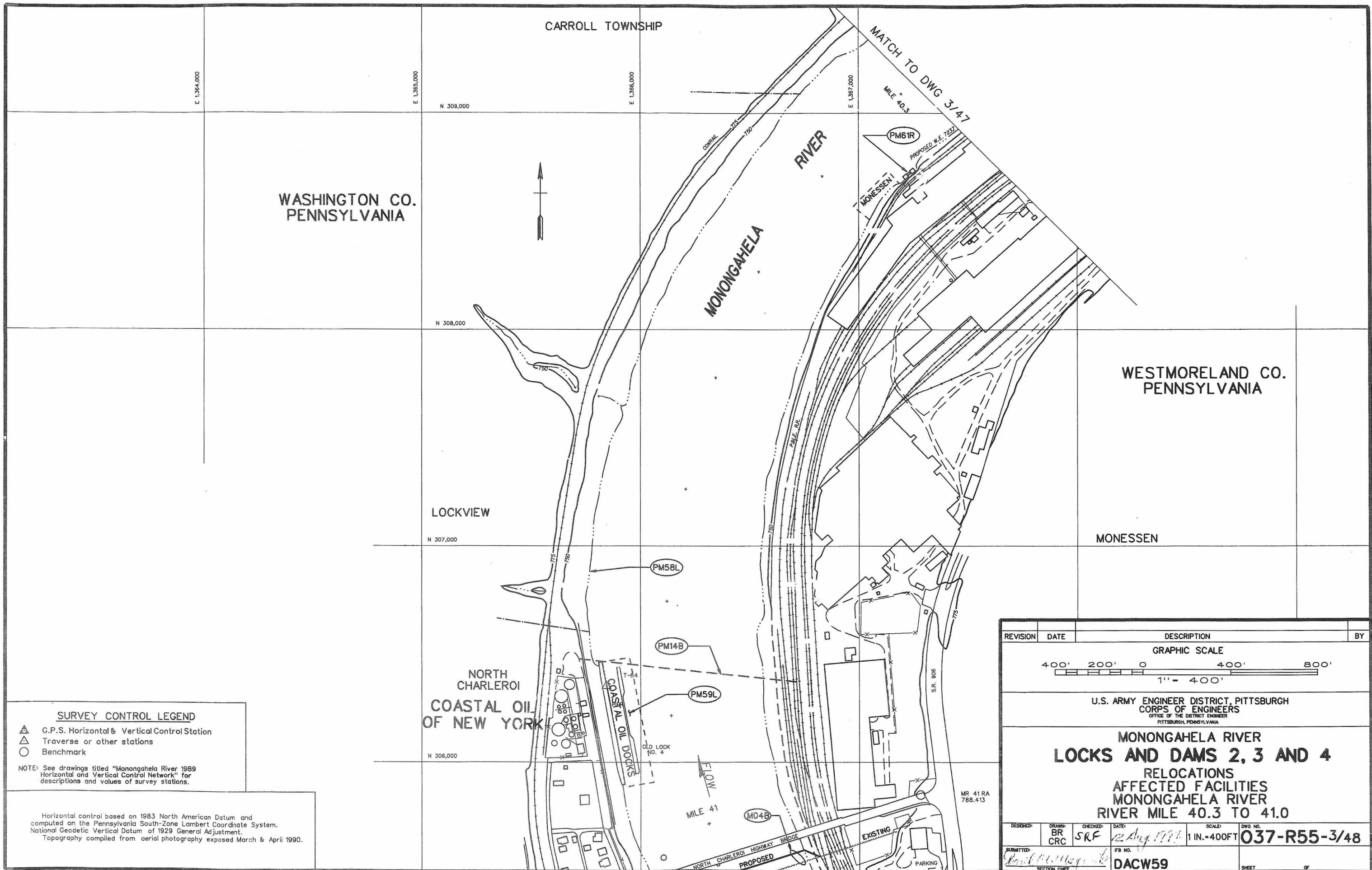
NOTE: See drawings titled "Manongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.



REVISION	DATE	DESCRIPTION		BY
GRAPHIC SCALE				
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA				
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 37.2 TO 37.9				
DESIGNED	DRAWN BR CRC	CHECKED <i>AKG</i>	DATE <i>12 Aug 1994</i>	SCALE 1 IN. = 400 FT DWG NO. 037-R55-3/45
SUBMITTED 			FB NO. DACW59	SHEET OF







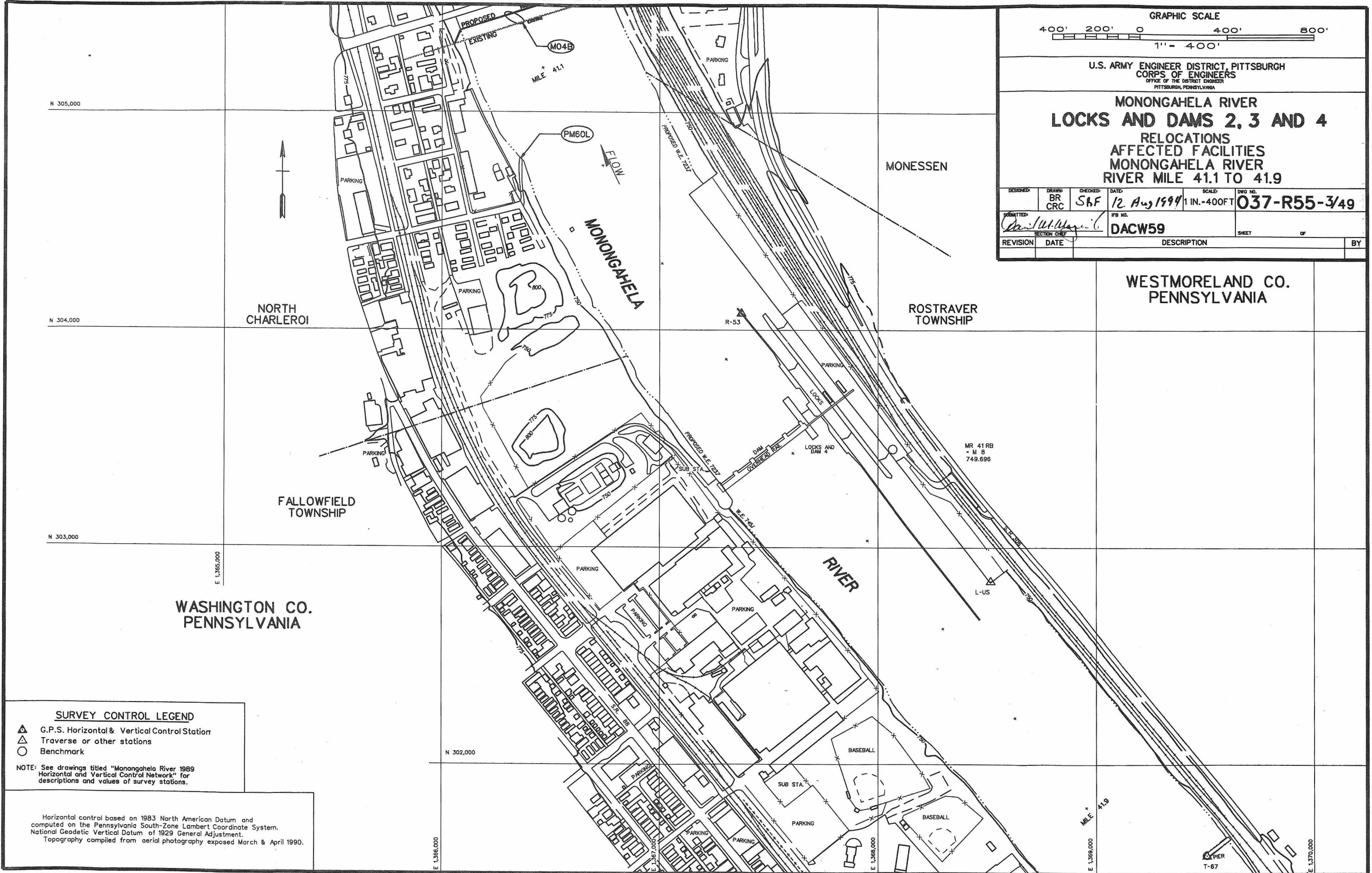
SURVEY CONTROL LEGEND

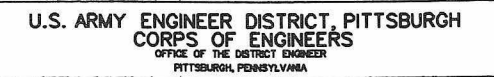
- △ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

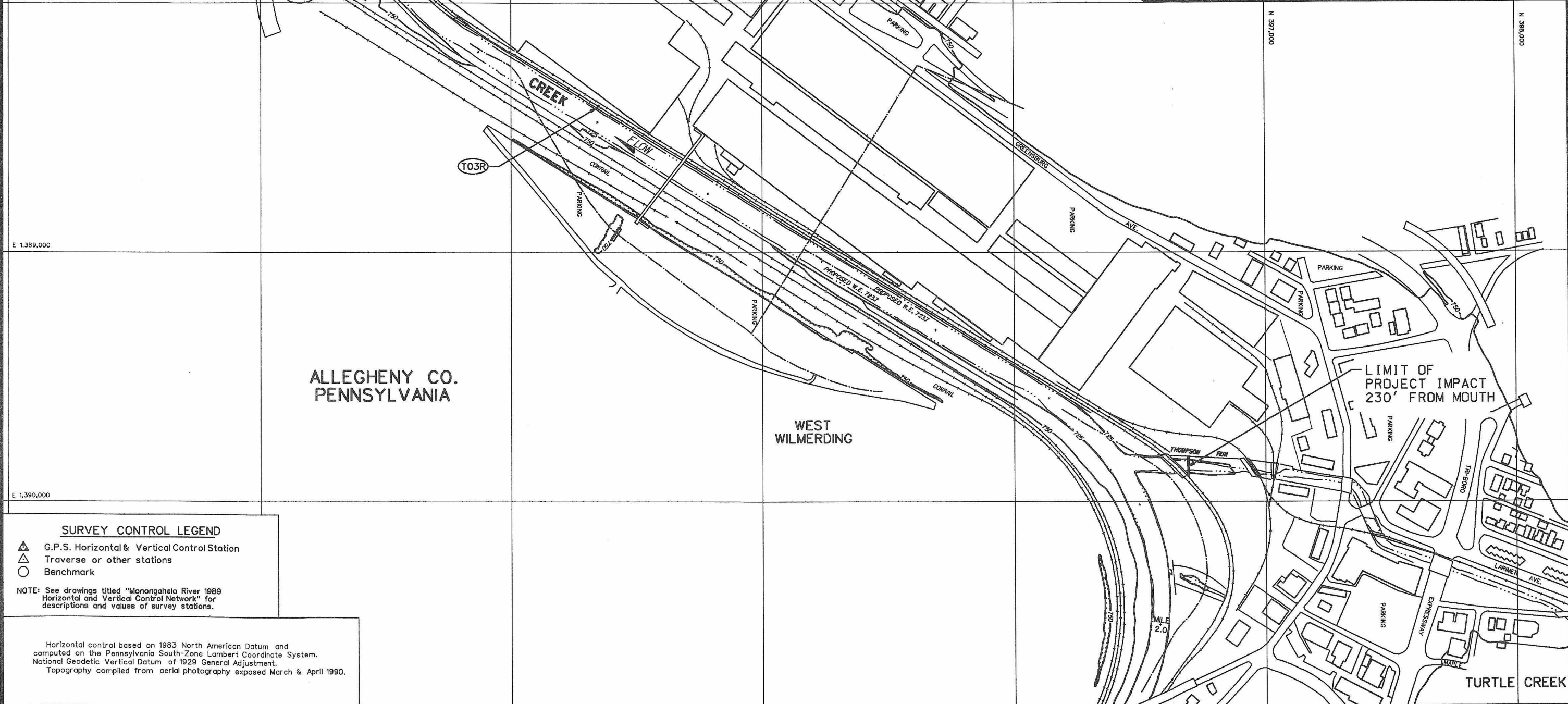
Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES MONONGAHELA RIVER RIVER MILE 40.3 TO 41.0			
DESIGNED: BR CRC	CHECKED: SRF	DATE: 12 Aug 1991	SCALE: 1 IN. = 400 FT
SUBMITTED: [Signature]		IFB NO. DACW59	DWG NO. 037-R55-3/48
SECTION CHIEF		SHEET OF	





DESIGNED:	DRAWN: RH CRC	CHECKED: SRF	DATE: 12 Aug 1994	SCALE: 1 IN. = 400 FT	DWG NO. 037-R55-3/50
SUBMITTED: <i>Richard M. Whyniuk</i>			ITB NO. DACW59		
SECTION CHIEF			SHEET OF		
REVISION	DATE	DESCRIPTION			BY



```
/usr/projects/lmreldm/gen/m100350.dgn
```

PLATE 36

SURVEY CONTROL LEGEND

	G.P.S. Horizontal & Vertical Control Station
	Traverse or other stations
	Benchmark

MATCH TO SHEET 3/50

ALLEGHENY CO.
PENNSYLVANIA

- LIMIT OF
PROJECT IMPACT
RM 2.3

REVISION	DATE	DESCRIPTION		BY
GRAPHIC SCALE				
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA				
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES TURTLE CREEK RIVER MILE 2.1 TO 2.9				
DESIGNED	DRAWN RH CRC	CHECKED SRF	DATE 12 Aug 1994	SCALE 1 IN. = 400 FT DWG NO. 037-R55-3/51
SUBMITTED 			IFB NO. DACW59	DESIGNED BY OF

377,000

PORT VUE

N 376,000

N 375,000

N 374,000

N 373,000

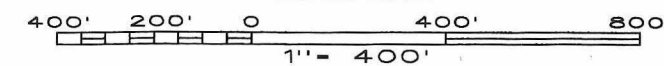
PORT VUE

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania South-Zone Lambert Coordinate System. National Geodetic Vertical Datum of 1929 General Adjustment. Topography compiled from aerial photography exposed March & April 1990.

 G.P.S. Horizontal & Vertical Control Station
 Traverse or other stations
 Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

GRAPHIC SCALE



U.S. ARMY ENGINEER DISTRICT, PITTSBURGH
CORPS OF ENGINEERS
OFFICE OF THE DISTRICT ENGINEER
PITTSBURGH, PENNSYLVANIA

MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4
RELOCATIONS
AFFECTED FACILITIES
YOUGHIOGHENY RIVER
RIVER MILE 0.6 TO 1.5

DESIGNED:	DRAWN: RH CRC	CHECKED: SRF	DATE: 12 Aug 1999	SCALE: 1 IN. = 400 FT	DWG NO. 037-R55-3/52
SUBMITTED: <i>David M. Weyant</i>	IFB NO. DACW59			SHEET OF	
REVISION	DATE	DESCRIPTION			

McKEESPORT

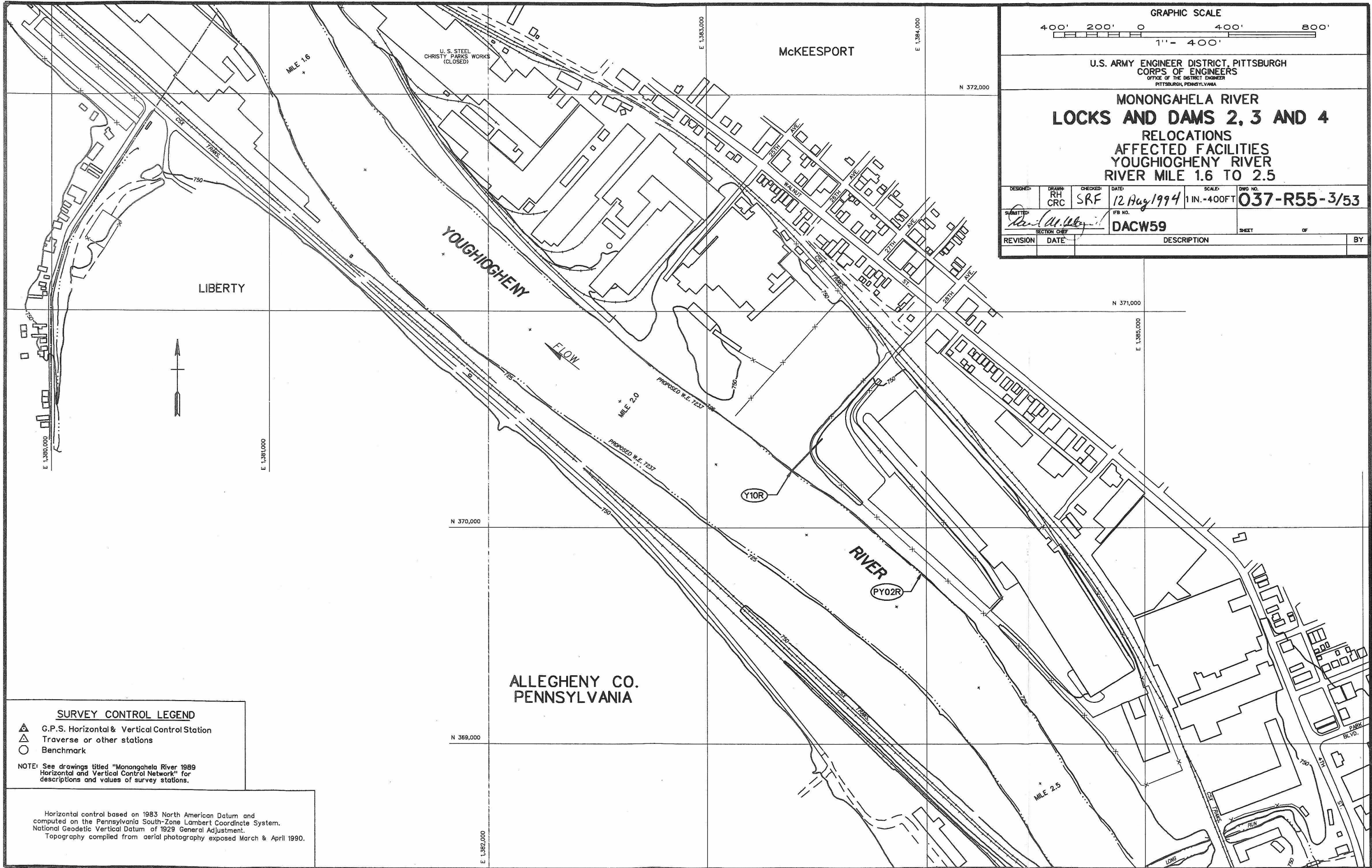
ALLEGHENY CO.
PENNSYLVANIA

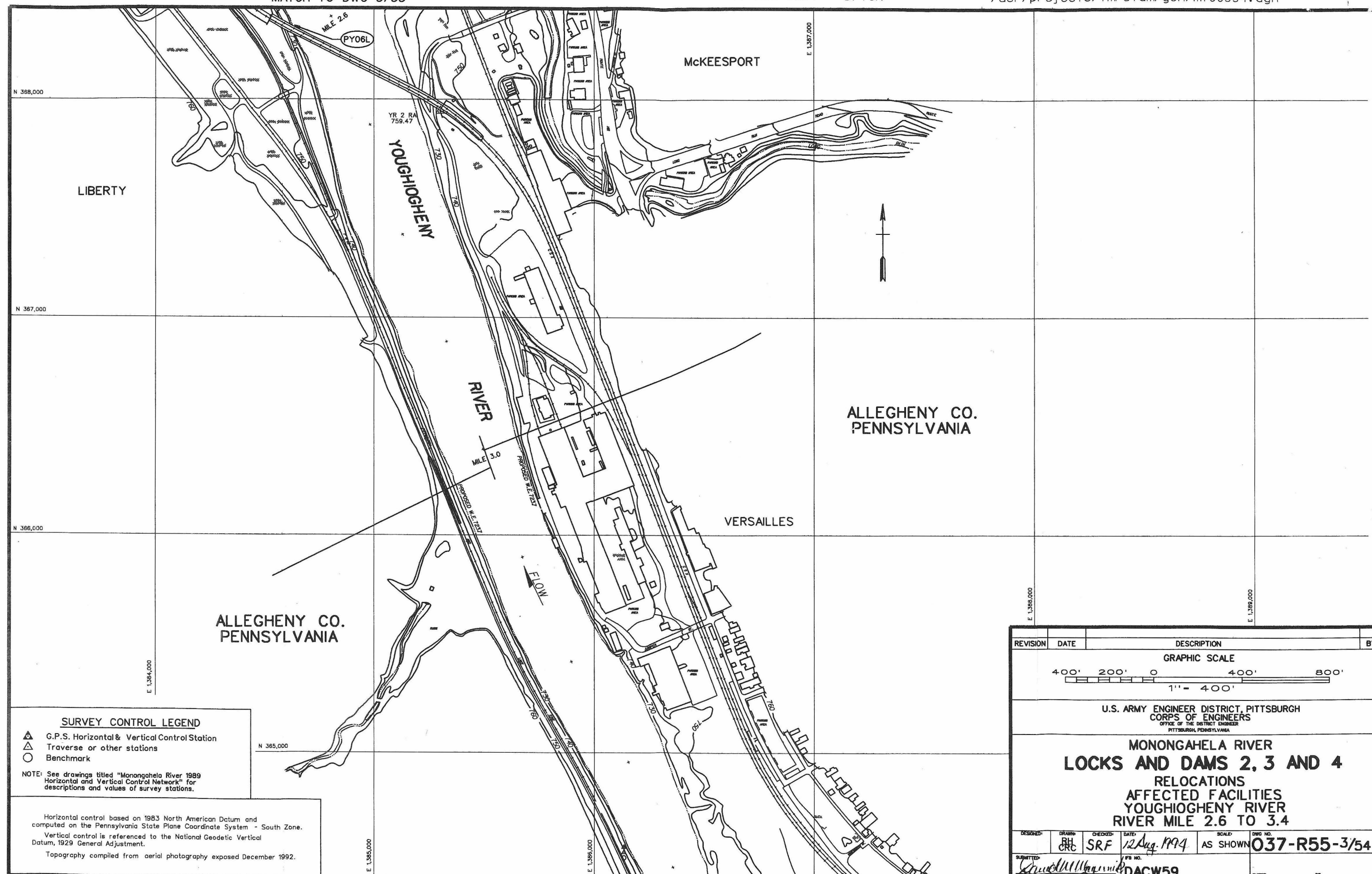
10-AUG-1994 ccarney

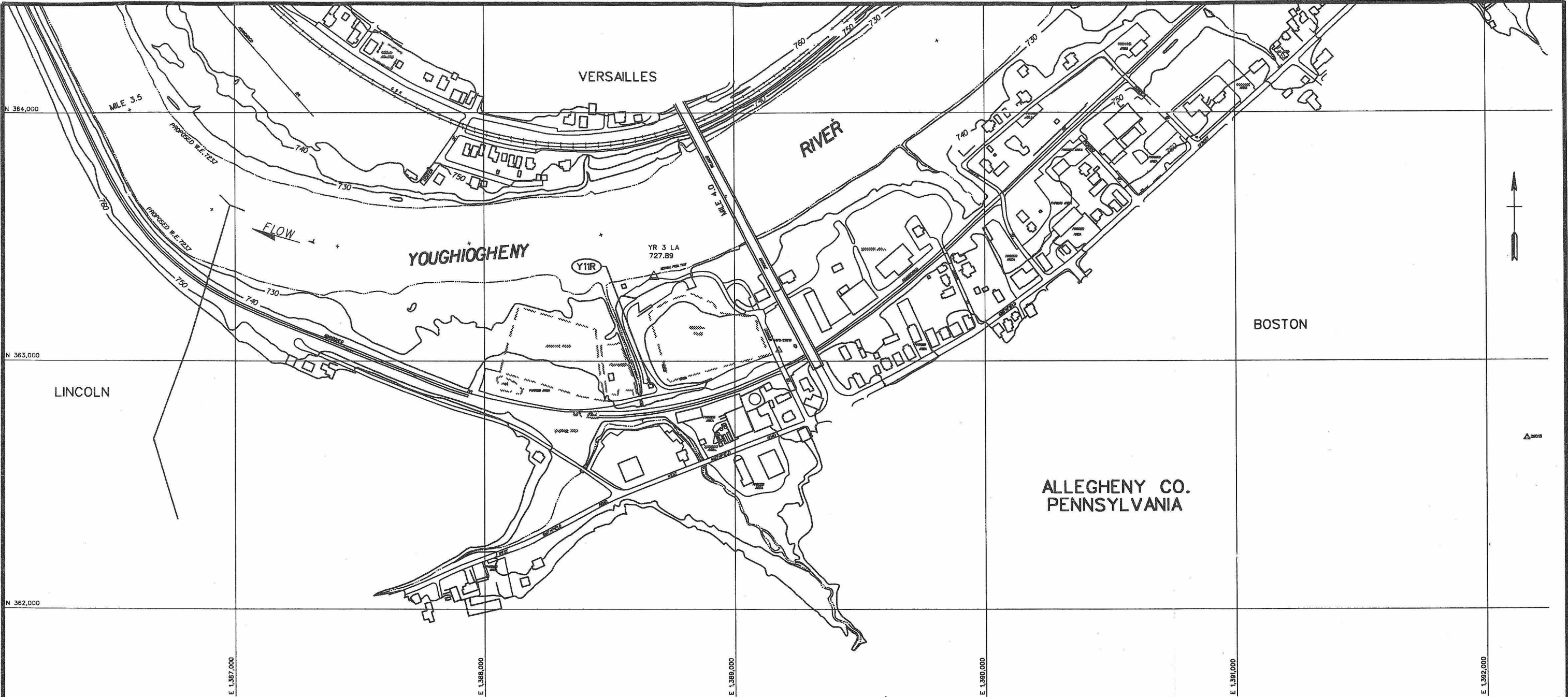
```
/usr/projects/lmreldm/gen/m100352.dgn
```

MATCH TO DWG 3/53

PLATE 38







SURVEY CONTROL LEGEND

- ▲ G.P.S. Horizontal & Vertical Control Station
- △ Traverse or other stations
- Benchmark

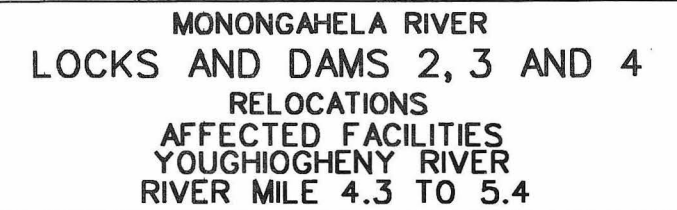
NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania State Plane Coordinate System - South Zone.
Vertical control is referenced to the National Geodetic Vertical Datum, 1929 General Adjustment.
Topography compiled from aerial photography exposed December 1992.

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES YOUGHIOGHENY RIVER RIVER MILE 3.5 TO 4.2			
DESIGNED	DRAWN	CHECKED	DATE
	CRC	SAP	12 Aug. 1994
SCALE		DWG NO.	
AS SHOWN		037-R55-	3/55
DRAWN BY		DACW59	

SURVEY CONTROL LEGEND

- NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.



DESIGNED	DRAWN	CHECKED	DATE	SCALE	DWG NO.
	CRC	SRF	12 Aug. 1994	AS SHOWN	037-R55- 3/56
SUBMITTED	SECTION CHIEF		FB NO.		
<i>David W. Hargrave</i>			DACW59		
REVISION	DATE	DESCRIPTION			BY

WHITE OAK

MCKEESPORT

VERSAILLES

YOUHQGHENY

GREENOCK

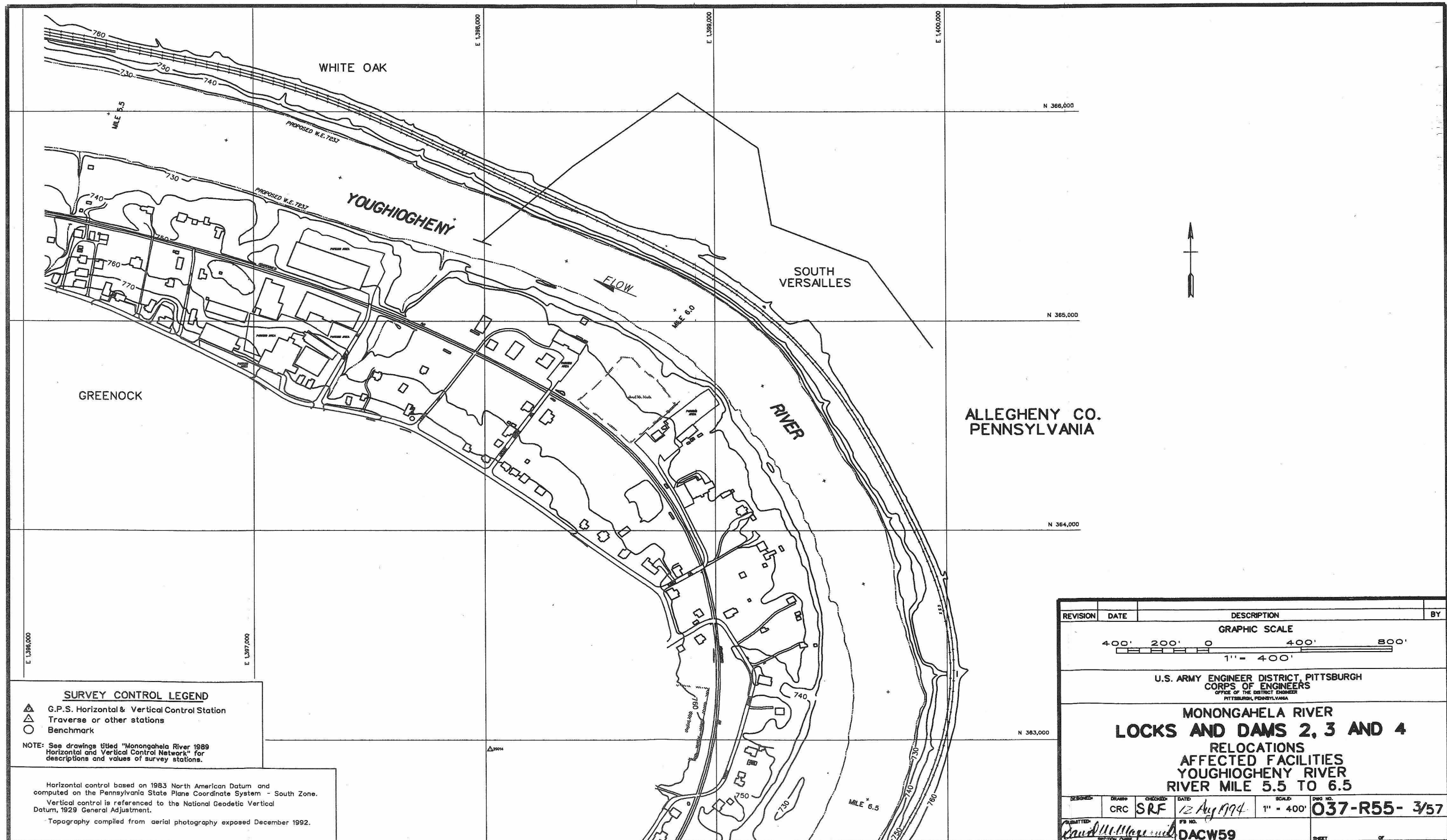
BOSTON

MATCH TO DWG 3/55

PLATE 42

MATCH TO DWG 3/57

MATCH TO DWG 3/56



SURVEY CONTROL LEGEND

- △ G.P.S. Horizontal & Vertical Control Station
△ Traverse or other stations
○ Benchmark

NOTE: See drawings titled "Monongahela River 1989 Horizontal and Vertical Control Network" for descriptions and values of survey stations.

Horizontal control based on 1983 North American Datum and computed on the Pennsylvania State Plane Coordinate System - South Zone.
Vertical control is referenced to the National Geodetic Vertical Datum, 1929 General Adjustment.
Topography compiled from aerial photography exposed December 1992.

ALLEGHENY CO.
PENNSYLVANIA

RIVER

* YOUGHIOGHENY *

SOUTH
VERSAILLES

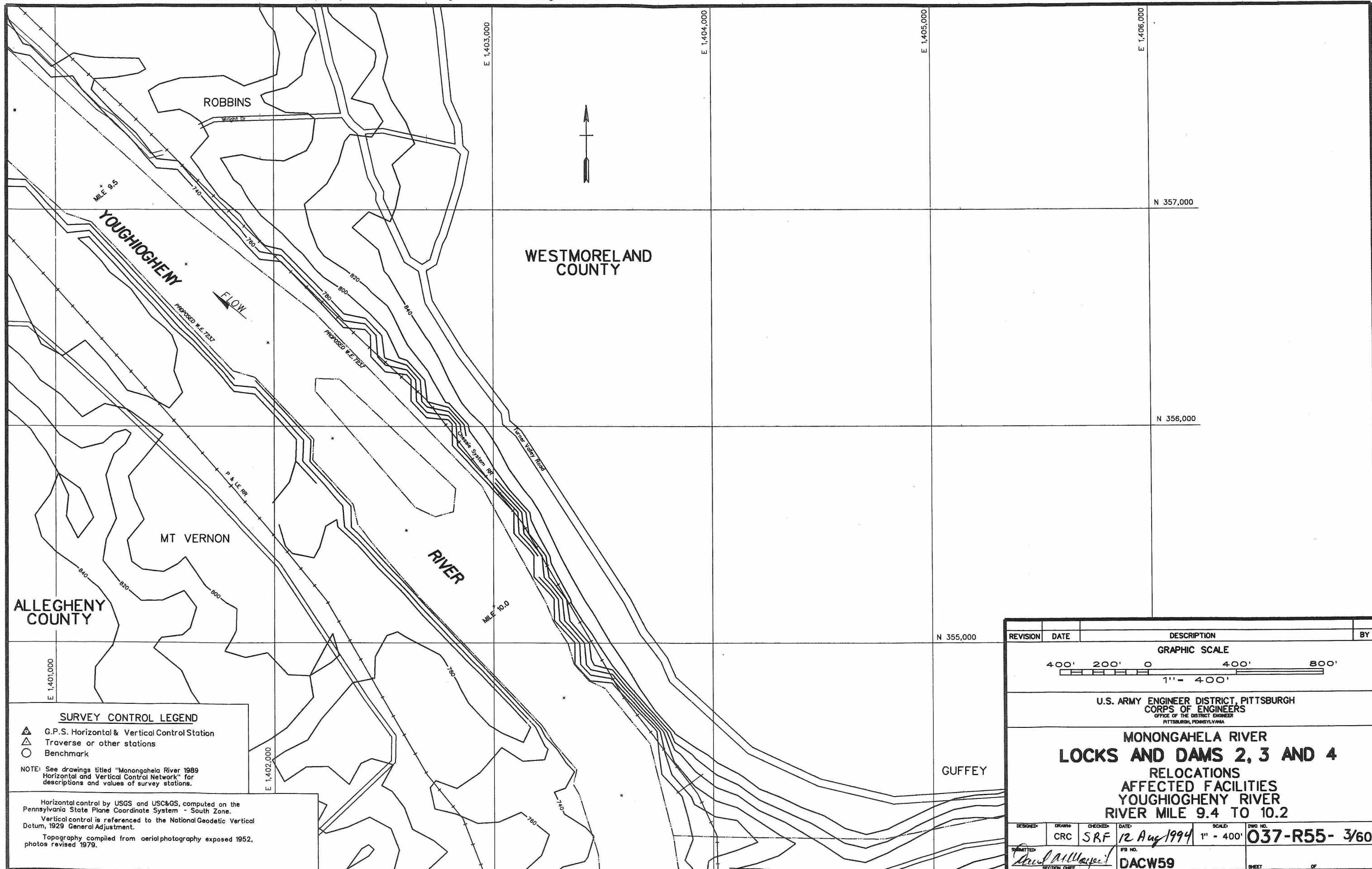
REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 400' 200' 0 400' 800' 1" = 400'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS AFFECTED FACILITIES YOUGHIOGHENY RIVER RIVER MILE 6.6 TO 7.8			
DESIGNED	DRAWN	CHECKED	DATE
	CRC	SRF	12 Aug 1994
SCALE		DWG NO.	
1" = 400'		037-R55- 3/58	
SUBMITTED		IBB NO.	
DACW59			
SECTION CHIEF		SHEET	

MATCH TO DWG 3/58

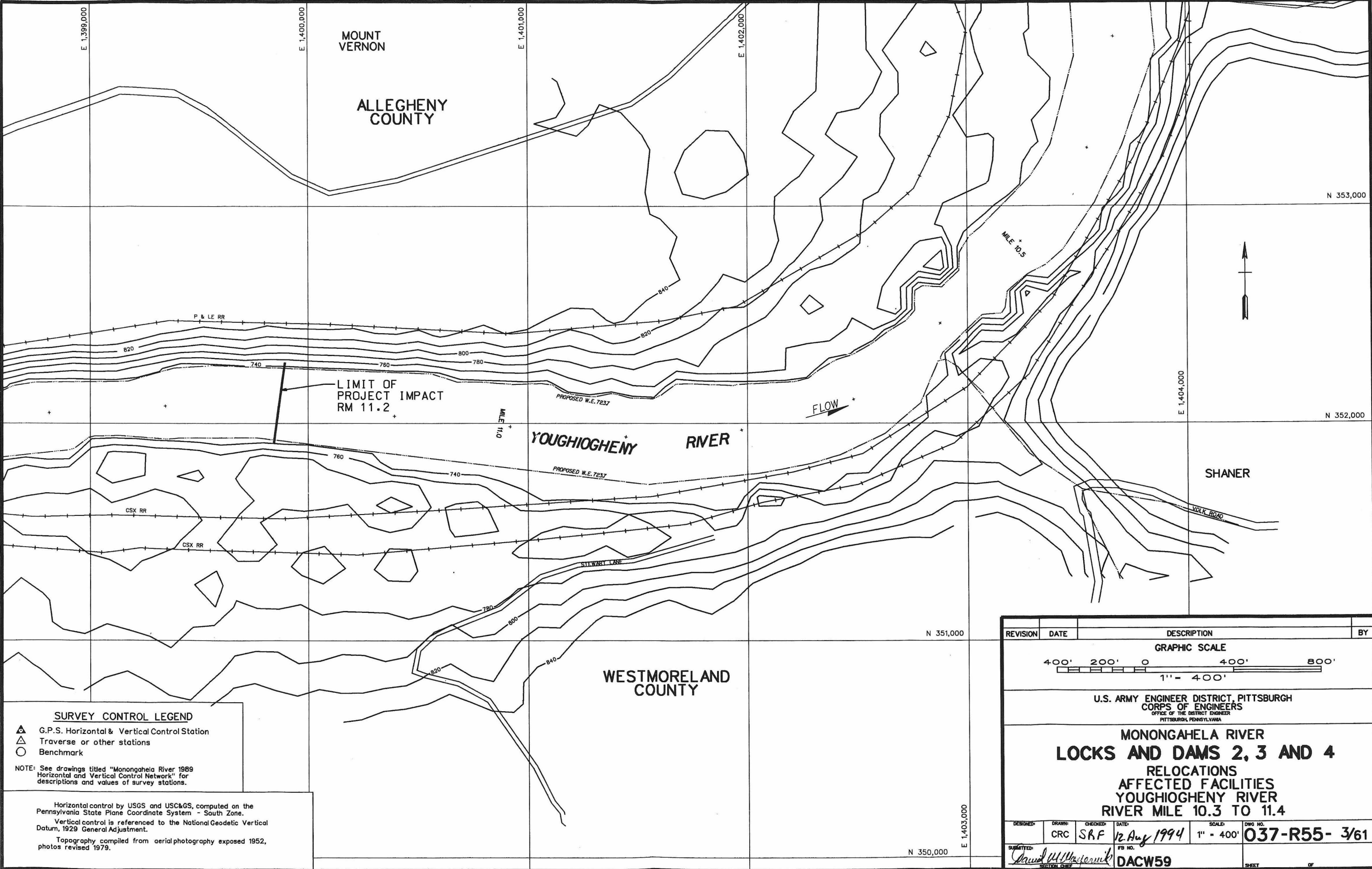
PLATE 44



MATCH TO DWG 3/59



MATCH TO DWG 3/61



LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT

EXHIBIT NO. 2

SECTION 404 (b)(1) EVALUATION

CLEAN WATER ACT
SECTION 404(b)(1) EVALUATION
FEDERALLY FUNDED RELOCATIONS
AS PART OF THE
LOCKS 2, 3 AND 4
MONONGAHELA RIVER PROJECT

1. Description of Federally Funded Relocations

a. Location. Sixty-five shoreside and associated landward facilities will be relocated to ensure the same level of service, including operability and maintainability, within the new pool levels between river miles 11.3 and 44.1 on the Monongahela (Mon) River and affected portions of two tributaries, Youghiogheny (Yough) River and Turtle Creek. Twenty facilities are on the left descending bank of the Mon between river miles (r.m.) 12.4 and 38.4, thirty are on the right descending bank of the Mon between r.m. 14.5 and 36.2, three are submarine crossings in Mon Pool 3 between r.m. 36.5 and 41.0, ten are on the right bank of the Yough between r.m. 0.2 and 4.1, one is on the left bank of the Yough at r.m. 4.1, and one is on the right bank of Turtle Creek at creek mile 1.0.

b. General Description. There are five primary types of relocations. Outfalls and associated conduits on the Mon River between r.m. 11.2 and 23.8, Pool 2, the Yough River and Turtle Creek will be raised to maintain the same discharge capacity within the new higher pool. One riverside park within Pool 2 will be raised to afford the same level of use in the higher pool. Boat ramps between r.m. 23.8 and 41.4 (Pool 3) will be extended to assure the same level of use within new lower pool. Several outfalls within Pool 3 will be modified through construction of a channel extension to the lower pool and erosion (stone) protection at the outlet. An aquatorium within Pool 3 will be provided with a "step" extension to provide the same river surface to esplanade surface relationship and same degree of mooring space within the lower pool. Conduit for a pump station on the Yough River will be lined to prevent ground water infiltration.

c. Project Authorization. The Locks and Dams 2, 3 and 4 Monongahela River Navigation Project was authorized for construction in Section 101 of Public Law 102-580 (Water Resources Development Act of 1992, 31 October 1992), based on the Feasibility Report and Final Environmental Impact Statement approved by the Division Commander on 20 December 1991. There have been no changes in project authorization.

d. General Description of Dredged or Fill Material. The relocations would require the placement of fill material into waters of the United States. Sixty-one of the relocations

qualify under the Nationwide Permit (NWP) Program. Section 404(b)(1) Compliance for those facilities are documented in the environmental assessments prepared for the NWPs. For relocations that do not qualify under a NWP, the fill material would amount to a total of 2,800 cubic yards of concrete; 5,600 c.y. of stone protection, aggregate, and filter fabric; 41,000 pounds of reinforcing bar and structural steel; and 9,400 linear feet of sheet piling.

e. Description of Proposed Discharge Sites. Discharge sites will include shoreline areas immediately above and around existing outfall facilities in Pool 2, on the Yough River and on Turtle Creek. Sites will also include areas below existing boat ramps and outfalls in Pool 3, the esplanade area of Elizabeth Borough Riverside Park in Pool 2, and 15'-18' beyond the existing perimeter of the City of Monongahela Aquatorium in Pool 3.

f. Description of Disposal Method. Essentially all of the construction work will be accomplished from the shore. The stone for the stone protection will be obtained from a clean upland source. All concrete will be placed within forms. Sound engineering practices will be followed during all phases of relocation construction.

2. Factual Determination

Section 230.11 of the EPA final guidelines of 24 December 1980 requires the following factual determinations.

a. Physical Substrate Determinations. Permanent changes to the physical substrate will be minimal and limited to new outlet structures, boat ramp extensions, stone protection, and the extension of the Monongahela Aquatorium. The total river bottom covered by the facilities that do not qualify for a NWP approximates one-half acre.

b. Water Circulation, Fluctuation and Salinity. Water chemistry, clarity, color, odor, taste, dissolved oxygen levels, temperature, nutrients and eutrophication would be unaffected by placement of the fill material. Flow would remain unchanged and salinity is not a consideration in this inland freshwater drainage area.

c. Suspended Particulate/Turbidity Determinations. Increased turbidity levels due to the relocation activities would only occur during actual construction activities, be temporary and limited to a few hundred feet from the facility. This turbidity would be well within that which occurs naturally and would not violate water quality standards.

d. Contaminant Determinations. The fill material would consist of concrete, aggregate and sheet piling which will have no potential to permanently introduce, relocate, or increase water quality contaminant levels. The stone would be obtained from a clean upland source.

e. Aquatic Ecosystem and Organism Determinations. As confirmed by the U.S. Fish and Wildlife Service and the Pennsylvania Fish and Boat Commission, the proposed relocations would have no significant effect on the present organism and aquatic ecosystem within the project area. Any impacts would be temporary and be offset by the positive impact of retaining the function of the existing facilities. The fill activities would not affect any special aquatic sites, and there are no federally listed endangered or threatened species which reside in the project impact area.

f. Proposed Fill Site Determinations. The nature of the structural materials and their placement raise no concern over dispersion in the water column and adverse impacts on water quality. Placement of fill material in the river would not violate any State water quality standards. Temporary increases in turbidity during relocation construction would not be expected to exceed naturally occurring levels. There would not be any impacts to the water supply of the Pennsylvania-American Water Supply Intake at river mile 25.3.

g. Determination of Cumulative Effects on the Aquatic Ecosystem. No cumulative effects to the aquatic ecosystem in the study area can be attributed to the fill activities associated with the relocations. Any impacts will be temporary and confined to the immediate area around the relocated facility.

h. Determination of the Secondary Effects on the Aquatic Ecosystem. There would be no significant adverse impacts on the aquatic ecosystem as a result of the relocations.

3. Findings of Compliance or Non-Compliance With the Restrictions on Discharge

a. Adaption of the Section 404(b)(1) Guidelines to this Evaluation. No significant adaption of the guidelines were made relative to this evaluation.

b. Evaluation of Availability of Practicable Alternatives to the Proposed Discharge Sites Which Would Have Less Adverse Impact on the Aquatic Ecosystem. A discussion of alternatives to the recommended relocations is contained in the Environmental Assessment. All recommended designs represent cost-effective adjustments that retain current levels of operability and

maintainability.

c. Compliance with Applicable State Water Quality Standards. The proposed relocations would be in compliance with all state water quality standards.

d. Compliance with Applicable Toxic Effluent Standards or Prohibition Under Section 307 of the Clean Water Act. The fill operations would not violate Section 307 of the Clean Water Act.

e. Compliance with the Endangered Species Act of 1973. Consultation with the U.S. Fish and Wildlife Service during preparation of the Feasibility Report under Section 7 of the Endangered Species Act has resulted in the determination that no federal endangered or threatened species or their critical habitat are in the project area. Consultation with the Pennsylvania Game Commission and Fish and Boat Commission confirmed that they have no concerns about impacts to habitat in the area due to relocation activities. Any impacts would be temporary and offset by the positive result that the level of service of the relocated facilities would be retained within the new pool levels.

f. Compliance with Specified Protection Measures for Marine Sanctuaries Designated by the Marine Protection, Research, and Sanctuaries Act of 1972. Not applicable.

g. Evaluation of Extent of Degradation of Waters of the United States. The proposed placement of fill material associated with the relocation activities would not result in any significant adverse impacts on human health and welfare, including municipal and private water supplies. Recreation and commercial fishing, plankton, fish, shellfish, wildlife, special aquatic sites, and the life stages of aquatic and other wildlife would also not be affected. Significant adverse effects on aquatic ecosystem diversity, productivity and stability, and recreational, aesthetic and economic values would not occur.

h. Appropriate and Practicable Steps Taken to Minimize Potential Adverse Impacts of the Discharge on the Aquatic Ecosystem. Appropriate steps to minimize potential adverse impacts from the placement of fill material (discharge) on the aquatic ecosystem of the affected reaches of the Mon and Yough Rivers and Turtle Creek will be identified in the detailed contract plans and specifications. They will govern the contractor(s) in placing the fill material to prevent environmental pollution and damage as a result of the relocation activities.

4. Finding of Compliance.

On the basis of the guidelines, the proposed disposal sites for the discharge of fill material are specified as complying with the requirements of these guidelines.

Date: _____

Richard B. Polin
Colonel, Corps of Engineers
District Engineer

LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT

EXHIBIT NO. 3

PROGRAMMATIC AGREEMENT

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, PITTSBURGH DISTRICT,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE MODERNIZATION OF
THE LOWER MONONGAHELA RIVER NAVIGATION SYSTEM

WHEREAS, the U.S. Army Corps of Engineers, Pittsburgh District (Pittsburgh District), proposes to modernize the existing Lower Monongahela River Navigation System, consisting of Locks and Dam Nos. 2, 3, and 4 located in Allegheny, Washington, and Westmoreland Counties, Pennsylvania; and,

WHEREAS, the Pittsburgh District has determined that modernization of the Lower Monongahela River Navigation System (Project) may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (National Register) and has consulted with the Advisory Council on Historic Preservation (Council) and the Pennsylvania State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and Section 110(f) of the same Act (16 U.S.C. 470h-2(f)); and,

WHEREAS, the Project shall be defined as those activities required to modernize Locks and Dam Nos. 2, 3, and 4, including pool changes between and around Locks and Dam Nos. 2 and 4, all construction stagings areas, all flowage easement acquisitions, all disposal sites, and all publicly owned shoreside facilities relocated at Federal expense. Nothing in this Agreement shall be construed to include activities undertaken by the private sector as a consequence of the Project which may affect historic properties. These activities, which may include pipeline and shoreside facility relocations, will be addressed separately through Department of the Army permitting authority under Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act;

NOW, THEREFORE, the Pittsburgh District, the Council, and the SHPO agree that the Project shall be administered in accordance with the following stipulations to satisfy the Pittsburgh District's Section 106 responsibility for all individual undertakings of the Project.

Stipulations

The Pittsburgh District shall ensure that the following measures are carried out:

I. Completion of Historic Property Surveys

A. The Pittsburgh District shall ensure that historic property surveys will be performed in the Project's area of potential effects as defined in the Council's regulations at 36 CFR Section 800.2(c). The objective of these surveys is to identify both recorded and unrecorded potentially historic properties within the area of potential effects that may be affected by the Project either directly or indirectly, and determine whether they meet the criteria for inclusion to the National Register of Historic Places as specified in the Department of Interior's regulations at 36 CFR Part 60.4.

B. Historic property surveys will be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation and other applicable professional standards as described below.

II. Identification and Treatment of Archaeological Properties

A. Identification and Evaluation

1. An archaeological survey will be performed on all lands that will be disturbed by the Project. The surveys will be conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and take into account the National Park Service publication The Archaeological Survey: Methods and Uses (1978) and the Pennsylvania Historical and Museum Commission's Cultural Resource Management in Pennsylvania: Guidelines for Archeological Survey and Mitigation (July 1991). The survey shall be conducted in consultation with the SHPO, and a report of the survey, meeting the standards of the SHPO, shall be submitted to the SHPO for review and comment.

2. The Pittsburgh District, in consultation with the SHPO and following the Secretary of Interior's Standards for Evaluation, shall apply the National Register Criteria to properties that may be affected by this project. If the Pittsburgh District and the

SHPO agree that a property is eligible under the criteria, the property shall be considered eligible for the National Register for purposes of this Agreement. If the Pittsburgh District and the SHPO agree that the criteria are not met, the property shall be considered not eligible for the National Register for purposes of this Agreement. If there is no agreement on National Register eligibility, or if the Council or the National Park Service so request, prior to the start of any work at the site there shall be a formal determination of eligibility from the Keeper of the National Register, National Park Service, whose determination shall be final.

3. For those archeological properties which the Pittsburgh District and the SHPO agree are not eligible for the National Register, no further archaeological investigations will be required, and the proposed project may proceed in those areas. If the survey results in the identification of properties that the Pittsburgh District and the SHPO determine to be eligible for the National Register, such properties shall be treated in accordance with Stipulation II(B) below.

B. Determination of Effect and Treatment

The Pittsburgh District, in consultation with the SHPO and the Council, shall develop appropriate treatments for Register-listed and eligible archaeological properties affected by the Project.

1. Preservation In Place

a. Wherever feasible, preservation in place shall be the preferred treatment. Such properties shall be avoided either through project design changes, use of temporary fencing or barricades, or other measures to protect sites.

b. The Pittsburgh District, in consultation with the SHPO, shall develop and implement a plan to protect archaeological sites avoided and preserved in situ on lands affected by the Project.

2. Archaeological Data Recovery

a. For those eligible archaeological sites that the Pittsburgh District, the SHPO, and the Council agree cannot be avoided, a data recovery plan for the retrieval of significant archaeological information will be developed and implemented.

b. A data recovery plan that addresses substantive research questions will be developed in consultation with the SHPO, as appropriate, for the recovery of relevant archaeological data. The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the Council's publication,

Treatment of Archaeological Properties and the Pennsylvania Historical and Museum Commission's Cultural Resource Management in Pennsylvania: Guidelines for Archeological Survey and Mitigation (July 1991). It shall specify, at a minimum, the following:

- i. the property, properties, or portions of properties where data recovery is to be carried out;
- ii. the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
- iii. the methods to be used, with an explanation of their relevance to the research questions;
- iv. a discussion of the potential research value of any human remains that may be encountered, including a process for consultation with the SHPO, the Council, and any persons or groups that have expressed an interest, to determine appropriate treatment(s) for the remains, and
- v. a proposed schedule for the submission of progress reports to the SHPO.

c. The data recovery plan shall be submitted to the SHPO and the Council for 60 days (from receipt of documentation) review and approval. The parties shall consult to resolve any objections to the data recovery plan as proposed. The data recovery plan shall then be implemented. If no response is received from the SHPO or the Council after 60 days (from receipt of documentation), the plan shall be implemented as submitted.

d. The data recovery plan will be carried out by or under the direct supervision of an archaeologist(s) who meets, at minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).

e. An adequate program of site security from vandalism during data recovery will be developed in consultation with the SHPO and then implemented.

f. If any human remains and grave-associated artifacts are encountered during data recovery, the Pittsburgh District, the SHPO, and the Council shall consult to ensure treatment in an appropriate manner in accordance with the Council's resolution passed on September 27, 1988 (Appendix A).

g. Curation and Dissemination of Information:

i. In consultation with the SHPO, all materials and records resulting from the survey, evaluation, and data recovery conducted for the Project will be curated in accordance with 36

CFR Part 79. The Pennsylvania Historical and Museum Commission shall be the preferred repository. All material and records recovered from non-Federally owned land shall be maintained in accordance with 36 CFR Part 79 until their analysis is complete and, if necessary, are returned to their owner(s).

ii. The Pittsburgh District shall ensure that all final archaeological reports resulting from actions pursuant to this Agreement will be provided, to the SHPO, the Council, and upon request, to other interested parties. All such reports will be responsive to contemporary standards, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79). Precise locational data may be provided only in a separate appendix if it appears that its release could jeopardize archaeological sites.

III. Identification and Treatment of Aboveground Historic Properties

A. Identification and Evaluation

1. The Pittsburgh District, in consultation with the SHPO, shall ensure that an historical architectural survey will be conducted in those areas affected by the Project by a qualified architectural historian who meets, at minimum, the standards set forth in the meets, at minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).

2. All of the areas surveyed will be clearly identified and the rationale used in eliminating areas from the survey (e.g. because either no above ground facilities will be located in view of extant structures, no flowage easements will be acquired, etc.), will be described. The criteria to be used in eliminating survey areas will be established in consultation with the SHPO.

3. Particular attention will be given in the survey to the visual integrity (setting) of identified historic properties, and how the setting may be affected by views of the flood control structures or other Project-related activities.

4. The Pittsburgh District will ensure that the architectural survey meets the standards of the SHPO, and is consistent with the recommended approaches in the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-3), and is consistent with the recommended approaches in the Council's and National Park Service's publication Identification of Historic Properties (1988).

5. As necessary to supplement the review of aboveground historic property documentation, the SHPO may conduct an inspection of National Register-listed or eligible properties.

The SHPO shall report each determination, along with the rationale for their decision.

6. The Pittsburgh District, in consultation with the SHPO and following the Secretary of Interior's Standards for Evaluation, shall apply the National Register Criteria to properties that may be affected by this project. If the Pittsburgh District and the SHPO agree that a property is eligible under the criteria, the property shall be considered eligible for the National Register for purposes of this Agreement. If the Pittsburgh District and the SHPO agree that the criteria are not met, the property shall be considered not eligible for the National Register for purposes of this Agreement. If the Pittsburgh District and the SHPO do not agree on eligibility, or if the Council or the Secretary of Interior so request, the Pittsburgh District shall obtain a determination from the Secretary of the Interior.

B. Determination of Effect and Treatment

1. The Pittsburgh District, in consultation with the SHPO and the Council, shall determine the effect the Project will have on each listed or eligible historic building, structure, and landscape and then a treatment plan will be developed for historic buildings, structures, and landscape that will be affected by the Project.

2. The preferred alternative is avoidance of effects to historic properties. If, in consultation with the SHPO and the Council, this is not feasible, the Pittsburgh District will develop and implement plans to minimize or reduce the effect.

3. The Pittsburgh District shall ensure that mitigation plans are developed in consultation with the SHPO and the Council. The Pittsburgh District shall submit the plans to the SHPO and the Council for review and comment. Plans will also be made available for review and comment by interested parties, affected landowners, and appropriate local interest groups. Any such comments shall be made available to the SHPO and the Council and shall be taken into account by the parties to this agreement. The SHPO and Council shall have 60 days from receipt of adequate information in which to review and comment on the plan. If the SHPO or the Council fails to respond within 60 days, that party shall be deemed to have consented to the matter proposed. If there is a disagreement over adequacy, appropriateness, or extent of a mitigation plan, the disagreeing parties shall consult in an attempt to resolve the disagreement. If the disagreement cannot be resolved, it will be handled in accordance with Stipulation VI below.

IV. Historic District Nomination

Prior to construction and within five years of the date of execution of this Agreement, the Pittsburgh District shall prepare a thematic nomination to the National Register of Historic Places for the locks and dams along the Monongahela River, based on the surveys conducted pursuant to this Agreement. This nomination shall be prepared in consultation with the SHPO and submitted to the SHPO for review and processing.

V. Review of this Programmatic Agreement

A. The signatories to this Agreement shall consult at least once to review implementation of the terms of this Agreement. Prior to the review, a report shall be provided to the signatories detailing how obligations pursuant to this Agreement have been carried out. The report shall also be made available for public inspection (information regarding the location of archaeological sites shall be withheld if it appears that this information could jeopardize archaeological sites). If revisions to this Agreement are needed, the signatories to this Agreement will consult to make such revisions in a manner consistent with 36 CFR Part 800.

B. The Council and the SHPO may monitor activities carried out pursuant to this Agreement, and the Council will review such activities if so requested. The Pittsburgh District shall cooperate with the Council and the SHPO in carrying out their respective monitoring and review responsibilities. .

C. In consultation with the SHPO, the Pittsburgh District shall develop a plan to inform the interested public of the existence of this Agreement, and about how the obligations under the terms of this Agreement are to be met. Copies of this Agreement and relevant documentation prepared under it shall be made available for public inspection (information regarding the locations of archaeological sites will be withheld if it appears that this information could jeopardize archaeological sites). Any comments received from the public under this Agreement shall be taken into account.

D. The Steel Industry Heritage Task Force (Task Force) shall be considered an interested party by the parties to this Agreement. The parties to this Agreement shall seek the comments of the Task Force in the identification, evaluation, treatment, and curation of historic properties pursuant to this Agreement for which the Task Force has expressed an interest. The parties to this Agreement shall take into account any comments provided by the Task Force.

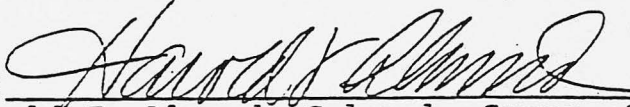
E. Any party to this Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Section 800.13 to consider such amendment.

F. Any party to this Agreement may terminate it by providing thirty days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the Pittsburgh District will comply with 36 CFR Sections 880.4 through 800.6 with regard to individual undertakings covered by this Agreement.

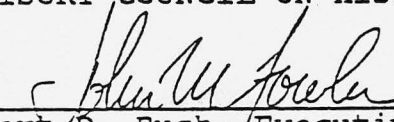
G. The parties to this Agreement shall attempt to resolve any disagreement arising from implementation of this Agreement. If there is a determination that the disagreement cannot be resolved, the further comments of the Council shall be requested in accordance with 36 CFR Part 800.6(b). Any Council comment provided in response will be considered in accordance with 36 CFR Part 800.6(c)(2), with reference only to the subject of the dispute. Responsibility to carry out all other actions under this Agreement that are not the subject of the dispute will remain unchanged.

Execution and implementation of this Programmatic Agreement evidences that the Pittsburgh District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and that the Pittsburgh District has afforded the Council an opportunity to comment on the undertaking and its effects on historic properties.

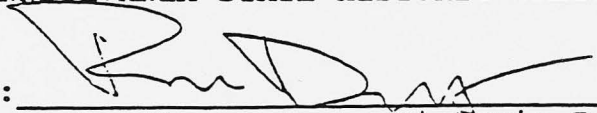
U.S. ARMY CORPS OF ENGINEERS, PITTSBURGH DISTRICT

By:  Date: 4/28/92
Harold F. Alvord, Colonel, Corps of Engineers, District Engineer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 4/22/92
for Robert D. Bush, Executive Director

PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 4/30/92
Brent D. Glass, State Historic Preservation Officer

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

APPENDIX A POLICY STATEMENT REGARDING TREATMENT OF HUMAN REMAINS AND GRAVE GOODS

Adopted by the Advisory Council on Historic Preservation

September 27, 1988

Gallup, New Mexico

When human remains or grave goods are likely to be exhumed in connection with an undertaking subject to review under Section 106 of the National Historic Preservation Act, the consulting parties under the Council's regulations should agree upon arrangements for their disposition that, to the extent allowed by law, adhere to the following principles:

- o Human remains and grave goods should not be disinterred unless required in advance of some kind of disturbance, such as construction;
- o Disinterment when necessary should be done carefully, respectfully; and completely, in accordance with proper archeological methods;
- o In general, human remains and grave goods should be reburied, in consultation with the descendants of the dead.
- o Prior to reburial, scientific studies should be performed as necessary to address justified research topics;
- o Scientific studies and reburial should occur according to a definite, agreed-upon schedule; and
- o Where scientific study is offensive to the descendants of the dead, and the need for such study does not outweigh the need to respect the concerns of such descendants, reburial should occur without prior study. Conversely, where the scientific research value of human remains or grave goods outweighs any objections that descendants may have to their study, they should not be reburied, but should be retained in perpetuity for study.

LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT

EXHIBIT NO. 4

HAZARDOUS, TOXIC AND RADIOLOGIC WASTE
PHASE I INVESTIGATION SUMMARY

EXHIBIT 4
HTRW Phase 1 Investigation Summary

Facility	Owner	Type	Potential Contaminates Identified Which May Require Phase II Investigation
M01L	Duquesne	48" Brick Sewer	PP, PH
M02L	Duquesne	Water Wells	PP, PH
M03L	Dravosburg	60" Brick Sewer	PP, PH, Volatiles, Antifreeze
M04L	West Mifflin	15" VCP Sewer	PP, PH
M05L	West Elizabeth	10" CIP Sewer, STP Outfall	None
M06L	West Elizabeth	15" XS VCP Sewer Interceptor	N/A
M07L	West Elizabeth	18" VCP Sewer	None
M08L	West Elizabeth	18" VCP Sewer	None
M09L	West Elizabeth	18" VCP Sewer	None
M10L	West Elizabeth	18" VCP Sewer	None
M11L	West Elizabeth	18" VCP Sewer	None
M12L	West Elizabeth	17"/24" CMP Sewer	None
M13L	New Eagle	10" VCP Sewer	None
M14L	New Eagle	Boat Launching Ramp	None
M15L	New Eagle	10" VCP Sewer	PP, PH
M16L	Monongahela	18" RCP Sewer, STP Outfall	PP, PH
M17L	Monongahela	Aquatorium	None
M18L	Monongahela	Boat Launching Ramp	PP, PH
M19L	PA Fish Comm	Boat Launching Ramp	None
M20L	MVSA	36" RCP Sewer, STP Outfall	PP, PH
M01/02R	McKeesport	84"/24" Concrete Culvert	PP, PH
M03/04R	McKeesport	42"/20" Sewer	PP, PH
M05/06R	McKeesport	36"/60" Sewers	PP, PH
M07R	McKeesport	36" RCP Sewer, STP Outfall	None
M08R	McKeesport	36" Concrete Sewer	PH
M09R	McKeesport	15" Concrete Sewer	PH
M10R	McKeesport	24" Concrete Sewer	PH
M11R	McKeesport	24" Concrete Sewer	None
M12R	McKeesport	16" CIP Sewer	None
M13R	McKeesport	20" CIP Sewer	PP, PH
M14R	McKeesport	18" Concrete Sewer	None
M15/16R	Glassport	48"/24" RCP Sewer	PP, PH, Acetone
M17R	Glassport	54" Concrete Sewer	PP, PH
M18R	Glassport	66" Brick Sewer	PP, PH
M19R	Elizabeth Boro	15" TCP Sewer, STP Outfall	None
M20R	Elizabeth Boro	42" RCP Sewer	None
M21/22R	Elizabeth Boro	14"/16" CIP Interceptor/15" TCP Sewer	PP, PH, PCBs
M23R	Elizabeth Boro	18" VCP Sewer	None
M24R	Elizabeth Boro	Park	None
M25R	Elizabeth Boro	18" VCP Sewer	None
M26R	Elizabeth Boro	18" TCP Sewer	None
M27R	Elizabeth Boro	18" TCP Sewer	None
M28R	Elizabeth Boro	30" RCP Sewer	None
M29R	Forward Twp	Boat Launching Ramp	None
M30R	Rostraver	Boat Launching Ramp	None
M02B	MVSA	16" CIP Sub Crossing	PP, PH
M03B	Charleroi	2-12" Steel Sub Crossings	PP, PH
M04B	Charleroi	20" Steel Sub Crossing	PP, PH
T01R	CONRAIL	18" RCP Sewer	None
Y01L	Elizabeth Twp	Boston Pump Station	N/A
Y01R	McKeesport	18" VCP Sewer	PP, PH
Y02R	McKeesport	20" VCP Sewer	None
Y03R	McKeesport	10" VCP Sewer	None
Y04R	McKeesport	20" VCP Sewer	None
Y05/06R	McKeesport	42"/20" VCP Sewers	PH
Y07R	McKeesport	18" VCP Sewer	None
Y08R	McKeesport	18" VCP Sewer	None
Y09R	McKeesport	24" VCP Sewer	None
Y10R	McKeesport	60" Brick Sewer	None

PCB: Polychlorinated Biphenyls
PP: Priority Pollutents
PH: Petroleuim Hydrocarbons

**LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT**

EXHIBIT NO. 5

**RELATIONSHIP OF THE PROPOSED RELOCATIONS
TO ENVIRONMENTAL PROTECTION STATUTES
AND OTHER ENVIRONMENTAL REQUIREMENTS**

**RELATIONSHIP OF THE FEDERALLY FUNDED RELOCATIONS
TO ENVIRONMENTAL PROTECTION STATUTES AND OTHER
ENVIRONMENTAL REQUIREMENTS**

The Pittsburgh District has conducted the necessary evaluations and actions to insure that the proposed relocations to be made with Federal funds authorized through the Locks 2, 3, and 4 Monongahela River Project are in compliance with all appropriate environmental acts, laws, statutes, executive orders, and regulations. A discussion of how compliance has been achieved for the more significant acts is presented below. This includes coordination conducted during development of both the FEIS and this EA. A complete listing of all the pertinent environmental acts, laws, statutes, executive orders, and regulations and the current status of compliance is given.

Clean Air Act (CAA) - The impacts to air quality with the proposed rehabilitative action was coordinated through discussions with both the Pennsylvania Department of Environmental Resources (PADER), Bureau of Air Quality Control and the Allegheny County Health Department, Bureau of Air Pollution Control. Allegheny County provided by letter dated August 19, 1994 (ATTACHMENT 1) a list of work practices and control measures to reduce fugitive dust from construction activities associated with this project. A subsequent phone discussion confirmed that Allegheny County will not require any permit prior to the relocations work (ATTACHMENT 2). PADER indicated that Allegheny County is the lead agency concerning air quality. They do not have concerns about any specific feature of the overall project, including the relocations. They sent the District their "Request for Determination" form which they want for their files prior to any heavy construction activities (ATTACHMENT 3). A subsequent phone discussion confirmed that the District does not need to complete this form prior to any relocation activities (ATTACHMENT 4).

Clean Water Act (CWA) - Section 401 Water Quality Certification will be obtained as necessary from the PADER by the District's Operation and Readiness Division for relocations not qualifying for NWP and those for which the applicable NWP does not include Pennsylvania water quality certification. There are ten relocations for which Section 401 permits will be required; the Elizabeth Borough Riverfront Park (M24R), the Monongahela Aquatorium (M17L), five launch ramps (M14L, M18L, M19L, M29R, and M30R) and three submarine crossings (M02-04B). Certification will be obtained prior to each relocation activity. The current schedule of submitting the permit applications is as follows: M24R - October 15, 1994; M14L, M17-19L, M29R, and M30R - July 1, 1996, and; M02-04B - October 1, 1995.

There is no need for a Section 402, Construction Site Individual Storm Water Discharge Permit and Earth Disturbance Permit for any relocation activity since all construction work areas are smaller than 25 acres.

A Section 404 permit is required only for the five relocations not qualifying for NWP (M24R, M14L, and M17-19L). These permits will be obtained in conjunction with the Section 401 permits. The NWPs for all other relocations fulfill the Section 404 requirements. The evaluation of water quality impacts contained in the EA concluded that all proposed relocations are compliance with the CWA. A Section 404(b)(1) Evaluation is included as Exhibit 6.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) - These two acts pertain to hazardous and toxic materials. The District has engaged a contractor to conduct a Phase I investigation of all work areas required for the relocations work. A draft Phase I report has been submitted by the contractor and is currently being reviewed. The Phase II testing requirements will be based on the outcome of the Phase I investigation. These requirements will be developed and executed by the District with the assistance of the Corps Environmental Restoration Design District (U.S. Army Engineer Nashville District).

Endangered Species Act (ESA) - The area impacted by the relocations is contained in the study area considered in the FEIS. The District coordinated with the U.S. Fish and Wildlife Service (FWS) regarding species protected by the ESA. The FEIS documented that no federally listed endangered or threatened species or their critical habitat are located in the project area.

Farmlands Protection Policy Act (FPPA) - As stated in the FEIS, the authorized project would not affect designated prime farmland soils. The area affected by the relocations is zoned industrial, commercial and residential. Therefore, the District need not file USDA Form 1006, Farmland Conversion Impact Rating. The District is in compliance with the Act.

Fish and Wildlife Coordination Act (FWCA) - Coordination accomplished during development of the NWP environmental assessments for the NWPs fulfilled the requirements of this Act for the relocations qualifying for NWP. The FWS confirmed by letter dated June 7, 1994 (EXHIBIT 6) that there will not be any significant effects on fish and wildlife resources with the relocation of facilities not covered by the NWP. The District also coordinated with the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission concerning the relocations. Neither agency has any objection to this phase of the authorized project.

National Environmental Policy Act (NEPA) - The District has completed this EA which is being circulated in September 1994 to concerned Federal and state agencies, governmental entities, facility owners and the public for review and comment. All comments received during the 30-day review period will be evaluated by the District. If it is concluded that no significant impacts will result from the proposed

relocations, the Finding of No Significant Impact (FONSI) will be signed by the District Engineer. The requirements of NEPA will then be satisfied. If determined necessary, an Environmental Impact Statement (EIS) will be prepared and coordinated in accordance with NEPA.

National Historic Preservation Act (NHPA) - In accordance with the requirements of Section 106 of the NHPA the District has entered into a Programmatic Agreement with the Pennsylvania State Historical Preservation Office and the Advisory Council on Historic Preservation (EXHIBIT 3). Under the MOA the District has obligated itself to investigate for all historical and archaeological properties that would be affected by facility relocations and carry out appropriate mitigation for those properties that meet the eligibility criteria for the National Register of Historic Places.

ENVIRONMENTAL PROTECTION STATUTES

<u>Federal Statutes</u>	<u>Compliance at Current Stage of Design</u>
Archeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469, <u>et. seq.</u>	Full
Clean Air Act, as amended, 42 U.S.C. 1857 h-7, <u>et. seq.</u>	Full
* Clean Water Act, 33 U.S.C. 1341 <u>et. seq.</u>	Full
** Comprehensive Environmental Response, Compensation and Liability Act of 1980, 43 U.S.C. 9601, <u>et. seq.</u>	Partial
Endangered Species Act of 1973, as amended, 16 U.S.C. 1531, <u>et. seq.</u>	Full
Farmlands Protection Policy Act of 1981, 7 U.S.C. 4201 <u>et. seq.</u> as amended by Title XII of the Food Security Act of 1985	Full
Federal Water Project Recreation Act, as amended, 16 U.S.C. 460-1(12), <u>et. seq.</u>	N/A
Fish and Wildlife Coordination Act of 1958, as amended, 16 U.S.C. 661, <u>et. seq.</u>	Full
Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 460/-460/-11, <u>et. seq.</u>	N/A
*** National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321, <u>et. seq.</u>	Partial

ENVIRONMENTAL PROTECTION STATUTES (Cont.)

Federal Statutes

Compliance at Current
Stage of PED

National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470a, <u>et. seq.</u>	Full
Preservation of Historical and Archaeological Data Act of 1974, 16 U.S.C. 469, <u>et. seq.</u>	Full
** Resource Conservation and Recovery Act of 1976, 7 U.S.C. 1010, <u>et. seq.</u>	Partial
Rivers and Harbors Act of 1899, 33 U.S.C. 401 <u>et. seq.</u>	Full
Watershed Protection and Flood Prevention Act, 86 amended, 16 U.S.C. 1001, <u>et. seq.</u>	N/A
Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271 <u>et. seq.</u>	N/A

Executive Orders

Executive Order 11988, Flood Plain Management	Full
Executive Order 11990, Protection of Wetlands	Full

State and Local Policies

. . . Full

* In order to implement the requirements of Section 404 of the Clean Water Act, a Section 404 (b)(1) evaluation is included as EXHIBIT 2. The Corps has determined that these relocation activities are in conformance with the 404(b)(1) guidelines. The District will obtain permits required under the Clean Water Act for the following relocations. Five relocations not qualifying under NWP (M14L, M17-19L, M24R) will require both a placement of dredged or fill material permit and water quality certification. The three submarine crossing relocations qualifying under NWP 12 (M02-M04B) and two boat ramp adjustments qualifying under NWP 36 (M29-30R) will require water quality certification.

** Compliance identified as "partial" until the Phase II Environmental Testing Report is complete and the type, extent, and significance of the contaminated materials have been resolved.

*** Compliance identified as "partial" until a Finding of No Significant Impact has been signed by the District Engineer or, if determined necessary, an environmental impact statement has been prepared and coordinated in accordance with NEPA.

Allegheny County Health Department

COUNTY COMMISSIONERS

Tom Foerster
Chairman

Pete Flaherty

Larry Dunn

Bruce W. Dixon, M.D.
Director



BUREAU OF ENVIRONMENTAL QUALITY
DIVISION OF AIR QUALITY
301 39th Street
Pittsburgh, Pennsylvania 15201

August 19, 1994

BOARD OF HEALTH

Roy L. Titchworth, M.D.
Chairman

Martin Krauss, O.D.
Vice Chairman

Robert Engel, Esq.

Susanne M. Gollin, Ph.D.

Azizi Powell

Msg. Charles Owen Rice

Frederick Ruben, M.D.

Anthony D. Stagno, Sr.

Mr. Sam Smith, Civil Engineer
U.S. Army Corps of Engineers
Planning Division
Wm. S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Dear Mr. Smith:

As you requested, the County is providing a list of work practices and control measures that we recommend following to reduce fugitive dust from the proposed construction activity of the Lower Monongahela River Locks and Dams 2, 3, and 4.

The County does not agree with point 5 of your Memorandum For Record of our July 13, 1994 meeting. As we discussed on the phone, some level of General Conformity will be required through Article XXI. If you have any questions, please contact either Dan Dolak (578-7960) or me.

Respectfully,

Cari J. Weaver
Section Head of Planning

CJW:jd
Attachment

cc: Mr. Jeff Benedict, U.S. Army Corps of Engineers
Mr. Hank Edwards, U. S. Army Corps of Engineers
Mr. Roger Westman, Division of Air Quality (w/o attachments)
Mr. Daniel Dolak, Division of Air Quality (w/o attachments)

ATTACHMENT 1
Page 1 of 3

SUGGESTED FUGITIVE DUST RACM CONTROL MEASURES

A. WORK PRACTICE CONTROLS

1. Construction Activities
 - a. paving of roads and access points early in project
 - b. compaction or stabilization (chemical or vegetative) of disturbed soil
 - c. phasing of earthmoving activities to reduce source extent
 - d. reduction of mud/dirt carryout onto paved streets
2. Demolition Sites
 - a. control of carryout onto paved city streets
 1. install truck wash and grizzly to remove mud and debris from vehicles as they leave the site
 2. use of freeboard over load to reduce blow-off dust from truck beds
 3. asbestos removal

B. ROADS

1. Paved Roads
 - a. installing curbs, paving shoulders, or painting lines near edge of pavement
 - b. controlling storm water or using vegetation to stabilize surrounding areas
 - c. requiring trucks to be covered and maintain freeload
 - d. watering or use of suppressants at construction/demolition, road grading, and land clearing sites
 - e. prompt removal of materials deposited upon paved roadways
 - f. elimination of mud and dirt carryout from unpaved areas such as parking lots, construction sites, etc.

Prevention Techniques

- a. broom sweeping of roads
- b. vacuum sweeping of roads
- c. water flushing of roads

2. Unpaved Roads
 - a. source extent reductions
 1. industrial plant bussing programs for employees
 2. restriction of roads to only certain vehicle types
 3. strict enforcement of speed limits
 - b. surface improvements
 1. pave the unpaved road
 2. cover the road surface material w/ another

- material of lower silt content
- 3. vegetative cover
- c. surface treatments
 - 1. wet suppression
 - 2. chemical stabilization

C. OPEN AREA WIND EROSION

- 1. Wetting
- 2. Chemical Stabilization
- 3. Enclosures
 - a. wind/fence barriers
 - b. vegetative cover
 - c. limited irrigation of barren field
 - d. barriers (trees)

D. TRANSFERRING OF MATERIALS

- 1. All transfer points in the material handling system from stackers and storage piles to shipping surge hoppers shall be enclosed or be equipped with wet suppression systems that apply water or water and chemical mixture
- 2. Adjustable height stackers shall be operated to limit the maximum free fall height of material to six (6) feet except when the stacker is in the lowest possible position

CONVERSATION RECORD		TIME 0900	DATE 9/2/94
TYPE ☐ VISIT ☐ CONFERENCE ☒ TELEPHONE ☐ INCOMING ☒ OUTGOING		ROUTING ☐ CF: ☐ NAME/SYMBOL INT 1. 2. 3. 4.	
Location of Visit/Conference:			
NAME OR PERSON(S) CONTACTED OR IN CONTACT WITH YOU Mr. Roger C. Westman, Manager	ORGANIZATION (Office, Dept., Bureau, etc.) Allegheny County Health Dept- Bureau of Air Pollution Control	TELEPHONE NO. 412-942-4000	
SUBJECT: Monongahela River Locks and Dams 2, 3, and 4 - Government Funded Relocation Activities - Air Quality Compliance			
SUMMARY: Mr. Westman indicated that his office would not require any forms or permits prior to any relocation work activities. The attached "Permit-Process" form will be completed by the District and submitted to this County office prior to heavy construction activity. This will be a part of the air quality general conformity determination necessary prior to any heavy construction activity. The county does not normally regulate construction activity, but they have the ability to cite any activity if dust or disposed material (specifically Particulate Matter [PM]-10) is not contained. PM-10 is the only pollutant category of concern of the County. The District will send a copy of the EA to this office for review and comment.			
NAME OF PERSON(S) DOCUMENTING CONVERSATION Messers Sam Smith and Jeffrey Benedict	SIGNATURE(S) 	DATE 9/2/94	
ACTION TAKEN:			
SIGNATURE	TITLE	DATE	

CONVERSATION RECORD

ATTACHMENT 2
Page 1 of 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
BUREAU OF AIR QUALITY CONTROL

Request for Determination of Requirement
for Plan Approval/Operating Permit Application
(Submit In Triplicate)

Type of Source: _____

Date of Installation: _____

Owner of Source: _____

Employer I.D. No.: _____

Mailing Address: _____

Contact Person: _____

Telephone: _____

Location of Source(s): _____

Street Address: _____

Municipality: _____

Estimated Emissions: _____

County: _____

Pollutant				
Quantity lbs/hr				
Quantity lbs/yr				

Signature _____

Title _____

Date _____

OFFICIAL USE ONLY

Date Received: _____

Reviewed By: _____

Pursuant to the authority contained in 25 PA Code §127.14(8) the source(s) is exempted from the plan approval and permitting requirements. This determination does not exempt the source(s) from compliance with all other applicable air quality regulations.

The source(s) does not qualify for exemption from plan approval/permitting requirements under PA Code §127.14(8) and plan approval application(s) must be submitted. The Department is prohibited from acting on an application until 30 days after the municipality and county have received notification by the company. Pertinent forms are attached.

Signature _____

Signature _____

Title _____

Title _____

Date _____

Date _____

- Indicate source description (attach additional sheets if necessary):
- (Include: process description, exhaust volume, stack data, schematic flow diagram, material data safety sheet, etc.)

OFFICIAL USE ONLY

Remarks:

CONVERSATION RECORD			TIME 0830	DATE 9/2/94
TYPE ☐ VISIT ☐ CONFERENCE ☒ TELEPHONE ☐ INCOMING ☒ OUTGOING Location of Visit/Conference:			ROUTING ☐ CF: ☐ NAME/SYMBOL INT 1. 2. 3. 4.	
NAME OR PERSON(S) CONTACTED OR IN CONTACT WITH YOU Mr. Mark Wehner	ORGANIZATION (Office, Dept., Bureau, etc.) PADER - Bureau of Air Quality Control	TELEPHONE NO. 412-942-4000		
SUBJECT: Monongahela River Locks and Dams 2, 3, and 4 - Government Funded Relocation Activities - Air Quality Compliance				
SUMMARY: Mr. Wehner indicated that his office would not require any forms or permit applications prior to any of the work activities associated with the relocations phase of this project. Generally, they are concerned with land based operations where spoil material has a low moisture content and could become a nuisance condition. Attached to this TCR is the "Request for Determination of Requirement..." form which was transmitted by Mr. Wehner with earlier correspondence. The District needs only to submit this form a timely fashion prior to the start of major construction to verify that no permit will be necessary. However, if the District does not obtain a permit, the District could be asked by this state office to submit a ??? control plan or to complete a permit application if they receive complaints from the public. The District will send a copy of the EA to this office for review and comment.				
NAME OF PERSON(S) DOCUMENTING CONVERSATION Messers Sam Smith and Jeffrey Benedict	SIGNATURE(S) 	DATE 9/2/94		
ACTION TAKEN:				
SIGNATURE	TITLE	DATE		

CONVERSATION RECORD

ATTACHMENT 4
Page 1 of 1

LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT

EXHIBIT NO. 6

**COORDINATION WITH THE FISH AND WILDLIFE
SERVICE**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Suite 322

315 South Allen Street
State College, Pennsylvania 16801

June 7, 1994

Mr. Paul E. Kolesar
Planning Division
Pittsburgh District
U.S. Army Corps of Engineers
Federal Building, 1000 Liberty Avenue
Pittsburgh, PA 15222

Dear Mr. Kolesar:

This responds to your May 19, 1994 letter about proposed relocation of facilities that will be affected by new pool elevations produced by navigation projects (Locks and Dams 2 and 4) on the Monongahela River in Allegheny and Washington Counties, Pennsylvania.

In accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e), we have reviewed plans enclosed with your letter for Elizabeth Borough Riverfront Park, Monongahela City Aquatorium, and boat-launching ramps at river mile 32.0, 33.2 and 34.1. None of these projects will have significant effects on fish and wildlife resources but will help to ensure that recreational use of those resources is not diminished by pool level changes.

Sincerely,

Edward W. Perry
Acting Supervisor

Kolesar *PK*
- FWS
- R/TAKE PRIDE IN AMERICA
JUN 15 1994

LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT

EXHIBIT NO. 7

**COORDINATION WITH THE
PENNSYLVANIA DEPARTMENT
OF ENVIRONMENTAL RESOURCES**



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
400 Waterfront Drive
Pittsburgh, PA 15222-4745
February 3, 1994

(412) 442-4000

Southwest Regional Office

Leonard J. Lucas, P.E.
Chief, Engineering Division
Department of the Army, Pittsburgh District
Corps of Engineers
William S. Moorehead Building
1000 Liberty Avenue
Pittsburgh, PA 15222

RE: Relocation of Combined Sewer
Overflows
Borough of Glassport
Borough of West Mifflin
Borough of West Elizabeth

Dear Mr. Lucas:

In response to your correspondence dated December 3, 1993 and January 11, 1994 we offer the following comments:

Borough of Glassport Combined Sewer Overflow Relocations

The proposed relocations are adequate from the Department's standpoint.

Borough of West Mifflin Curry Hollow Road Pump Station Emergency Overflow

1. The concrete encasement for the overflow should be reinforced with rebar for added strength.
2. A solid foundation for the pipe encasement should be provided.
3. A method to anchor the pipe and concrete encasement must be provided.
4. We suggest placing riprap along the length of the concrete encasement to protect it from debris striking it during periods of high river flow.

West Elizabeth Combined Sewer Overflow Relocations

The Department has scheduled a field investigation for February 11, 1994 to address concerns raised by the Borough of West Elizabeth. We will defer our comments until after our investigation.

Leonard J. Lucas, P.E.

-2-

February 3, 1994

In the future we will make every attempt to accommodate your request to respond in writing within thirty days of all proposed design submittals.

Should you have any questions please feel free to contact me at the above address or telephone number.

Sincerely,

REL

Raymond E. Lattner
Sanitary Engineer
Water Management

cc: Steve Fritz - Corps of Engineers



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

400 Waterfront Drive
Pittsburgh, PA 15222-4745
May 11, 1994

(412) 442-4000

Southwest Regional Office

James K. Bucy, Municipal Coordinator
Borough of West Elizabeth
610 First Street
West Elizabeth, PA 15088

Stephen Fritz
General Engineering and
Relocations Section, Design Branch
Department of the Army
Pittsburgh District, Corps of Engineers
William S. Moorehead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

RE: Combined Sewer Overflow
 Reconstruction
 Borough of West Elizabeth
 Allegheny County

Gentlemen:

As a result of our meeting and site investigation conducted on May 3, 1994 of the West Elizabeth combined sewer overflows, we find the U.S. Army Corps of Engineers' proposal to reconstruct the combined sewer overflows acceptable to the Department.

Sincerely,

Raymond E. Lattner
Sanitary Engineer
Water Management

cc: Leonard J. Lucas, P.E.

EXHIBIT 7
Page 3 of 4



FRITZ
~~FRITZ~~ E0-06

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
400 Waterfront Drive
Pittsburgh, PA 15222-4745
July 1, 1994



(412) 442-4000

Southwest Regional Office

Leonard J. Lucas, P.E.
Chief, Engineering Division
Department of the Army, Pittsburgh District
Corps of Engineers
William S. Morehead Building
1000 Liberty Avenue
Pittsburgh, PA 15222

RE: Monongahela River Project
Relocation/Reconstruction of
Combined Sewer Overflows
Municipal Authority of the City
of McKeesport
City of McKeesport
Allegheny County

Dear Mr. Lucas:

The Municipal Authority of the City of McKeesport has received a combined sewer overflow (CSO) grant under Section 104(b)(3) of the Federal Clean Water Act in the amount of \$25,000 for studying and recommending control measures to minimize or eliminate combined sewer overflow discharges from the City of McKeesport sewer system.

While we have no objections to the reconstruction of the combined sewer overflows as proposed in your March 16, and April 15, 1994 correspondence, we recommend that you incorporate the findings and results of the above mentioned study into the design. I suggest you contact the Authority's consulting engineer, Mr. Scott Hoffman of KLM Engineers, Inc., 555 North Bell Avenue, Pittsburgh, PA 15106, or at telephone number (412) 279-0817 for further information on the ongoing study.

Sincerely,

Raymond E. Lattner
Sanitary Engineer
Water Management

cc: Edward Dansak
Scott Hoffman
STEVE FRITZ

bc: r

REL:jc

EXHIBIT 7
Page 4 of 4



LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT

EXHIBIT NO. 8

ENVIRONMENTAL ASSESSMENT RECIPIENTS

LOCKS AND DAMS 2, 3 AND 4
MONONGAHELA RIVER PROJECT
FEDERALLY FUNDED RELOCATIONS
ENVIRONMENTAL ASSESSMENT RECIPIENTS

The following Federal, State, local agencies, facility owners, libraries and individuals will receive a copy of the Environmental Assessment and the draft Finding of No Significant Impact (FONSI):

Federal Elected Representatives

Senator Harris Wofford
Senator Arlen Specter
Congressman Austin J. Murphy
Congressman Rick Santorum

Federal Offices

Advisory Council on Historic Preservation
America's Industrial Heritage Commission
Appalachian Regional Commission
U.S. Department of Agriculture (Forest Service, State Conservationist)
U.S. Department of Housing and Urban Development
U.S. Department of Interior
 Bureau of Mines
 Fish and Wildlife Service
 Geological Survey
 National Park Service
U.S. Department of Transportation
 Coast Guard
 Federal Highway Administration
U.S. Environmental Protection Agency

State Offices

PA Department of Community Affairs
PA Department of Environmental Resources
PA Department of Transportation
PA Fish and Boat Commission
PA Game Commission
PA Historical and Museum Commission
PA Turnpike Commission
PA Intergovernmental Council
Southwest Pennsylvania Regional Planning Commission

Regional Office

Ohio River Valley Water Sanitation Commission

Facility Owners (Not Listed Elsewhere)

Authority of the Borough of Charleroi
Elizabeth Borough Sanitary Authority
Elizabeth Township Sanitary Authority
Mon Valley Sewage Authority
Municipal Authority of McKeesport
Municipal Authority of New Eagle

Local Interests

Allegheny County Department of Development
Allegheny County Sanitary Authority (ALCOSAN)
Allegheny County Bureau of Environmental Quality, Division of Air
Quality

PA County Commissioners

Allegheny, Washington, and Westmoreland

Office of Mayor/Administrator

Braddock
Charleroi
Clairton
Donora
Dravosburg

Duquesne
Elizabeth
Glassport
Jefferson
Lincoln

McKeesport
Monessen
Monongahela
North Charleroi
West Elizabeth
West Mifflin

Board of Supervisors

Carroll Township
Elizabeth Township
Fallowfield Township
Forward Township
North Versailles Township
Rostraver Township
Union Township

Libraries

Bevier Engineering Library, University of Pittsburgh
Braddock Carnegie Library
Carnegie Library of Pittsburgh
Carnegie Free Library of McKeesport
Clairton Public Library
Donora Public Library
John K. Tener Library, Charleroi
Monessen Public Library
Monongahela Area Library
Samuel A. Weiss Community Library, Glassport

Newspapers

Daily Herald/Observer Reporter (Monongahela)
McKeesport Daily News
Pittsburgh Post-Gazette
Valley Independent (Monessen)
Washington Observer-Reporter

Local Interests (Cont.)

Groups and Individuals

Audubon Society of Western Pennsylvania
Sierra Club, Allegheny Group
Western Pennsylvania Conservancy
Duquesne Light Company
Pennsylvania American Water Company
West Penn Power Company
CONRAIL
DINAMO
U.S. Steel Corporation
Regional Industrial Development Corp. of Southwestern PA
Monongahela Area Chamber of Commerce
Mon Valley Initiative
Crain Brothers, Inc.
Donora Historical Society
Historical Society of Western Pennsylvania
Monongahela Area Historical Society
Monongahela River Buff's Association
Pittsburgh History and Landmarks Foundation
Washington County Historical Society
Washington County History and Landmarks Foundation
Mon Valley Historical & Ethnographic Survey
Dr. Fred Pohland
Toni Grygo
W. H. Thomas
Beverly Homa
Adam Damico
Rick King, John T. Boyd Co.
Christine Davis Consultants
Kathy Lopresto, Law Firm of Clifford & Warnke
W. R. Stewart
Walter L. Kalina, Terrestrial Environmental Specialists, Inc.
Dave Mayhew, EA Engineering Science & Technology
Jo DeBolt
Berdon Lawrence, Hollywood Marine, Inc.

APPENDIX A

APPENDIX A

GLOSSARY

Navigation Servitude: That portion of a navigable watercourse which lies between the vertical lines drawn through the ordinary high water line on the opposite sides of watercourse banks. Facilities within navigation servitude are required to be permitted.

Relocation: Relocation, abandonment, vacation or alteration of existing highways, roads, railroads, utilities, cemeteries, municipal facilities and structures which involve the acquisition of an interest in real estate.

Submarine Crossing: A utility line, ie: gas, water, sewage, that lies below a watercourse and provides a service on the opposite bank.

APPENDIX B

References

1. Public Law 647, Truman-Hobbs Act, as amended.
2. Public Law 85-500, River and Harbor Act of 1958, as amended (33 USC 633).
3. Public Law 102-580, Water Resources Development Act of 1992.
4. Federal Acquisition Regulation.
Engineer Federal Acquisition Regulation Supplement, 31 July 1989. (Appendix Q, October 1984)
Memorandum, CERE-AP, subject: Guidance for Utility and Other Relocations at Army Corps of Engineers Project, 27 April 1990.
5. Engineering Regulation 1110-2-1150, Engineering and Design for Civil Works Projects, 31 March 1994.
6. Engineer Circular 1110-2-268, Engineering and Design for Civil Works Projects, 01 July 1991.
7. Memo, CEORD-PE-TP, 1 May 1991, subject: Relocations Checklist.
8. Lower Monongahela River Navigation System Feasibility Study, Final Main Report (Volume I) and Engineer Technical Appendix (Volume II), December 1991.
9. Lower Monongahela River Navigation System Study, Adjustment of Public Facilities as a Public Cost, 14 August 1991.
10. Final Environmental Impact Statement, submitted 25 November 1991, Record of Decision Signed 17 December 1992.
11. Lower Monongahela River Navigation System Study, Initial Historic Properties Coordination Report, March 1991.
12. Locks and Dams 2, 3 and 4 Project Management Plan, submitted 1 October 1992, approved 5 Oct 1992.
13. Design Manual Part 5, Pennsylvania Department of Transportation, revised February 1992.
14. Domestic Wastewater Facilities Manual, Pennsylvania

Department of Environmental Resources, August 1991. (DWFM)

15. "Procedure PSU-IV for Estimating Design Flood Peaks on Ungauged Pennsylvania Watersheds", April 1981, Pennsylvania State University, Pennsylvania Department of Transportation and Federal Highway Administration, (PSU-IV).

16. "SCS National Engineering Handbook", (1985), United States Department of Agriculture, Soil Conservation Service, (SCS).

17. "Design Manual, Part 2, Highway Design", January 1990, Pennsylvania Department of Transportation, (DM 2).

18. "HY8 Culvert Analysis Microcomputer Program", May 1987, United States Department of Transportation, Federal Highway Administration, (HY8).

19. "Erosion and Sediment Pollution Control Program Manual", April 1990, Pennsylvania Department of Environmental Resources, (E&S).

20. "Design of Riprap Revetment, Hydraulic Engineering Circular No. 11", March 1989, United States Department of Transportation, Federal Highway Administration, (HEC-11).

21. "HEC-2, Water Surface Profiles, CPD-2A", February 1991, United States Army Corps of Engineers, Hydrologic Engineering Center, (HEC-2).

22. "Concrete Pipe Design Manual", March 1990, American Concrete Pipe Association, (CPDM).

23. "Wave Characteristics, Wave Runup and Wind Setup Computational Model", January 1986, B.R. Bodine, United States Army Corps of Engineers.

24. Commonwealth of Pennsylvania, Department of Transportation, 1990 Specifications, Publication 408.

25. Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Soil and Water Conversation; Erosion and Sediment Pollution Control Program Manual, April 1990

26. Governing Law and Regulation

a. Commonwealth of Pennsylvania, Storm Water Management Act.

b. Flood Plain Management Act.

c. Dam Safety and Encroachment Act.

d. Clean Streams Law (chapter 102) as amended.

- e. National Environmental Policy Act, P.L. 91-190.
- f. Fish and Wildlife Coordination Act, P.L. 85-624.
- g. Endangered Species Act of 1973, P.L. 96-159.
- h. National Historic Preservation Act, P.L. 96-515.
- i. Clean Water Act of 1977, P.L. 95-217.
- j. Preservation of Historic Archeological, P.L. 93-291.
- k. River and Harbor and Flood Control Act of 1958, (Section 111), P.L. 85-500, amended by Section 309 of P.L. 89-298.

27. Public Notice No. CEORP-OR 92-NWP4.

28. Monongahela River Pool 3. Investigation for the presence of Priority Pollutants in the Navigation Channel Substrate, July, 1990.

APPENDIX C

COMBINED SEWER DESCRIPTION

Combined sewer systems, as they exist today, evolved from existing systems. In many communities when sewers were first installed, they were run directly to the nearest watercourse and discharged their wastes without treatment. Since there was no treatment, there was no need to separate storm water from the sewage. All types of facilities; homes, businesses, catch basins and roof drains were connected directly to the combined sewers. Combined sewers were a great improvement over having no sewers. As time passed, the adverse environmental impact of these systems was realized, and sewage treatment plants were constructed to provide treatment of wastes before discharge into a nearby watercourse. However, the cost of separating storm and sewage collection systems was often prohibitive, so the regulator/interceptor system was developed to "intercept" the sanitary portion of the combined flow during dry weather and bypass combined flows during storm events.

These intercepting sewers were often located along riverbanks, at the low points of the existing system. The existing pipes were connected to the new interceptors by mechanically-operated regulator stations, which diverted the dry weather flow (concentrated sewage) to the interceptor, but allowed large storm flows (exceeding 350% of normal dry weather flow) to discharge through the existing outfalls along the river. Regulator stations have many designs; most operate automatically employing a gaging device that controls a gate which regulates the flow to the interceptor. At some pre-determined volume of flow, the gate diverts the combined flow to the outfall.

Combined Sewer Overflows (CSOs) are essential to properly operating a combined waste water treatment system. Without the benefit of the CSO's the sewage treatment plant is susceptible to hydraulic overloading during large storm events. This overloading would force the more concentrated sewage (already in the treatment plant) into the receiving body of water while the majority of the inflow at treatment plant would be storm water. This jeopardizes the environmental quality of the receiving waters downstream of the treatment plant outfall. Due to the high dilution of storm water in the CSO's, and their various discharge points, there is far less impact to the receiving watercourse than releasing concentrated sewage from one point.

The five foot nominal rise of the Monongahela River presents three problems with the combined sewers systems. The

first is increased siltation in the CSO pipe. The second is inundation of the regulator by normal river levels. The third is an increase cost to do maintenance on a submerged outfall.

Siltation:

Submerged CSO's are more susceptible to becoming clogged by siltation because the regulator station prohibits a CSO for small storm events. Small storm events normally keep sedimentation buildup to a minimum because the CSO pipe has an opportunity to clean itself. The resulting problems, caused by siltation, are environmentally hazardous. If the capacity of the CSO is reduced, the regulator becomes ineffective, storm events overload the treatment plant and backups will occur. Backups may take the form of combined sewage flooding streets and basements in low lying areas.

Inundation:

Most regulator stations are equipped with devices which prohibit back flow through the regulator. These devices, most often tide gates, prevent the receiving waters from flowing back into the collection system during times of high water in the receiving river. If these back flow prevention measures fail to function properly, blocked open by debris or leaking, the receiving river can flow back through the CSO, into the regulator and into the main interceptor. This causes an overloading of the treatment plant with river water. Inundation also poses a threat to the operation of tide gates. A greater head must be achieved on the upstream side of the tide gate in order for it to open. For this head to be achieved the combined flow has to back up into the system. This back up will cause reduced velocities and increased sedimentation problems.

D - LRRED

1. Attorney's Opinions
2. Easement Maps

ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4, - MONONGAHELA RIVER PROJECT
BOROUGH OF DRAVOSBURG
FACILITY NO. M03L

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility connected with the proposed adjustment of a sewage treatment outfall and combined sewer outfall (McClure Avenue) located at river mile 16.3 on the left bank of the Monongahela River. The facility is shown on the attached drawing labeled "Borough of Dravosburg Preliminary Plan, " marked Exhibit "A." This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Pittsburgh District Engineering Division, and all relevant state and federal laws and regulations. Despite my requests, I have been unable to obtain any information from the Borough of Dravosburg.

Based upon my investigation as aforesaid, I hereby certify the following:

1. The Borough of Dravosburg (the "Borough") is a municipal

corporation of the Commonwealth of Pennsylvania. The Borough has the power to make contracts pursuant to 53 P.S. § 46401.

2. Pursuant to 53 P.S. § 46201, the Borough may purchase and convey by sale or lease, real and personal property.

3. The facility depicted on Exhibit "A" is owned by the Borough. This was confirmed via telephone conversation with Mr. George Gobol, the Borough Solicitor.

4. The facility depicted on "Exhibit A," appears from the Engineering Division drawing supplied, to be located substantially within public streets (S.R. 837 and McClure Avenue). A small portion of the facility is located on property owned by the Borough. For purposes of this report, I will assume that the facility legally occupies these streets, by permit or otherwise. If McClure Avenue is in fact a Borough right-of-way, then it would be the equivalent of an easement vested in the Borough. See Fleck v. Universal Cyclops Steel Corporation, 156 A.2d 832 (1959). The Borough has not furnished any information regarding this facility.

The Fifth Amendment to the United States Constitution provides that just compensation shall be paid by the United States for the taking of private property for public use. However, this facility terminates on the banks of the Monongahela River, a navigable waterway within its outlet invert below the ordinary high water mark. It is therefore, subject to the navigation servitude of the United States.* This navigation servitude extends to the

* The Borough does not have a permit under Section 10 of the Rivers and Harbors Act to occupy this area.

entire bed of a navigable stream, which includes those lands below ordinary high water. It allows the United States to take private property without compensation when it is controlling and regulating navigable waters in the interest of commerce. See Borough of Ford City v. U.S., 345 F.2d 645 (1965). The exercise of the power within these limits is not an invasion of any private property right in such lands for which the United States must make compensation. The damage sustained results not from a taking of the riparian owner's property within the stream bed, but from the lawful exercise of a power to which the property has always been subject. See U.S. v. Chicago, 312 U.S. 592, 61 S. Ct. 722 (1941).

However, Congress has granted the Chief of Engineers discretionary authority to make compensation at project expense notwithstanding the navigation servitude vested in the United States. See Section 111 of 72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. § 633). Section 111 may be invoked whenever the Chief of Engineers determines that a structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of a navigation, flood control or related water development project, or its safety or usefulness will be adversely affected or threatened by such project. EFARS, Appendix Q has interpreted Section 111 as requiring there be a current and continuing need for the structure or facility in the performance of the governmental function. Thirty

facilities which would be adversely affected by the proposed project were identified in the Lower Monongahela River Navigation System Feasibility Study (LMFS), December 1991. The Chief of Engineers approved their inclusion into the project for relocation at federal expense on 1 June 1992. This approval was equivalent to Section 111 authority for relocation subject to later confirmation by the District that the facility owners meet the criteria of Section 111 and the EFARS.

It has been determined that the facility described herein will be adversely impacted by the rise of Pool 2 by 5 ft. This pool rise will completely inundate the outfall subjecting it to increased siltation and lack of accessibility for maintenance. The regulator station will be inundated by the new pool level. The facility serves the Borough as the sole discharge from the sewage treatment plant and as its only combined sewer overflow. As the facility was identified in the LMFS, and meets all the necessary criteria, it is my opinion that it is the responsibility of the United States to make payment to the Borough of the costs of adjusting the facility to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for such facility if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

It appears from the preliminary design plan that no additional real estate interest will be necessary for the adjustment of the facility. The facility will be raised in place within its

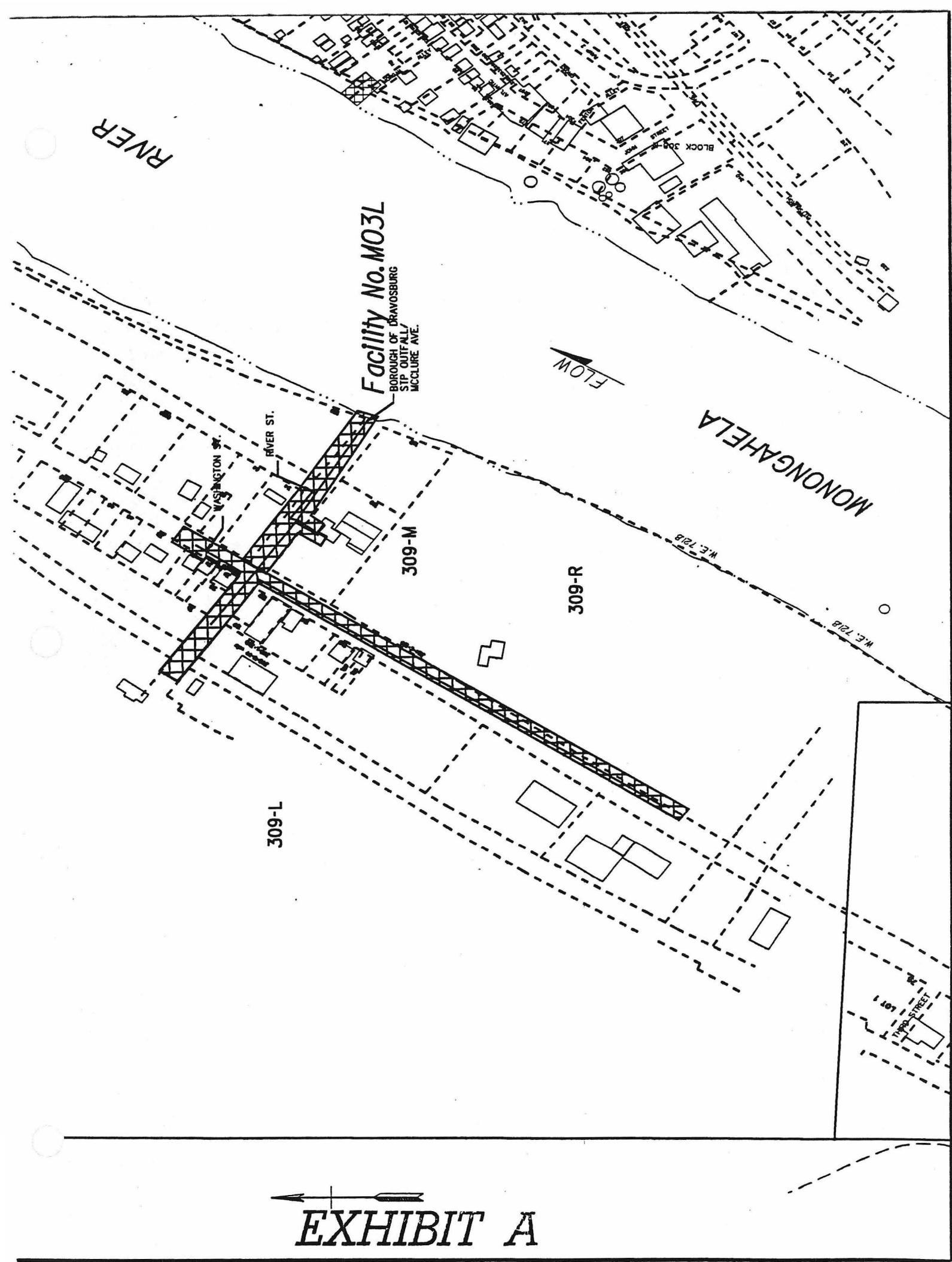
existing limits. Therefore, it appears that acquisition of a new permanent right-of-way will not be necessary. It is my opinion, however, that if horizontal movement should become necessary, the United States should bear the costs of acquisition of a new permanent right-of-way. This can be justified as a reasonable cost under the existing project authority.

The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

Maria Mignone
MARIA MIGNONE
GENERAL ATTORNEY (RP)

August 17, 1994
DATE



ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4 - MONONGAHELA RIVER PROJECT
CITY OF DUQUESNE
FACILITY NOS. M01L and M02L

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility connected with the proposed adjustment of eight (8) water wells located at river mile 12.5 on the left bank of the Monongahela River (starting at RM 12.5 and continuing approximately 1350 ft. upstream), and the Hamilton Avenue combined sewer outfall located at river mile 12.4 on the left bank. The facilities are shown on the attached drawings labeled Exhibits "A" and "B." These drawings were furnished by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Pittsburgh District Engineering Division, the Allegheny County, Pennsylvania courthouse, and all relevant state and federal laws and regulations.

Based upon my examination as aforesaid, I hereby certify the following:

1. The City of Duquesne (the "City") is a municipal corporation of the Commonwealth of Pennsylvania pursuant to 53 P.S. § 35301 et seq. The City Code provides that the Mayor has the authority to execute contracts in relation to the property and affairs of the City. See Third Class City Code - Act of 1931, June 23, P.L. 932, Article XXIV 2402; 1951, June 28, P.L. 662.24.

2. Pursuant to the above Article of the City Code, the Mayor has the authority to purchase and convey, by sale or lease, both real and personal property.

3. The facilities depicted on Exhibits "A" and "B" are owned by the City.

4. I am unable to certify that the facilities occupy land in which the City possesses a real estate interest. Despite various requests, I have received no information from the City in this regard. Independent courthouse research has been unable to verify a real estate interest. The Hamilton Avenue facility, M01L, does not appear to be located within a current public street or streets.

The Fifth Amendment to the United States Constitution provides that just compensation shall be paid by the United States for the taking of private property for public use. However, a portion of the Hamilton Avenue combined sewer outfall terminates on the banks of the Monongahela River, with its outlet invert riverward of ordinary high water. The water wells are located on the banks of the river within ordinary high water. Both facilities are therefore subject to the navigation servitude of the United States.* This navigation servitude extends to the entire bed of a navigable stream, which includes those lands below ordinary high water. It allows the United States to take private property without compensation when it is controlling and regulating navigable waters in the interest of commerce. See Borough of Ford City v. U.S., 345 F.2d 645 (1965). The exercise of the power within these limits is not an invasion of

* The City does not have permits under Section 10 of the Rivers and Harbors Act.

any private property right in such lands for which the United States must make compensation. The damage sustained results not from a taking of the riparian owner's property within the stream bed, but from the lawful exercise of a power to which the property has always been subject. See U.S. v. Chicago, 312 U.S. 592, 61 S. Ct. 722 (1941).

However, Congress has granted the Chief of Engineers discretionary authority to make compensation at project expense notwithstanding the navigation servitude vested in the United States. See Section 111 of 72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. § 633). Section 111 may be invoked whenever the Chief of Engineers determines that a structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of a navigation, flood control or related water development project, or its safety or usefulness will be adversely affected or threatened by such project. EFARS, Appendix Q has interpreted Section 111 as requiring there be a current and continuing need for the structure or facility in the performance of the governmental function. Thirty facilities which would be adversely affected by the proposed project were identified in the Lower Monongahela River Navigation System Feasibility Study (LMFS), December 1991. The Chief of Engineers approved their inclusion into the project for relocation at federal expense on 1 June 1992. This approval was equivalent to Section 111 authority for relocation subject to later confirmation by the District that the facility owners meet the criteria of Section 111 and the EFARS.

It has been determined that the facilities described herein will be adversely impacted by the rise in Pool 2 by 5 ft. The Hamilton Avenue facility will be totally inundated by the pool rise. This

will subject the overflow to increased siltation, which will reduce its overflow capacity. The outfall functions as a relief valve for the combined sewer system during storm events. Without adjustment, excessive storm flows will be prevented from bypassing to the river and forced into the treatment plant. The water wells and the associated access road will be inundated more frequently by the new pool. These wells provide potable water to the City. As the facilities were identified in the LMFS and meet all the necessary criteria, it is my opinion that it is the responsibility of the United States to make payment to the owner of the costs of adjusting the facilities to meet project conditions.* This does not include the cost of exceeding the minimum State standard, if any, for such facilities, if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

It appears from the preliminary design plan that a new permanent right-of-way will be necessary for the horizontal relocation of the Hamilton Avenue facility. Although the City does not appear to be presently vested with an interest in land, it is my opinion that the United States should bear the cost of the acquisition of a new permanent right-of-way. This can be justified as a reasonable cost under the existing project authority.

It appears from the preliminary design plan that it will not be necessary to acquire a new permanent right-of-way for the adjustment

* We are aware that the City is pursuing the option of abandoning the water treatment plant and purchasing bulk water from another supplier, due to deteriorating conditions at the plant. They have requested financial assistance from the United States to support this plan. The City has been informed that the United States will have no legal obligation to provide compensation if the City pursues this option in advance of executing a relocation contract, because no adverse impact would then remain to the City's water supply system.

of the water wells. The plan is to raise the wells and access road. However, should the design plan change and it becomes necessary, it is my opinion that the United States should bear the cost of acquisition of a new permanent right-of-way. This can be justified as a reasonable cost under the existing project authority.

The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

Maria Mignone
MARIA MIGNONE
GENERAL ATTORNEY (RP)

August 17, 1994
DATE

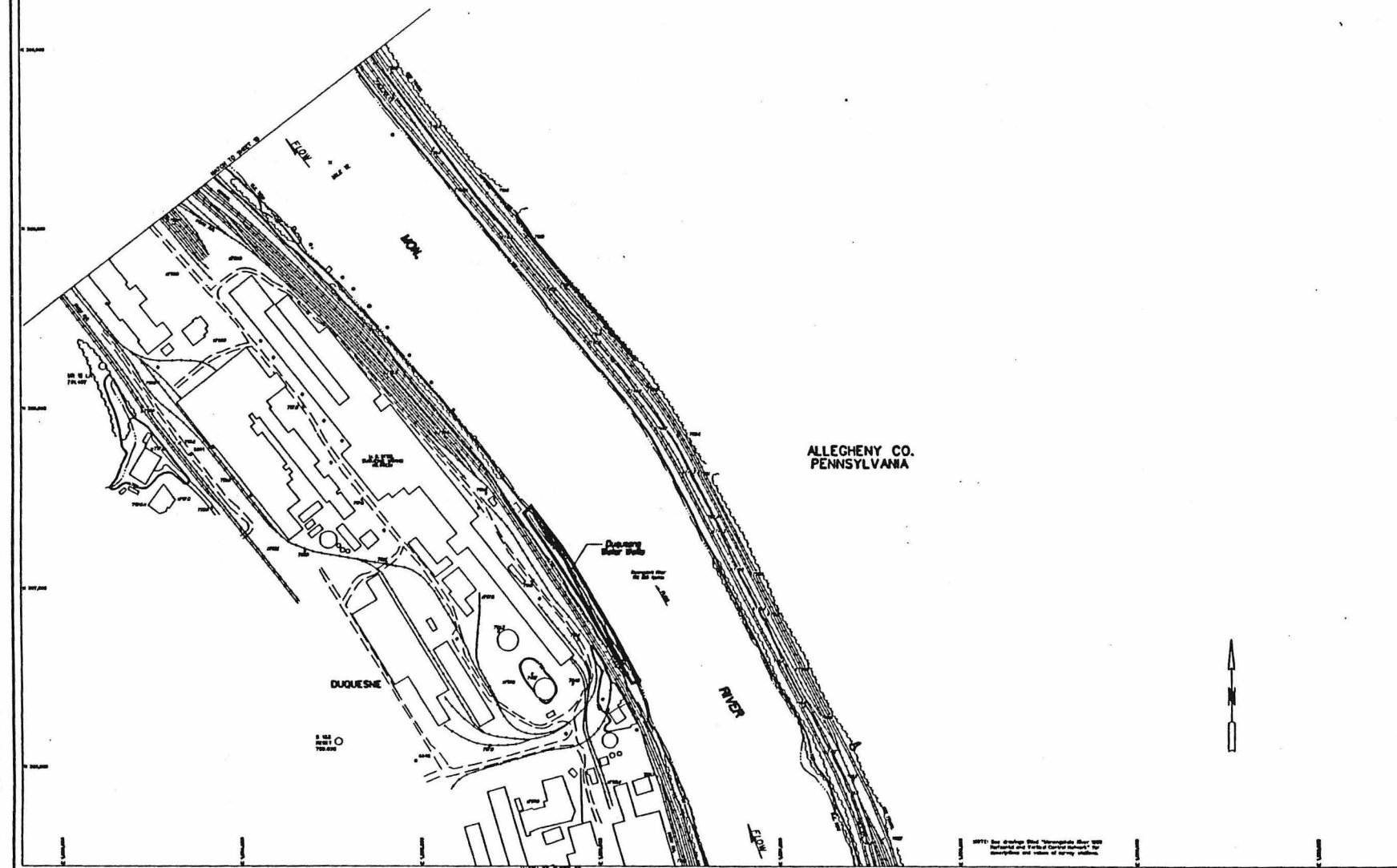
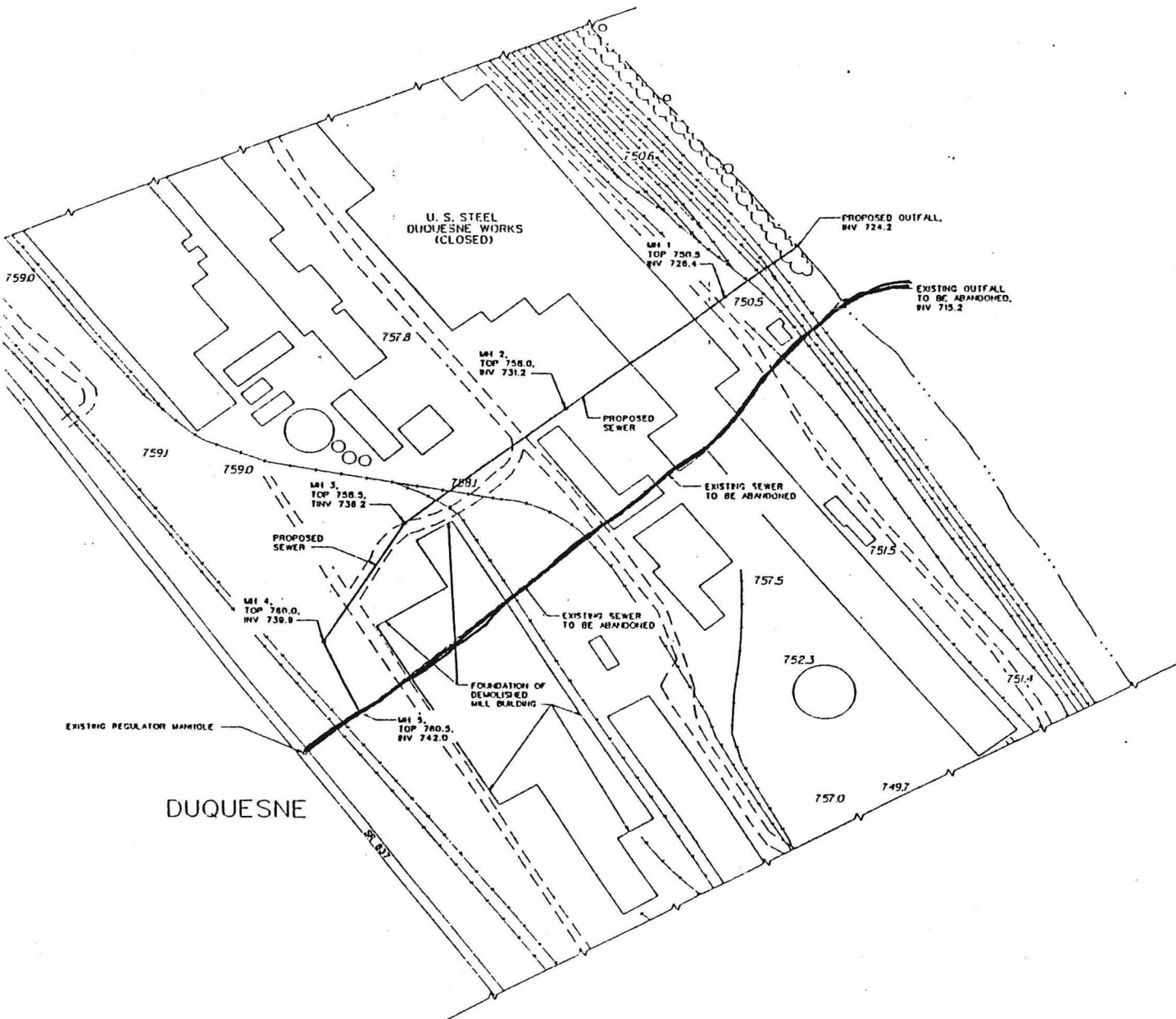


EXHIBIT A

EXHIBIT B



NOTES:

1. OBJECT LINES APPEARING AS HALF TONES ARE EXISTING CONSTRUCTION. OBJECT LINES APPEARING AS FULL TONES ARE PROPOSED CONSTRUCTION.
2. ACTUAL ALIGNMENT OF EXISTING SEWER IS NOT KNOWN.
3. EXISTING SEWER IS TO BE ABANDONED. NEW SEWER IS TO BE CONSTRUCTED AS SHOWN UNLESS NEW ALIGNMENT CAN BE DETERMINED AND EXISTING SEWER USED.

REVISIONS	DATE	DESCRIPTION	BY
GRAPHIC SCALE			
U.S. ARMY ENGINEER DISTRICT PITTSBURGH CORPS OF ENGINEERS			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS CITY OF DUQUESNE HAMILTON AVENUE COMBINED SEWER OUTFALL PLAN			
SRP	SRP	SCALE	XXX-XXX-XX/XX
DACW 59			

**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Elizabeth Borough Interceptor, Outfalls and Regulator Stations
Facility Numbers: M19R, M20R, M21R, M22R, M23R, M25R, M26R, M27R,
M28R**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on the interceptor, outfalls and regulator stations located between river miles 22.6 and 23.2 on the right bank of the Monongahela River, in Pool 2. These facilities are located in the Borough of Elizabeth and are shown on the attached drawings labeled Exhibits A through H. These drawings were supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Borough of Elizabeth, the Elizabeth Borough Sewage Authority, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the facilities addressed in this report and/or the land they occupy may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate the interceptor (M21R) and facility M28R at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.
2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility.
3. The outfalls and regulator stations addressed in this report were not separately identified in the feasibility report, but are component parts of the interceptor system. For this reason, the design memorandum assumes that approval to relocate these facilities at federal

expense based on project authority has already been granted. An analysis of the interceptor, regulator stations and outfalls in terms of the Section 111 criteria follows.

4. The Borough of Elizabeth owns the existing sewer outfalls. The Borough of Elizabeth is a municipal corporation of the Commonwealth of Pennsylvania pursuant to 53 P.S. §45101, et. seq.. The Borough has the power to make contracts pursuant to 53 P.S. §46401 (1994). The Borough Code provides that the President of Borough Council, and the Vice President in his absence or incapacity, is authorized to execute contracts on behalf of the Borough.

5. Pursuant to 53 P.S. §46201(4) (1994), the Borough may purchase and convey, by sale or lease, both real and personal property.

6. The interceptor and regulators are owned by the Elizabeth Borough Sewage Authority (the "Authority"). The Authority is a municipal authority created by the Borough of Elizabeth pursuant to 53 P.S. §301, et seq.. The Authority has the power to make contracts pursuant to 53 P.S. §306(j) (1994). The Chairman of the Authority is authorized to execute contracts on behalf of the Authority. A resolution granting this power will be adopted when the Authority acts upon the relocation contract.

7. Pursuant to 53 P.S. §306(d) (1994), the Authority may purchase and convey, by sale or lease, both real and personal property.

8. Facility M25R (a regulator station) is located on a tract of land owned by the Borough of Elizabeth in fee simple (DBV 6966/613). Parts of facility M21R (the interceptor) are also located on this tract. Despite our staff's search of the land records and review of the information supplied by the Borough, I am unable to confirm that the Authority owns an interest for either of these facilities or any of the other regulators identified in this report. Nor am I able to confirm that the Borough owns a property interest for any of the outfalls. The interceptor and the connecting outfalls and regulator stations are currently providing a public service to the Borough of Elizabeth. A current and continuing need for these facilities exist.

9. The proposed project will raise Pool 2 about five feet, causing the interceptor to be completely inundated and inaccessible for maintenance. Infiltration is also a possibility. The project will cause the regulator stations to carry storm flows to the treatment plant and

the system will not function properly. The outfalls will be inundated and will be inaccessible for maintenance.

10. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984). No taking has yet been established for these facilities since no property interests have been found to be owned by the facility owners.

11. But, in the case of the interceptor and the other component parts, the criteria of Section 111 are met. Therefore, based on project authority, and notwithstanding navigational servitude, the United States shall be responsible for the costs of the interceptor (M21R) and the regulator station (M28R), excluding any betterments. Such costs shall include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements. The same authority should be granted for the outfalls and remaining regulator stations.

12. The preliminary engineering design proposal to address these project effects is:

a. A portion of one outfall (facility M19R) will be removed and stone protection from the sewer outfall to the new pool will be added.

b. The other outfall (part of facility M28R) will be left in place and plugged. A new outfall will be constructed in a new horizontal location.

c. New regulator stations will be constructed at a higher elevation and a new horizontal location.

d. A new interceptor will be constructed at a higher elevation and a new horizontal location.

13. As noted above, our investigation has not uncovered any real property interests owned by the Borough or the Authority for the facilities addressed in this report. For those facilities being adjusted horizontally, a new property interest would likely be needed even if the owner of the facilities owned one now. The facilities being adjusted to a higher elevation along the existing line would not require a new property interest if the Borough or Authority owned an interest in land for the existing lines. In both of these situations, a new

permanent easement should be acquired for only that area in which these facilities are to be adjusted by the Government. This will prevent the situation where federal monies are used to pay for a facility adjustment which creates or furthers an encroachment on private lands.

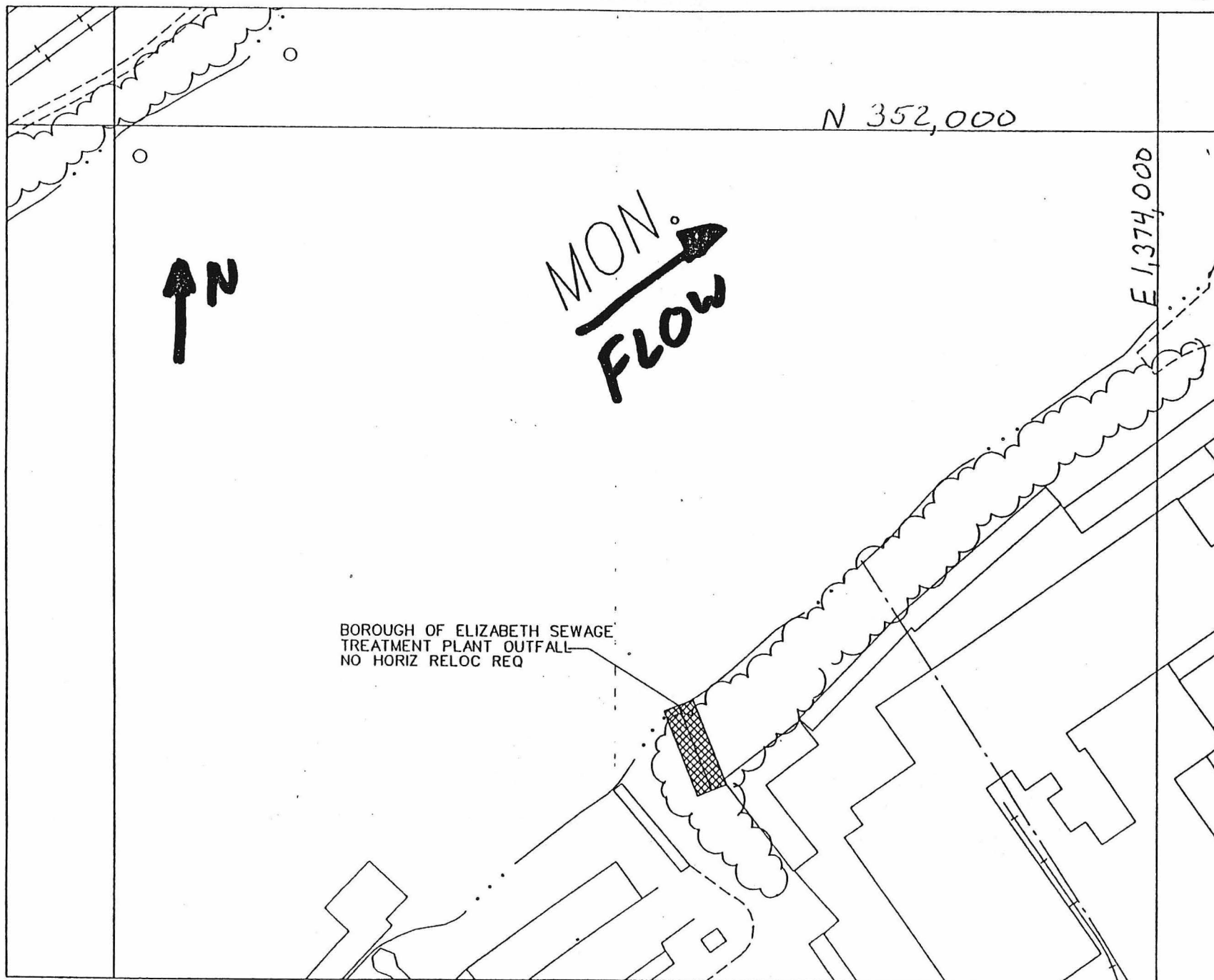
14. All of the required permanent easements discussed above should be acquired at the expense of the United States. The cost of the permanent easements are justifiable as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the Borough's interceptor and regulator station (M28R), and the other regulator stations and outfalls which are component parts of the interceptor are the responsibility of the United States. Any Section 10 permit issues should be resolved prior to the execution of a relocation contract with the Borough.¹ This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic

PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR
August 12, 1994

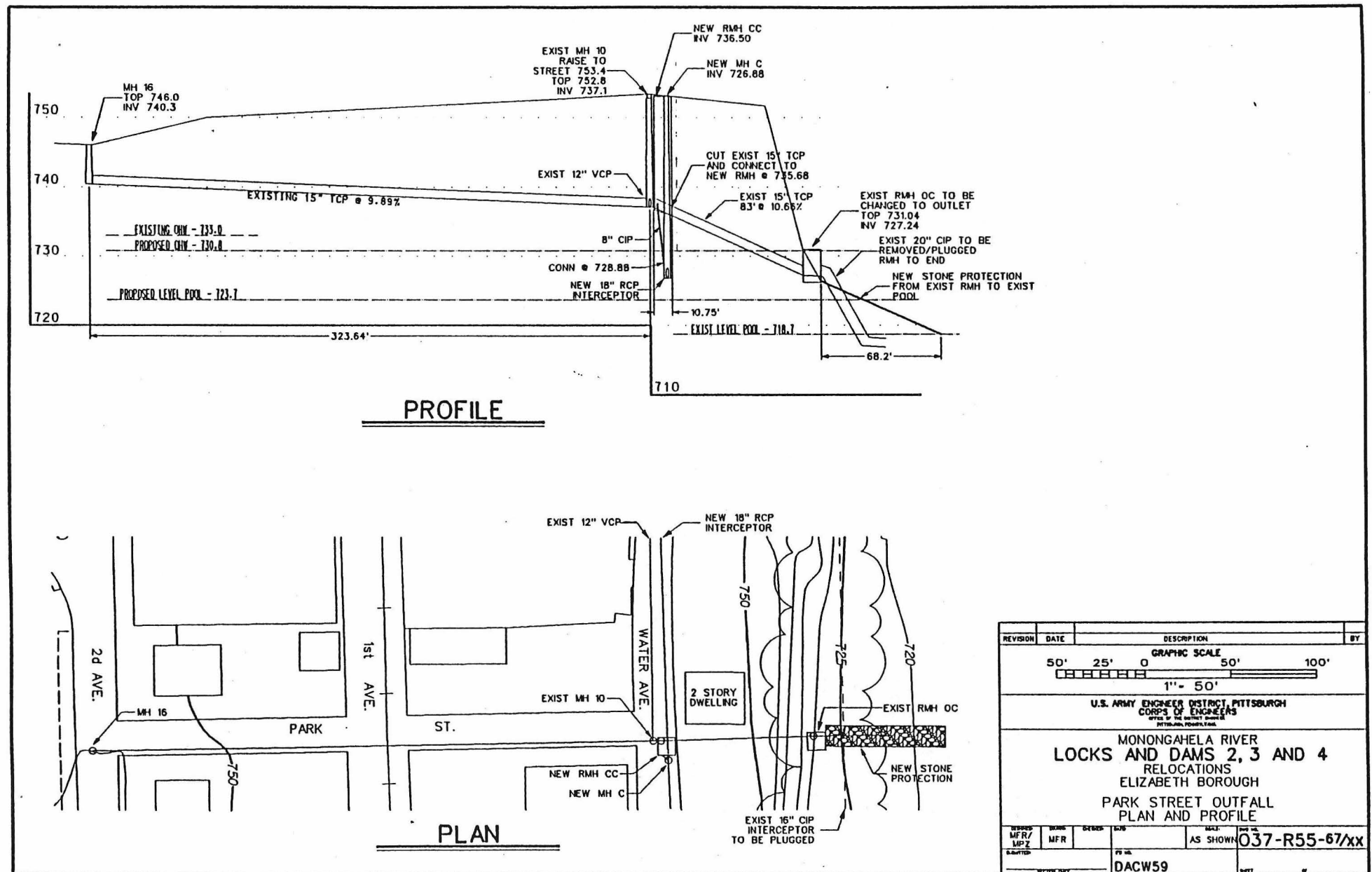
¹No permits were found for the facilities addressed in this report.

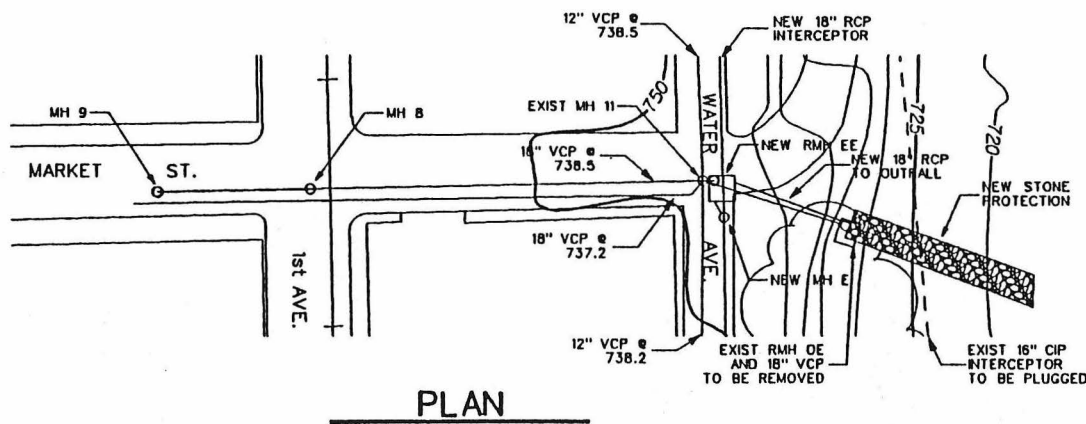
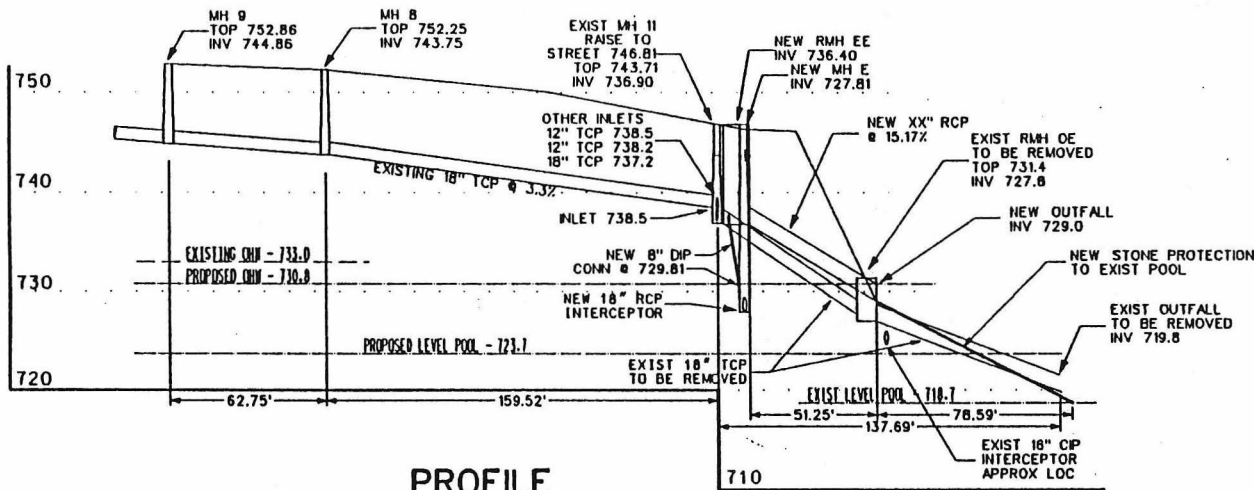


c:\lowermon\workarea.dgn Mar. 15, 1994 08:25:24

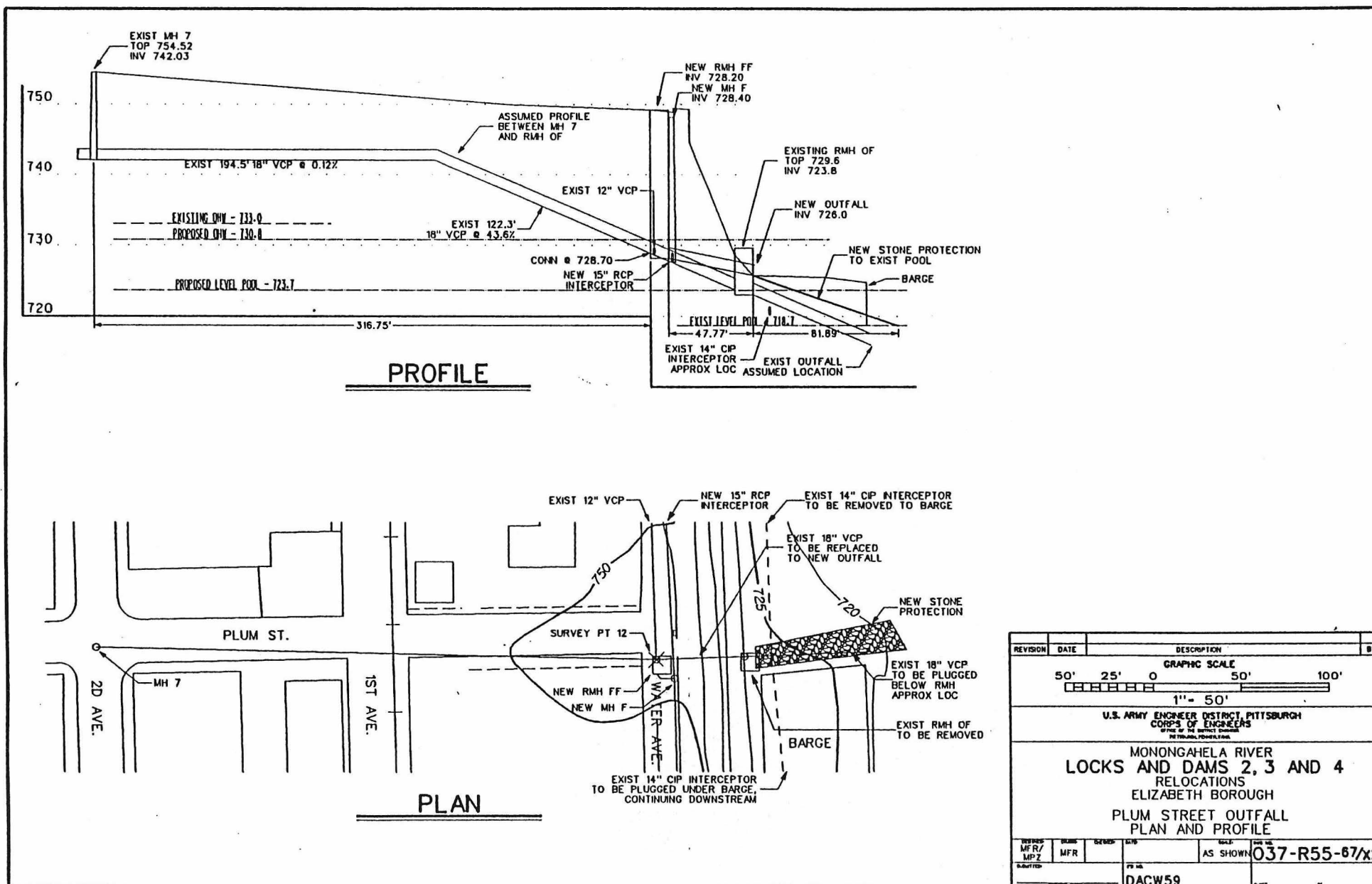
REF: MON13.DGN

EXHIBIT A

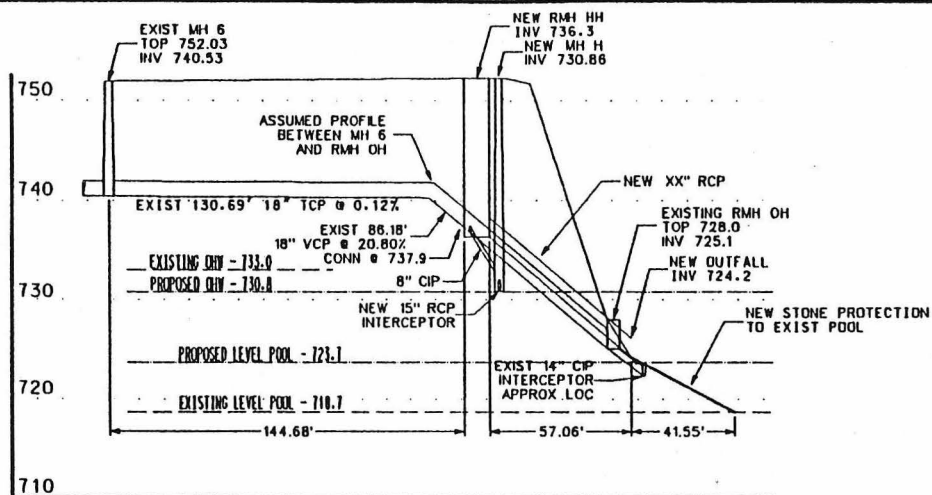




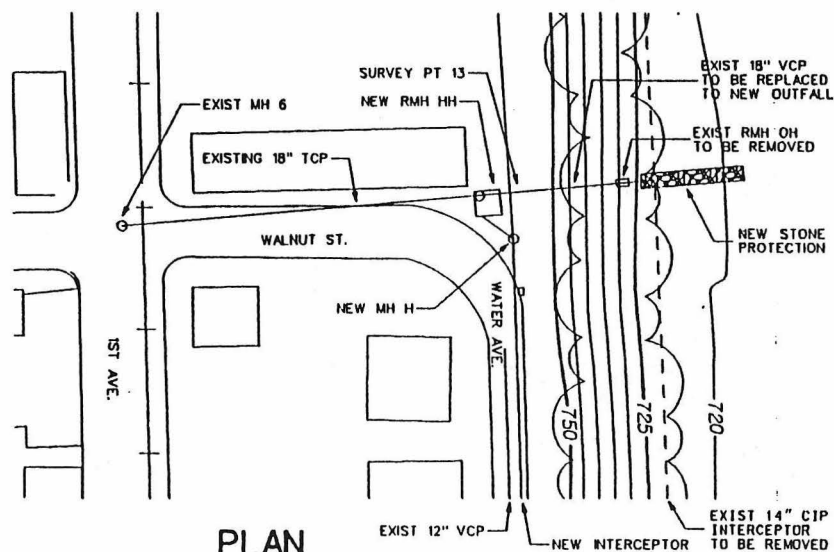
REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 50' 25' 0 50' 100' 1" = 50'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS ELIZABETH BOROUGH MARKET STREET OUTFALL PLAN AND PROFILE			
DESIGNED MFR/ MPZ	DRAWN MFR	CHECKED	SCALE AS SHOWN
PROJECT NO. DACW59		JOB NO. 037-R55-67/xx	
DATE 1994		BY [Signature]	



f:\gen\eliz\plum.dgn Mar. 24, 1994 13:21:39



PROFILE

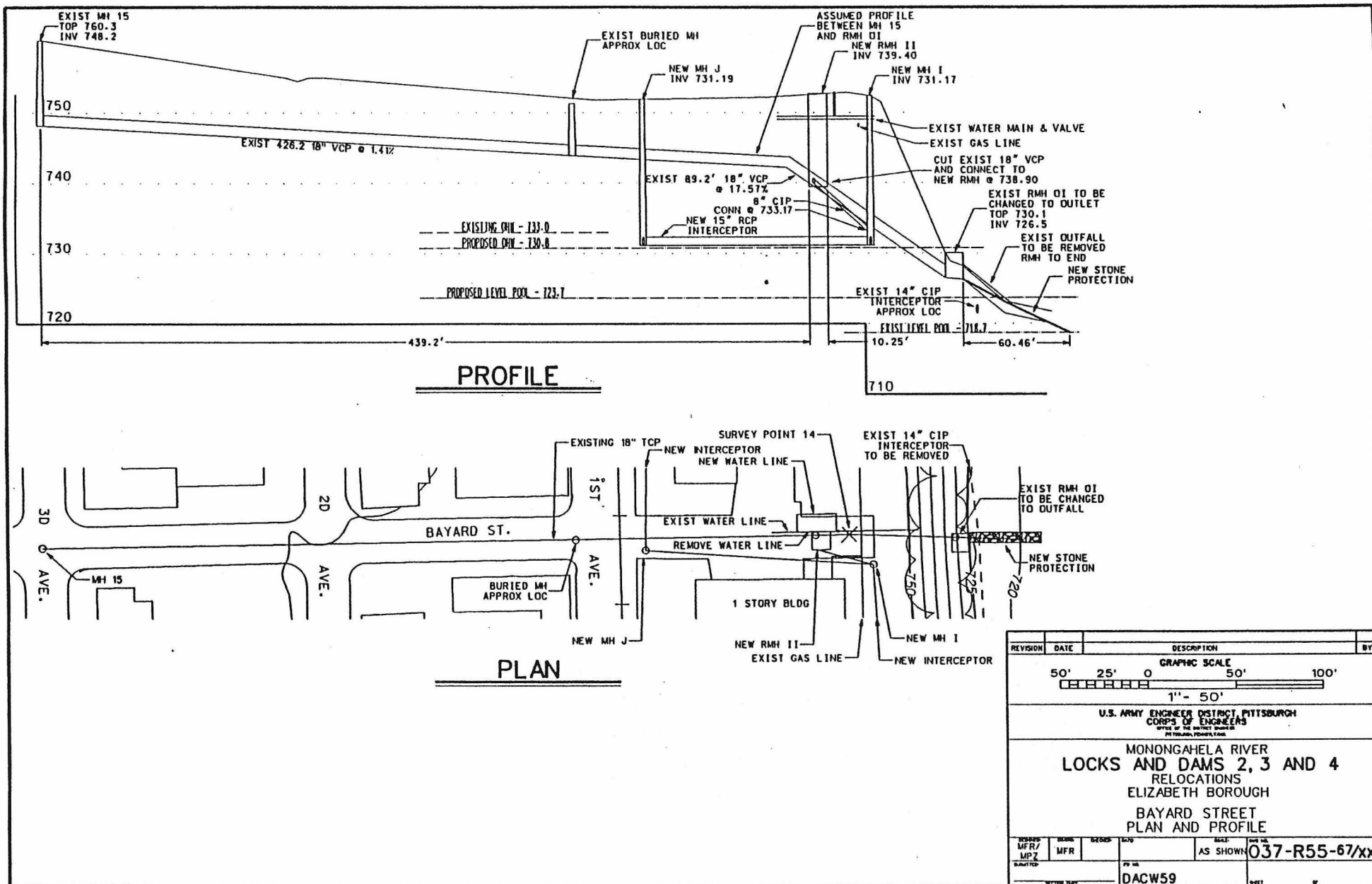


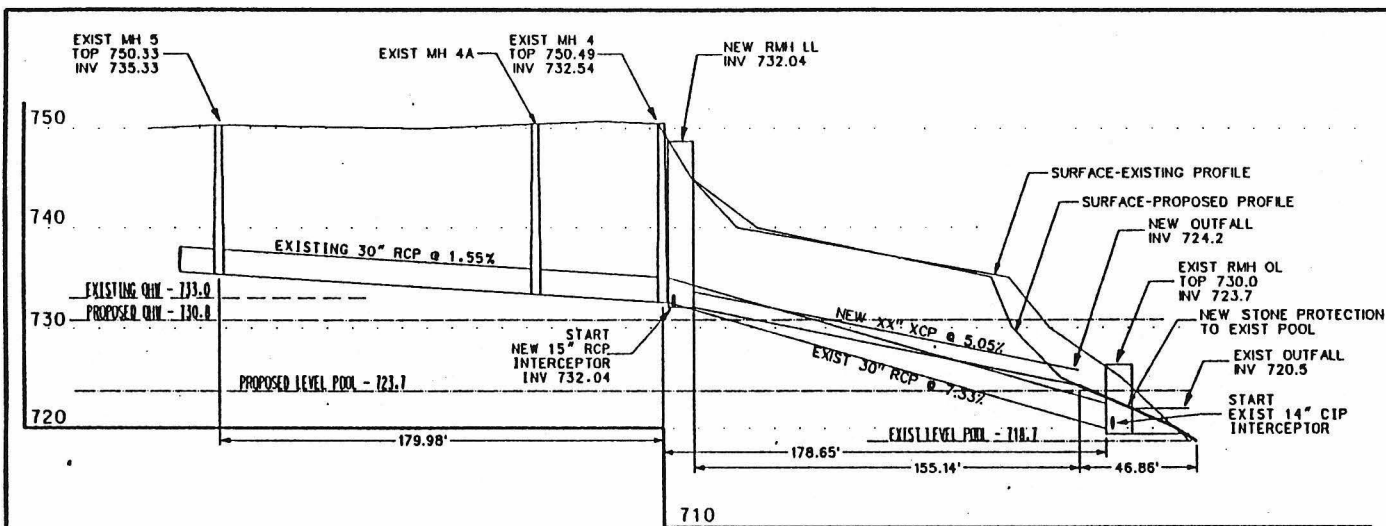
PLAN

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 50' 25' 0 50' 100' 1" = 50'			
U.S. ARMY ENGINEER DISTRICT PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS ELIZABETH BOROUGH WALNUT STREET OUTFALL PLAN AND PROFILE			
DESIGNED MFR/J MPZ	DRAWN MFR	CHECKED []	DATE AS SHOWN
SUBMITTER		PROJECT NO. DACW59	PROJECT 037-R55-67/xx

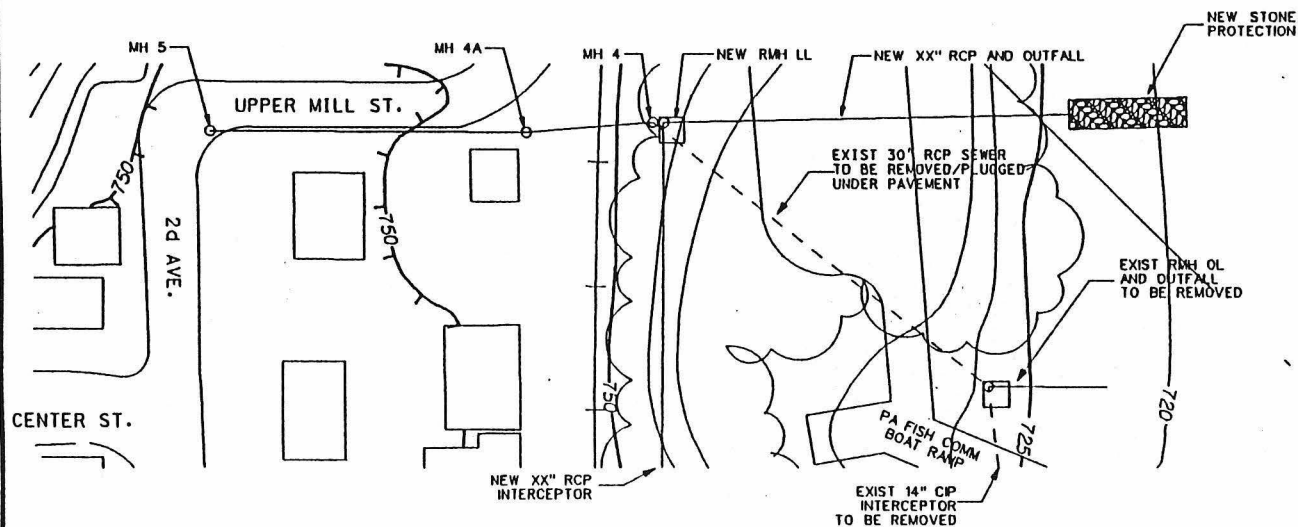
f:\gen\eliz\walnut.dgn Mar. 24, 1994 13:18:53

EXHIBIT F





PROFILE



PLAN

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 50' 25' 0 50' 100' 1" = 50'			
U.S. ARMY ENGINEER DISTRICT PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS ELIZABETH BOROUGH UPPER MILL STREET OUTFALL PLAN AND PROFILE			
DESIGNED MFR/ MPZ	DRAWN MFR	CHECKED LWS	DATE AS SHOWN
SUBMITTED		BY DACW59	DATE 037-R55-67/xx

f:\gen\eliz\upmill.dgn Mar. 24, 1994 13:18:06

EXHIBIT H

ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4 - MONONGAHELA RIVER PROJECT
MUNICIPAL AUTHORITY OF THE CITY OF MCKEESPORT
FACILITY NOS. M01R thru M14R;
Y01R thru Y10R

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility in connection with the proposed adjustment of the following sewer facilities:

1. Facility No. M01R (Evans Street combined sewer overflow)
River Mile 14.5 on the right bank of the Monongahela River
2. Facility No. M02R (Center Street combined sewer overflow)
River Mile 14.6 - right bank
3. Facility Nos. M03 and M04R (Huey and Martin Streets
combined sewer overflows) River Mile 14.7 and 14.9 - right
bank
4. Facility Nos. M05 and M06R (Walnut Street combined sewer
overflow) River Mile 15.28 - right bank
5. Facility No. M07R (Sewage treatment plant outfall)
River Mile 15.77 - right bank
6. Facility No. M08R (Rebecca Street combined sewer overflow)
River Mile 15.8 - right bank
7. Facility No. M09R (Erie Street combined sewer overflow)
River Mile 15.8 - right bank
8. Facility No. M10R (Ann Street combined sewer overflow) River
Mile 15.9 - right bank

9. Facility No. M11R (Dale Street combined sewer overflow)
River Mile 15.9 - right bank
10. Facility No. M12R (Perry Street combined sewer overflow)
River Mile 16.1 - right bank
11. Facility No. M13R (Windsor Street combined sewer overflows)
River Mile 14.7 and 14.9 - right bank
12. Facility No. M14R (Morgan Alley combined sewer overflow)
River Mile 16.2 - right bank
13. Facility No. Y01R (Fourth Avenue combined sewer overflow)
River Mile 0.2 - on the right bank of the Youghiogheny River
14. Facility No. Y02R (Fifth Avenue combined sewer overflow)
River Mile 0.3 - right bank
15. Facility No. Y03R (Sixth Avenue combined sewer overflow)
River Mile 0.3 - right bank
16. Facility No. Y04R (Seventh Avenue combined sewer overflow)
River Mile 0.4 - right bank
17. Facility Nos. Y05 and Y06R (Ninth Avenue combined sewer overflow) River Mile 0.5 - on the right bank
18. Facility No. Y07R (Eleventh Avenue combined sewer overflow)
River Mile 0.7 - right bank
19. Facility No. Y08R (Twelfth Avenue combined sewer overflow)
River Mile 0.7 - right bank
20. Facility No. Y09R (Thirteenth Avenue combined sewer overflow) River Mile 0.8 - right bank
21. Facility No. Y10R (28th Avenue combined sewer overflow)
River Mile 2.1 - right bank

These facilities are shown on the attached drawings labeled Exhibit A" thru "H." These drawings were supplied by the Pittsburgh District Real Estate Division.

In connection with my investigation, I have examined information obtained from the Pittsburgh District Engineering Division, and all relevant state and federal laws and regulations.

Based upon my examination as aforesaid, I hereby certify the following:

1. The Municipal Authority of the City of McKeesport (the "Authority") is a municipal corporation of the Commonwealth of Pennsylvania pursuant to the "Municipal Authorities Act of 1945." See 53 P.S. § 301 et seq.

2. Pursuant to the laws of the Commonwealth of Pennsylvania, the Authority has the power to enter into contracts with any Federal agency, and to purchase and dispose of any property interest, real or personal. The Authority also has the power of eminent domain. See 53 P.S. § 306 (B).

3. The facilities depicted on Exhibits A thru H are or will be owned by the Authority prior to execution of a relocation contract. An agreement is to be reached between the City of McKeesport (the "City") and the Authority to transfer ownership. Such agreement was not furnished to me prior to preparation of this report.

4a. I am unable to certify that the Authority is presently vested with an interest in all of the land upon which the facilities are located. The Authority has not furnished any information to me in this regard. The majority of the facilities are located for the most part within City streets. It is my understanding that the City, at this time, either still owns these facilities or is the prior owner (if transfer to the Authority has already been made). The agreement transferring ownership to the Authority should include the necessary rights-of-way or other interests in land to provide for location of

the sewer lines.*

4b. A small portion of these facilities extend beyond or are located totally outside the boundaries of City streets. The Authority does not appear to be vested with an interest in this land. Independent research at the Allegheny County, Pennsylvania courthouse failed to locate any such interests.

The Fifth Amendment to the United States Constitution provides that just compensation shall be paid by the United States for the taking of private property for public use. However, these facilities terminate either on the banks of the Monongahela or the Youghiogheny River, which are navigable waterways, with their outlet inverts riverward of ordinary high water. They are therefore, subject to the navigation servitude of the United States.** This navigation servitude extends to the entire bed of a navigable stream, which includes those lands below ordinary high water. It allows the United States to take private property without compensation when it is controlling and regulating navigable waters in the interest of commerce. See Borough of Ford City v. U.S., 345 F.2d 645 (1965). The exercise of the power within these limits is not an invasion of any private property right in such lands for which the United States must make compensation. The damage sustained results not from a taking of the riparian owner's property within the stream bed, but from the

* The lines within the City rights-of-way would occupy an easement vested in the City. See Fleck v. Universal Cyclops Steel Corporation, 156 A.2d 832 (1959).

** The Authority does not have a permit under Section 10 of the Rivers and Harbors Act to occupy this area.

lawful exercise of a power to which the property has always been subject. See U.S. v. Chicago, 312 U.S. 592, 61 S. Ct. 722 (1941).

However, Congress has granted the Chief of Engineers discretionary authority to make compensation at project expense notwithstanding the navigation servitude vested in the United States. See Section 111 of 72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. § 633). Section 111 may be invoked whenever the Chief of Engineers determines that a structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of a navigation, flood control or related water development project, or its safety or usefulness will be adversely affected or threatened by such project. EFARS, Appendix Q has interpreted Section 111 as requiring there be a current and continuing need for the structure or facility in the performance of the governmental function. Thirty facilities which would be adversely affected by the proposed project were identified in the Lower Monongahela River Navigation System Feasibility Study (LMFS), December 1991. The Chief of Engineers approved their inclusion into the project for relocation at federal expense on 1 June 1992. This approval was equivalent to Section 111 authority for relocation subject to later confirmation that the facility owners meet the criteria of Section 111 and the EFARS.

FACILITY NOS. M01R thru M06R,
Y01R and Y04R

It has been determined that the facilities described herein will be adversely impacted by the rise in Pool 2 by 5 ft. These outfalls will be totally inundated by the new pool which will subject the overflows to increased siltation and inaccessibility for maintenance. They function as relief valves for the combined sewer system during storm events. Without adjustment, excessive storm flows will be prevented from bypassing to the rivers and forced into the treatment plant. These facilities were not previously identified in the LMFS. It is my opinion that the Chief of Engineers should exercise his discretionary authority under Section 111 and authorize payment to the Authority of the costs of adjusting these facilities to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for these facilities if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

It appears from the preliminary design plan that the acquisition of new permanent rights-of-way may be necessary for the adjustment of these facilities, as horizontal movement may be involved. Although the Authority does not appear to be presently vested with a property interest for the entire facilities, it is my opinion that the Chief of Engineers should authorize payment for acquisition of new rights-of-way. This can be justified as a reasonable cost under the discretionary authority granted by Section 111.

FACILITY NOS. M07R AND Y10R

It has been determined that the facilities described herein will be adversely impacted by the rise in Pool 2 by 5 ft. Facility No. M07R is the sole discharge for the City's treated wastewater. The pool rise will totally inundate it and render it inaccessible for maintenance. Facility No. Y10R provides relief for the existing combined sewer system during significant storm events. The pool rise will subject the outfall to increased siltation and render it inaccessible for maintenance. As these facilities were identified in the LMFS and meet all the necessary criteria, it is my opinion that it is the responsibility of the United States to make payment to the Authority of the costs of adjusting the facilities to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for such facilities, if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

The engineering design plan shows that these facilities will be raised in place. Since the Authority does not appear to be presently vested with a property interest for those portions lying outside City streets, a new permanent easement should be acquired for those areas. I believe this can be justified as a reasonable project cost to protect the United States from potential liability resulting from adjusting facilities which may be encroaching on private property.

FACILITY NOS. M08R thru M14R,
Y02R, Y03R, Y05R thru Y09R

It has been determined that the facilities described herein will be adversely impacted by the rise in Pool 2 by 5 ft. The facilities will be either partially or totally inundated by the new pool, subjecting them to increased siltation and inaccessibility for maintenance. Without adjustment, excessive storm flows will be prevented from bypassing to the rivers and forced into the treatment plant. Inundation of the regulator stations could allow river water to surcharge the sewage collection system and overload the treatment plant. These facilities were not previously identified in the LMFS. It is my opinion that the Chief of Engineers should exercise his discretionary authority under Section 111 and authorize payment to the Authority of the costs of adjusting these facilities to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for such facilities if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

The engineering design plan shows that these facilities will be raised in place and provided stone protection. Since the Authority does not appear to be presently vested with a property interest for those portions lying outside City streets, a new permanent easement should be acquired for those areas. It is my opinion that the Chief of Engineers should authorize payment under his discretionary authority for these easements to protect the United States from potential liability. Such liability may result from adjusting facilities which could be encroaching on private property.

The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

Maria Mignone
MARIA MIGNONE
GENERAL ATTORNEY (RP)

August 17, 1994
DATE

MONONGAHELA

RIVER

MILE 14.7

Facility No. MOIR

Facility No. M02R

N 379,500

EVANS ST. OUTFALL

RIDC DOCKS
307-F-306

RIDC DOCKS

CENTER ST. OUTFALL

307-F-306

307-E-260

307-E-260

000

307-B

N 379,000

307-C

307-E-260

307-D

LOT-1

N 378,500

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

307-F-306

LYSLE BLVD.

LYSLE

BOULEVARD

AVENUE

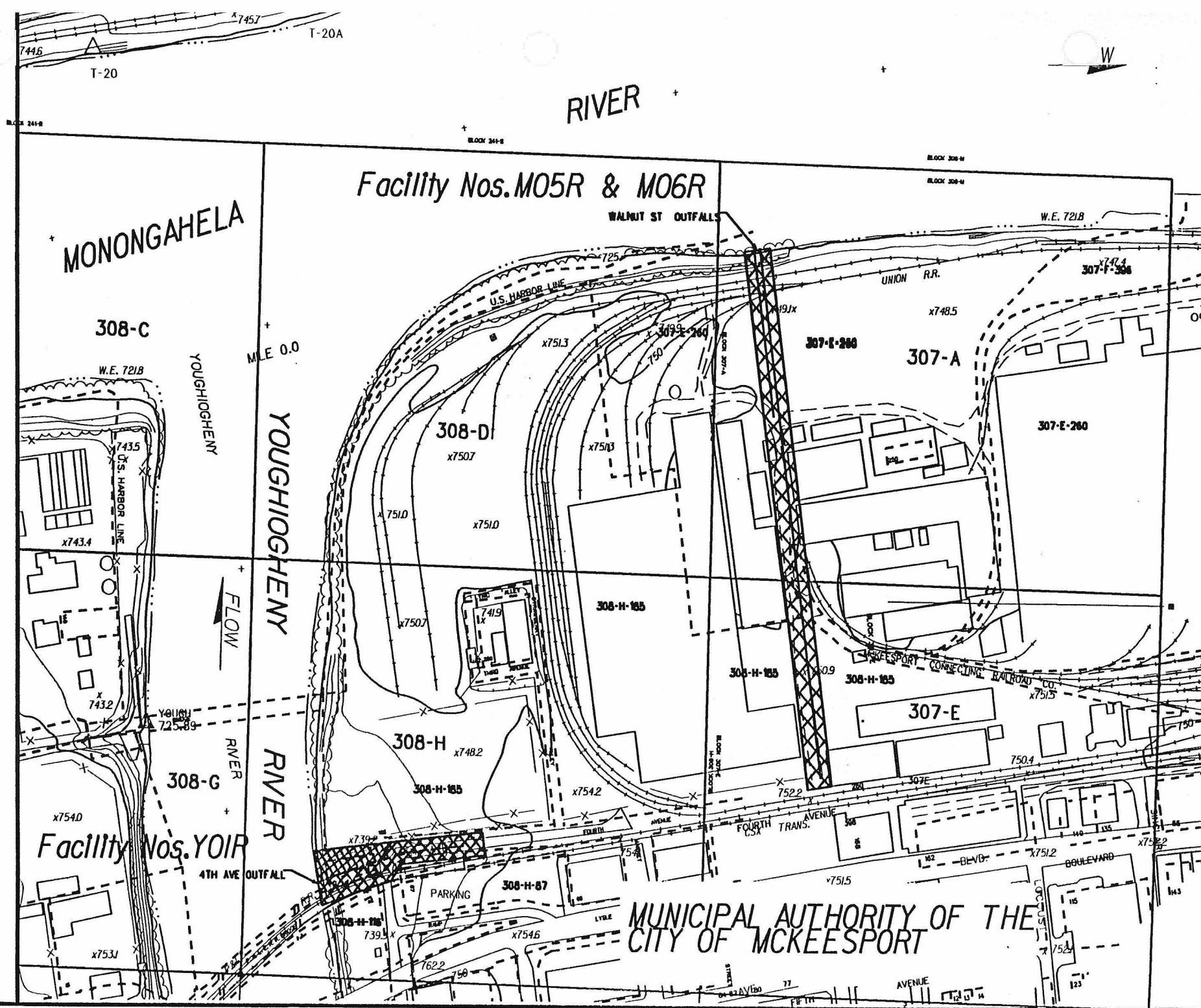
307-F

307-G

307-H

MUNICIPAL AUTHORITY OF THE
CITY OF MCKEESPORT

EXHIBIT A



Facility No. M07R

308-C

Facility No. M08R

Facility No. M09R

Facility No. MIOR

Facility No. MIIR

308-E

Facility No. MI2R

Facility No. M13R

308-J

SEWAGE TREATMENT PLANT

308-G

~~PITTSBURGH & LAKE ERIE RAILROAD COMPANY~~

—308—

DRAVOSBURG

RIVER

308-B

308-A

ANN ST OUTFALL

DALE ST OUTFALL

PERRY ST OUTFALL.

WINDSOR ST OUTFALL

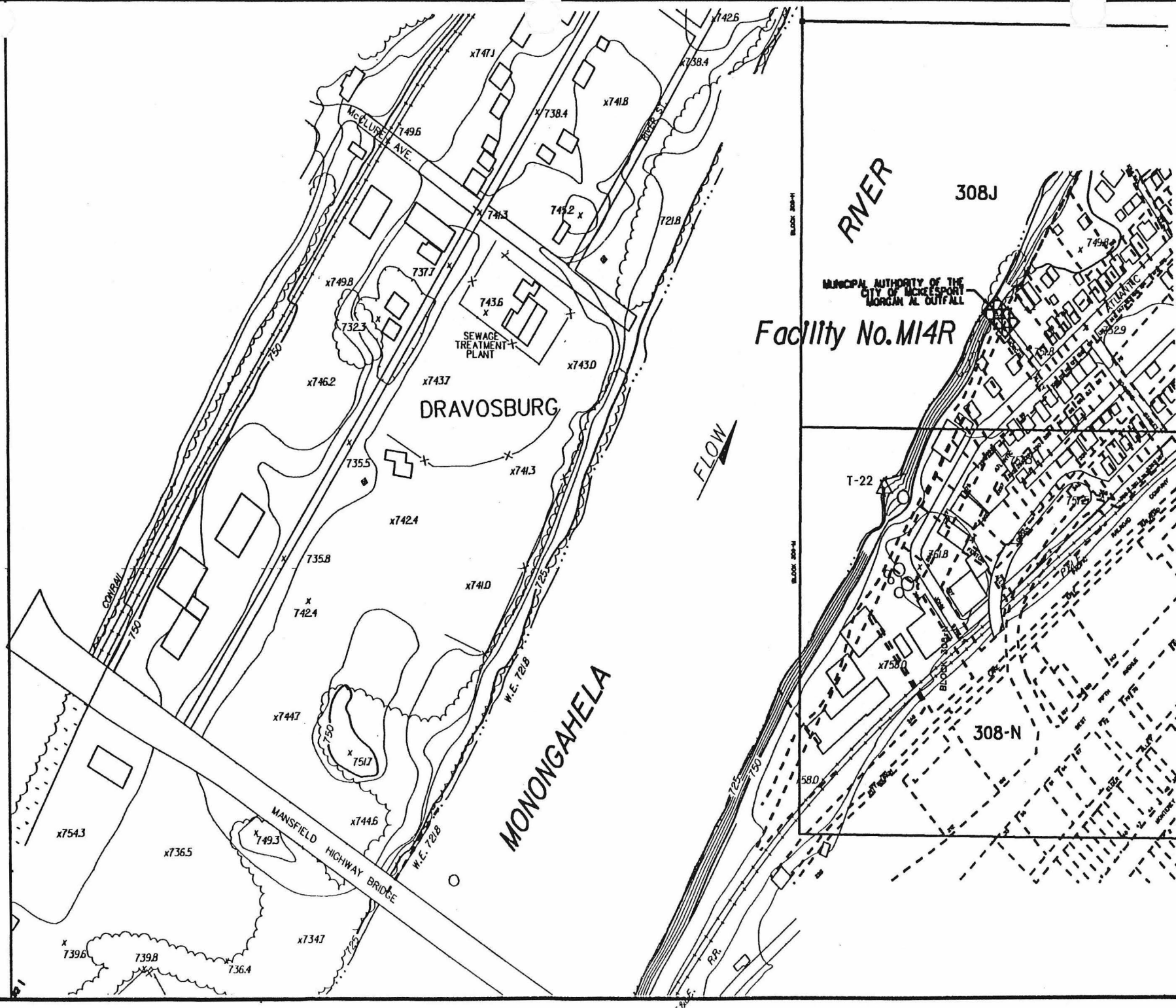
1"=200'

W.E. 7218

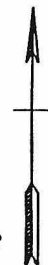
YOUNGHOUGHENY

PRNER

EXHIBIT D



1"=200'



CITY OF MCKEESPORT
4TH AVE OUTFALL

5TH AVE OUTFALL

3
YOUNGHOUGHENY
AVE. PITTSBURGH

308-M

6TH AVE DUTFALL

7TH AVE OUTFALL

308-S

RIVER

9TH AVE OUTFALLS

Facility No.Y02R

Facility No.Y03R

Facility No.Y04R

Facility No. Y05R & Y06R
MUNICIPAL AUTHORITY OF THE
CITY OF MCKEESPORT

EXHIBIT 2



YOUGHIOGENY

383-D

11TH AVE
OUTFALL

12TH AVE
OUTFALL

FLOW

384-E

13TH AVE
OUTFALL

RIVER

MUNICIPAL AUTHORITY OF THE
CITY OF MCKEESPORT

Facility No.Y07R

384-A

Facility No.Y08R

Facility No.Y09R

MCKEESPORT

6423

7515

x745.8

747.8

743.0

737.0

744.1

748.0

745.0

740.9

748.3

x741.3

741.2

x752.0

137.6

x749.1

725

725

725

750

751.4

750

737.0

743.0

745.2

742

747.8

747.8

747.8

FLOW

LIBERTY

Facility No. YIOR
MUNICIPAL AUTHORITY OF THE
CITY OF MCKEESPORT

MCKEESPORT

**28TH AVE
OUTFALL**

464-E

454-E-235

464-E-235

ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4 - MONONGAHELA RIVER PROJECT
WEST ELIZABETH SANITARY AUTHORITY
FACILITY NOS. M05L thru M12L

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility in connection with the proposed adjustment of the following sewer facilities located on the left bank of the Monongahela River:

1. Facility No. M05L (discharge outfall from wastewater treatment plant) River Mile 22.9
2. Facility No. M06L (Main intercepting sewer) River Mile 22.9 - 23.2
3. Facility No. M07L (Ferry Street combined sewer outfall and regulator station) River Mile 23.0
4. Facility No. M08L (Locust Street combined sewer outfall) River Mile 23.11
5. Facility No. M09L (Wayne Street combined sewer outfall) River Mile 23.15
6. Facility No. M10L (Walnut Street combined sewer outfall) River Mile 23.21
7. Facility No. M11L (Washington Street combined sewer outfall) River Mile 23.22
8. Facility No. M12L (17"/24" storm sewer) River Mile 23.4

These facilities are shown on the attached drawing labeled Exhibit "A." This drawing was supplied by the Pittsburgh District Real Estate Division.

In connection with my investigation, I have examined information obtained from the Borough of West Elizabeth, the Pittsburgh District Engineering Division, and all relevant state and federal laws and regulations.

Based upon my examination as aforesaid, I hereby certify the following:

1. The West Elizabeth Sanitary Authority (the "Authority") is a municipal corporation of the Commonwealth of Pennsylvania pursuant to the "Municipal Authorities Act of 1945. See 53 P.S. § 301 et seq.

2. Pursuant to the laws of the Commonwealth of Pennsylvania, the Authority has the power to enter into contract with any Federal agency, and to purchase and dispose of any property interest, real or personal. The Authority also has the power of eminent domain. See 53 P.S. § 306 (B). Although I have no written evidence, apparently Mr. James Bucy, the Municipal Coordinator, will act on behalf of the Authority regarding the Lower Monongahela River Navigation Project.

3. The facilities depicted on Exhibit "A" are owned by the Authority. By agreement dated 25 May 1972, entitled "GENERAL BILL OF SALE AND INSTRUMENT OF CONVEYANCE," the Borough of West Elizabeth (the "Borough") conveyed to the Authority all of its right, title and interest to all of its existing sanitary sewer lines and appurtenances thereto.

4. Pursuant to the above agreement, the Borough conveyed the following interests to the Authority:

a. All its real estate and interest in real estate used or useful in connection with the sanitary sewer lines and the appurtenances thereto.

b. The entire sanitary sewer properties and sanitary sewer lines owned by the Borough located in Allegheny County, Pennsylvania.

c. All of the franchises, permits, licenses, rights, easements, grants, privileges, immunities, rights-of-way, etc., to all of the real property comprising the sanitary sewer lines.

By Ordinance No. 182 passed by the Borough on 18 May 1972, the Borough granted the Authority the right to locate the necessary sanitary sewer lines and appurtenances in the streets, roads, alleys and rights-of-way of the Borough.

5. By virtue of the above agreements, the Authority is vested with an interest in the land upon which the facilities are located.

The Fifth Amendment to the United States Constitution provides that just compensation shall be paid by the United States for the taking of private property for public use. However, these facilities terminate on the banks of the Monongahela River, a navigable waterway. They are therefore, subject to the navigation servitude of the United States.* This navigation servitude extends to the entire bed of a navigable stream, which includes those lands below ordinary high water. It allows the United States to take private property without compensation when it is controlling and regulating navigable waters in the interest of commerce. See Borough of Ford City v. U.S., 345 F.2d 645 (1965). The exercise of the power within these limits is not an invasion of any private property right in such

* The Authority does not have permits under Section 10 of the Rivers and Harbors Act for these facilities.

lands for which the United States must make compensation. The damage sustained results not from a taking of the riparian owner's property within the stream bed, but from the lawful exercise of a power to which the property has always been subject. See U.S. v. Chicago, 312 U.S. 592, 61 S. Ct. 722 (1941).

However, Congress has granted the Chief of Engineers discretionary authority to make compensation at project expense notwithstanding the navigation servitude vested in the United States. See Section 111 of 72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. § 633). Section 111 may be invoked whenever the Chief of Engineers determines that a structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of a navigation, flood control or related water development project, or its safety or usefulness will be adversely affected or threatened by such project. EFARS, Appendix Q has interpreted Section 111 as requiring there be a current and continuing need for the structure or facility in the performance of the governmental function. Thirty facilities which would be adversely affected by the proposed project were identified in the Lower Monongahela River Navigation System Feasibility Study (LMFS), December 1991. The Chief of Engineers approved their inclusion into the project for relocation at federal expense on 1 June 1992. This approval was equivalent to Section 111 authority for relocation subject to later confirmation by the District that the facility owners meet the criteria of Section 111 and the EFARS.

It has been determined that the facilities described herein will be adversely impacted by the rise in Pool 2 by 5 ft. Facility No. M05L serves the communities of West Elizabeth and Jefferson Borough

as the sole discharge from the waste water treatment plant. The five foot pool rise will totally inundate the existing outfall making it inaccessible for maintenance. Facility No. M06L serves as the main sanitary sewer collection system for the Borough. Infiltration of water in to this system will cause increased flows at the treatment plant and the possibility of combined sewer overflows during dry weather. Facility Nos. M07L - M11L will be totally inundated by the pool rise which will subject the overflows to increased siltation and inaccessibility for maintenance. They function as relief valves for the combined sewer system during storm events. Without adjustment, excessive storm flows will be prevented from bypassing to the river and will be forced into the treatment plant. Facility No. M12L will be subjected to a degree of submergence which will increase the likelihood of sediment build-up and will create an unacceptable capacity reduction. These facilities were either identified in the LMFS and meet all the necessary criteria, or they are component parts of the facility and approval is being assumed by the District.* It is my opinion that it is the responsibility of the United States to make payment to the owner of the costs of adjusting the facilities to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for such facilities if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

It appears from the preliminary design plan that the acquisition

* The LMFS recommended adjusting the entire existing combined sewer system. The least-cost alternative requires adjusting only portions of the system, which has been divided into component parts. The total estimated cost for this adjustment is less than that stated in the LMFS, and the District has decided that Section 111 authority is not necessary for the six (6) additional pipes.

of new permanent rights-of-way will not be necessary for the adjustment of these facilities. Under the existing project authority, because the Authority is presently vested with a property interest, the United States should bear the cost of acquisition of a new right-of-way if the facilities were being relocated horizontally outside the limits currently occupied.

The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

Maria Mignone
MARIA MIGNONE
GENERAL ATTORNEY (RP)

August 17, 1994
DATE

RIVER

1133-C

STP OUTFALL
Facility No. M05L

FERRY ST OUTFALL
Facility No. M07L
1133-G

Facility No. MQ8L

Facility No. MO91

Facility No. M10L

Facility No. M06L

Facility No. MLH

Facility No. M124

ELIZABETH

EXHIBIT A

1133-4
7682

767.6

BASEBALL
x7401

7448

1133-K

MR 23 R
752.880

**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**West Mifflin Borough Curry Hollow Bypass
Facility Number M04L**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on the clay sanitary sewer pipe located at river mile 17.0 on the left bank of the Monongahela River, in Pool 2. The clay pipe is shown on the attached drawing labeled "Exhibit A." This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Borough of West Mifflin, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the clay pipe and/or the land it occupies may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate the West Mifflin Borough pipe at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.

2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility. An analysis of the West Mifflin Borough sewer pipe in terms of the Section 111 criteria follows.

3. The Borough of West Mifflin is a municipal corporation of the Commonwealth of Pennsylvania pursuant to 53 P.S. §45101, et seq.. The Borough has the power to make contracts pursuant to 53 P.S. §46401 (1994). The Borough Code provides that the President of Borough Council, and the Vice-President in his absence or incapacity, is authorized to execute contracts on behalf of the Borough.

4. Pursuant to 53 P.S. §46201(4) (1994), the Borough may purchase and convey, by sale or lease, both real and personal property.

5. The facility depicted on Exhibit A is owned by the Borough of West Mifflin and is within the Borough's permanent pipeline easement (DBV 3092/166), ten feet in width and about 480 feet in length, across lands now or formerly owned in fee by the United States Steel Corporation. The clay pipe currently serves a public purpose in the Borough. A current and continuing need for this facility exists.

6. The proposed project will raise Pool 2 about five feet, causing the West Mifflin Borough sewer pipe to be submerged.

7. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Per the Fifth Amendment, the Borough's easement interest, which is an interest in land, may not be taken by the United States for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984).

8. However, a portion of the Borough's easement and pipe is located below the ordinary high water mark of the Monongahela River. Since the Monongahela River is a navigable waterway, that portion of the Borough's pipe and pipeline easement below ordinary high water and within the banks of the river is subject to the doctrine of navigational servitude. Navigational servitude allows the United States to take private property below the ordinary high water mark without providing just compensation for purposes of controlling and regulating navigable waters in the interest of commerce. See e.g., Borough of Ford City v. United States, 345 F.2d 645 (3d Cir. 1965). Generally, an owner of a property interest and a facility located within the navigational servitude of the United States is not entitled to compensation for any adjustment to his facility or land interest within navigational servitude when such adjustment is caused by a federal navigation project.

9. In the case of the West Mifflin Borough sewer pipe, the criteria of Section 111 are met. Therefore, based on project authority, and notwithstanding navigational servitude, the United States shall be responsible for the costs of the West Mifflin Borough sewer pipe adjustment, excluding any betterments. Such costs shall include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements.

10. The preliminary engineering design provides for the vertical raising of the West Mifflin Borough sewer pipe within the limits of the existing easement. Therefore, no permanent real estate interest need be acquired for the sewer pipe adjustment.

11. If the final design calls for a relocation of the sewer pipe outside the limits of the Borough's easement interest, a new permanent easement should be acquired at the expense of the United States as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

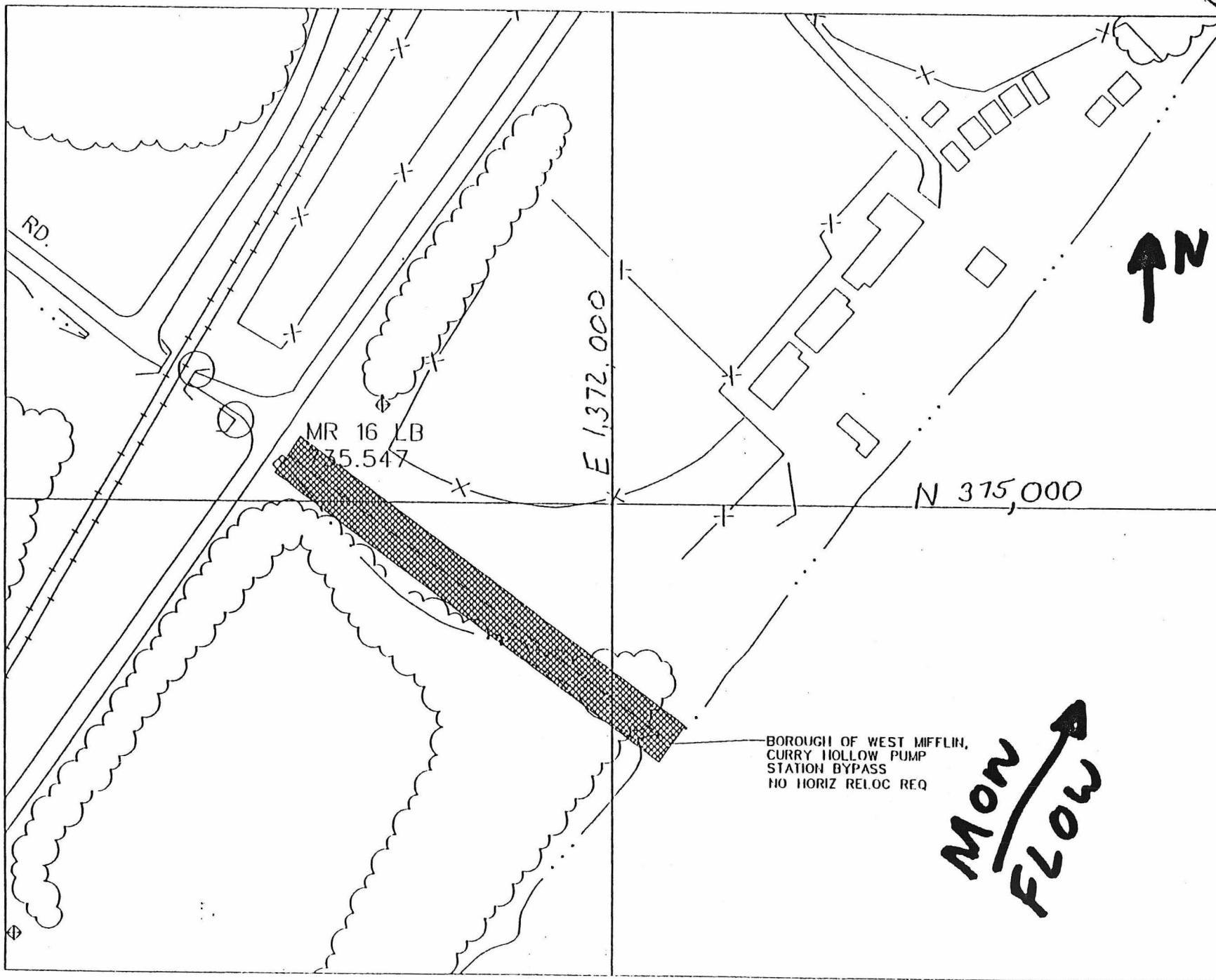
12. I was unable to verify that a permit was issued for this facility under Section 10 of the Rivers and Harbor Act of March 3, 1899 (33 U.S.C. §403).

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the West Mifflin Borough sewer pipe are the responsibility of the United States. Prior to entering a relocation contract with West Mifflin Borough for this facility, any Section 10 permit issues should be resolved. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic

PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994



23

**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Glassport Borough Storm and Sanitary Sewers
Facility Numbers: M15R, M16R, M17R, M18R**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on the storm and sanitary sewers located between river miles 17.3 and 18.9 on the right bank of the Monongahela River, in Pool 2. These facilities are located in the Borough of Glassport and are shown on the attached drawings labeled Exhibits A through C. These drawings were supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Borough of Glassport, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the facilities addressed in this report and/or the land they occupy may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate facilities M15R¹, M17R and M18R at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.

2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility.

¹This facility is permitted under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. § 403) and under Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500). Permits were not found for the other facilities addressed in this report.

3. Facility M16R was not separately identified in the feasibility report, but is a component part of M15R, M17R and M18R. For this reason, the design memorandum assumes that approval to relocate facility M16R at federal expense pursuant to project authority has already been granted. An analysis of these storm and sanitary sewers in terms of the Section 111 criteria follows.

4. The Borough of Glassport is a municipal corporation of the Commonwealth of Pennsylvania pursuant to 53 P.S. §45101, et. seq.. The Borough has the power to make contracts pursuant to 53 P.S. §46401 (1994). The Borough Code provides that the President of Borough Council, and the Vice President in his absence or incapacity, is authorized to execute contracts on behalf of the Borough.

5. Pursuant to 53 P.S. §46201(4) (1994), the Borough may purchase and convey, by sale or lease, both real and personal property.

6. After reviewing the information provided by the Borough and produced by our staff's review of the land records, I believe the Borough may own a real property interest for each of the subject facilities, but I am unable to certify to that fact at this time. The storm and sanitary system is currently providing a public service to the Borough of Glassport. A current and continuing need for these facilities exist.

7. The proposed project will raise Pool 2 about five feet, causing the facilities to become inundated, inaccessible for maintenance, and highly susceptible to capacity reduction.

8. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Per the Fifth Amendment, if I am able to later certify that the Borough has a property interest, that interest may not be taken by the United States for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984).

9. However, even if the Borough is later found to own a property interest, the property and facilities in question are, at least in part, located below the ordinary high water mark of the Monongahela River. Since the Monongahela River is a navigable waterway, the Borough's land and facilities are subject to the doctrine of navigational servitude. Navigational servitude allows the United States to take private property below the ordinary high water mark without providing just compensation for purposes of controlling and regulating navigable waters in the interest of commerce. See e.g.,

Borough of Ford City v. United States, 345 F.2d 645 (3d Cir. 1965). Generally, an owner of a property interest and a facility located within the navigational servitude of the United States is not entitled to compensation for any adjustment to his facility or land interest within navigational servitude when such adjustments are caused by a federal navigation project.

10. But, in the case of the storm and sewer pipes, the criteria of Section 111 are met. Therefore, based on project authority, and notwithstanding navigational servitude, the United States shall be responsible for the costs of the adjustments to facilities M15R, M17R and M18R, excluding any betterments. Such costs shall include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements. The same authority should be granted for facility M16R.

11. The preliminary engineering design proposal to address these project effects is:

a. The storm sewer (M15R) will require the installation of one manhole and new pipe and endwall.

b. The outfalls (M16R, M17R, M18R) will be raised and a new endwall and stone protection will be added.

12. Although facility M16R is a horizontal adjustment, the adjustment will be within the limits of a property interest believed to be owned by the Borough. The adjustments to M18R will be horizontal and will be outside of the limits of the easements believed to be owned by the Borough and will require new permanent easements. If it is later verified that the Borough owns a real property interest for M15R and M17R, the facility adjustments should be within the limits of those interests and not require additional permanent easements.

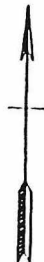
13. If real property interests owned by the Borough for any of these facilities are not verified, a new permanent easement should be acquired for only that area in which these facilities are to be adjusted by the Government. This will prevent the situation where federal monies are used to pay for a facility adjustment which creates or furthers an encroachment on private lands.

14. All of the required permanent easements discussed above should be acquired at the expense of the United States. The cost of the permanent easements are justifiable as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the Borough's storm and sanitary sewer outfalls are the responsibility of the United States. Any Section 10 permit issues should be resolved prior to the execution of a relocations contract with the Borough. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic
PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994



FACILITY NO.28

Required Work Area
Easement
Broadway
Total Acres: 0.81 +/-

TAX MAP DATA:
384-D-395

PGH & LAKE ERIE RR CO

ACRES: 0.17

558-R-160

WESTINGHOUSE ELEC CORP

ACRES: 0.42

558-P-1

MARVIN METOSKY, ET AL

ACRES: 0.20

558-R-179

JOE ROHALL, ET UX

ACRES: 0.01

558-R-182

VICTOR TRUNZO, ET UX

ACRES: 0.01

MONONGAHELA

FLOW

BLOCK 657-B

RIVER

JUN 29 1994

558-L

558-K

558-P

558-R

558-R-160

558-P-1

BORO OF GLASSPORT
REGULATOR & OUTFALL

GLASSPORT
ALLEGHENY CO
PENNSYLVANIA

EXHIBIT C

BOROUGH OF GLASSPORT

1"=200'



FACILITY NO.27

Required Work Area
Easement
3rd Street
Total Acres: 0.36 +/-

TAX MAP DATA:

467-K-42
Owner
ACRES: 0.18
467-F-55
Owner
ACRES: 0.18

WEST MIFFLIN 7512

CONRAIL

BLOCK 467-E

RIVER

FLOW

BORO OF GLASSPORT
30 ST

MONONGAHELA

MILE 18

JUN 29 1994

1"=200'

467-F

467-K-42

467-K

467-G

BOROUGH OF GLASSPORT

GLASSPORT

ALLEGHENY CO.
PENNSYLVANIA

EXHIBIT I

x7499

x7455 RAILROAD CO.

PITTSBURGH & LAKE ERIE

x7506

x7506

x7506

467-K

748.3

x7506

x7480

x7513

x7401

x7511

x7509

x7522

x7564

x7509

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7474

x7478

x7474

x7474

x7474

x7474

x7474

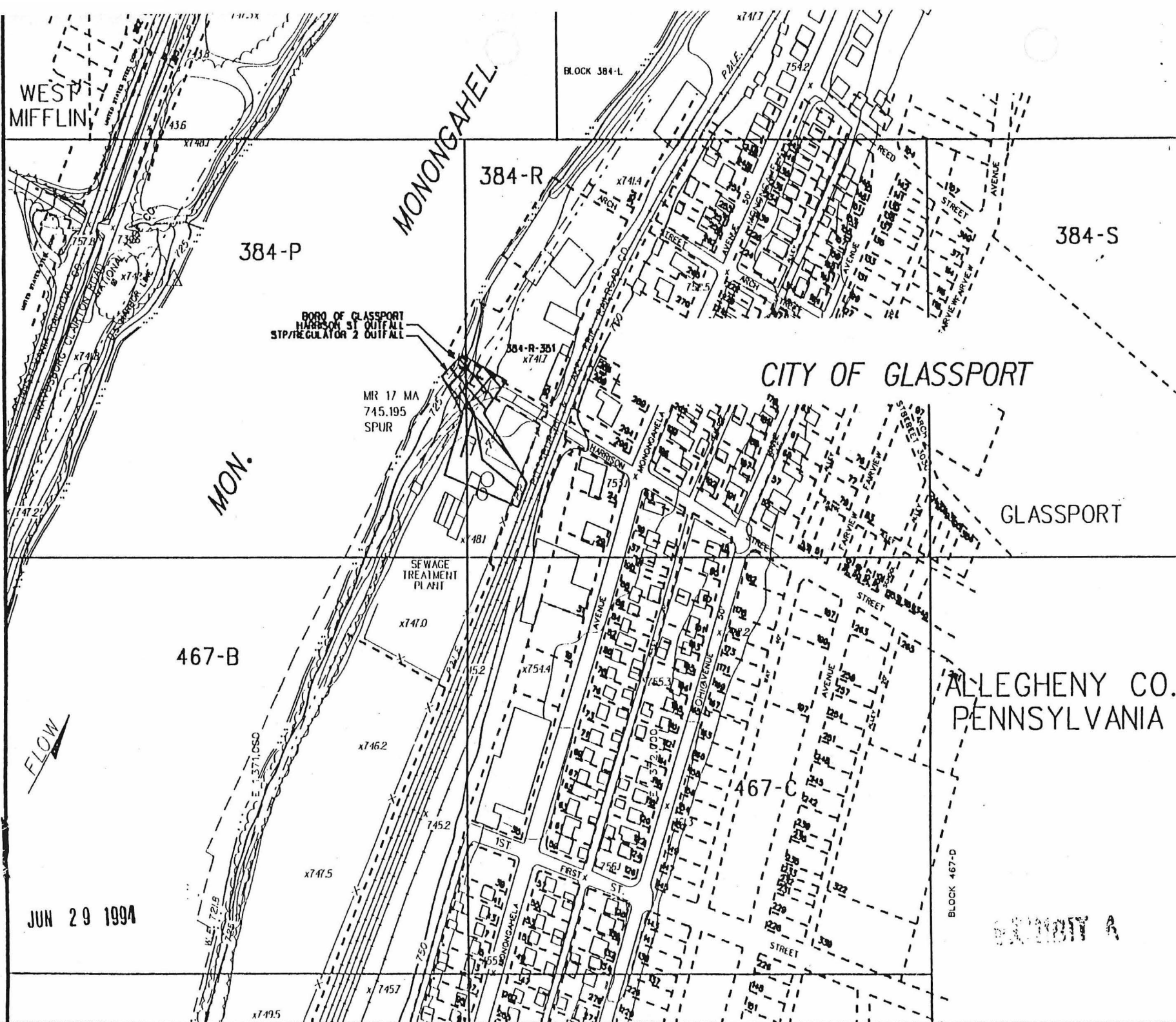


FACILITY NO. 2426 & 25

Required Work Area
Easement
HARRISON STREET
Total Acres: 0.82 +/-

TAX MAP DATA:

384-R-353
owner
ACRES: 0.08
384-R
owner
ACRES: 0.72
384-R
pittsburgh lake erie rr co.
ACRES: 0.02



**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Elizabeth Township Sanitary Authority Gravity Sewers
Facility Number Y01L**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on the gravity sewers located at about river mile 4.1 on the left bank of the Youghiogheny River. The gravity sewers are located in Elizabeth Township and are shown on the attached drawing labeled "Exhibit A." This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Elizabeth Township Sanitary Authority, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the gravity sewers and/or the land they occupy may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate the gravity sewers at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.
2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility. An analysis of the gravity sewers in terms of the Section 111 criteria follows.
3. The Elizabeth Township Sewage Authority (the "Authority") is a municipal authority created by Elizabeth Township pursuant to 53 P.S. §301, et seq.. The Authority has the power to make contracts pursuant to 53 P.S. §306(j) (1994). The Chairman of the Authority is

authorized to execute contracts on behalf of the Authority. A resolution granting this power will be adopted when the Authority acts upon the relocation contract.

4. Pursuant to 53 P.S. §306(d) (1994), the Authority may purchase and convey, by sale or lease, both real and personal property.

5. The gravity sewers shown on Exhibit A are owned by the Authority. Drawings furnished by the Authority depict twenty foot wide easements for the gravity sewers flowing into the pump station. However, at this time, I am unable to certify that the Authority is the record title owner of any property interest for this facility. The gravity sewers are currently providing a public service to the residents of the Township. A current and continuing need for this facility exists.

6. No direct impact of the proposed project on the pump station or the gravity sewers entering the pump station has been finally determined. However, due to the close proximity of the gravity sewers to the Youghiogheny River there may be an increase in infiltration due to a new higher water table elevation. This rise in the water table elevation may be attributed to the proposed project which will raise the existing pool 5 feet.

7. The Authority was asked to continue monitoring the flows at the pump station in order to compare the flows before and after the pool rise. If a significant and constant increase in flow is noticed, it may be attributed to our project.

8. A report on this facility has been included in the design memorandum to confirm that the Section 111 criteria is met by this facility and to identify the federal relocation costs if remedial measures are required to protect this facility from the effects of the project pool raise.

9. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Since the investigation to this point has revealed that the Authority has no verifiable property interest for the gravity sewers, no taking will occur as a result of the proposed project unless the Authority is found to have a personal property interest in the pump station itself. See e.g., Warner v. County of DuPage, 991 F.2d. 1280 (7th Cir. 1993). Please note that this facility is not within navigational servitude.

10. However, in the case of the gravity sewers, the criteria of Section 111 are met. Therefore, the United States should be responsible for the costs of the gravity sewer adjustments, excluding any betterments, if any adjustments are required on account of the proposed project. Such costs should include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements.

11. The preliminary engineering design would involve lining the existing gravity sewers to prevent infiltration. This can be accomplished by employing a technique referred to as Insituform. This method requires no excavation or horizontal movement.

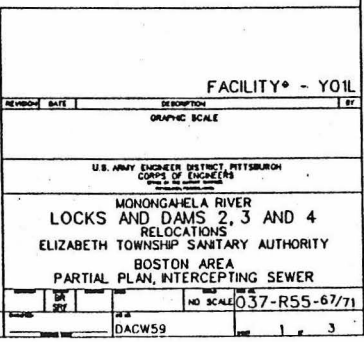
12. If the Authority does own a real property interest in land for the existing gravity sewers, no new permanent land interest would be needed for the proposed adjustment. Since the Authority does not own such an interest, the Government should consider acquiring a new permanent easement for only that area in which this facility is to be adjusted by the Government. This will prevent the situation where federal monies are used to pay for a facility adjustment which creates or furthers an encroachment on private lands. If it is later discovered that the Authority does own permanent easements for the gravity sewers, no new permanent easements will be needed.

13. Any new permanent easements to be acquired should be acquired at the expense of the United States and may be justified as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

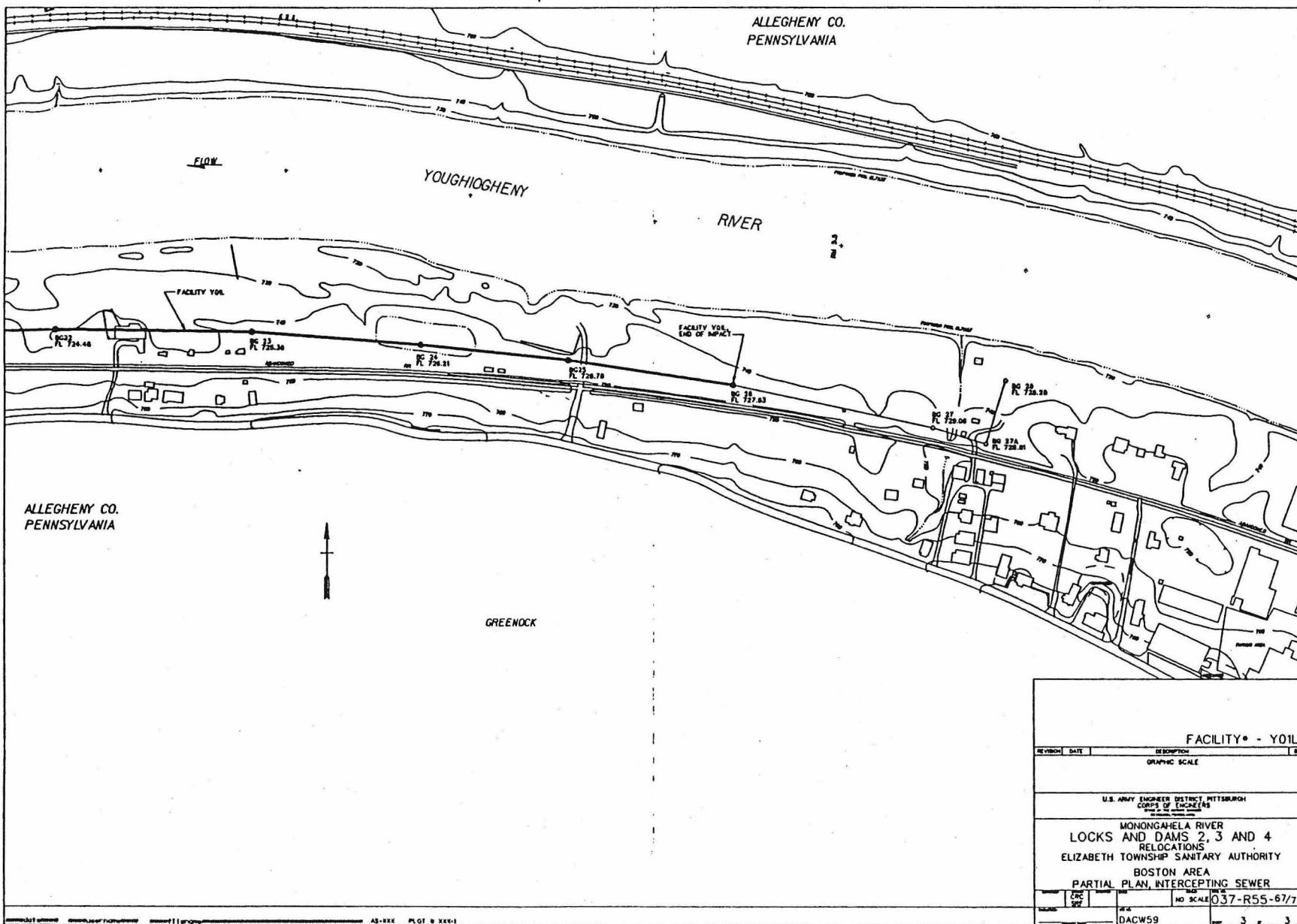
Based on the above, the construction costs and associated real estate costs for the possible adjustment of the Authority's gravity sewers are the responsibility of the United States and should be granted Section 111 authority, subject to a final determination of an adverse effect from the proposed project. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic
PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994



MATCH TO DWG 67/72



ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4 - MONONGAHELA RIVER PROJECT
CONSOLIDATED RAIL CORPORATION
FACILITY NO. T01R

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility in connection with the proposed adjustment of an 18" storm sewer located along Turtle Creek at river mile 1.0. The facility is shown on the attached drawing and marked "Exhibit A." This drawing was supplied by the Pittsburgh District Real Estate Division.

In connection with my investigation, I have examined information obtained from the Pittsburgh District Engineering and Real Estate Divisions, and all relevant state and federal laws and regulations.

Based upon my examination as aforesaid, I hereby certify the following:

1. Consolidated Rail Corporation ("CONRAIL") is a corporation existing under the laws of the Commonwealth of Pennsylvania as defined by the Pennsylvania Public Utility Code at 66 Pa. C.S.A. § 102. As a corporation owning or operating in

Pennsylvania, equipment or facilities "transporting passengers or property as a common carrier," CONRAIL meets the definition of a public utility under this section.

2. Pursuant to the laws of the Commonwealth of Pennsylvania, CONRAIL has corporate power to sell, exchange, or otherwise dispose of any property. See 15 Pa. C.S.A. § 1502 (5). CONRAIL also has corporate power to enter into any obligation appropriate for the transaction of its affairs. Id at § 1502 (17). I have not received any information from CONRAIL as to which officials are authorized to perform the above actions. A resolution of its board of directors may be necessary.

3. I am unable to certify that the facility on "Exhibit A" is owned by CONRAIL, as I have received no response from it despite various written requests. However, for purposes of this report, I will assume the facility is in fact owned by CONRAIL.

4. I have been unable to certify that the facility on "Exhibit A" occupies land in which CONRAIL has a compensable interest. No information has been furnished by CONRAIL, nor has any been located through independent research at the Allegheny County courthouse. However, the Pittsburgh District Engineering Division believes the facility has been in its present location since the early 1960's. Assuming the facility has not been authorized by license or permit, CONRAIL may be able to establish title by adverse possession. The requisite time period

for possession in Pennsylvania is 21 years.* See *Conneaut Lake Park v. Klingensmith*, 362 Pa. 592, 66 A.2d. 828 (1949).

The Fifth Amendment to the United States Constitution provides that just compensation shall be paid for the taking of private property for public use. For publicly owned roads and utility systems, as well as with privately-owned railroads and utility systems, the federal courts have held that the liability of the United States for such acquisition is the cost of providing substitute facilities where necessary. Assuming that title to real estate by adverse possession is not possible, CONRAIL may still be entitled to a substitute facility. Where a public utility will be destroyed or damaged due to the operation of a civil works project and relocation or alteration of the facility is required to continue service to the public, the United States may assume the cost of relocating or altering the facility (but not the cost of a new permanent right-of-way), when the utility owner is not presently vested with a compensable interest in real estate. See EFARS, Appendix Q (Q-73-701). Section 2 of the Flood Control Act of 1938 is cited as authority for this section. See 33 U.S.C. § 701-C-1. The provisions of this statute appear on their face to apply solely to flood control projects, although the EFARS refers to "civil works project." There is a similar statute, in less detail, which does apply to navigation projects. See 33 U.S.C. § 591. I believe the intent is to treat public utilities in a similar fashion, regardless of the nature of the authorized project. Therefore, CONRAIL could receive a substitute facility

* I have not investigated whether CONRAIL could meet the other requirements of adverse possession.

under this authority.

It has been determined that the facility described herein will be adversely impacted by the rise in Pool 2 by 5 ft. There will be a full submergence of the outfall of this pipe with the new pool. This degree of submergence increases the likelihood of sediment build-up and will create an unacceptable capacity reduction.

Based upon the above, the following is a summary of my analysis:

1. No information has been received by CONRAIL as to ownership of the facility. However, for purposes of this report, I am assuming the facility is, in fact, owned by CONRAIL as it services a CONRAIL facility (railroad tracks).

2. No information has been received by CONRAIL as to whether it has a compensable interest in the land occupied by the facility. An interest in land could not be verified through courthouse research.

3. Assuming the facility does not occupy the land pursuant to a legal right, CONRAIL may be able to establish title by adverse possession. It appears from the preliminary design plan that acquisition of a new permanent right-of-way will not be required, as there will be no horizontal movement of the facility outside its present limits (raised in place). Should such movement become necessary, and should CONRAIL be able to establish title, it is my opinion that the United States should bear the cost of acquisition of a new permanent right-of-way, in addition to the cost of relocating or adjusting the facility to meet project conditions. Any necessary temporary construction easements would likewise be acquired at the expense of the Government.

4. Assuming CONRAIL cannot satisfy the requirements of adverse possession, it is my opinion, pursuant to EFARS, Appendix Q

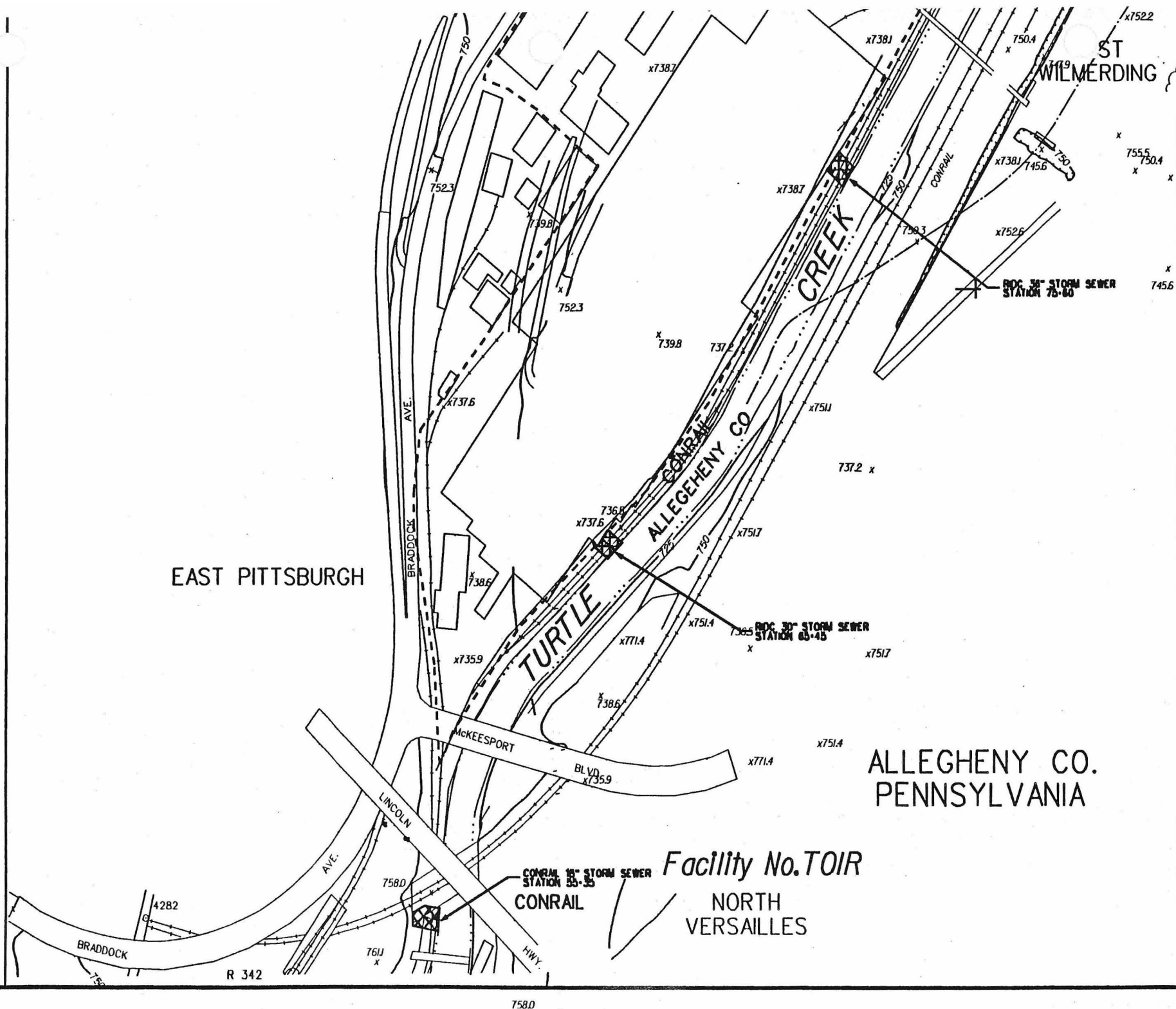
and federal statute, that the United States should assume the costs of relocating or altering the facility to meet project conditions. This would include the cost of any necessary easements for construction, but not the cost of a new permanent right-of-way.

The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

Maria Mignone
MARIA MIGNONE
GENERAL ATTORNEY (RP)

August 17, 1994
DATE



**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Regional Industrial Development Corporation Outfalls
Facility Numbers T02R and T03R**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on two outfalls located at stations 65+45 and 75+60 on the right bank of Turtle Creek. Both pipes are shown on the attached drawing labeled "Exhibit A." This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Regional Industrial Development Corporation of Southwestern Pennsylvania (RIDC), the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the pipes and/or the land they occupy may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. The purpose of this report is to address whether a taking of the affected facilities will occur under the Fifth Amendment due to the proposed project, and if so, what are the Government's responsibilities for that taking.

2. RIDC is a private non-profit Pennsylvania corporation. Pursuant to 15 Pa.C.S.A. §5502(5)(1994), RIDC has the power to sell, convey, exchange or otherwise dispose of its property or any interest therein. RIDC also has the authority to enter into any contracts or other agreements appropriate for the transaction of its affairs (see 15 Pa.C.S.A. §5502(17)(1994)). The President of RIDC is authorized to execute all documents on behalf of the corporation.

3. The outfalls depicted on Exhibit A are owned by RIDC and are adjacent to lands owned by RIDC in fee simple. No easements of record for the outfalls were produced by RIDC or discovered during our staff's search of the land records. However, RIDC is in the process of acquiring fee title to the lands occupied by the two outfalls from the Consolidated Rail Corporation and expects to become the record title owner by

1 September 1994. Both facilities provide an outfall for a system of inlets, manholes, laterals and roof drains of the buildings in the industrial park owned by RIDC.

4. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Per the Fifth Amendment, RIDC's fee interest, to be acquired this calendar year, will be an interest in land, and may not be taken by the United States for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984).

5. The proposed project will raise Pool 2 on the Monongahela River about five feet, causing the submergence of both outfalls along Turtle Creek to a degree greater than one-third of their diameter, and compromising their usefulness to an unacceptable design standard. Therefore, a taking of RIDC's outfalls and its right to have and use such outfalls at that location as they currently exist will occur as a result of the Monongahela River Project.

6. Just compensation for the taking of a privately owned property interest has been determined to be the fair market value at the time of the taking. U.S. v. Miller, 317 U.S. 369, 373-378 (1943). In the case of the RIDC outfalls, RIDC will be entitled to the fair market value of the interest(s) taken, to include any severance damages if appropriate. As a private owner, RIDC will not be entitled to a substitute facility and a relocation contract will not be executed for these outfalls. Nor does the fact that RIDC is arguably a private non-profit organization with a public purpose entitle RIDC to a substitute facility or replacement cost rather than the fair market value of the property taken since fair market value is ascertainable and would appear to be just. U.S. v. 564.54 Acres of Land, 441 U.S. 506 (1979).

Based on the above findings, and contingent upon RIDC's acquisition of an interest in the land in question, the United States will be responsible for the payment of fair market value for the taking which will occur due to the Monongahela River Project. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic

PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994

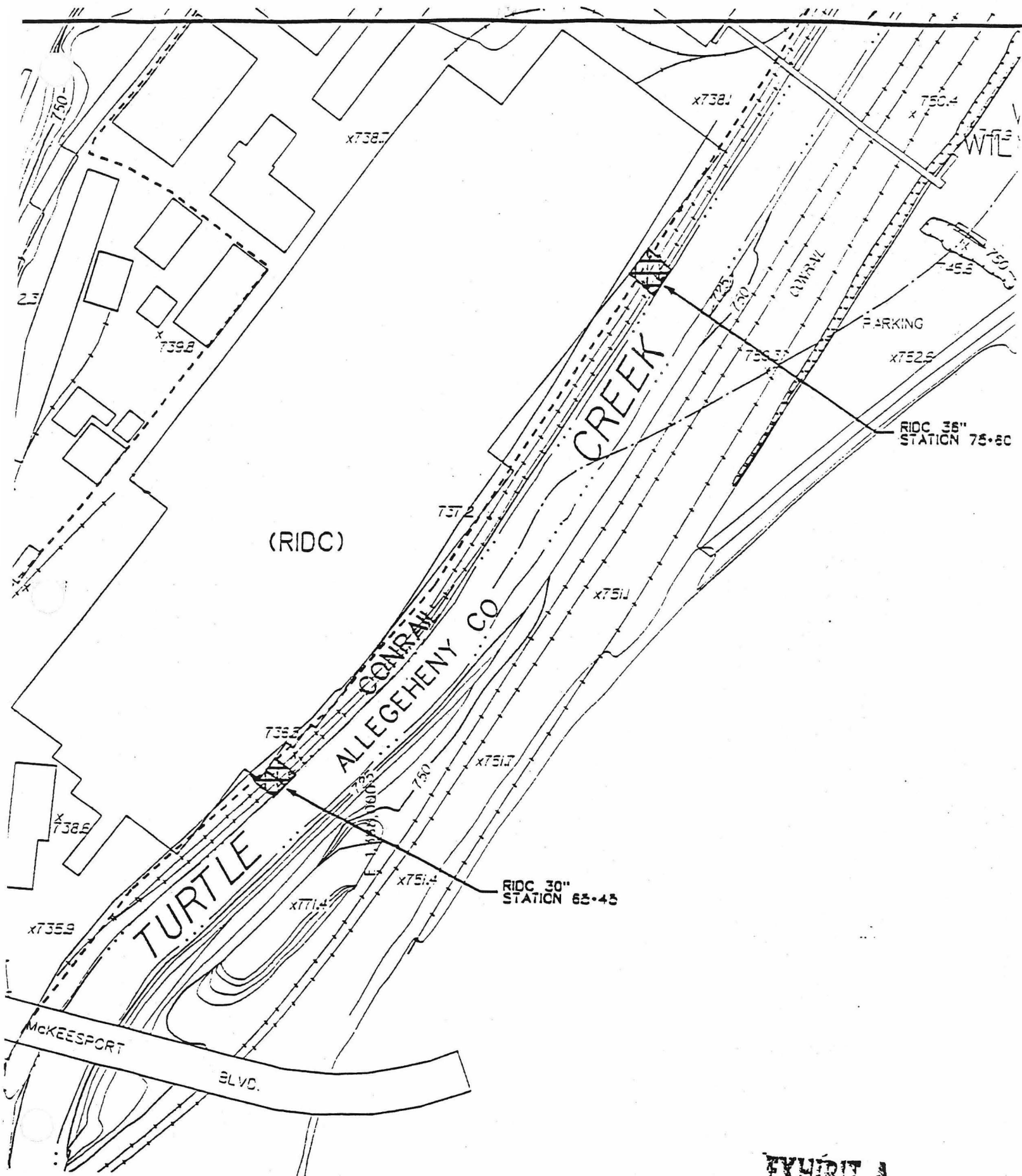


EXHIBIT A

**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Mon Valley Sewage Authority Subcrossing and Sanitary Sewer
Facility Numbers M02B and M20L**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on a submarine sewer pipeline crossing located at river mile 38.4 and a sewer outfall pipe located at river mile 38.5 on the left bank of the Monongahela River, in Pool 3. The submarine crossing and sewer outfall are shown on the attached drawing labeled Exhibit A. This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Mon Valley Sewage Authority, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the submarine crossing or the sewer outfall and/or the land they occupy may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate the submarine crossing at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.
2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility.

3. The sewer outfall was not included in the feasibility report and thus has no prior approval to be relocated at federal expense pursuant to project authority. As a result, the design memorandum requests approval to relocate the sewer outfall at federal expense pursuant to Section 111. An analysis of both the submarine crossing and the sewer outfall in terms of the Section 111 criteria follows.

4. The Mon Valley Sewage Authority (the "Authority") is a joint municipal authority created by the City of Monessen and the Borough of Donora pursuant to 53 P.S. §301, et seq.. The Authority has the power to make contracts pursuant to 53 P.S. §306(j) (1994). The Chairman of the Authority is authorized to execute contracts on behalf of the Authority. A resolution granting this power will be adopted when the Authority acts upon the relocation contract.

5. Pursuant to 53 P.S. §306(d) (1994), the Authority may purchase and convey, by sale or lease, both real and personal property.

6. The facilities depicted on Exhibit A are owned by the Authority and are within either an easement or a fee interest acquired by the Authority through eminent domain. Both facilities serve public purposes in the City of Monessen and the Borough of Donora. A current and continuing need for both facilities exists.

7. The proposed project will lower Pool 3 about 3.2 feet. The minimum required clearance for submarine crossings will not be maintained and the treatment plant outfall will be subject to excessive scouring.

8. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Per the Fifth Amendment, the Authority's fee interest, which is an interest in land, may not be taken by the United States for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984).

9. A portion of the Authority's fee tracts on both banks of the river and a portion of the Authority's sewer outfall and submarine crossing are located below the ordinary high water mark of the Monongahela River. Since the Monongahela River is a navigable waterway, that portion of the Authority's facilities and fee tracts below ordinary high water and within the banks of the river is subject to the doctrine of navigational servitude. Navigational servitude allows the United States to take private property below the ordinary high

water mark without providing just compensation for purposes of controlling and regulating navigable waters in the interest of commerce. See e.g., Borough of Ford City v. United States, 345 F.2d 645 (3d Cir. 1965). Generally, an owner of a property interest and a facility located within the navigational servitude of the United States is not entitled to compensation for any adjustment to his facility or land interest within navigational servitude when such adjustments are caused by a federal navigation project.

10. The Authority has a permit to occupy this area under Section 10 of the Rivers and Harbor Act of March 3, 1989 (33 U.S.C. §403). The Authority's Section 10 Permit states:

If future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required upon due notice from the Secretary of the Army, to remove or alter the structural work or obstructions caused thereby without expense to the United States....

11. But, in the case of the submarine crossing and the sewer outfall, the criteria of Section 111 are met. Therefore, based on project authority, and notwithstanding navigational servitude, the United States shall be responsible for the costs of the submarine crossing adjustments, excluding any betterments. Such costs shall include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements. The same authority should be granted for the sewer outfall.

12. The preliminary engineering design calls for the submarine crossing to be lowered and for stone protection from the sewer outfall to the new pool to be used. The adjustments to the sewer outfall will occur within the limits of the real property interest owned by the Authority. Therefore, no permanent real estate interest need be acquired for the sewer outfall adjustment.

13. However, the design for the submarine crossing calls for the crossing to be moved upstream from the existing crossing a distance of 50 feet. The Authority will require an additional permanent easement for the new facility location as the distance of 50 feet goes beyond the limits of the interest currently owned by

the Authority. The permanent easement should be acquired at the expense of the United States as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the Authority's submarine crossing are the responsibility of the United States. The same costs should be approved for payment by the United States for the sewer outfall relocation in accordance with Section 111. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic
PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994

CARROLL TOWNSHIP

MAP13-13

CONRAIL

729

X7652

x7630

15-17

-87629

7620 x

127629

x7625

x7622

76j1

MON VALLEY SEWAGE AUTH
STP OUTFALL
EAC •

MON VALLEY SEWAGE AUTH
SEWAGE CROSSING
FAC *

FLOW

EXHIBIT A

758.4

47588

P&L E. R.R. 5

x7602

x760.4

1 760.9

752.2

ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4 - MONONGAHELA RIVER PROJECT
MUNICIPAL AUTHORITY OF THE BOROUGH OF NEW EAGLE
FACILITY NOS. M13L and M15L

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility in connection with the proposed adjustment of two (2) sewage treatment plant outfalls located at river mile 30.0 and 30.6 on the left bank of the Monongahela River. The facilities are shown on the attached drawing labeled Exhibits "A" & "B". These drawings were supplied by the Pittsburgh District Real Estate Division.

In connection with my investigation, I have examined information obtained from the Pittsburgh District Engineering, Real Estate, and Operations and Readiness Divisions, and all relevant state and federal laws and regulations.

Based upon my examination as aforesaid, I hereby certify the following:

1. The Municipal Authority of the Borough of New Eagle (the "Authority") was created pursuant to the "Municipal Authorities Act of 1945." See 53 P.S. §301 et. seq.
2. Pursuant to the laws of the Commonwealth of Pennsylvania, the Authority has the power to enter into contracts with any Federal agency, and to purchase and dispose of any property interest, real or personal. The Authority also has the power of eminent domain. See 53 P.S. §306(B).

3. The facilities depicted on Exhibits "A" and "B" are owned by the Authority. This was confirmed via telephone conversation with Linda Hall, Borough Secretary of the Borough of New Eagle.

4. I am unable to certify whether the facilities occupy an area in which the Authority owns an interest in land. Despite my written request, I have not been furnished any information by the Authority. Ms. Hall was unable to verify ownership of the property via telephone. Independent courthouse research could not determine ownership.

The Fifth Amendment to the United States Constitution provides that just compensation will be paid by the United States for the taking of private property for public use. However, these facilities terminate on the banks of the Monongahela River, with their outlets within ordinary high water. They are therefore subject to the navigation servitude of the United States.* This navigation servitude extends to the entire bed of a navigable stream, which includes those lands below ordinary high water. It allows the United States to take private property without compensation when it is controlling and regulating navigable waters in the interest of commerce. See Borough of Ford City v. U.S., 345 F.2d 645 (1965). The exercise of the power within these limits is not an invasion of any private property right in such lands for which the United States must make compensation. The damage sustained results not from a taking of the riparian owner's property within the stream bed,

* The Authority has a permit under Section 10 of the Rivers and Harbors Act to operate within these limits.

but from the lawful exercise of a power to which the property has always been subject. See U.S. v. Chicago, 312 U.S. 592, 61 S. Ct. 722 (1941).

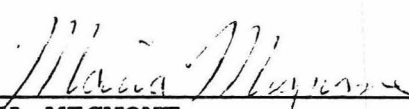
However, Congress has granted the Chief of Engineers discretionary authority to make compensation at project expense notwithstanding the navigation servitude vested in the United States. See Section 111 of 72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. § 633). Section 111 may be invoked whenever the Chief of Engineers determines that a structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of a navigation, flood control or related water development project, or its safety or usefulness will be adversely affected or threatened by such project. EFARS, Appendix Q has interpreted Section 111 as requiring there be a current and continuing need for the structure or facility in the performance of the governmental function.

It has been determined that the facilities described herein will be adversely impacted by the lowering of Pool 3 by 3.2 ft. They will be affected by increased erosion below them, and required stone protection. The existing facilities carry treated waste water from the treatment plants, and serve a current and continuing need. It is my opinion that the Chief of Engineers should exercise his discretionary authority under Section 111 and authorize payment to the Authority of the costs of adjusting the facility to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for such facilities if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

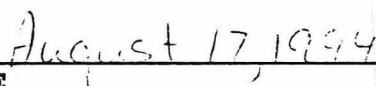
The engineering design plan shows that these facilities will remain in place and be provided stone protection. As stated above, I cannot certify that the Authority is vested with an interest in the land it currently occupies. If not, a new permanent easement should be acquired for these areas. This should be limited to those areas where the facility is to be adjusted by the Government. It is my opinion that the Chief of Engineers should authorize payment under his discretionary authority for these easements to protect the United States from potential liability. Such liability may result from adjusting facilities which could be encroaching on private property.

The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

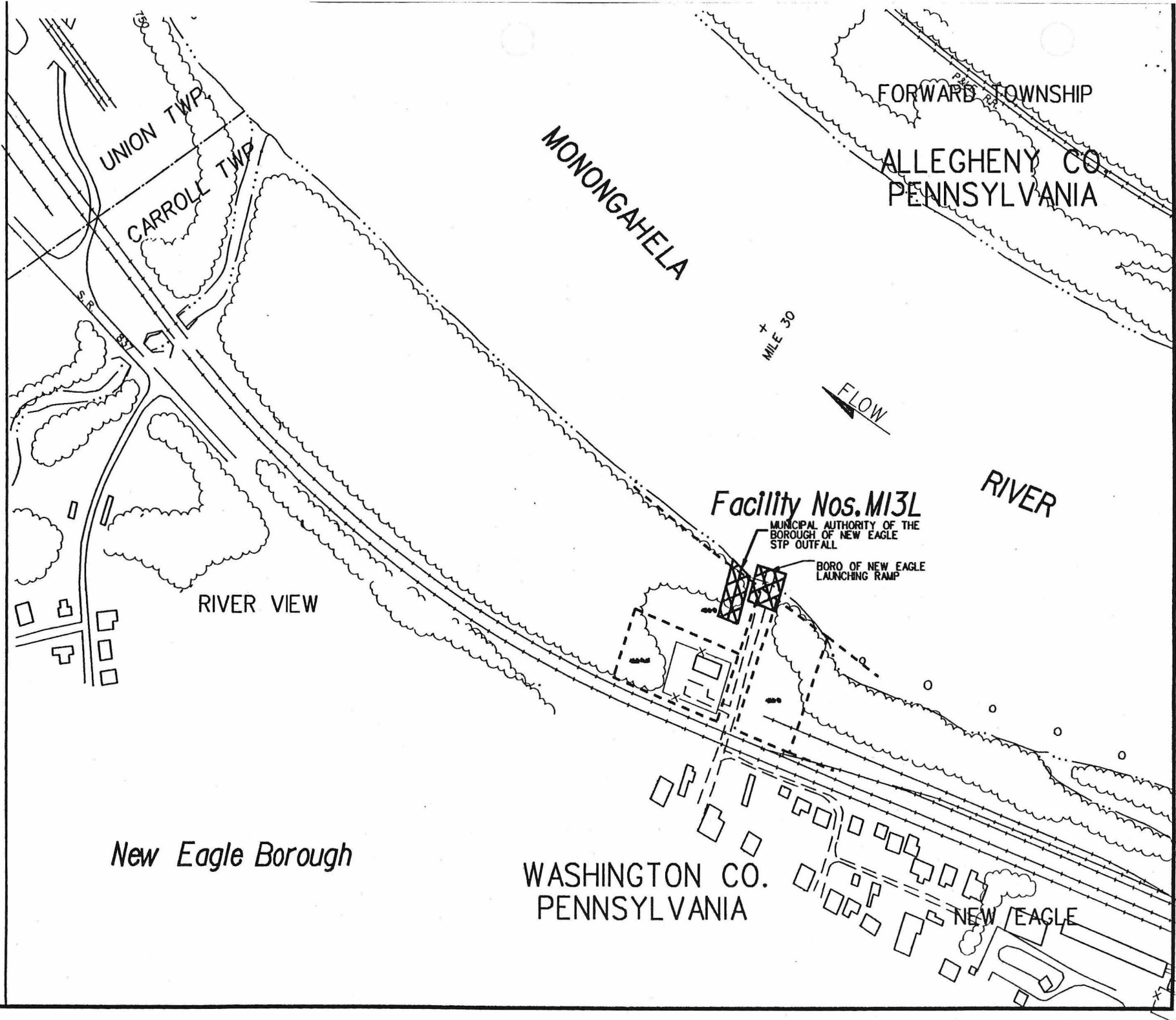
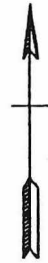


MARIA MIGNONE
GENERAL ATTORNEY (RP)



DATE

EXHIBIT A



MONONGAHELA

MILE 30.7

FLOW

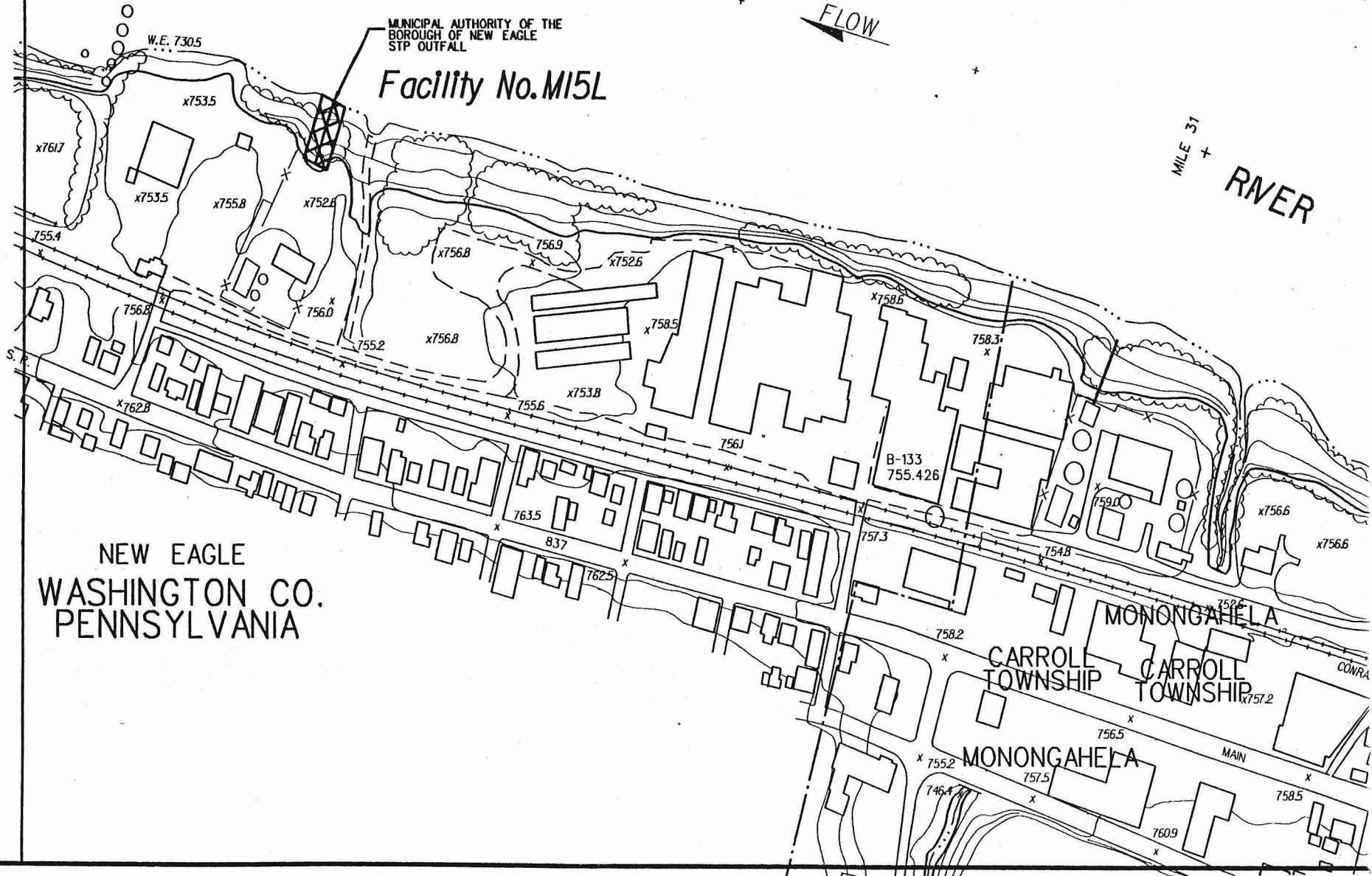
MUNICIPAL AUTHORITY OF THE
BOROUGH OF NEW EAGLE
STP OUTFALL

Facility No. M15L

MILE 31
RIVER

EXHIBIT B

NEW EAGLE
WASHINGTON CO.
PENNSYLVANIA



**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**City of Monongahela Aquatorium and Boat Ramp
Facilities Numbered M17L and M18L**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on the aquatorium and boat launch ramp located at river miles 31.9 and 32.0 on the left bank of the Monongahela River, in Pool 3. The aquatorium and boat ramp are located in the City of Monongahela (hereinafter the City) and are shown on the attached drawings labeled Exhibit A and Exhibit B. These drawings were supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the City, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the aquatorium or the boat ramp and/or the land they occupy may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate the City aquatorium and the boat ramp at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.

2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility. An analysis of the City aquatorium and boat ramp in terms of the Section 111 criteria follows.

3. The City is a municipal corporation of the Commonwealth of Pennsylvania pursuant to 53 P.S. §35101 et. seq.. The City Code provides that the Mayor has the authority to execute contracts in relation to the property and affairs of the City. See Third Class City Code - Act of 1931, June 23, P.L. 932, Article XXIV 2402; 1951, June 28, P.L. 662.24.

4. Pursuant to the same Article of the City Code, the Mayor has the authority to purchase and convey, by sale or lease, both real and personal property.

5. The facilities depicted on Exhibits A and B are owned by the City and are located on a tract of land owned by the City in fee simple (DBV 989/671). Both facilities are currently used for public recreation, fishing and boating. A current and continuing need for these facilities exists.

6. The proposed project will lower Pool 3 about 3.2 feet, causing the boat ramp and aquatorium to be some distance from the water such that they are unusable and/or unsafe.

7. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Per the Fifth Amendment, the City's fee interest may not be taken by the United States for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984).

8. However, the portion of the City's fee tract on which the aquatorium and ramp are located is below the ordinary high water mark of the Monongahela River. Since the Monongahela River is a navigable waterway, the City's land on which the aquatorium and ramp are located is subject to the doctrine of navigational servitude. Navigational servitude allows the United States to take private property below the ordinary high water mark without providing just compensation for purposes of controlling and regulating navigable waters in the interest of commerce. See e.g., Borough of Ford City v. United States, 345 F.2d 645 (3d Cir. 1965). Generally, an owner of a property interest and a facility located within the navigational servitude of the United States is not entitled to compensation for any adjustment to his facility or land interest within navigational servitude when such adjustment is caused by a federal navigation project.

9. The City has a permit for its aquatorium under Section 10 of the Rivers and Harbor Act of March 3, 1899 (33 U.S.C. §403). No such permit was found for the boat ramp. The City's Section 10 Permit states in paragraph f:

If future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required upon due notice from the Secretary of the Army, to remove or alter the structural work or obstructions caused thereby without expense to the United States....

10. However, in the case of the City aquatorium and boat ramp, the criteria of Section 111 are met. Therefore, based on project authority, and notwithstanding navigational servitude, the United States shall be responsible for the costs of the City's aquatorium and boat ramp adjustments, excluding any betterments. Such costs shall include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements.

11. The preliminary engineering design provides for a sheet piling "step" to be constructed riverward of the existing aquatorium at a lower elevation and for the extension of the boat ramp. Both alterations will occur within the limits of the fee interest already owned by the City of Monongahela. Therefore, no permanent real estate interest need be acquired for these facility adjustments.

12. If the final design calls for a relocation of these facilities outside the limits of the City's fee interest, the additional real estate interests needed should be acquired at the expense of the United States as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the City of Monongahela aquatorium and boat ramp are the responsibility of the United States. Prior to entering a relocation contract with the City, any Section 10 permit issues for the ramp should be resolved. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic
PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994

LOCAL MAP 2
CITY OF MONONGAHELA
PRELIMINARY MAP

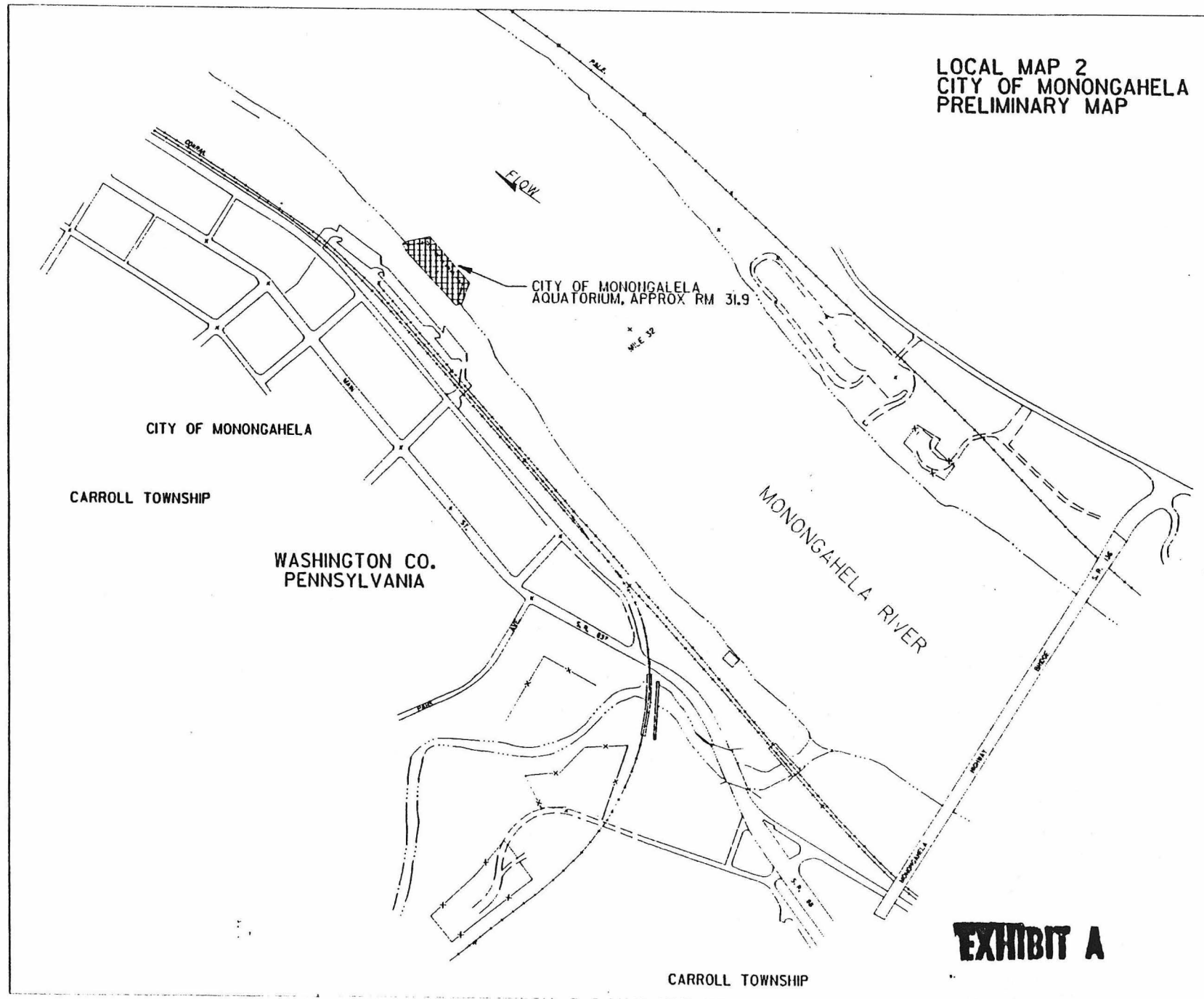
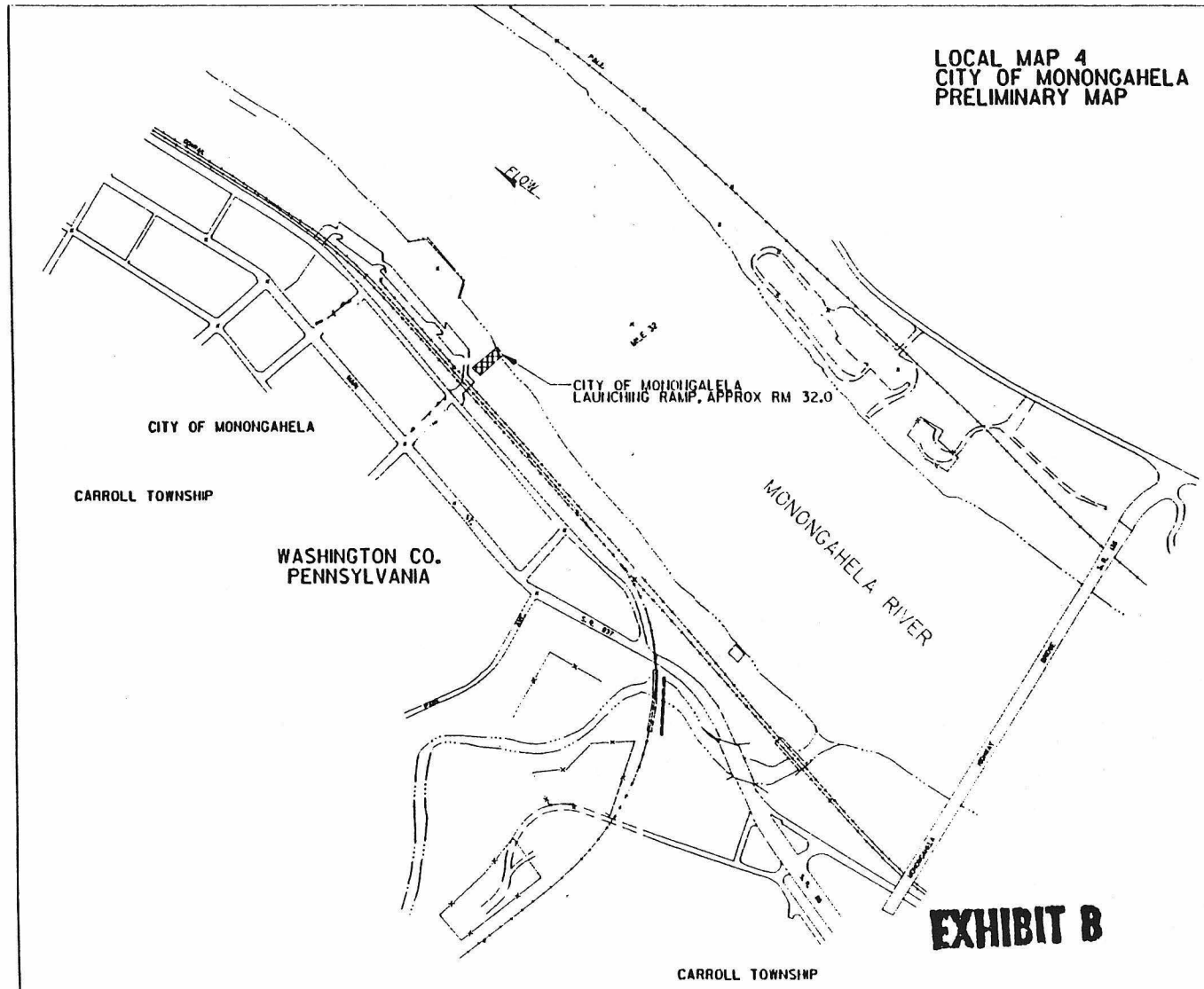


EXHIBIT A

LOCAL MAP 4
CITY OF MONONGAHELA
PRELIMINARY MAP



**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Rostraver Township Boat Ramp
Facility Number M30R**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania,* and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on the boat launch ramp located at river mile 36.2 on the right bank of the Monongahela River, in Pool 3. The boat ramp is located in Rostraver Township and is shown on the attached drawing labeled "Exhibit A." This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from Rostraver Township, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the ramp and/or the land it occupies may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate the Rostraver Township ramp at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.
2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility. An analysis of the Rostraver Township boat ramp in terms of the Section 111 criteria follows.
3. Rostraver Township is a municipal corporation of the Commonwealth of Pennsylvania pursuant to 53 P.S. §35101 et. seq..

4. Rostraver Township, as a second class township, has the authority to purchase and convey, by sale or lease, both real and personal property. See 53 P.S. §65701 (1994). The Board of Township Supervisors is empowered to make contracts on behalf of the Township pursuant to 53 P.S. §§65702 and 65801 (1994).

5. The facility depicted on Exhibit A is owned by Rostraver Township and is within a forty foot township right-of-way known as Gilmore Street. The ramp is currently used for public recreation, fishing and boating. A current and continuing need for this facility exists.

6. The proposed project will lower Pool 3 about 3.2 feet, causing the boat ramp to be some distance from the edge of the water.

7. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. According to Pennsylvania law, a right-of-way through and over land, to be used for a certain purpose so long as it is required, is equivalent to an easement and is a compensable interest in land. See Fleck v. Universal-Cyclops Steel Corporation, 397 Pa. 648, 156 A.2d 832 (1959). Per the Fifth Amendment, the Township's right-of-way interest may not be taken by the United States for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984).

8. However, a portion of the Township's right-of-way interest on which the ramp is located is below the ordinary high water mark of the Monongahela River. Since the Monongahela River is a navigable waterway, that portion of the Township's land interest below ordinary high water is subject to the doctrine of navigational servitude. Navigational servitude allows the United States to take private property below the ordinary high water mark without providing just compensation for purposes of controlling and regulating navigable waters in the interest of commerce. See e.g., Borough of Ford City v. United States, 345 F.2d 645 (3d Cir. 1965). Generally, an owner of a property interest and a facility located within the navigational servitude of the United States is not entitled to compensation for any adjustment to his facility or land interest within navigational servitude when such adjustment is caused by a federal navigation project.

9. In the case of the Rostraver Township boat ramp, the criteria of Section 111 are met. Therefore, based on project authority, the United States shall be responsible for the costs of the Rostraver Township boat ramp adjustment, excluding any betterments. Such costs shall include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements.

10. The preliminary engineering design provides for an extension of the boat ramp within the limits of the right-of-way interest already owned by Rostraver Township. Therefore, no permanent real estate interest need be acquired for the boat ramp adjustment.

11. If the final design calls for a relocation of this facility outside the limits of the Township's real property interest, a new permanent easement should be acquired for the Township at the expense of the United States as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

12. A final point of interest is that Rostraver Township applied for a permit for its ramp under Section 10 of the Rivers and Harbor Act of March 3, 1899 (33 U.S.C. §403). However, the permit was never fully executed and is null and void.

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the Rostraver Township boat ramp are the responsibility of the United States. Prior to entering a relocation contract with Rostraver Township for this facility, all Section 10 permit issues should be resolved. This report does not cover other facilities which may be affected by the Monongahela River Project.

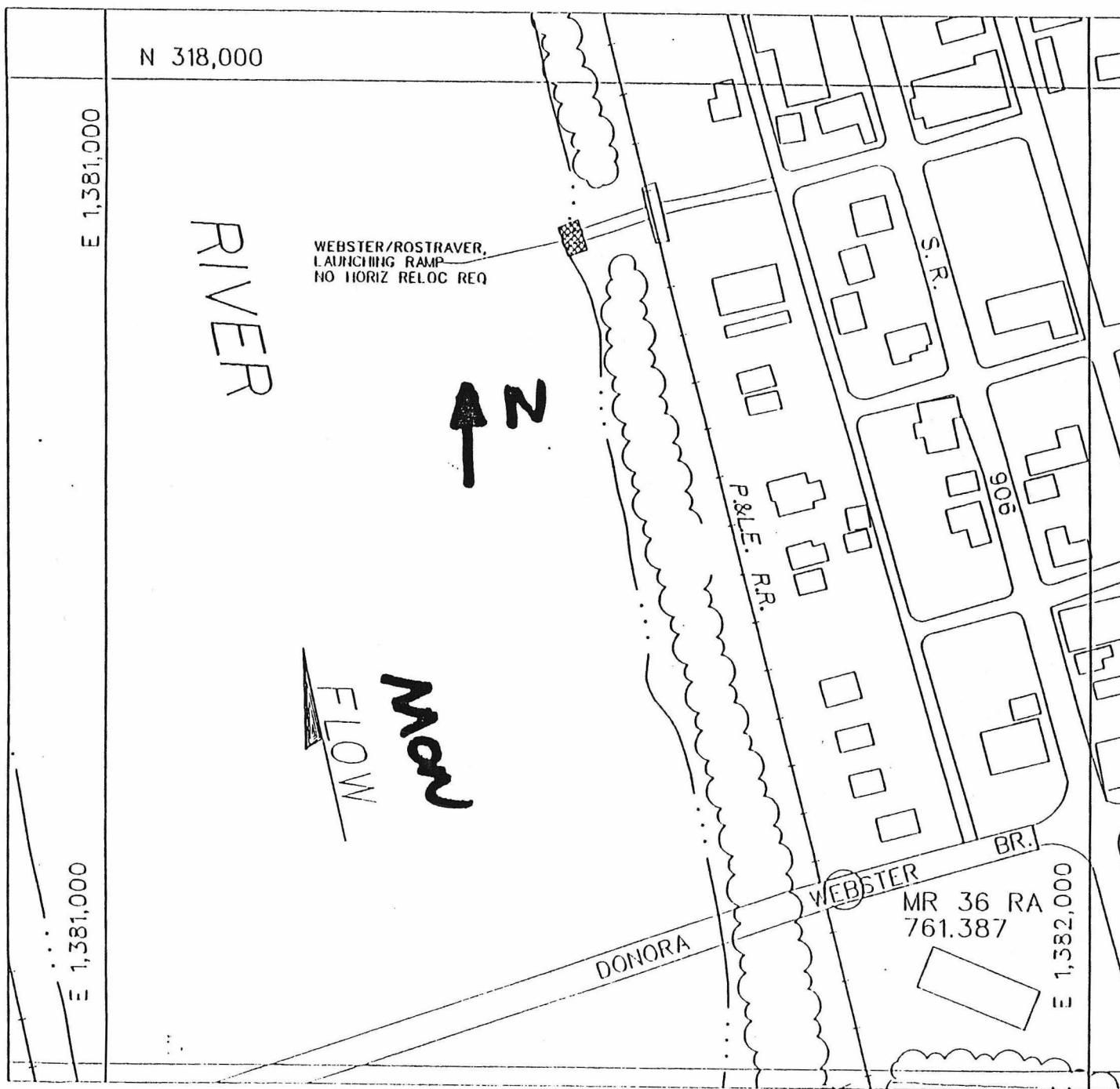
Paula Johnson-Muic

PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994

EXHIBIT A

55



**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Elizabeth Borough Riverfront Park
Facility Number M24R**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on the riverfront park located at river mile 22.9 on the right bank of the Monongahela River, in Pool 2. The riverfront park is in the Borough of Elizabeth and is shown on the attached drawings labeled Exhibit A and Exhibit B. These drawings were supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Borough of Elizabeth, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the riverfront park facility and/or the land it occupies may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate the Borough of Elizabeth riverfront park at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.
2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility. An analysis of the Borough of Elizabeth riverfront park in terms of the Section 111 criteria follows.
3. The Borough of Elizabeth is a municipal corporation of the Commonwealth of Pennsylvania pursuant to 53 P.S. §45101, et. seq.. The Borough has the power to make contracts pursuant to 53 P.S. §46401 (1994). The Borough Code provides that the President of Borough Council, and

the Vice President in his absence or incapacity, is authorized to execute contracts on behalf of the Borough.

4. Pursuant to 53 P.S. §46201(4) (1994), the Borough may purchase and convey, by sale or lease, both real and personal property.

5. The facility depicted on Exhibit A is owned by the Borough of Elizabeth and is within a tract of land owned by the Borough in fee simple (DBV 6966/613 and DBV 3055/713). The riverfront park is currently used as a public recreational fishing and boating facility in the Borough of Elizabeth. A current and continuing need for this facility exists.

6. The proposed project will raise Pool 2 about five feet, causing the riverfront park to be more frequently submerged and making the park unusable.

7. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Per the Fifth Amendment, the Borough's fee interest may not be taken by the United States for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984).

8. However, the portion of the Borough's fee tract on which the riverfront park is located is below the ordinary high water mark of the Monongahela River. Since the Monongahela River is a navigable waterway, the Borough's land on which the riverfront park is located is subject to the doctrine of navigational servitude. Navigational servitude allows the United States to take private property below the ordinary high water mark without providing just compensation for purposes of controlling and regulating navigable waters in the interest of commerce. See e.g., Borough of Ford City v. United States, 345 F.2d 645 (3d Cir. 1965). Generally, an owner of a property interest and a facility located within the navigational servitude of the United States is not entitled to compensation for any adjustment to his facility or land interest within navigational servitude when such adjustments are caused by a federal navigation project.

9. The Borough has a permit to occupy this area under Section 404 of the Clean Water Act (33 U.S.C. §1344). The Borough's Section 404 Permit states on page 4:

Structures in or affecting navigable waters of the United States: This permit does not authorize the interference with any existing or proposed Federal project and 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.

10. But, in the case of the Elizabeth Borough riverfront park, the criteria of Section 111 are met. Therefore, based on project authority, and notwithstanding navigational servitude, the United States shall be responsible for the costs of the Borough's riverfront park adjustments, excluding any betterments. Such costs shall include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements.

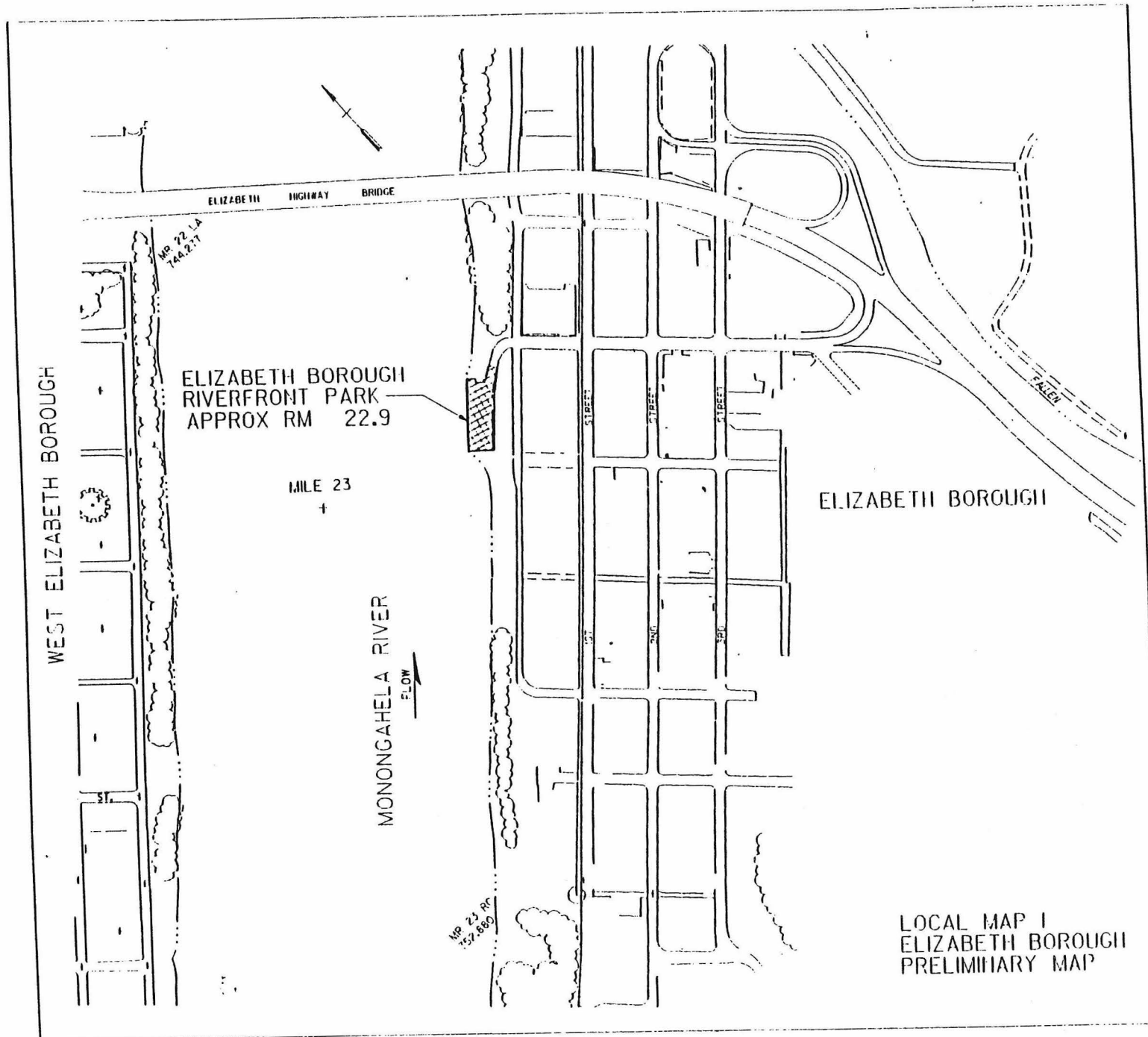
11. The preliminary engineering design provides for a new deck at an elevation which would keep the park usable. The alterations will occur within the limits of the Borough's fee interest. Therefore, no permanent real estate interests need be acquired for this facility adjustment.

12. If the final design calls for a relocation of the park outside the limits of the Borough's fee interest, the additional real estate interests needed should be acquired at the expense of the United States as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the Elizabeth Borough riverfront park are the responsibility of the United States. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic
PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994



**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Forward Township Boat Ramp
Facility Number M29R**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on the boat launch ramp located at river mile 34.1 on the right bank of the Monongahela River, in Pool 3. The boat ramp is located in Forward Township and is shown on the attached drawing labeled "Exhibit A." This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from Forward Township, the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the ramp and/or the land it occupies may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Project authority to relocate the Forward Township ramp at federal expense has been granted via approval of the Lower Monongahela River Navigation Feasibility Report. Such authority is construed to be the equivalent of Section 111 authority (72 Stat. 303, as amended, 33 U.S.C. §633), but is subject to District confirmation that each of the facilities so approved meets the criteria of Section 111.
2. Section 111 provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility. An analysis of the Forward Township boat ramp in terms of the Section 111 criteria follows.
3. Forward Township is a municipal corporation of the Commonwealth of Pennsylvania pursuant to 53 P.S. §35101 et. seq..

4. Forward Township, as a second class township, has the authority to purchase and convey, by sale or lease, both real and personal property. See 53 P.S. §65701 (1994). The Board of Township Supervisors is empowered to make contracts on behalf of the Township pursuant to 53 P.S. §§65702 and 65801 (1994).

5. The facility depicted on Exhibit A is owned by Forward Township and is within a tract of land owned by the Township in fee simple (DBV 6403/891). The ramp is currently used for public recreation, fishing and boating. A current and continuing need for this facility exists.

6. The proposed project will lower Pool 3 about 3.2 feet, causing the boat ramp to be some distance from the edge of the water.

7. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Per the Fifth Amendment, the Township's fee interest may not be taken by the United States for public use without just compensation. See e.g., United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451, 455 (1984).

8. However, a portion of the Township's fee tract on which the ramp is located is below the ordinary high water mark of the Monongahela River. Since the Monongahela River is a navigable waterway, that portion of the Township's land below ordinary high water on which the ramp is located is subject to the doctrine of navigational servitude. Navigational servitude allows the United States to take private property below the ordinary high water mark without providing just compensation for purposes of controlling and regulating navigable waters in the interest of commerce. See e.g., Borough of Ford City v. United States, 345 F.2d 645 (3d Cir. 1965). Generally, an owner of a property interest and a facility located within the navigational servitude of the United States is not entitled to compensation for any adjustment to his facility or land interest within navigational servitude when such adjustment is caused by a federal navigation project.

9. The Township has a permit for the subject boat ramp under Section 10 of the Rivers and Harbor Act of March 3, 1899 (33 U.S.C. §403). The Township's Section 10 Permit states under Special Conditions:

This permit does not authorize the interference with any existing or proposed Federal project and 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.

10. However, in the case of the Forward Township boat ramp, the criteria of Section 111 are met. Therefore, based on project authority, and notwithstanding navigational servitude, the United States shall be responsible for the costs of the Forward Township boat ramp adjustment, excluding any betterments. Such costs shall include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements.

11. The preliminary engineering design provides for the extension of the boat ramp within the limits of the real property interest already owned by Forward Township. Therefore, no permanent real estate interest need be acquired for the boat ramp adjustment.

12. If the final design calls for a relocation of this facility outside the limits of the Township's fee interest, a new permanent easement should be acquired for the Township at the expense of the United States as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the Forward Township boat ramp are the responsibility of the United States. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic
PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994

LOCAL MAP 6
FORWARD TOWNSHIP
PRELIMINARY MAP

ALLEGHENY CO.
PENNSYLVANIA

FORWARD TOWNSHIP

SUNNY SIDE

GALLATIN

S. R. 136

SUNNYSIDE GALLATIN
RIVERFRONT PARK

FORWARD TOWNSHIP LAUNCHING
RAMP, APPROX RM 34.1RB

MONONGAHELA RIVER

FLOW

MILE 34

**Attorney's Report of Compensability
Locks and Dams 2, 3, 4 - Monongahela River Project**

**Municipal Authority of the City of Monongahela
Facility Number M16L**

I, Paula Johnson-Muic, certify that I am an attorney-at-law duly licensed in the Commonwealth of Pennsylvania, and that I am currently employed by the United States Army Corps of Engineers, Pittsburgh District, Real Estate Division, Pittsburgh, Pennsylvania.

I further certify that I have made an investigation into the extent of the United States' legal responsibilities arising out of the effects of the proposed project on a sewer outfall located at river mile 31.0 on the left bank of the Monongahela River, in Pool 3. The sewer outfall is located in the City of Monongahela and is shown on the attached drawing labeled Exhibit A. This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Pittsburgh Engineering Division, and the relevant state and federal laws and regulations. I have not investigated the possibility that the sewer outfall and/or the land it occupies may be subject to mortgages, liens, and/or other encumbrances. Based on my investigation, I hereby certify the following:

1. Section 111 (72 Stat. 303, as amended, 33 U.S.C. §633) provides that the Chief of Engineers may protect, alter, reconstruct, relocate or replace any structure or facility owned by an agency of government and utilized in the performance of a governmental function, notwithstanding the navigational servitude vested in the United States, when such action is in the best interests of the public. There must also be a current and continuing government need for the facility.
2. The sewer outfall (facility M16L) was not included in the feasibility report and thus has no prior approval to be relocated at federal expense under the criteria of Section 111. As a result, the design memorandum requests approval to relocate the sewer outfall at federal expense pursuant to Section 111. An analysis of the sewer outfall in terms of the Section 111 criteria follows.

3. The Municipal Authority of the City of Monongahela (the "Authority") is a municipal authority created by the City of Monongahela pursuant to 53 P.S. §301, et seq.. The Authority has the power to make contracts pursuant to 53 P.S. §306(j) (1994). The Chairman of the Authority is authorized to execute contracts on behalf of the Authority. A resolution granting this power will be adopted when the Authority acts upon the relocation contract.

4. Pursuant to 53 P.S. §306(d) (1994), the Authority may purchase and convey, by sale or lease, both real and personal property.

5. The facility depicted on Exhibit A is owned by the Authority. Despite the fact that the Authority has a substantial structure (the sewage treatment plant) in the same area as the sewer outfall identified in this report, our staff's search of the land records did not reveal that the Authority owns an interest in land for the outfall or the plant. The sewer outfall, as a part of the sewage treatment process for the City of Monongahela, serves a public purpose. A current and continuing need for the facility exists.

6. The proposed project will lower Pool 3 about 3.2 feet, causing the sewer outfall to be some distance from the water.

7. The Fifth Amendment to the Constitution of the United States provides that private property may not be taken or applied for public use without just compensation. Since the Authority has no verifiable property interest for the sewer outfall, no taking will occur as a result of the proposed project unless the Authority is later found to have a property interest.

8. Even if the Authority were found to have a property interest, it would not be compensable because the Authority's sewer outfall is located, at least in part, below the ordinary high water mark of the Monongahela River. Since the Monongahela River is a navigable waterway, that portion of the Authority's outfall and any property interest below ordinary high water and within the banks of the river are subject to the doctrine of navigational servitude. Navigational servitude allows the United States to take private property below the ordinary high water mark without providing just compensation for purposes of controlling and regulating navigable waters in the interest of commerce. See e.g., Borough of Ford City v. United States, 345 F.2d 645 (3d Cir. 1965). Generally, an owner of a property interest and a facility located within the navigational servitude of the United States

is not entitled to compensation for any adjustment to his facility or land interest within navigational servitude when such adjustments are caused by a federal navigation project.

9. But, in the case of the sewer outfall, the criteria of Section 111 are met. Therefore, notwithstanding navigational servitude, the United States should be responsible for the costs of the sewer outfall adjustments, excluding any betterments. Such costs should include the costs of acquiring any necessary temporary easements for construction, e.g. road or work area easements.

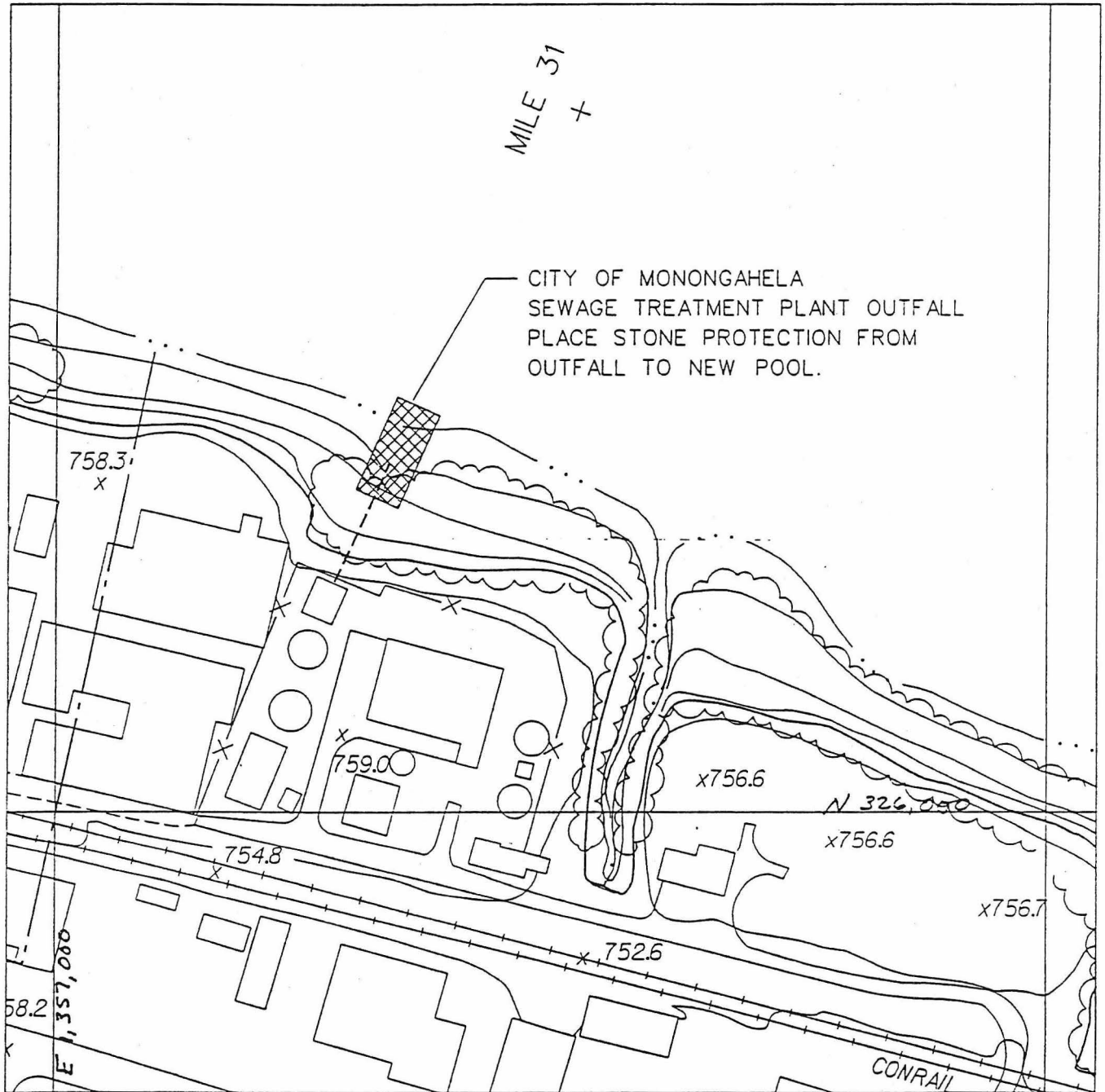
10. The preliminary engineering design calls for the addition of stone protection from the sewer outfall to the new pool. If the Authority does own a real property interest in land for the existing outfall, no new permanent land interest would be needed for the proposed adjustment. Since the Authority does not own such an interest, a new permanent easement should be acquired for only that area in which this facility is to be adjusted by the Government. This will prevent the situation where federal monies are used to pay for a facility adjustment which creates or furthers an encroachment on private lands.

11. The permanent easement should be acquired at the expense of the United States as a "reasonable" cost of the relocation in accordance with Section 111 (33 U.S.C. §633).

Based on the above findings, the construction costs and associated real estate costs for the proposed relocation of the Authority's sewer outfall should be granted Section 111 authority to be relocated at the expense of the United States. This report does not cover other facilities which may be affected by the Monongahela River Project.

Paula Johnson-Muic
PAULA JOHNSON-MUIC
ATTORNEY - ADVISOR

August 12, 1994



50

EXHIBIT A

ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4 - MONONGAHELA RIVER PROJECT
AUTHORITY OF THE BOROUGH OF CHARLEROI
FACILITY NOS. M03B and M04B

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility connected with the proposed adjustment of (2) 12" water line sub-crossings located at river mile 38.7 on the Monongahela River, and a 20" water line sub-crossing located at river mile 41.1 on the Monongahela River. The facilities are shown on the attached drawings labeled Exhibits "A" and "B." These drawings were furnished by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Authority of the Borough of Charleroi, Pittsburgh District Engineering and Operations and Readiness Divisions, the Westmoreland and Washington County, Pennsylvania courthouses, and all relevant state and federal laws and regulations.

Based upon my examination as aforesaid, I hereby certify the following:

1. The Authority of the Borough of Charleroi (the "Authority") was created pursuant to the "Municipality Authorities Act of 1945." See 53 P.S. § 301 et seq.
2. Pursuant to the laws of the Commonwealth of Pennsylvania, the Authority has the power to enter into contracts with any Federal

agency, and to purchase and dispose of any property interest, real or personal. The Authority also has the power of eminent domain. See 53 P.S. § 306 (B).

3. The facilities depicted on Exhibits "A" and "B" are owned by the Authority. The 12" water lines were formerly owned by Tri-Cities Water Company. Note: I have not been furnished a written agreement transferring ownership to the Borough.

4. Facility No. M04B, depicted on "Exhibit A," occupies various parcels of land owned by different entities, on both sides of the Monongahela River. The Borough was granted a permanent water line easement in 1970 across one parcel owned by Mon Valley Enterprises, Inc. on the left bank of the river. This easement extends a length of 53.4 ft. with a width of 20 ft. (Water Street to river). An easement is an interest in land which requires the United States to pay just compensation. See United States v. 50 Acres of Land, 469 U.S. 24, 105 S.Ct. 451 (1984). Although the Borough has various license agreements granted to it across other parcels, it has not supplied, nor has independent courthouse research found, other easements granted for this line. License agreements have been granted for portions of the facility on both sides of the river; however, they do not constitute an interest in land. See Acton v. United States., 401 F.2d 896 (1968).

5. Facility No. M03B also occupies various parcels of land owned by different entities on both sides of the Monongahela River. The Borough has been unable to furnish any easements pertaining to these facilities. However, courthouse research has found reference to an 8 ft. right-of-way appropriated by Tri-Cities Water Company in Westmoreland County, which extends for a distance of 89.72 ft. to the low water line of the Monongahela River. Said right-of-way was excepted in a deed from Page Steel and Wire Company to the American

Chain Company. This portion constitutes an interest in land vested in the Authority for one of the 12" lines. No other easements have been located. The Borough has furnished a reference to a license agreement for both lines granted by The Pennsylvania Railroad Company for that portion under its tracks and right-of-way.

The Fifth Amendment to the United States Constitution provides that just compensation shall be paid by the United States for the taking of private property for public use. However, a portion of these facilities crosses under the Monongahela River, a navigable waterway. They are therefore, subject to the navigation servitude of the United States.* This navigation servitude extends to the entire bed of a navigable stream, which includes those lands below ordinary high water. It allows the United States to take private property without compensation when it is controlling and regulating navigable waters in the interest of commerce. See Borough of Ford City v. U.S., 345 F.2d 645 (1965). The exercise of the power within these limits is not an invasion of any private property right in such lands for which the United States must make compensation. The damage sustained results not from a taking of the riparian owner's property within the stream bed, but from the lawful exercise of a power to which the property has always been subject. See U.S. v. Chicago, 312 U.S. 592, 61 S. Ct. 722 (1941).

However, Congress has granted the Chief of Engineers

* The Authority has permits under Section 10 of the Rivers and Harbors Act to operate within these limits.

discretionary authority to make compensation at project expense notwithstanding the navigation servitude vested in the United States. See Section 111 of 72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. § 633). Section 111 may be invoked whenever the Chief of Engineers determines that a structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of a navigation, flood control or related water development project, or its safety or usefulness will be adversely affected or threatened by such project. EFARS, Appendix Q has interpreted Section 111 as requiring there be a current and continuing need for the structure or facility in the performance of the governmental function. Thirty facilities which would be adversely affected by the proposed project were identified in the Lower Monongahela River Navigation System Feasibility Study (LMFS), December 1991. The Chief of Engineers approved their inclusion into the project for relocation at federal expense on 1 June 1992. This approval was equivalent to Section 111 authority for relocation subject to later confirmation by the District that the facility owners meet the criteria of Section 111 and the EFARS.

It has been determined that the facilities described herein will be adversely impacted by the lowering of Pool 3 by 3.2 ft. These facilities must be adjusted to maintain a navigation clearance and a 3 ft. minimum cover. They were constructed to provide potable water to communities in the area, and there exists a continuing need for them. As the facilities were identified in the LMFS and meet all the necessary criteria, it is my opinion that it is the responsibility of the United States to make payment to the owner of

the costs of adjusting the facilities to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for such facilities, if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

It appears from the preliminary design plan that new permanent easements will be necessary for the relocation of these facilities. There will be a 50 ft. horizontal movement upriver of each crossing, which will locate them outside of any existing property interests. Although the Authority is not vested with a property interest for all portions of the facilities, it is my opinion that the United States should bear the cost of the acquisition of new permanent easements. This can be justified as a reasonable cost under the existing project authority.

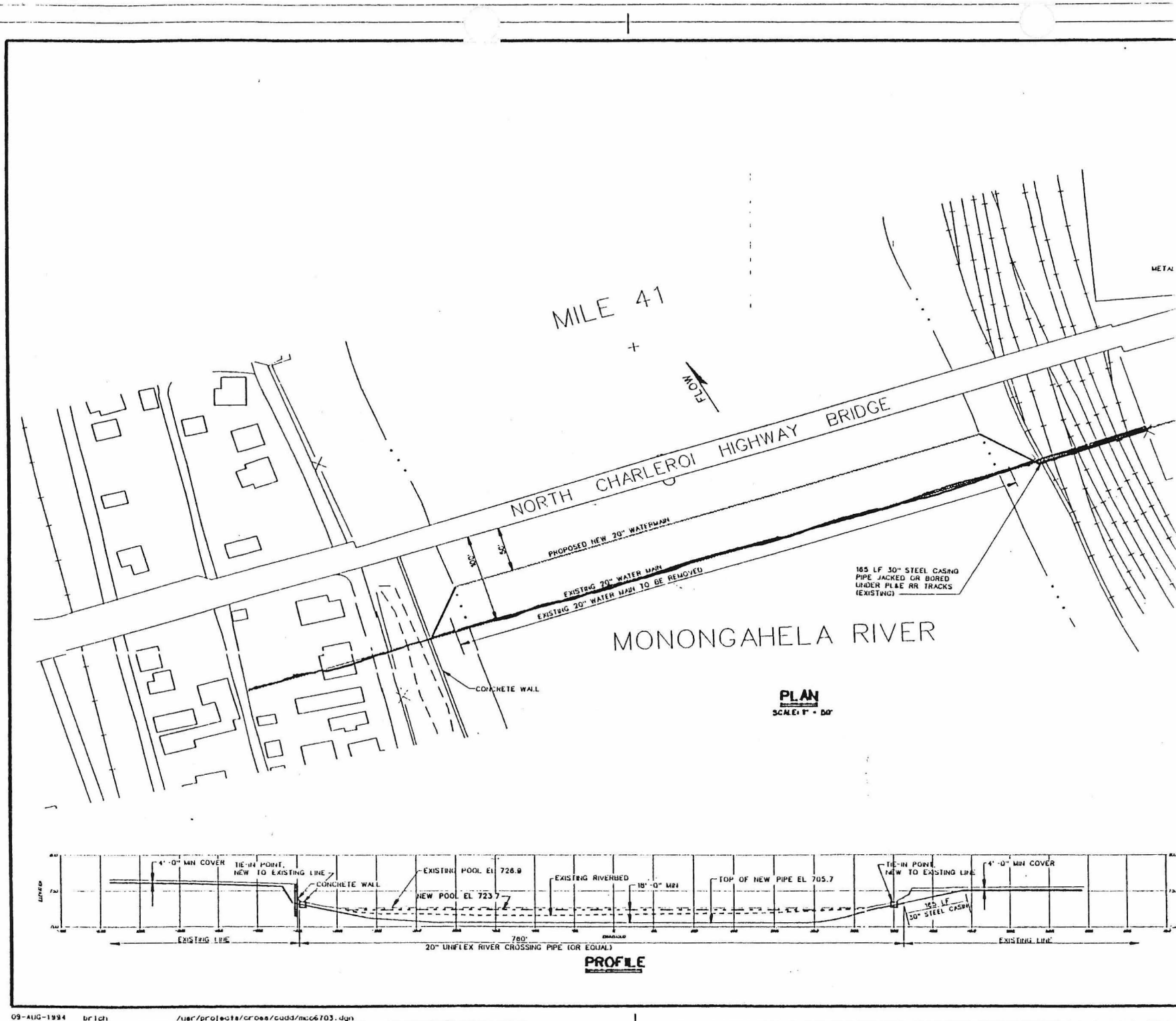
The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

Maria Mignone
MARIA MIGNONE
GENERAL ATTORNEY (RP)

August 17, 1994
DATE

EXHIBIT A



Profile view of the 12" DIA UNFLEX RIVER CROSSING PIPE (OR EQUAL) WATER LINE. The diagram shows the pipe's elevation (705.7) relative to the existing riverbed (726.9) and water line (725.7). It includes labels for 'TIE-IN POINT NEW TO EXISTING', '4'-0" COVER MIN', 'NEW POOL EL 723.7', 'TOP OF 12" DIA WATER LINE 705.7', '18'-0" MIN', 'EXISTING RIVERBED', and 'EXISTING WATER LINE'. The horizontal axis shows stationing from 50 to 650, and the vertical axis shows elevation from 700 to 730.

LINE 8 PROFILE

ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4 - MONONGAHELA RIVER PROJECT
PENNSYLVANIA FISH AND BOAT COMMISSION
FACILITY NO. M19L

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility in connection with the proposed adjustment of a boat launch ramp located at river mile 33.3 on the left bank of the Monongahela River. The ramp is shown on the attached drawing labeled "LOCAL MAP 5, PENNSYLVANIA FISH AND BOAT COMMISSION PRELIMINARY MAP," marked "Exhibit A." This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Pennsylvania Fish and Boat Commission, the Pittsburgh District Engineering and Operations and Readiness Divisions, and all relevant state and federal laws and regulations.

Based upon my examination as aforesaid, I hereby certify the following:

1. The Pennsylvania Fish and Boat Commission (the "Commission") is an independent administrative commission of the Commonwealth of Pennsylvania.
2. Pursuant to the laws of the Commonwealth of Pennsylvania, the Commission may purchase title to or control of

lands for public fishing and boating and access thereto within the Commonwealth (30 Pa. C.S.A. § 721). Such acquisition shall be made only with consent of a majority of members of the Commission. The Commission may also, through unanimous vote, authorize the exchange or sale of land (30 Pa. C.S.A. § 743).

3. The facility depicted on Exhibit A is owned and operated by the Commonwealth of Pennsylvania acting through the Commission.

4. The facility depicted on Exhibit A is within an area owned by the Commonwealth of Pennsylvania. Fee ownership of this property was acquired in 1965 for recreation, conservation and historic purposes as defined in the "Project 70 Land Acquisition and Borrowing Act," Act No. 8 approved at Special Session, June 22, 1964, P.L. 131.

The Fifth Amendment to the United States Constitution provides that just compensation will be paid by the United States for the taking of private property for public use. However, the facility is located below the ordinary high water mark of the Monongahela River, a navigable waterway. It is therefore subject to the navigation servitude of the United States.* This navigation servitude extends to the entire bed of a navigable stream, which includes those lands below ordinary high water. It allows the United States to take private property without compensation when it is controlling and regulating navigable waters in the interest of commerce. See Borough of Ford City v. U.S., 345 F.2d 645 (1965). The exercise of the power within

* The Commission has a permit under Section 10 of the Rivers and Harbors Act to operate within these limits.

these limits is not an invasion of any private property right in such lands for which the United States must make compensation. The damage sustained results not from a taking of the riparian owner's property within the stream bed, but from the lawful exercise of a power to which the property has always been subject. See U.S. v. Chicago, 312 U.S. 592, 61 S.Ct. 722 (1941).

However, Congress has granted the Chief of Engineers discretionary authority to make compensation at project expense notwithstanding the navigation servitude vested in the United States. See Section 111 of 72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. § 633). Section 111 may be invoked whenever the Chief of Engineers determines that a structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of a navigation, flood control or related water development project, or its integrity, safety or usefulness will be adversely affected or threatened by such project. EFARS, Appendix Q has interpreted Section 111 as requiring there be a current and continuing need for the structure or facility in the performance of the governmental function. Thirty facilities which would be adversely affected by the proposed project were identified in the Lower Monongahela River Navigation System Feasibility Study (LMFS), December 1991. The Chief of Engineers approved their inclusion into the project for relocation at federal expense on 1 June 1992. This approval was equivalent to Section 111 authority for relocation subject to later confirmation by the District that the facility owners meet the criteria of Section 111 and the EFARS.

It has been determined that the facility described herein will be adversely impacted by the lowering of Pool 3 by 3.2 ft. The ramp is presently usable at very low river flows when the pool is near the design pool elevation of 726.9. To maintain accessibility, the ramp will be extended to remain usable at the new design pool elevation of 723.7. The existing facility provides access to the river for fishing, boating, and other recreational activities, and serves a current and continuing need. As the ramp was identified in the LMFS and meets all the necessary criteria, it is my opinion that it is the responsibility of the United States to make payment to the Commission of the costs of adjusting the facility to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for such facility if it is not presently exceeded. The United States should also bear the costs associated with the acquisition of any necessary easements for construction.

It appears from the preliminary design plan that no additional permanent real estate interest will be necessary for the adjustment of the launch ramp. Under the existing project authority, because the Commission owns an interest in real estate, the United States should bear the cost of the acquisition of a new permanent right-of-way, if the facility was being relocated horizontally outside the limits of its current property interest.

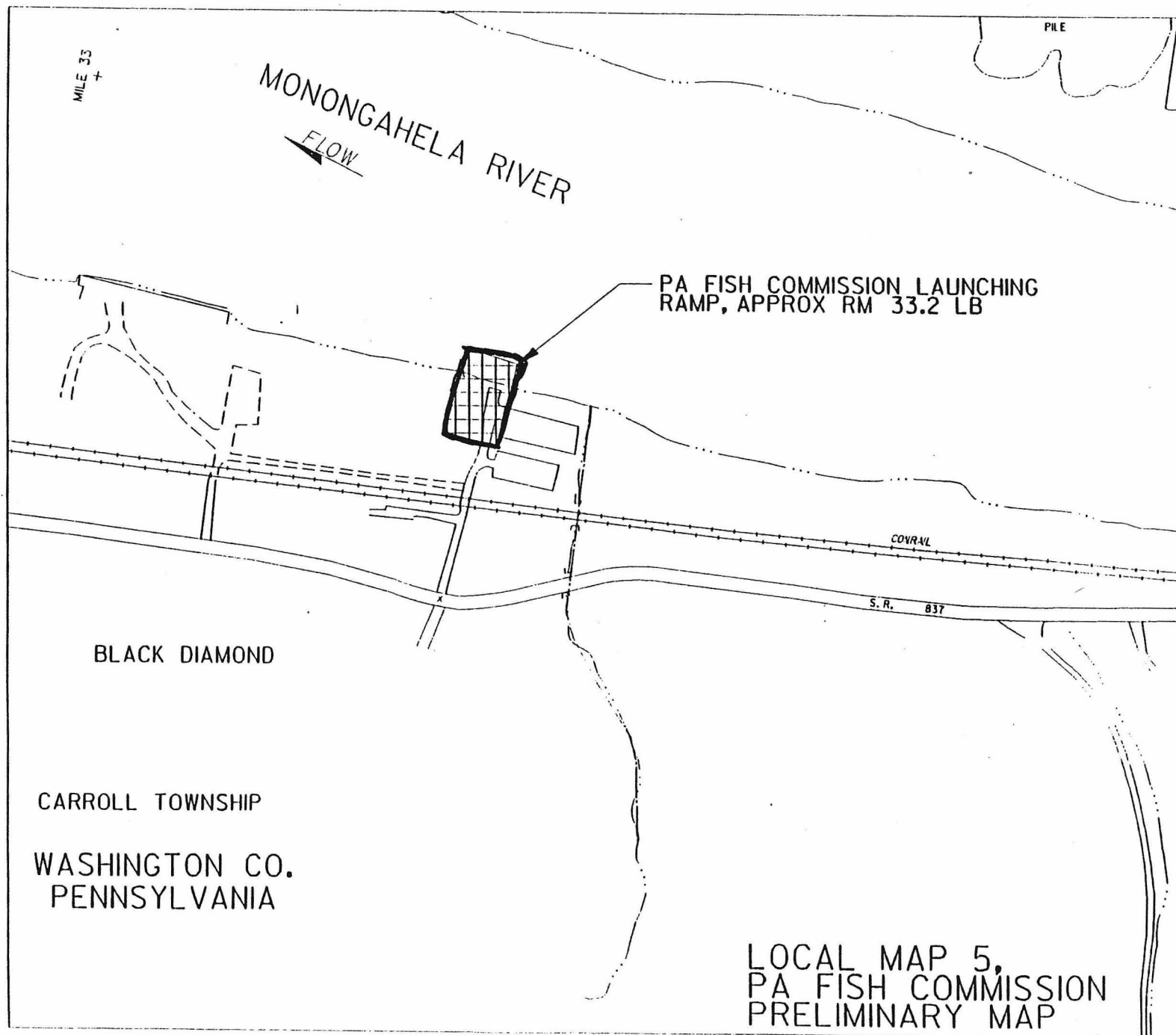
The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

Maria Mignone
MARIA MIGNONE
GENERAL ATTORNEY (RP)

August 17, 1994
DATE

EXHIBIT A



ATTORNEY'S REPORT
LOCKS AND DAMS 2, 3, 4 - MONONGAHELA RIVER PROJECT
BOROUGH OF NEW EAGLE
FACILITY NO. M14L

I, MARIA MIGNONE, certify that I am an attorney-at-law duly licensed to practice law in the Commonwealth of Kentucky and that I am currently employed by the U.S. Army Corps of Engineers, Pittsburgh District, Real Estate Division.

I further certify that I have made an investigation into the extent of the Government's responsibility in connection with the proposed adjustment of a boat launch ramp located at river mile 30.1 on the left bank of the Monongahela River. The ramp is shown on the attached drawing labeled "LOCAL MAP 3, NEW EAGLE BOROUGH PRELIMINARY MAP," and marked "Exhibit A." This drawing was supplied by the Pittsburgh District Engineering Division.

In connection with my investigation, I have examined information obtained from the Borough of New Eagle, the Pittsburgh District Engineering and Operations and Readiness Divisions, and all relevant state and federal laws and regulations.

Based upon my examination as aforesaid, I hereby certify the following:

1. The Borough of New Eagle (the "Borough") is a municipal corporation of the Commonwealth of Pennsylvania. The Borough has the power to make contracts pursuant to 53 P.S. § 46401. The Borough Council President and Vice President are both authorized to execute contracts on behalf of the Borough.

2. Pursuant to 53 P.S. § 46201, the Borough may purchase and convey by sale or lease, real and personal property.

3. The facility depicted on Exhibit A is owned by the Borough and occupies an area within which the Borough has an interest in land. The facility is located at the foot of Howard Street, a Borough street, as shown on the attached "Exhibit B". This public right-of-way is the equivalent of an easement vested in the Borough. See Fleck v. Universal Cyclops Steel Corporation, 156 A.2d. 832 (1959). USX Corporation ("USX"), the owner of the adjacent property on both sides of a portion of the street, granted the Borough the right to construct the ramp to provide boat access to the Monongahela River, by lease dated January 10, 1983 for a 25 year term. This right was granted to the extent of USX's interest in Howard Street as the adjacent landowner. Pennsylvania follows general rules of boundary law in that abutting owners own to the centerline of a public right-of-way subject to an easement for public use. See Fleck, supra. The lease from USX actually granted the Borough the right to construct a parking area on USX property, and Howard Street is not a part of the leased premises. I will not address the possible reason why USX felt it necessary to allow for construction of the ramp in this lease.

The Fifth Amendment to the United States Constitution provides that just compensation will be paid by the United States for the taking of private property for public use. However, the facility is located below the ordinary high water mark of the Monongahela River, a navigable waterway. It is therefore subject to the navigation servitude of the United States.* This

* The Borough has a permit under Section 10 of the Rivers and Harbors Act to operate within these limits.

navigation servitude extends to the entire bed of a navigable stream, which includes those lands below ordinary high water. It allows the United States to take private property without compensation when it is controlling and regulating navigable waters in the interest of commerce. See Borough of Ford City v. U.S., 345 F.2d 645 (1965). The exercise of the power within these limits is not an invasion of any private property right in such lands for which the United States must make compensation. The damage sustained results not from a taking of the riparian owner's property within the stream bed, but from the lawful exercise of a power to which the property has always been subject. See U.S. v. Chicago, 312 U.S. 592, 61 S. Ct. 722 (1941).

However, Congress has granted the Chief of Engineers discretionary authority to make compensation at project expense notwithstanding the navigation servitude vested in the United States. See Section 111 of 72 Stat. 303, as amended by Section 309, 79 Stat. 1094 (33 U.S.C. § 633). Section 111 may be invoked whenever the Chief of Engineers determines that a structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of a navigation, flood control or related water development project, or its safety or usefulness will be adversely affected or threatened by such project. EFARS, Appendix Q has interpreted Section 111 as requiring there be a current and continuing need for the structure or facility in the performance of the governmental function. Thirty facilities which would be adversely affected by the proposed project were

identified in the Lower Monongahela River Navigation System Feasibility Study (LMFS), December 1991. The Chief of Engineers approved their inclusion into the project for relocation at federal expense on 1 June 1992. This approval was equivalent to Section 111 authority for relocation subject to later confirmation by the District that the facility owners meet the criteria of Section 111 and the EFARS.

It has been determined that the facility described herein will be adversely impacted by the lowering of Pool 3 by 3.2 ft. The ramp is presently usable at very low river flows when the pool is near the design pool elevation of 726.9. To maintain accessibility, the ramp will be extended to remain usable at the new design pool elevation of 723.7. The existing facility provides access to the river for fishing, boating and other recreational activities, and serves a current and continuing need. As the ramp was identified in the LMFS and meets all the necessary criteria, it is my opinion that it is the responsibility of the United States to make payment to the owner of the costs of adjusting the facility to meet project conditions. This does not include the cost of exceeding the minimum State standard, if any, for such facility if it is not presently exceeded. The United States shall also bear the costs associated with the acquisition of any necessary easements for construction.

It appears from the preliminary design plan that no additional permanent real estate interest will be necessary for the adjustment of the launch ramp. Under the existing project authority, because the Borough owns an interest in real estate, the United States should bear the cost of the acquisition of a new permanent right-of-way, if the facility was being relocated

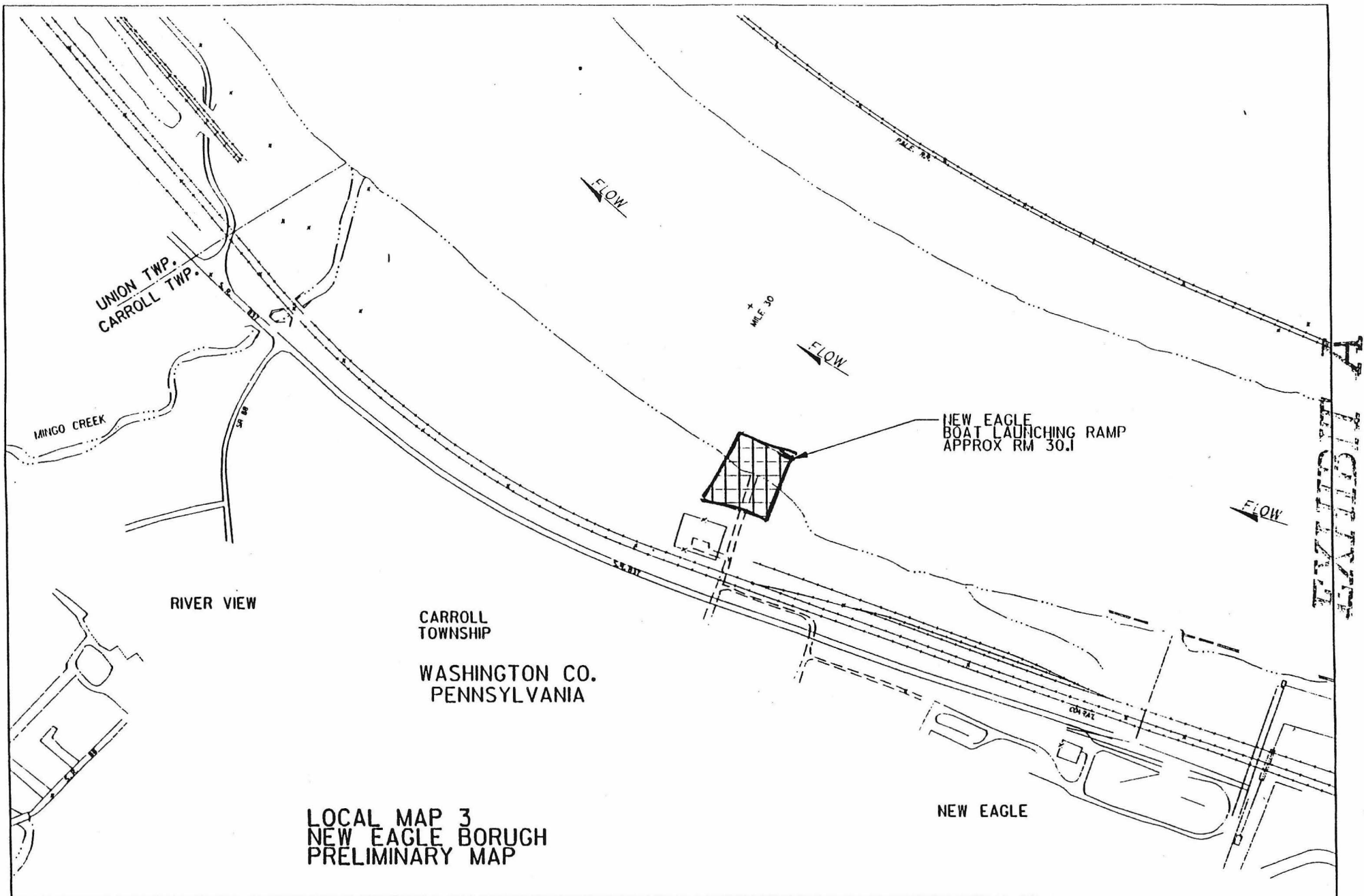
horizontally outside the limits of its current property interest.

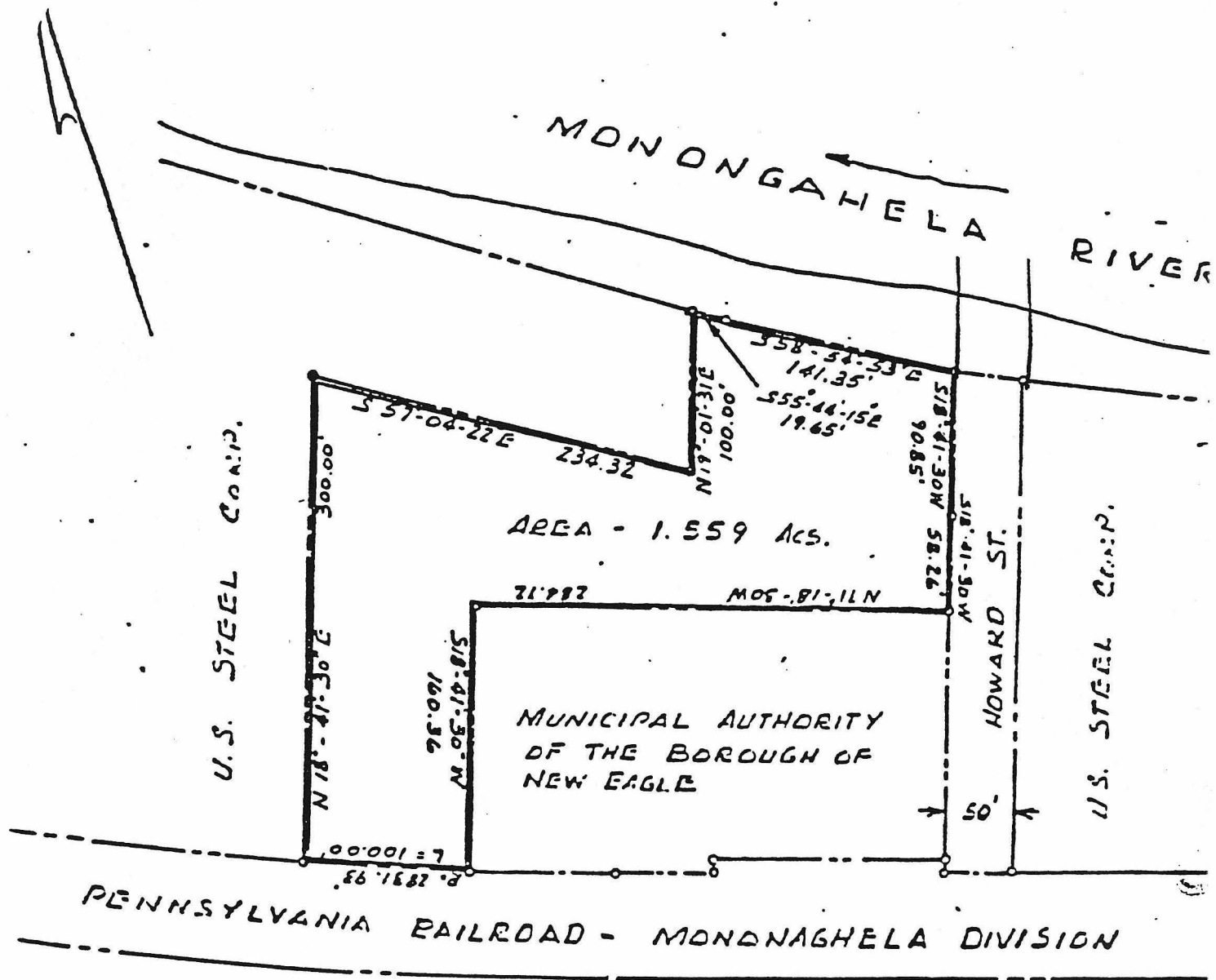
The facility and/or land covered by this Attorney's Report may be subject to mortgages, liens, and/or other encumbrances.

This report does not cover other facilities which may be affected by the Monongahela River Project.

Maria Mignone
MARIA MIGNONE
GENERAL ATTORNEY (RF)

August 17, 1994
DATE





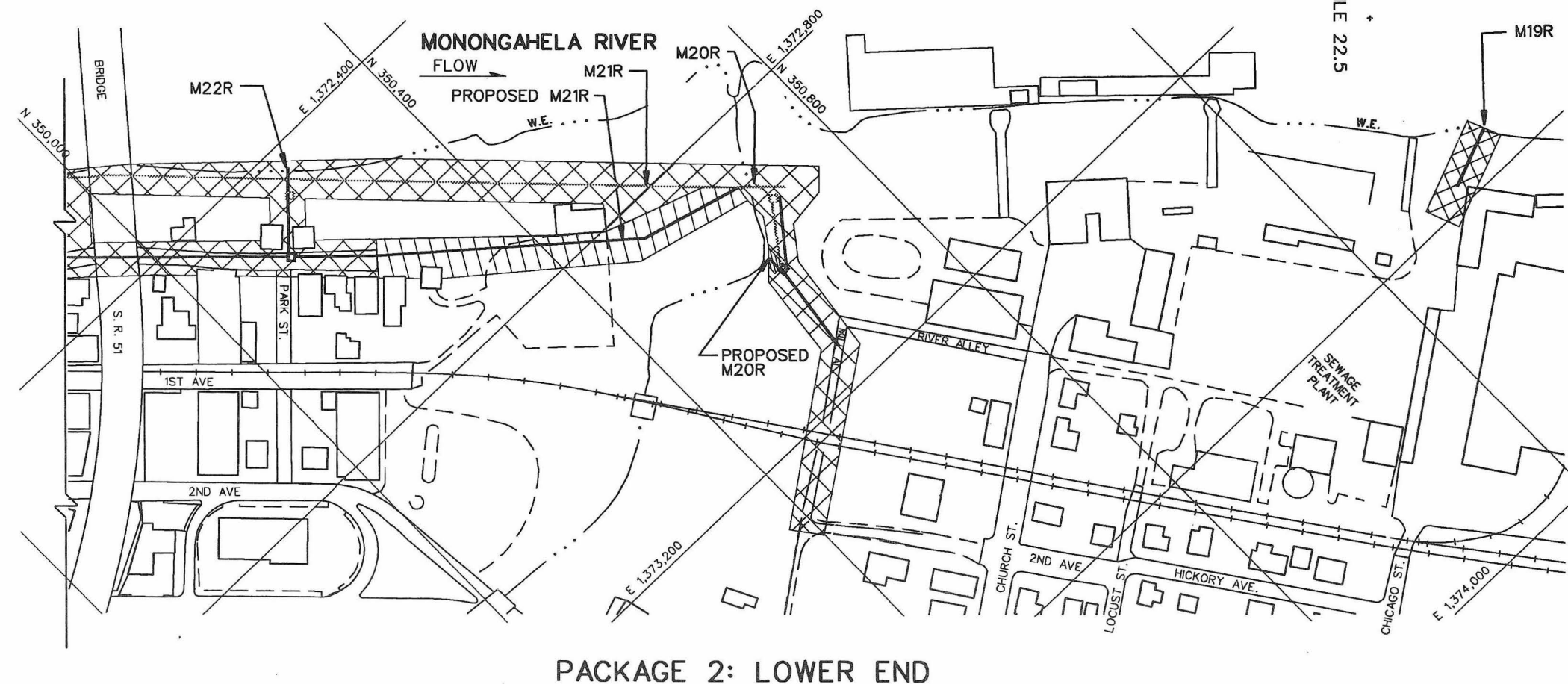
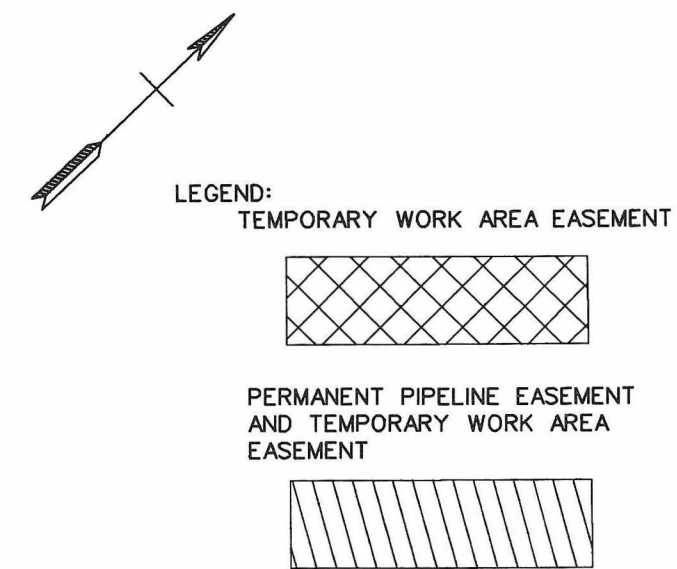
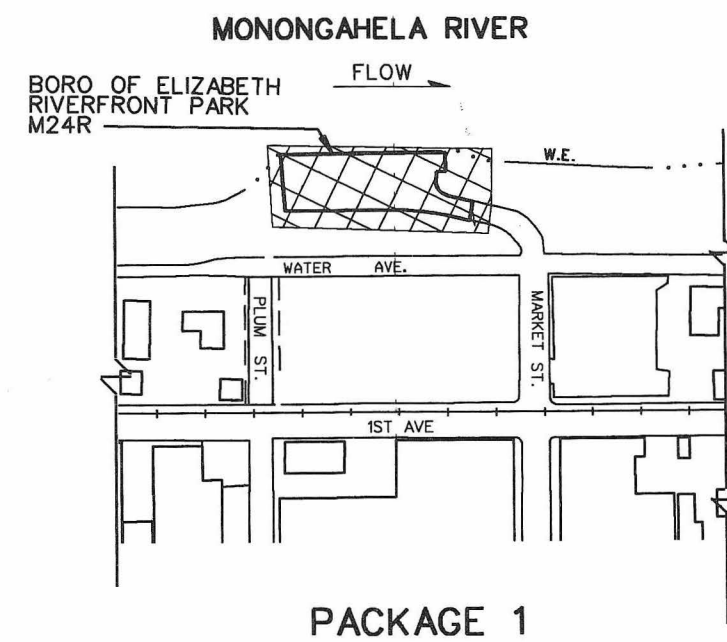
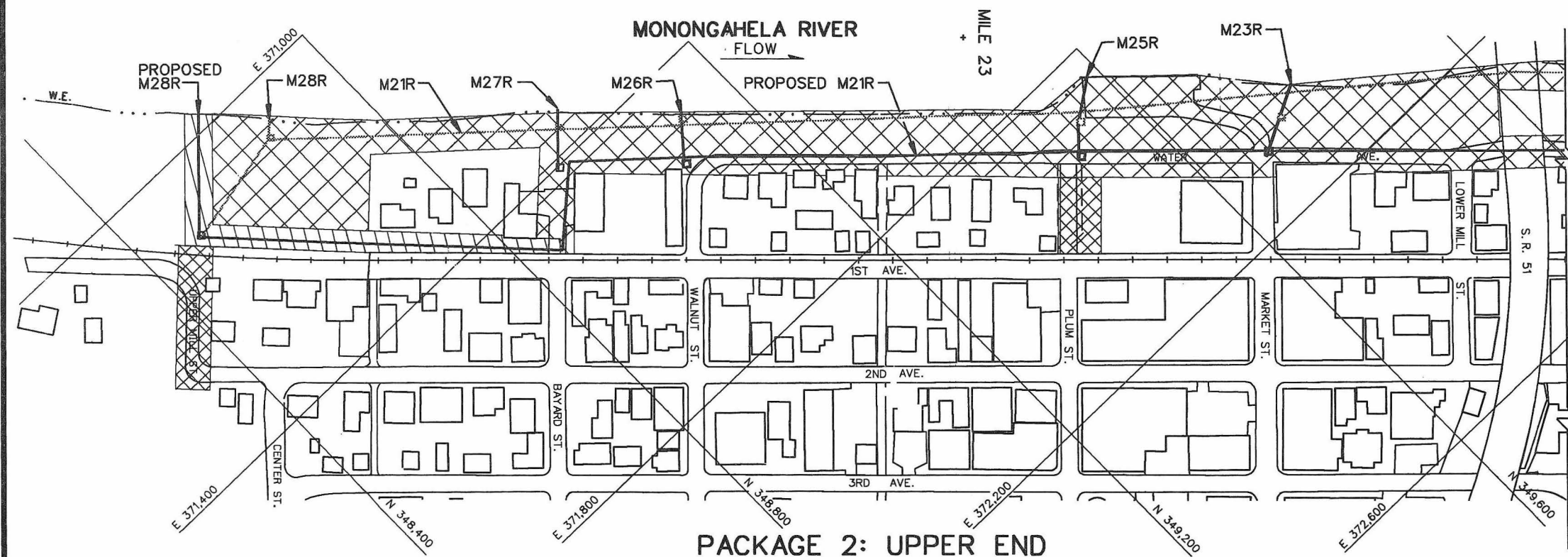
MAPLE CREEK MINE

PLAN SHOWING SURFACE DESIRED BY THE BOROUGH OF NEW EAGLE FOR BOAT ACCESS RAMP & PARKING FACILITIES.

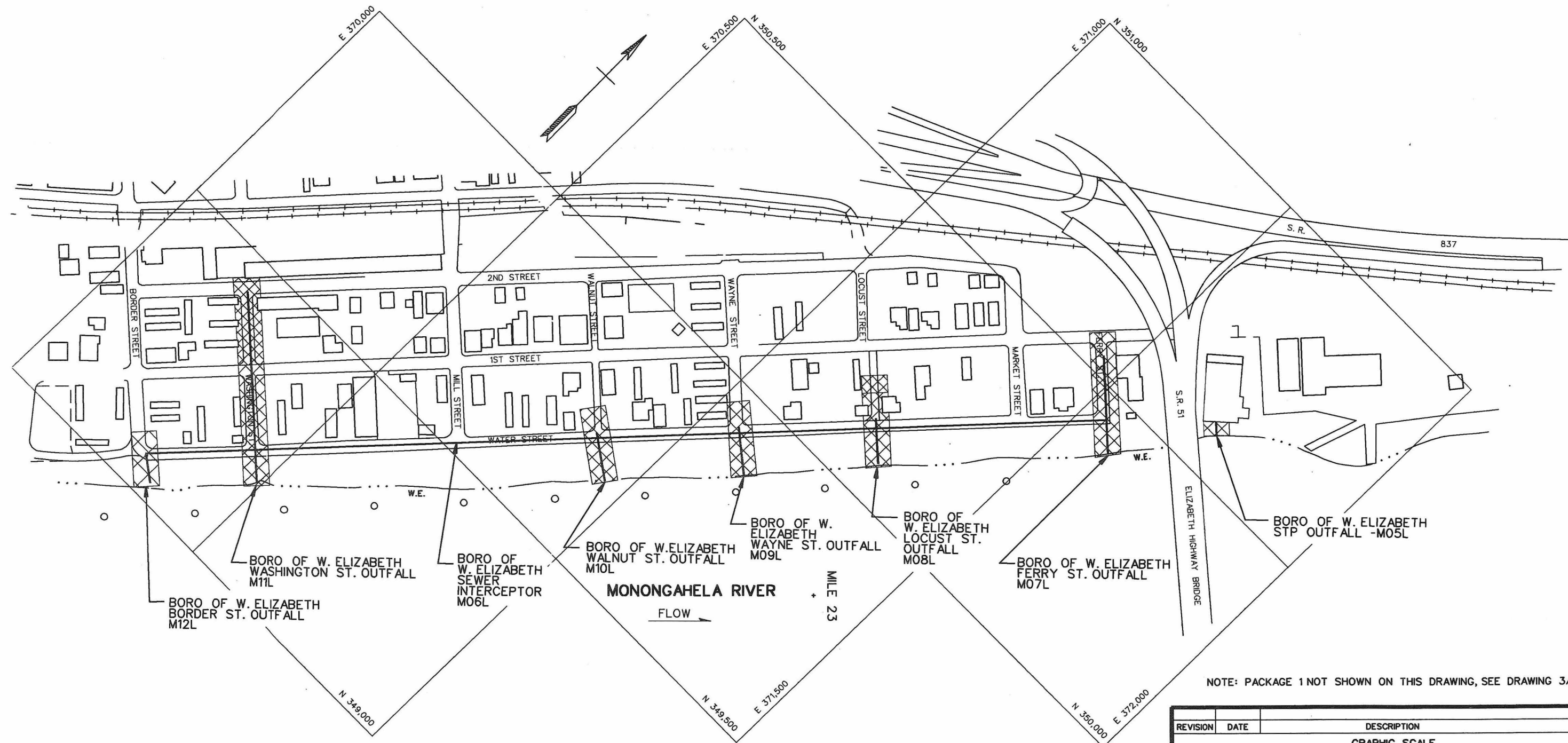
SCALE 1" = 100'

SEPTEMBER 25, 1981

EXHIBIT R



REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGES 1 AND 2 ELIZABETH BOROUGH			
DESIGNED:	DRAWN:	CHECKED:	DATE:
	MFR	SRF	12 Aug 1994
SUBMITTED:		FB NO.	SCALE:
David M. McLaughlin		DACW59	1" = 200'
SHEET		DWG NO.	
1		037-R55- 3/01	



PACKAGE 2

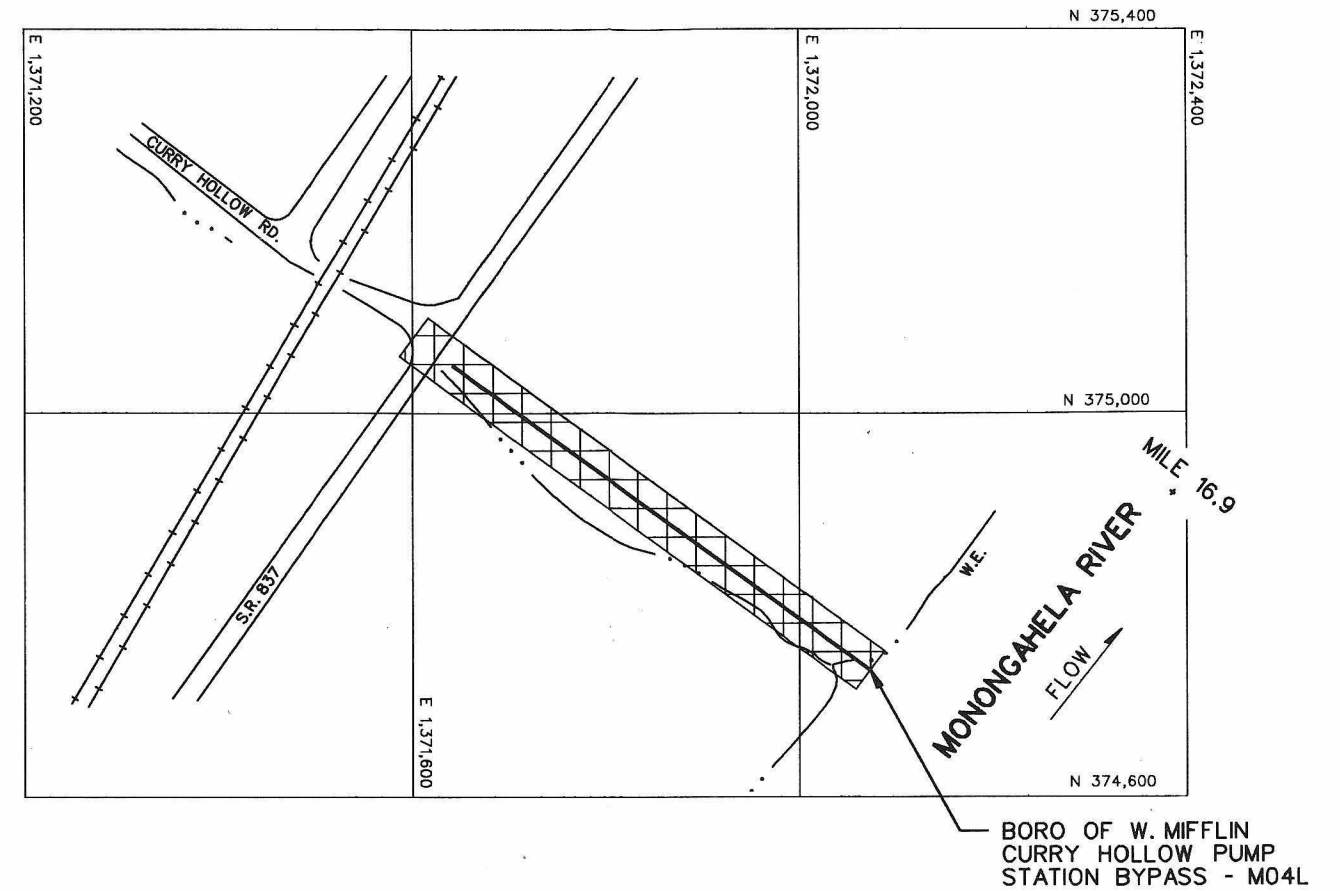
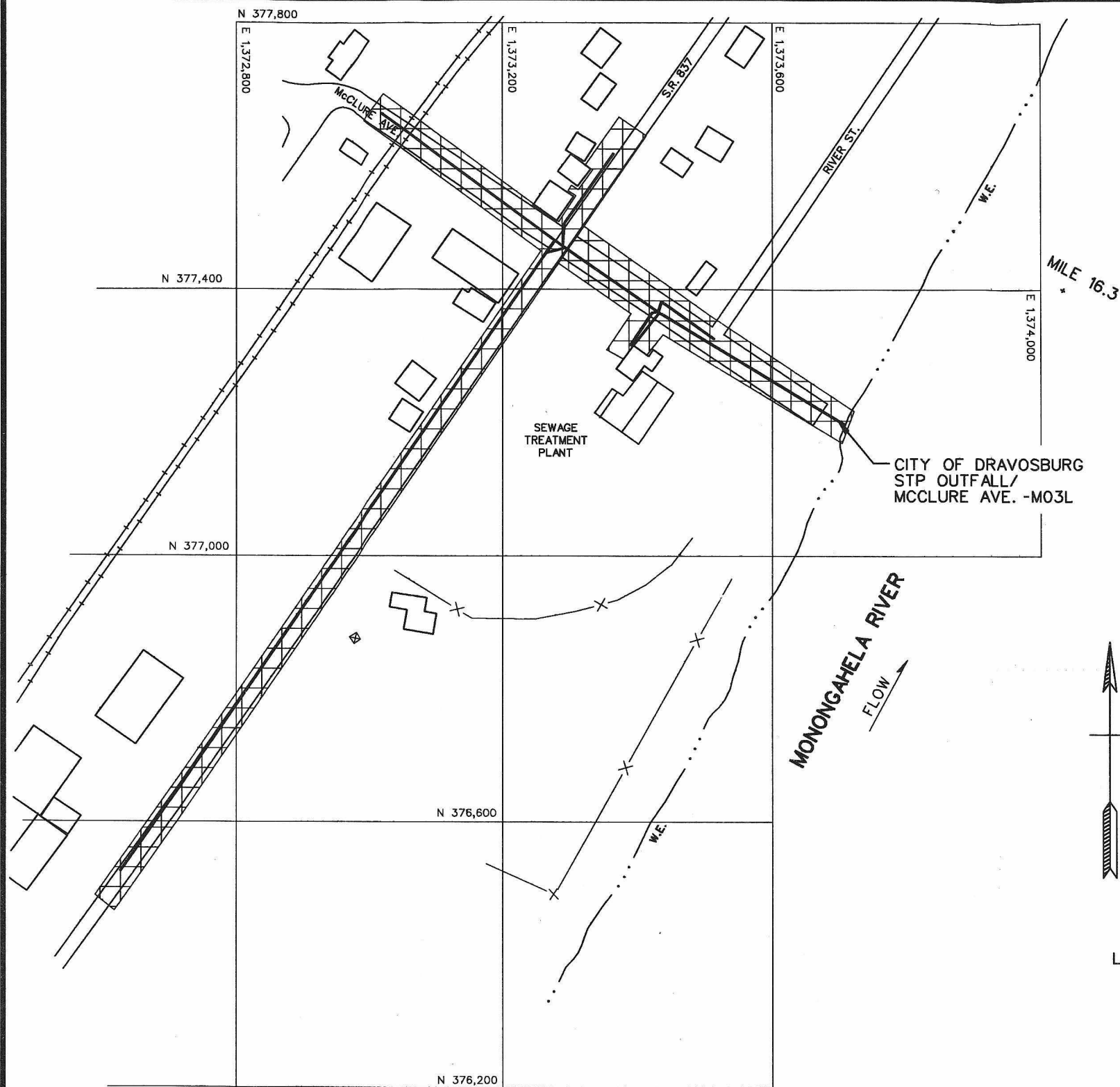
LEGEND:

TEMPORARY WORK AREA EASEMENT

PERMANENT PIPELINE EASEMENT AND TEMPORARY WORK AREA EASEMENT

NOTE: PACKAGE 1 NOT SHOWN ON THIS DRAWING, SEE DRAWING 3/01.

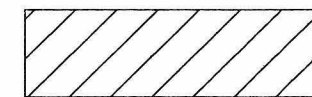
REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGES 1 AND 2 WEST ELIZABETH BOROUGH			
DESIGNED: MFR	CHECKED: CRC	DATE: 12 Aug 1994	DWG NO. 037-R55- 3/02
SUBMITTED: <i>David M. Wagoner</i>		SCALE: 1" = 200'	SHEET 2 of 2
SECTION SHEET		DACW59	



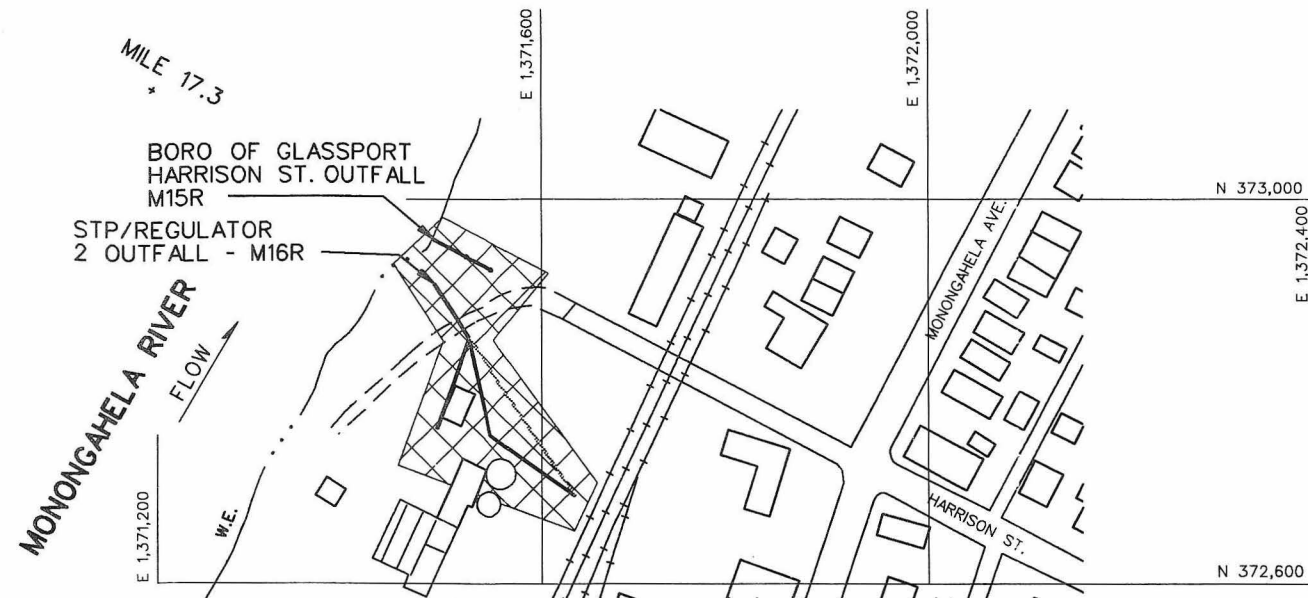
LEGEND:
TEMPORARY WORK AREA EASEMENT



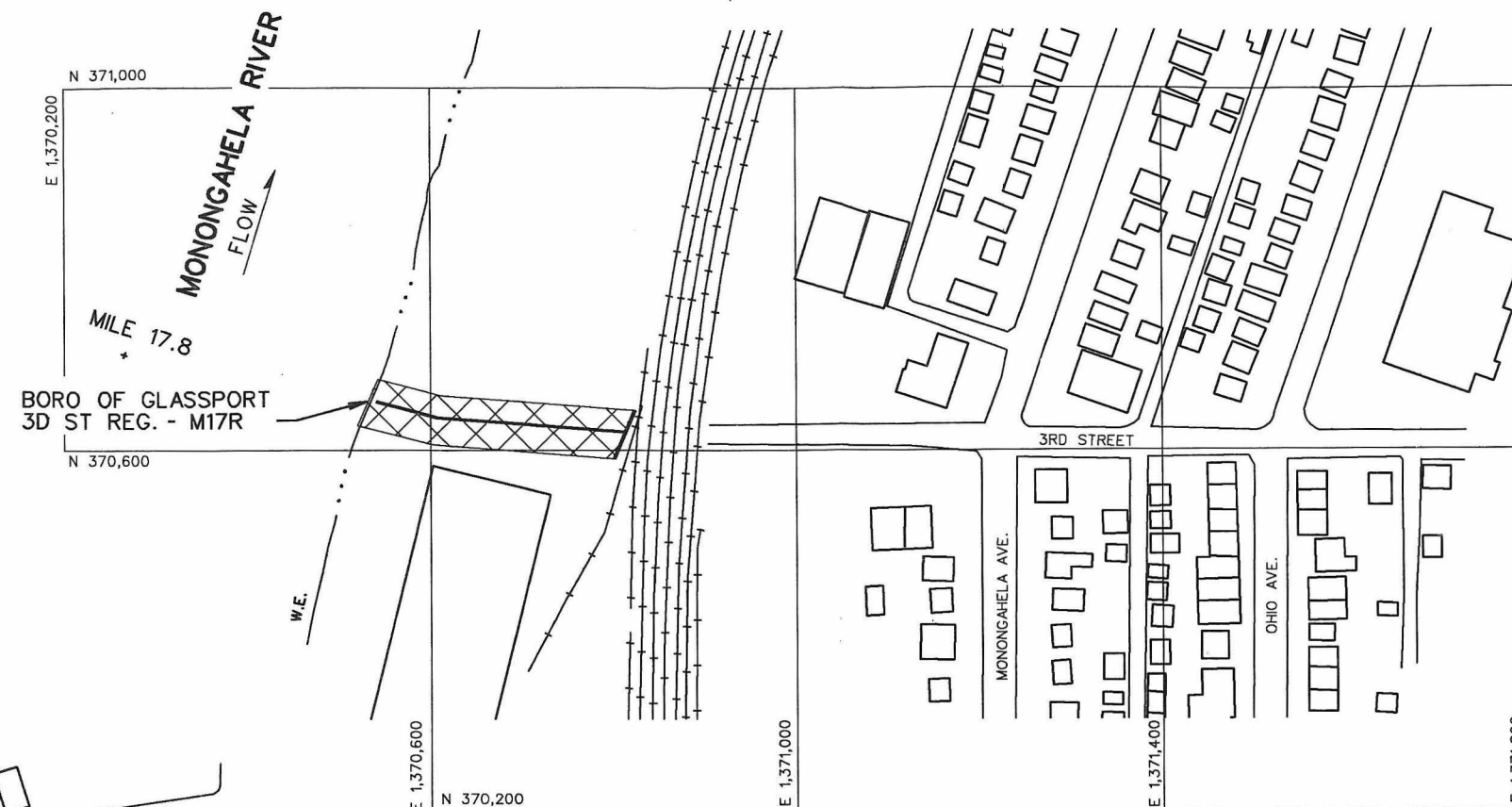
PERMANENT PIPELINE EASEMENT
AND TEMPORARY WORK AREA
EASEMENT



REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS			
PACKAGE 3 DRAVOSBURG AND WEST MIFFLIN			
DESIGNED:	DRAWN:	CHECKED:	DATE:
MFR	CRC	SRF	12 Aug 1994
SCALE:		DWO NO.	
1" = 200'		037-R55- 3/03	
SUBMITTED:		FOR NO.	
DACW59		1 of 2	



PACKAGE 3 - GLASSPORT

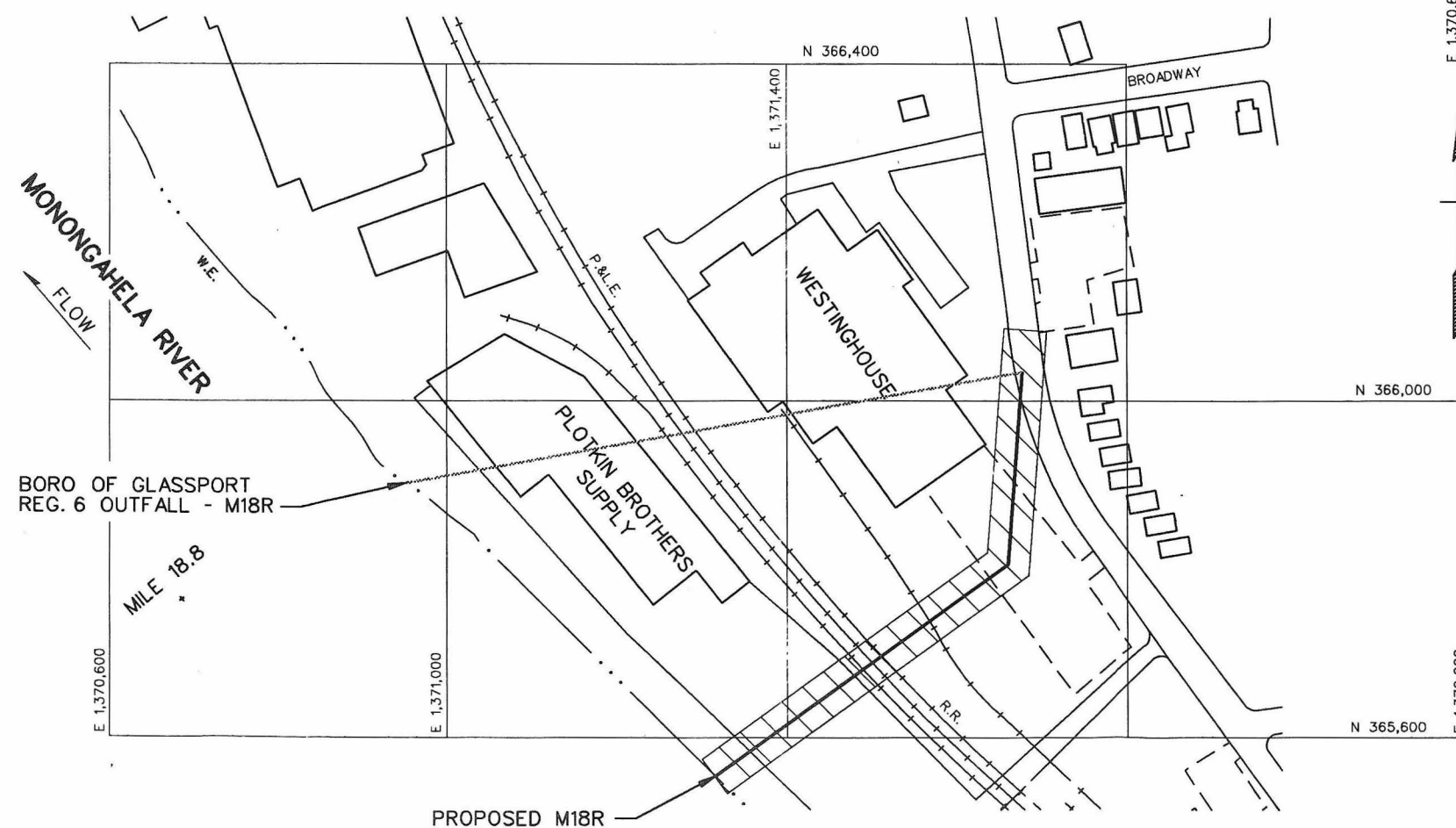


PACKAGE 3 - GLASSPORT

LEGEND:
TEMPORARY WORK AREA EASEMENT

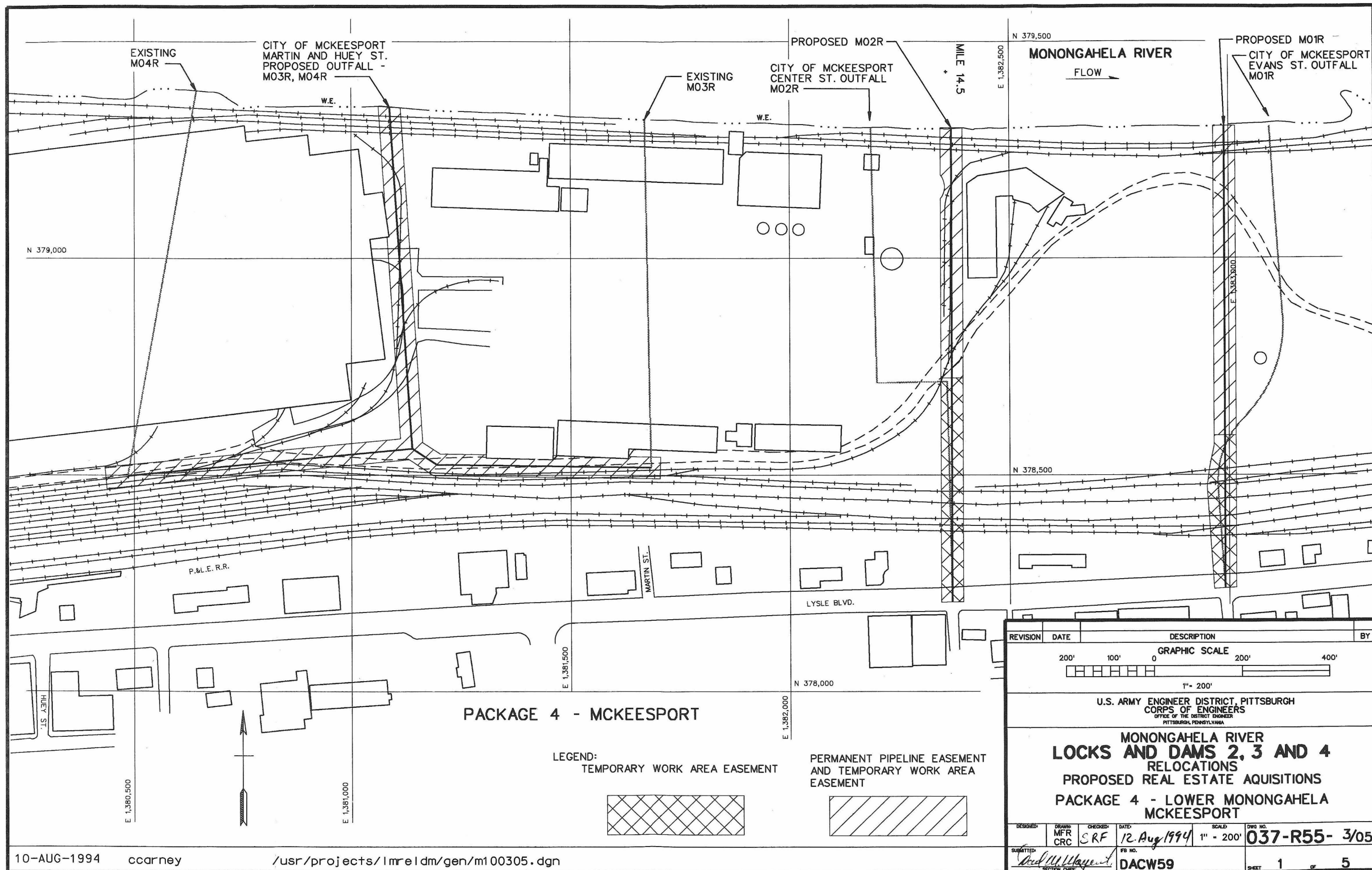


PERMANENT PIPELINE EASEMENT
AND TEMPORARY WORK AREA
EASEMENT

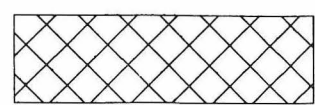


PACKAGE 3 - GLASSPORT

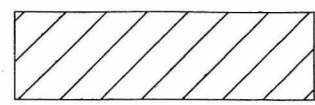
REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS			
PACKAGE 3 GLASSPORT BOROUGH			
DESIGNED: MFR	DRAWN: CRC	CHECKED: SRF	DATE: 12 Aug. 1994
SCALE: 1" = 200'			DWG NO. 037-R55- 3/04
APPROVED: <i>David A. Mayewick</i>			SECTION CHIEF DACW59
SHEET 2 OF 2			



LEGEND:
TEMPORARY WORK AREA EASEMENT



PERMANENT PIPELINE EASEMENT
AND TEMPORARY WORK AREA
EASEMENT



FLOW

MILE 16

MONONGAHELA RIVER

CITY OF MCKEESPORT
DALE ST OUTFALL
M11R

CITY OF MCKEESPORT
ANN ST OUTFALL
M10R

CITY OF MCKEESPORT
ERIE ST OUTFALL
M09R

CITY OF MCKEESPORT
STP OUTFALL - M07R
CITY OF MCKEESPORT
REBECCA ST OUTFALL
M08R

CITY OF MCKEESPORT
PERRY ST OUTFALL
M12R

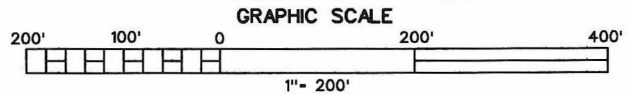
CITY OF MCKEESPORT
WINDSOR ST OUTFALL
M13R

CITY OF MCKEESPORT
MORGAN ALLEY OUTFALL
M14R

SEWAGE TREATMENT PLANT

PACKAGE 4 - MCKEESPORT

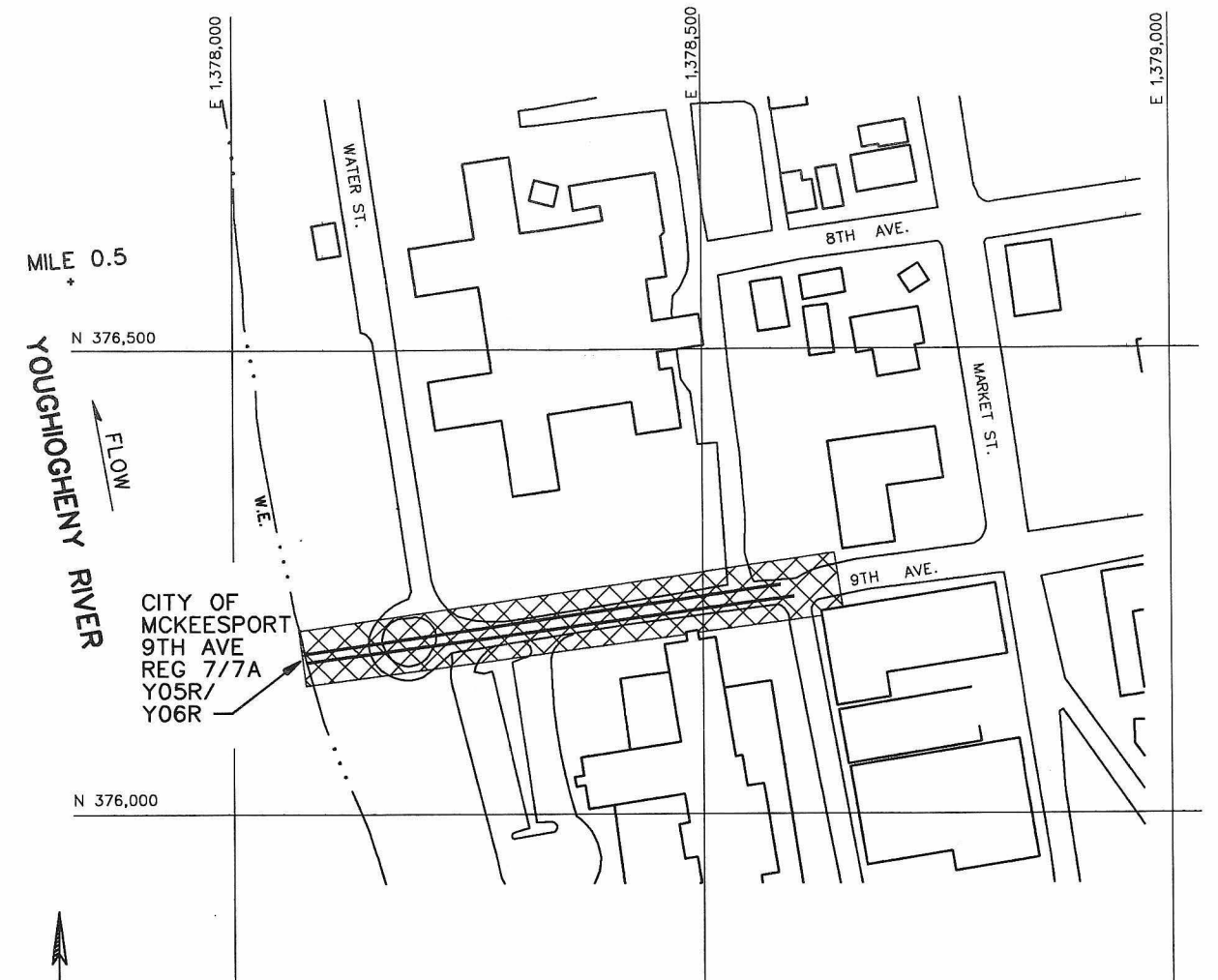
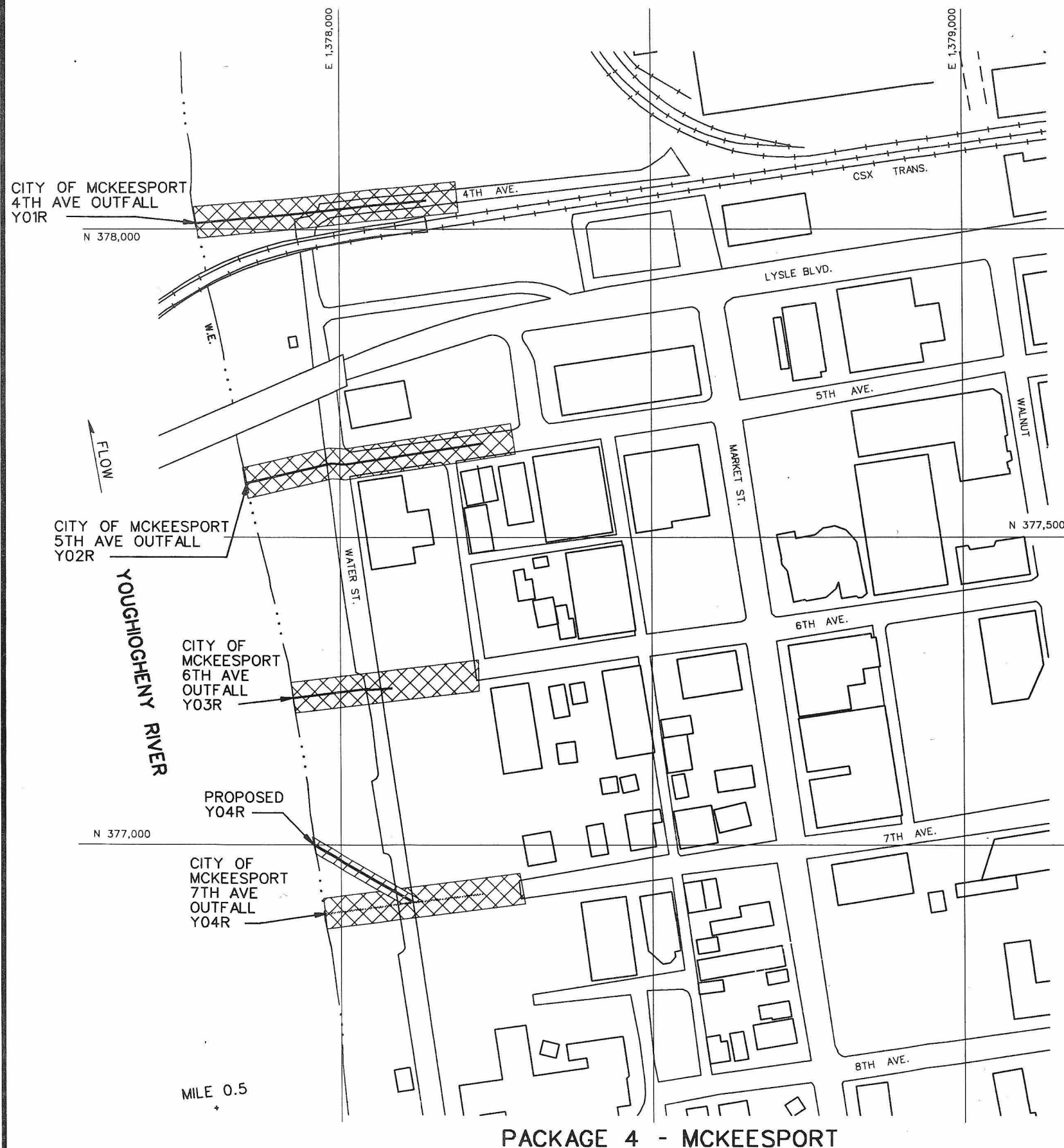
REVISION	DATE	DESCRIPTION	BY
----------	------	-------------	----



U.S. ARMY ENGINEER DISTRICT, PITTSBURGH
CORPS OF ENGINEERS
OFFICE OF THE DISTRICT ENGINEER
PITTSBURGH, PENNSYLVANIA

MONONGAHELA RIVER
LOCKS AND DAMS 2, 3 AND 4
RELOCATIONS
PROPOSED REAL ESTATE ACQUISITIONS
PACKAGE 4 - UPPER MONONGAHELA
MCKEESPORT

DESIGNED: MFR CRC	CHECKED: SRF	DATE: 12 Aug 1994	SCALE: 1" = 200'	DWG NO. 037-R55- 3/06
SUBMITTED: [Signature]			SECTION: DACW59	SHEET 2 OF 5



LEGEND:

TEMPORARY WORK AREA EASEMENT



PERMANENT PIPELINE EASEMENT
AND TEMPORARY WORK AREA
EASEMENT

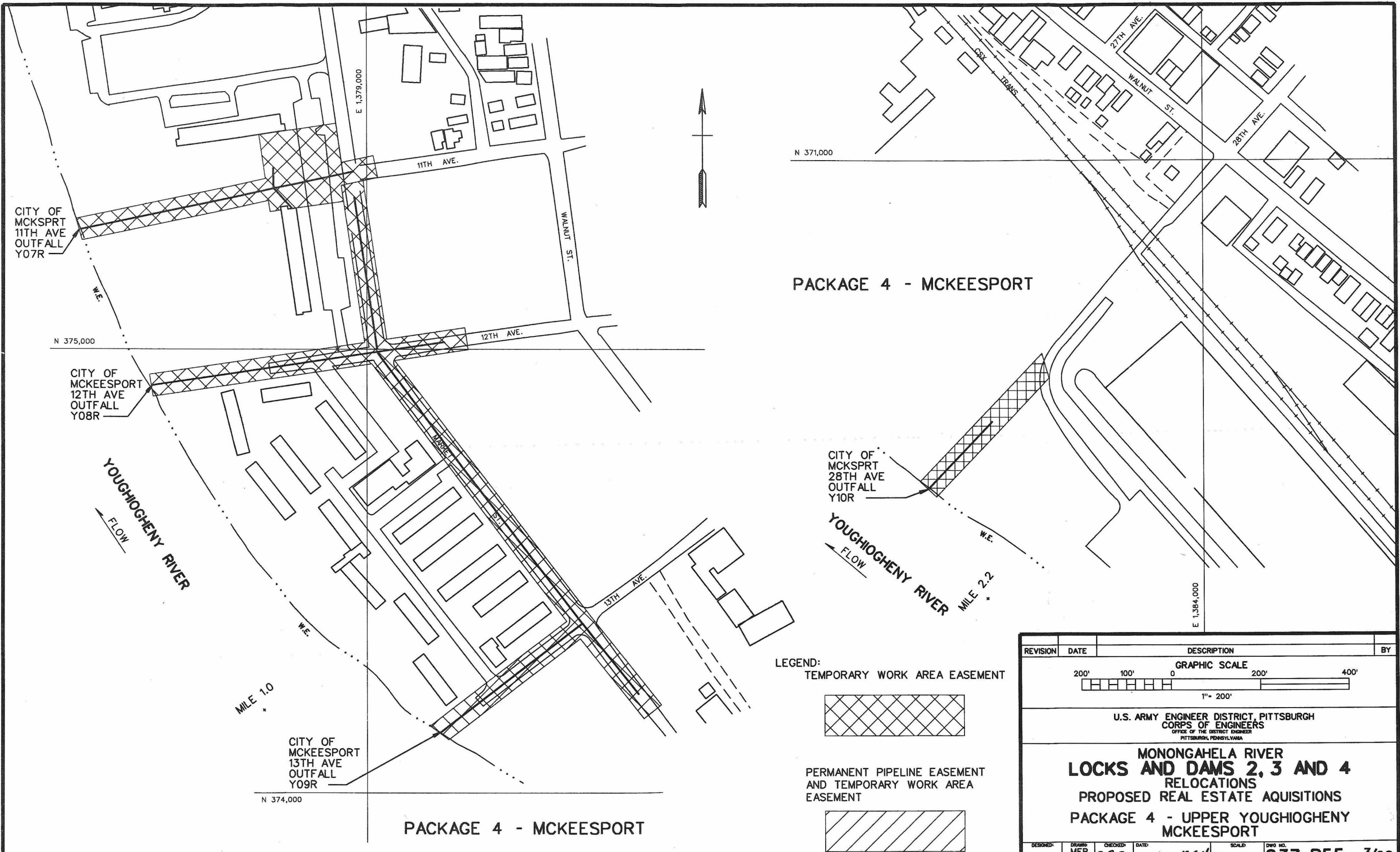


REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGE 4 - LOWER YOUGHIOGHENY MCKEESPORT			
DESIGNED	DRAWN	CHECKED	DATE
	MFR	SRF	12 Aug 1994
SCALE		DWG NO.	
1" = 200'		037-R55-	3/07
SECTION CHIEF		DACW59	SHEET 3 OF 5

11-AUG-1994

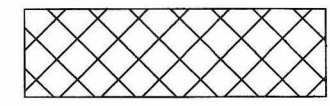
ccarney

/usr/projects/lmreldm/gen/m100307.dgn

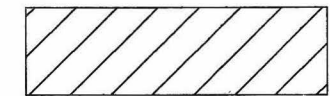


PACKAGE 4 - MCKEESPORT

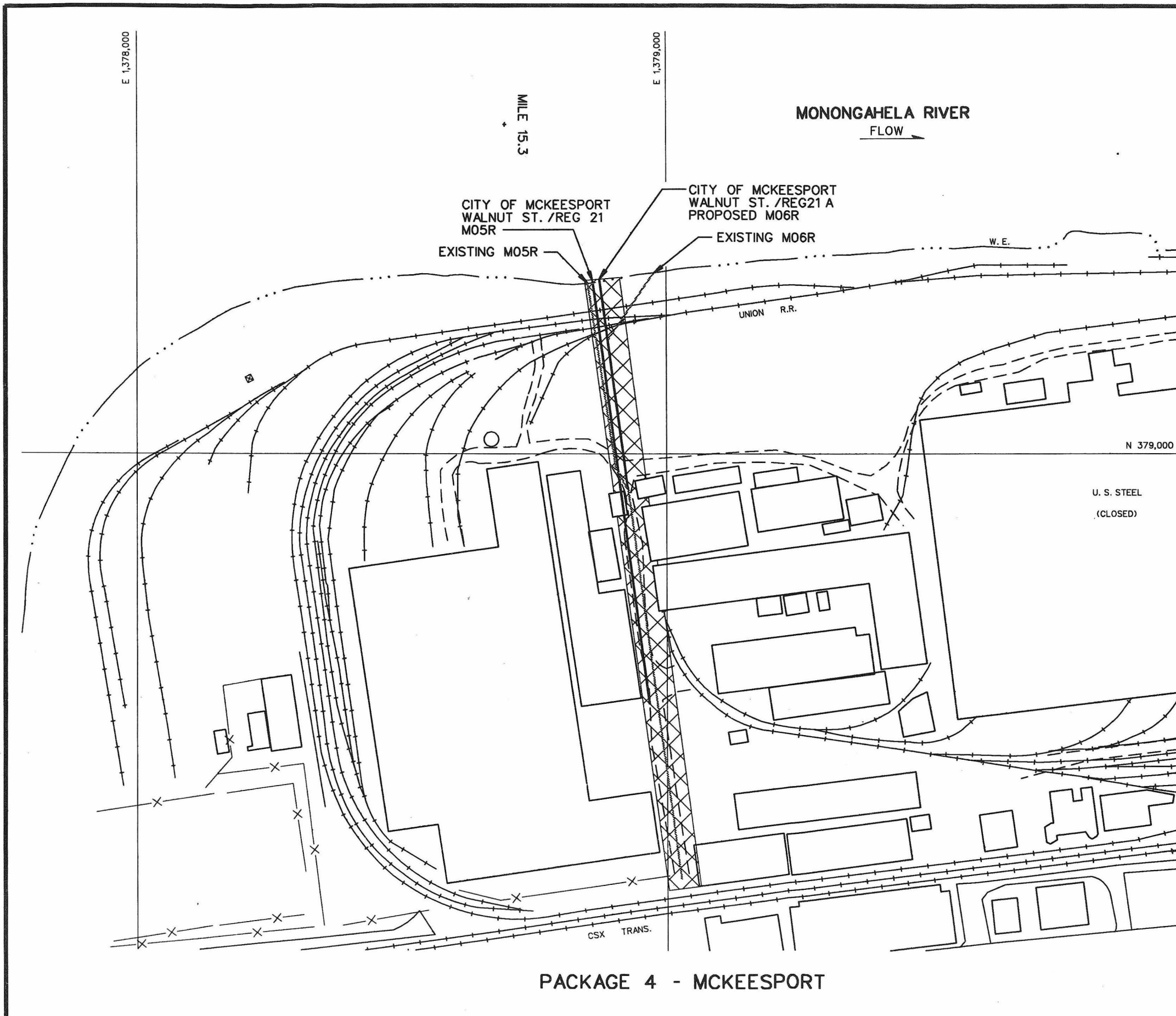
LEGEND:
TEMPORARY WORK AREA EASEMENT



PERMANENT PIPELINE EASEMENT
AND TEMPORARY WORK AREA
EASEMENT



REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGE 4 - UPPER YOUGHIOGHENY MCKEESPORT			
DESIGNED:	DRAWN: MFR CRC	CHECKED: SRF	DATE: 12 Aug 1994
SUBMITTED: <i>[Signature]</i>		SCALE: 1" = 200'	DWG NO. 037-R55- 3/08
SECTION CHIEF:		DACW59	SHEET 4 OF 5

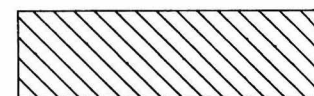


LEGEND:

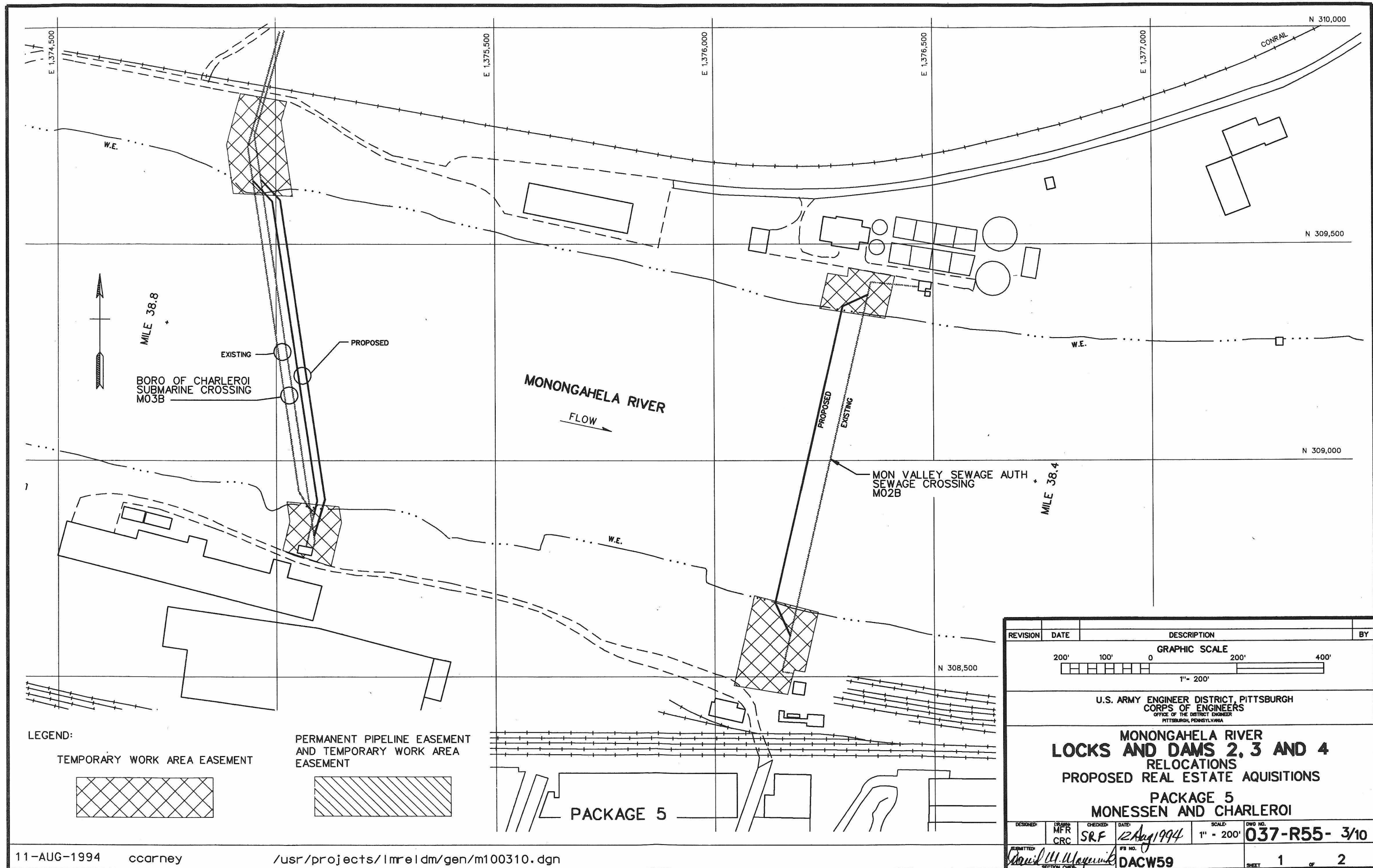
TEMPORARY WORK AREA EASEMENT

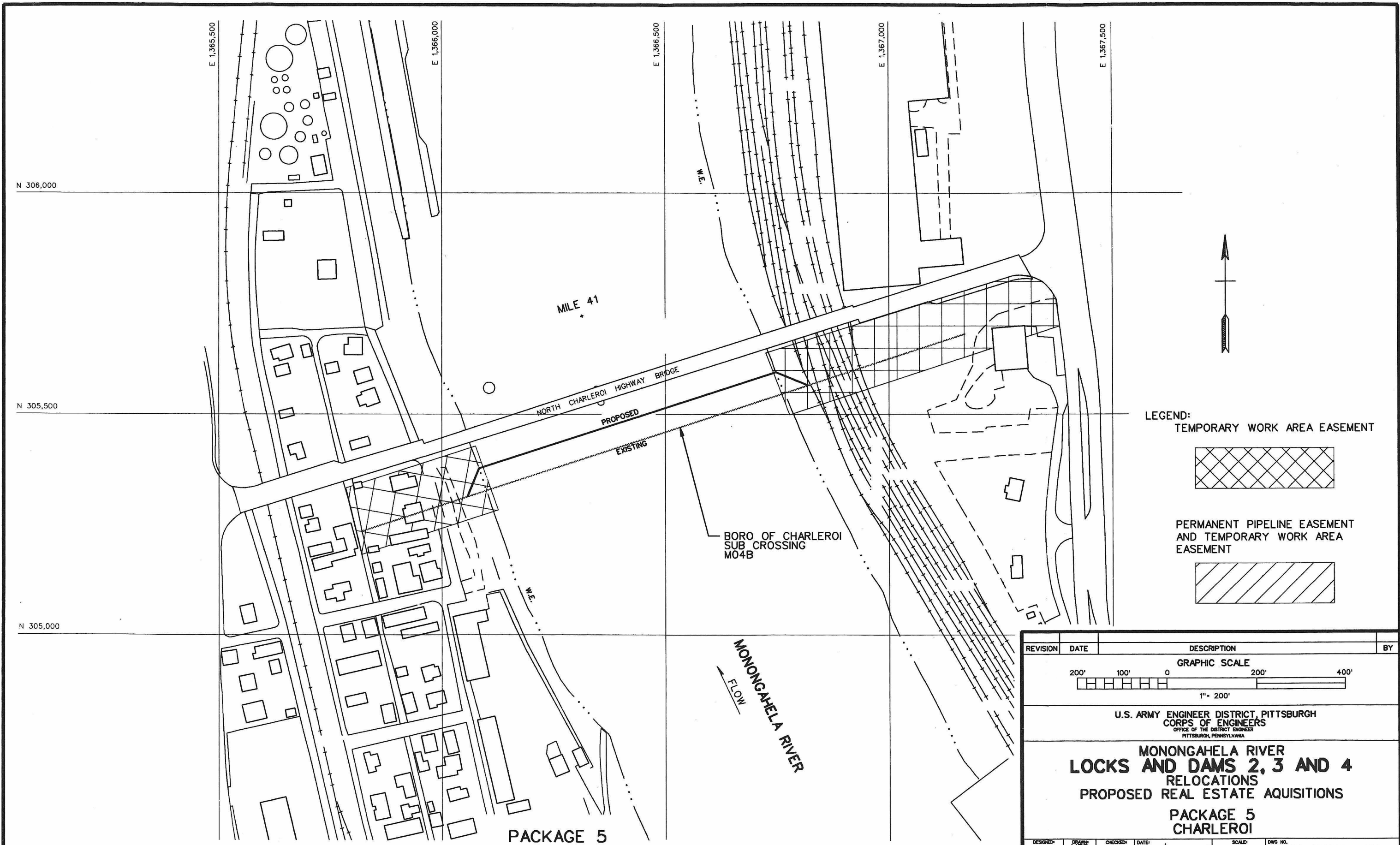


PERMANENT PIPELINE EASEMENT AND TEMPORARY WORK AREA EASEMENT

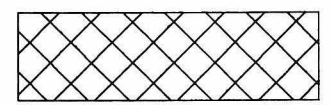


REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGE 4 - LOWER MONONGAHELA MCKEESPORT			
DESIGNED:	DRAWN: MFR CRC	CHECKED: SRF	DATE: 12 Aug. 1994
SCALE: 1" = 200'		DWG NO. 037-R55- 3/09	
APPROVED: <i>David M. Maguire</i> SEATTLE, WA		FB NO. DACW59	
SHEET 5 OF 5		SHEET 5 OF 5	

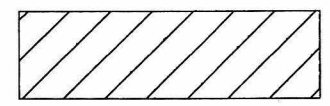




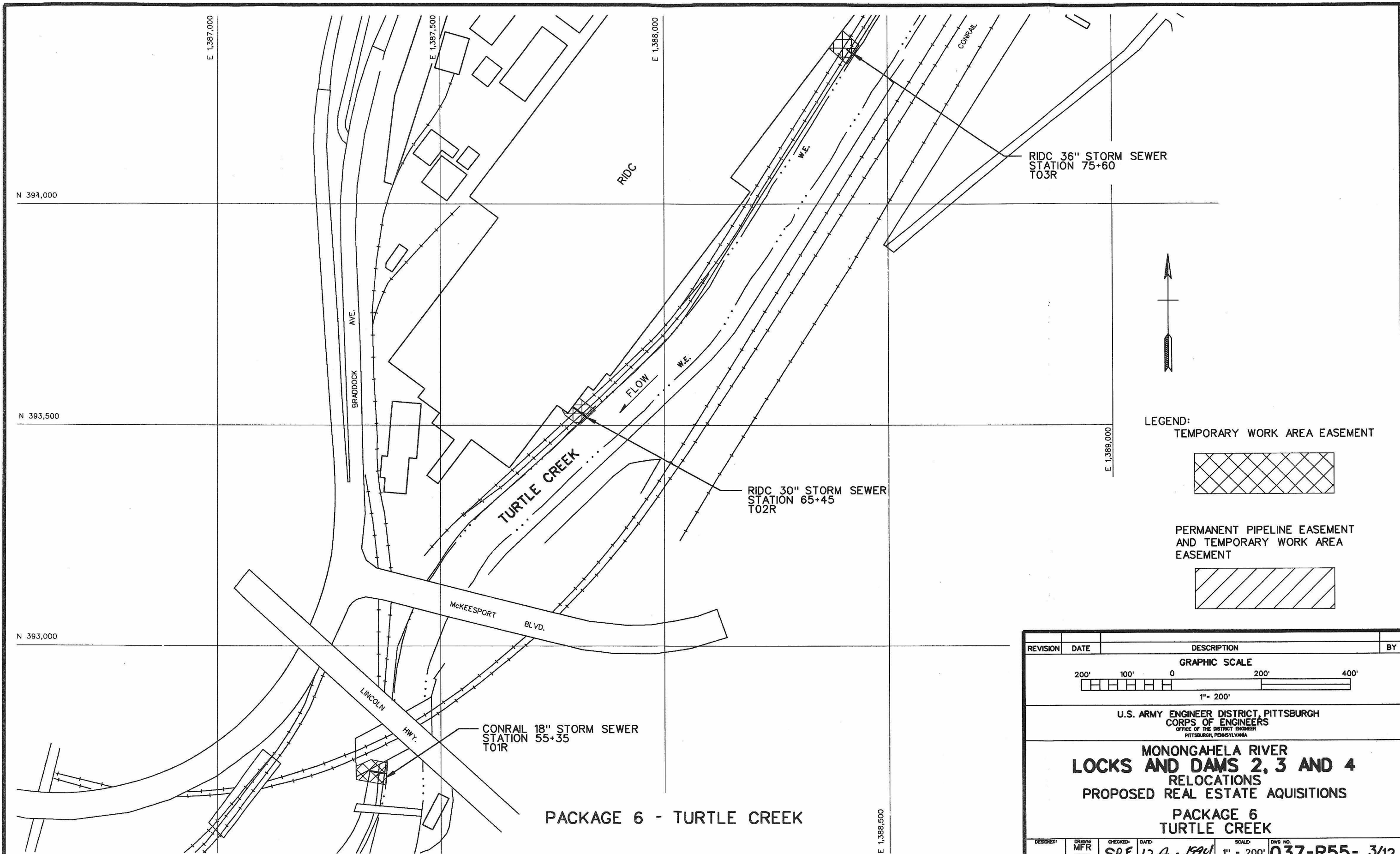
LEGEND:
TEMPORARY WORK AREA EASEMENT



PERMANENT PIPELINE EASEMENT
AND TEMPORARY WORK AREA
EASEMENT

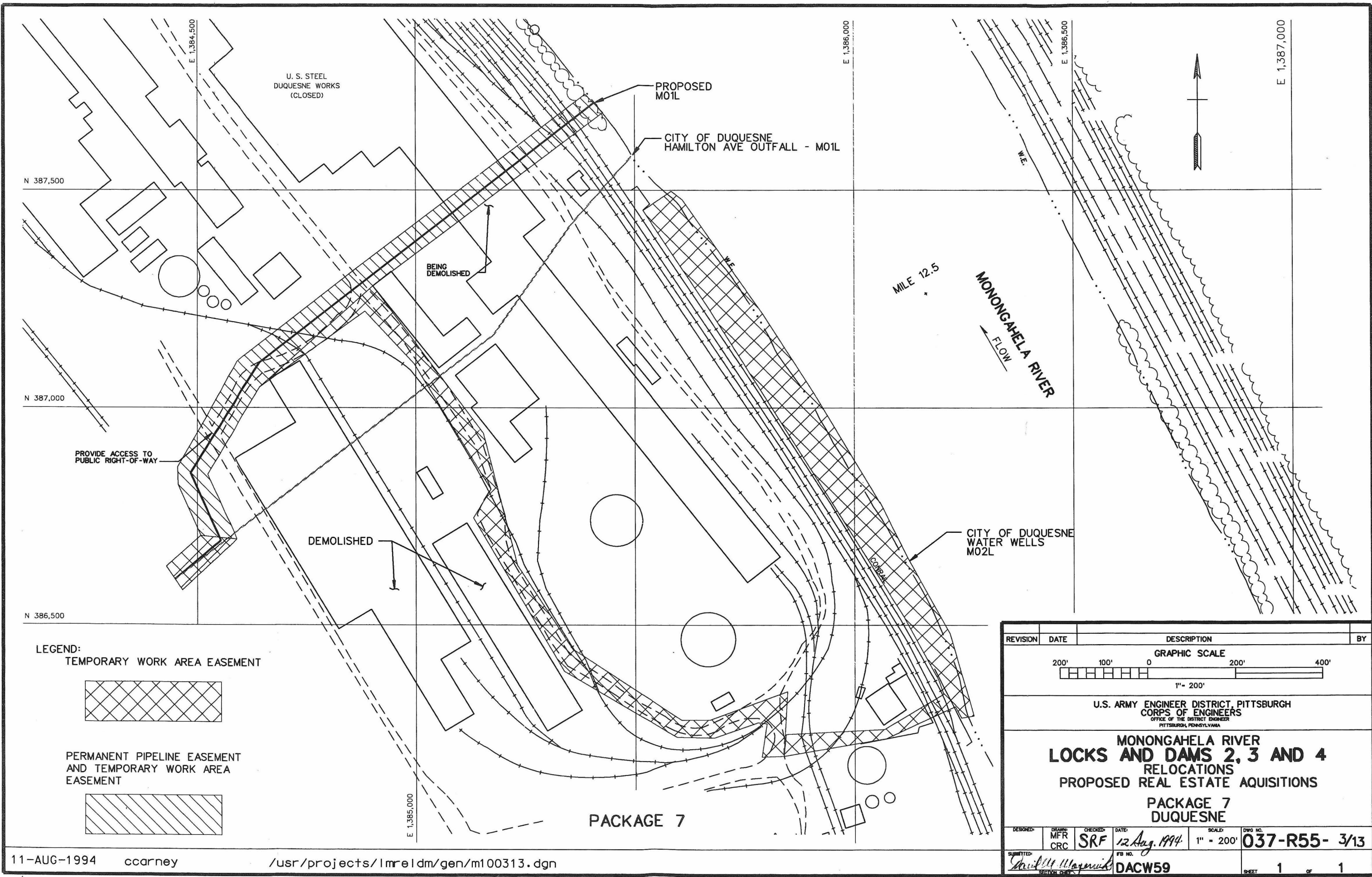


REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGE 5 CHARLEROI			
DESIGNED: MFR CRC	CHECKED: SRF	DATE: 12 Aug 1994	SCALE: 1" = 200'
SUBMITTED: [Signature] SECTION CHIEF			DWG NO. 037-R55- 3/11
FBI NO. DACW59			SHEET 2 OF 2

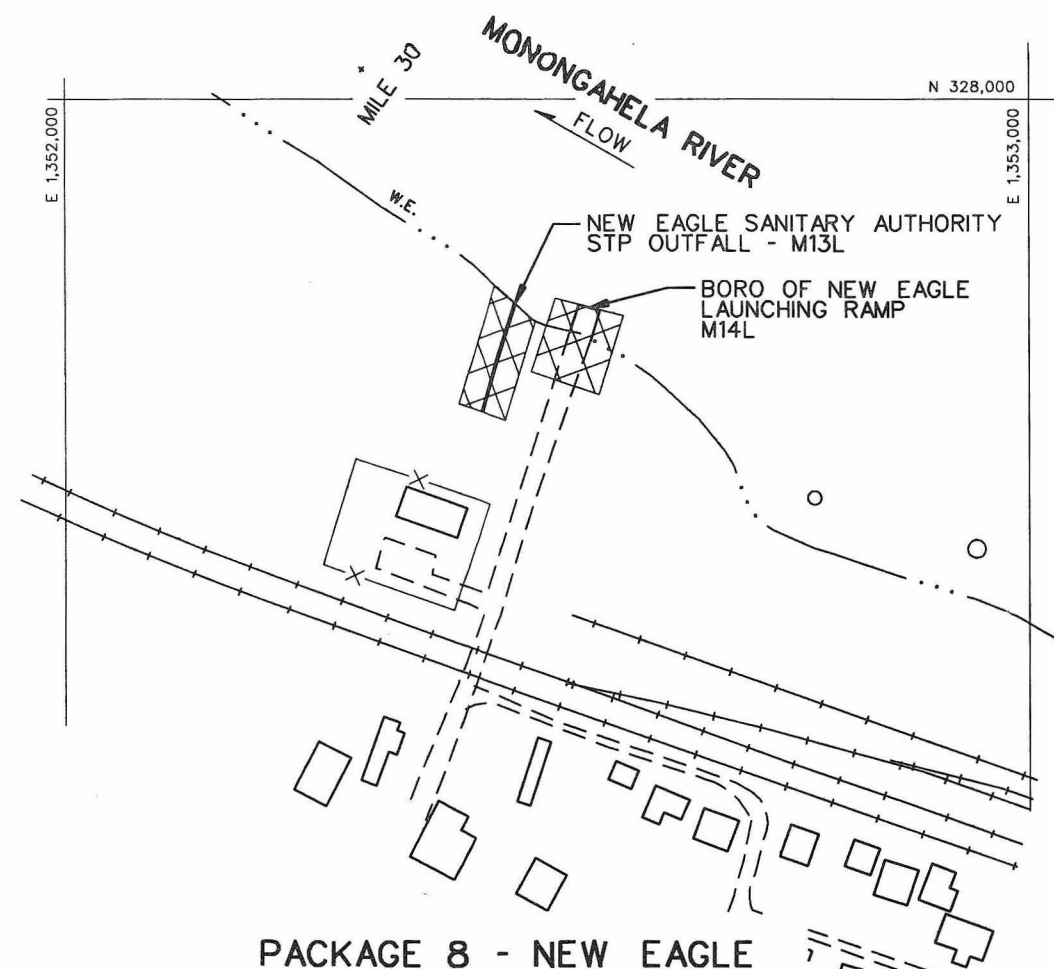


PACKAGE 6 - TURTLE CREEK

REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS			
PACKAGE 6 TURTLE CREEK			
DESIGNED:	DRAWN:	CHECKED:	DATE:
MFR	CRC	SRF	12 Aug 1994
SUBMITTED:		SCALE:	DWG NO.
[Signature]		1" = 200'	037-R55- 3/12
SECTION CHIEF		DACW59	SHEET 1 OF 1



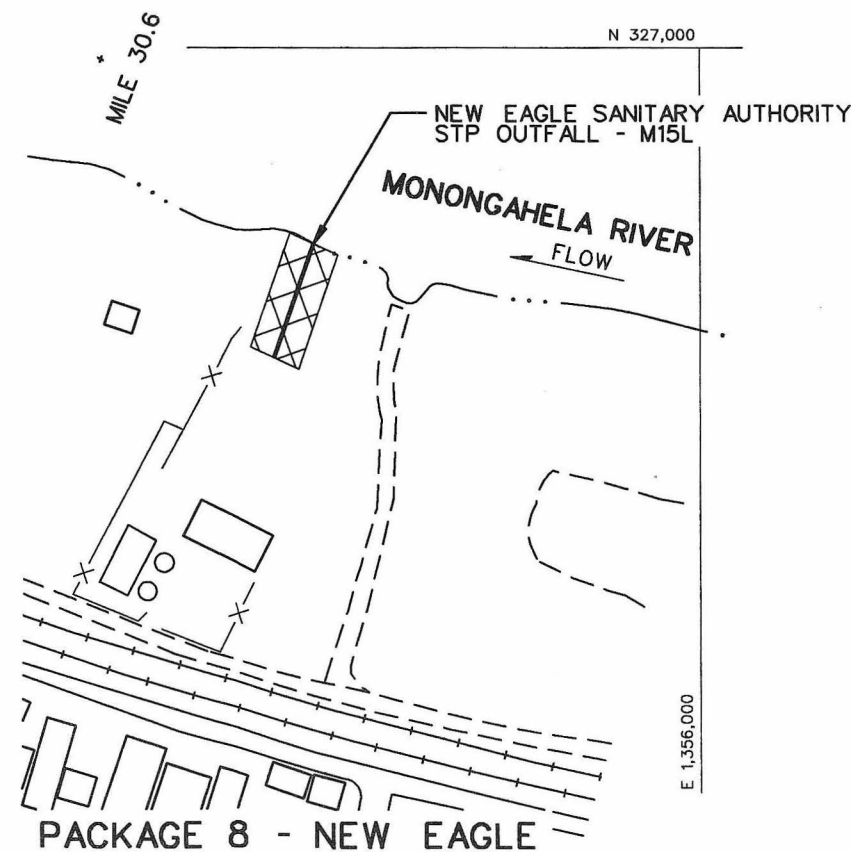
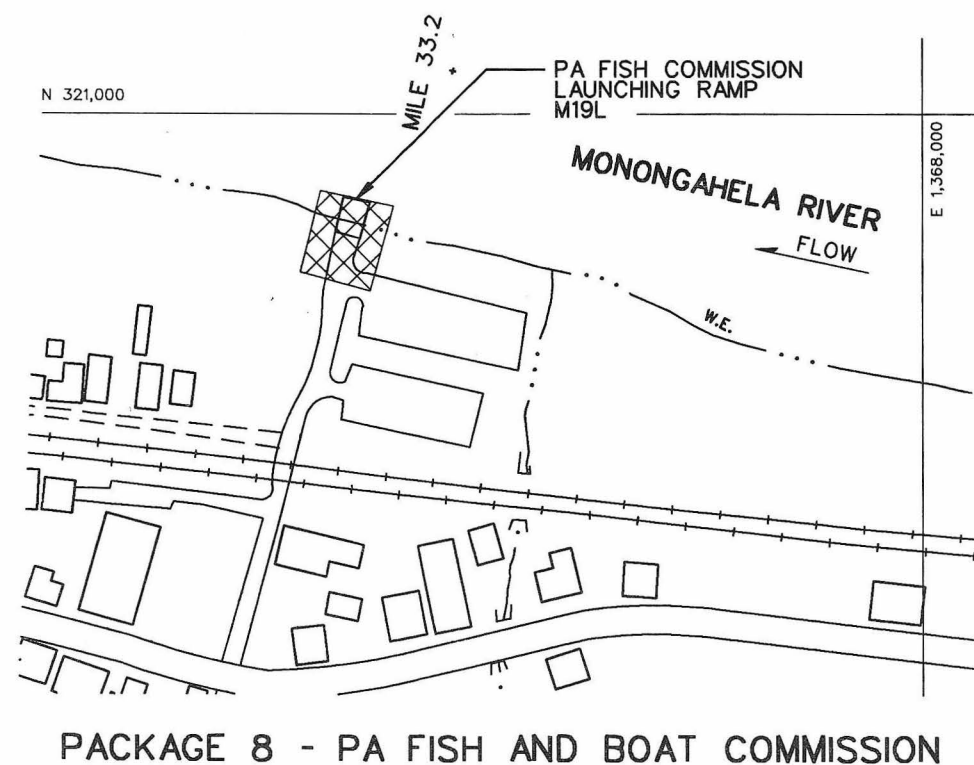
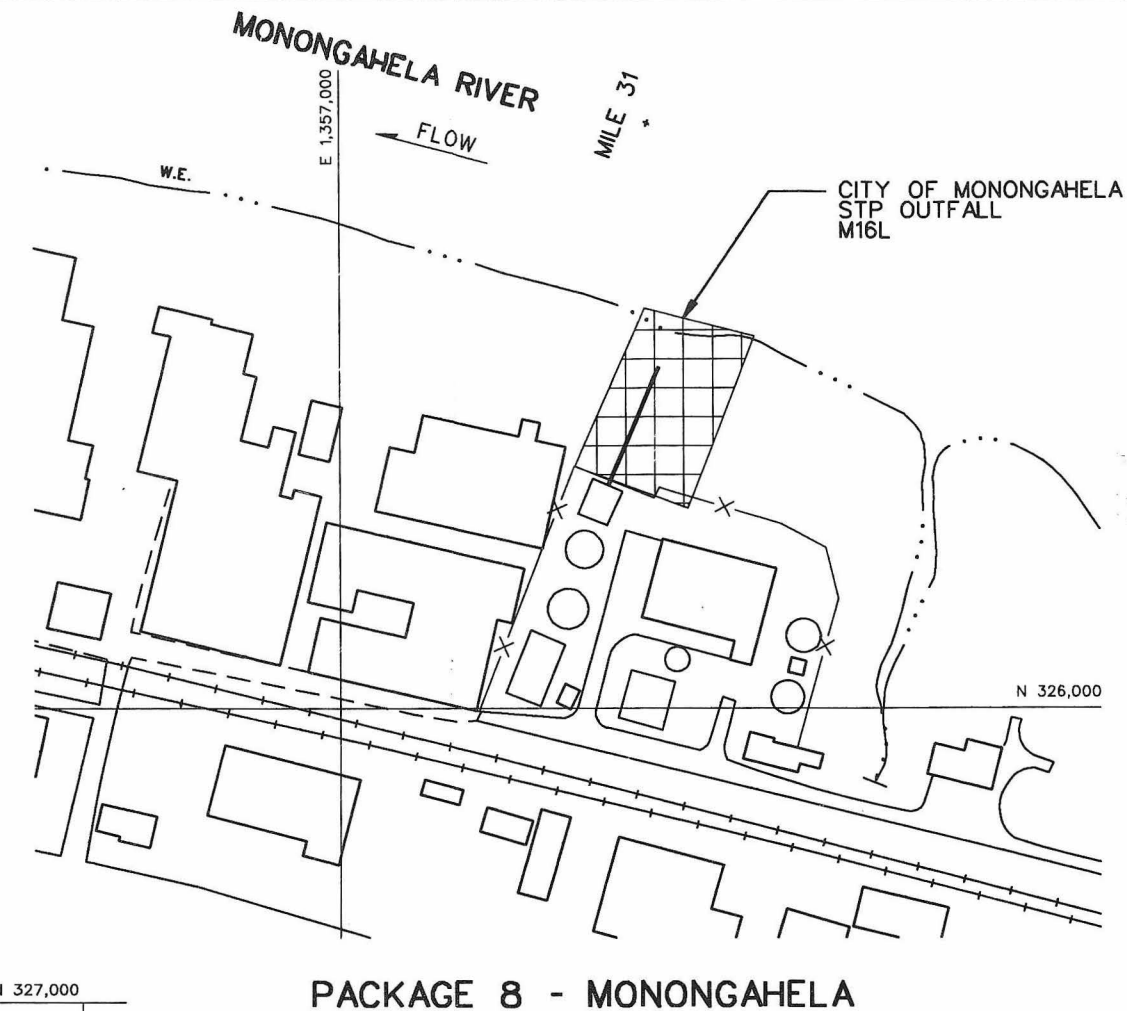
REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGE 7 DUQUESNE			
DESIGNED:	DRAWN:	CHECKED:	DATE:
	MFR	SRF	12 Aug. 1994
SUBMITTED:	SCALE:	DWG NO.	
	1" = 200'	037-R55-	3/13
SECTION DESIGNED DACW59			SHEET 1 of 1



LEGEND:
TEMPORARY WORK AREA EASEMENT



PERMANENT PIPELINE EASEMENT AND TEMPORARY WORK AREA EASEMENT

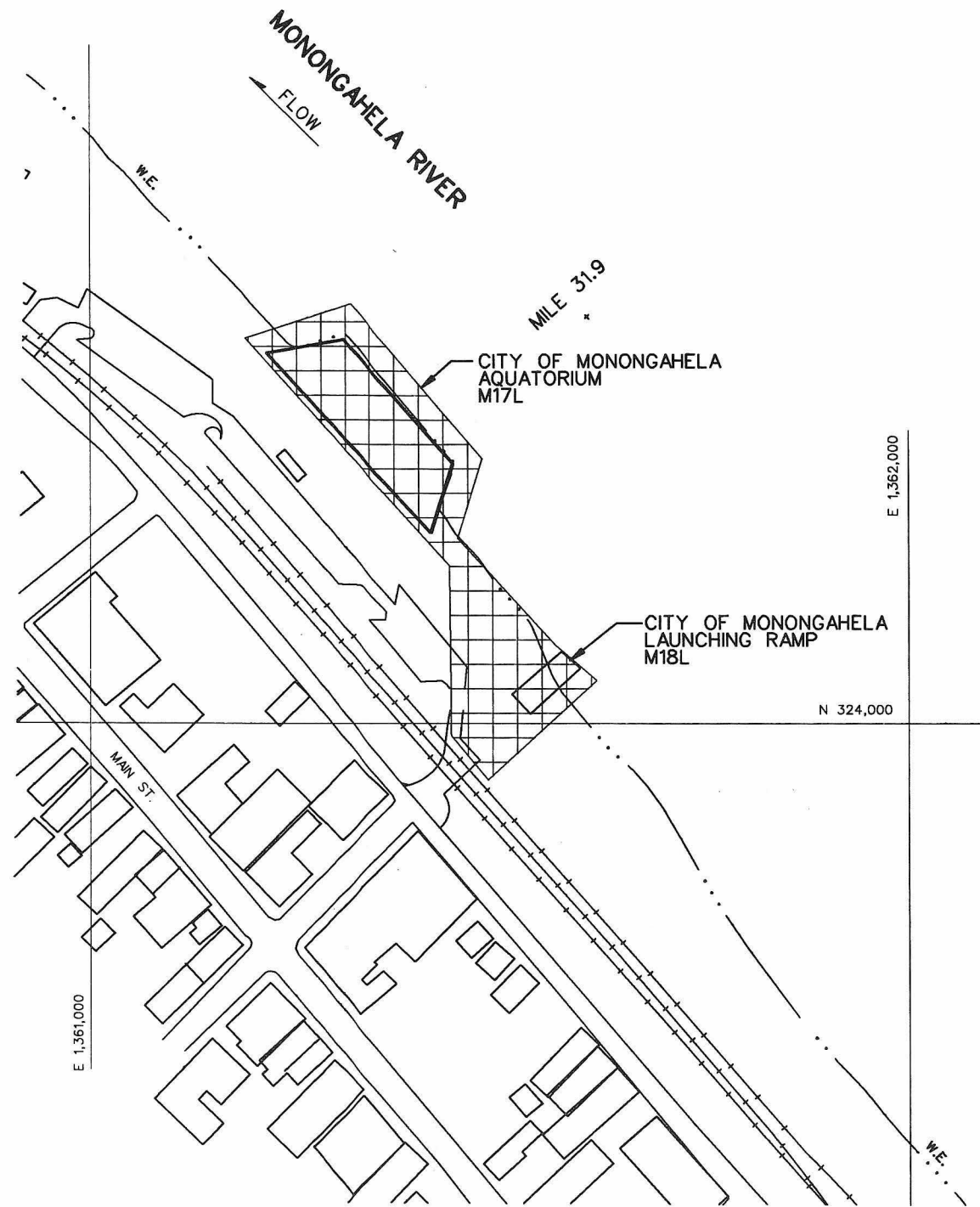


REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGE 8 NEW EAGLE, MONONGAHELA AND PA FISH AND BOAT COMMISSION			
DESIGNED	DRAWN	CHECKED	DATE
	MFR	SRF	12 Aug. 1994
	CRC		
SUBMITTED		DATE	SCALE
Gene M. May		12 Aug. 1994	1" = 200'
SECTION CHIEF		DATE	DWG NO.
			037-R55- 3/14
		DATE	SHEET
		DACW59	1 of 3

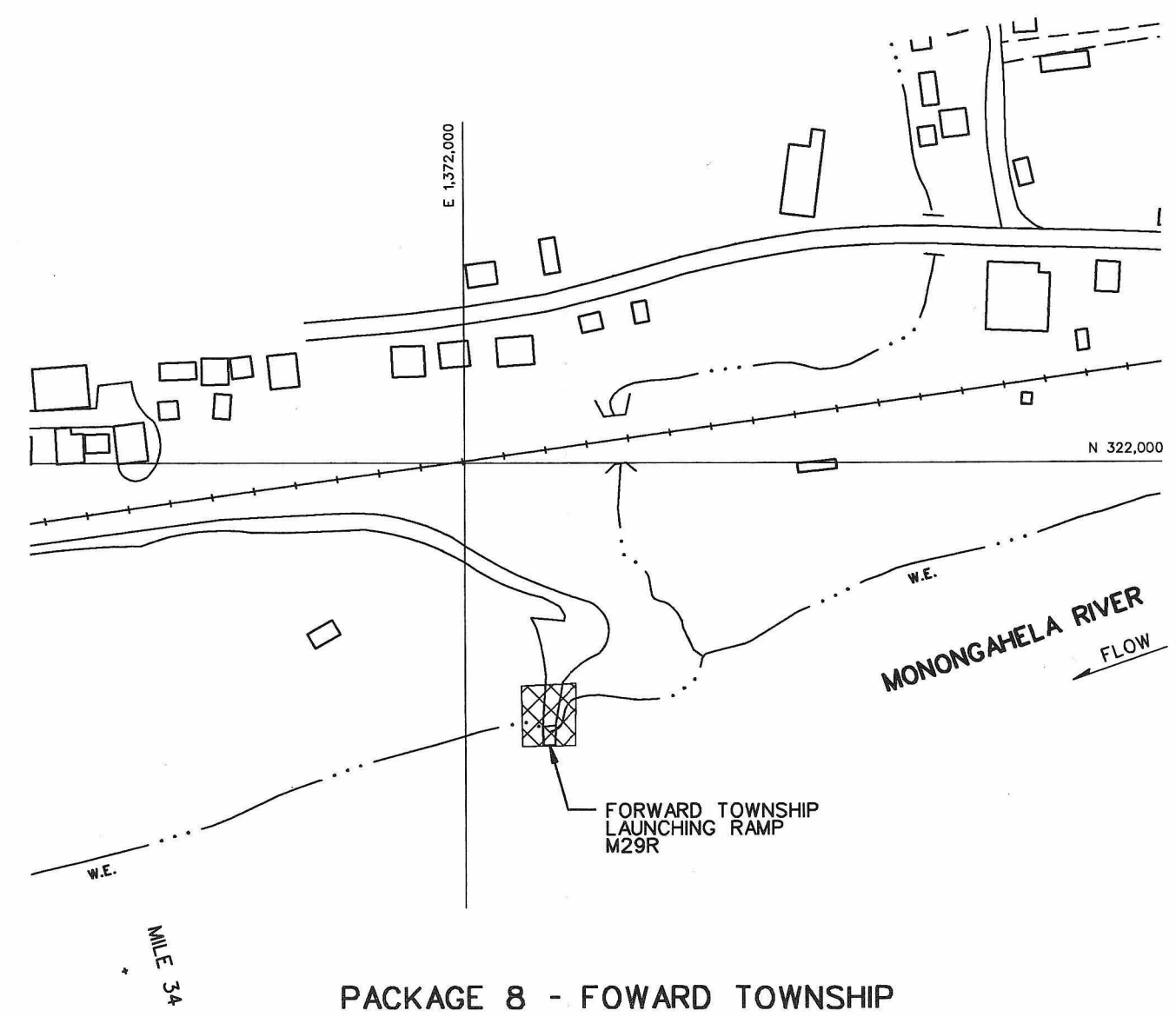
11-AUG-1994

ccarney

/usr/projects/lmreldm/gen/m100314.dgn



PACKAGE 8 - MONONGAHELA



PACKAGE 8 - FOWARD TOWNSHIP

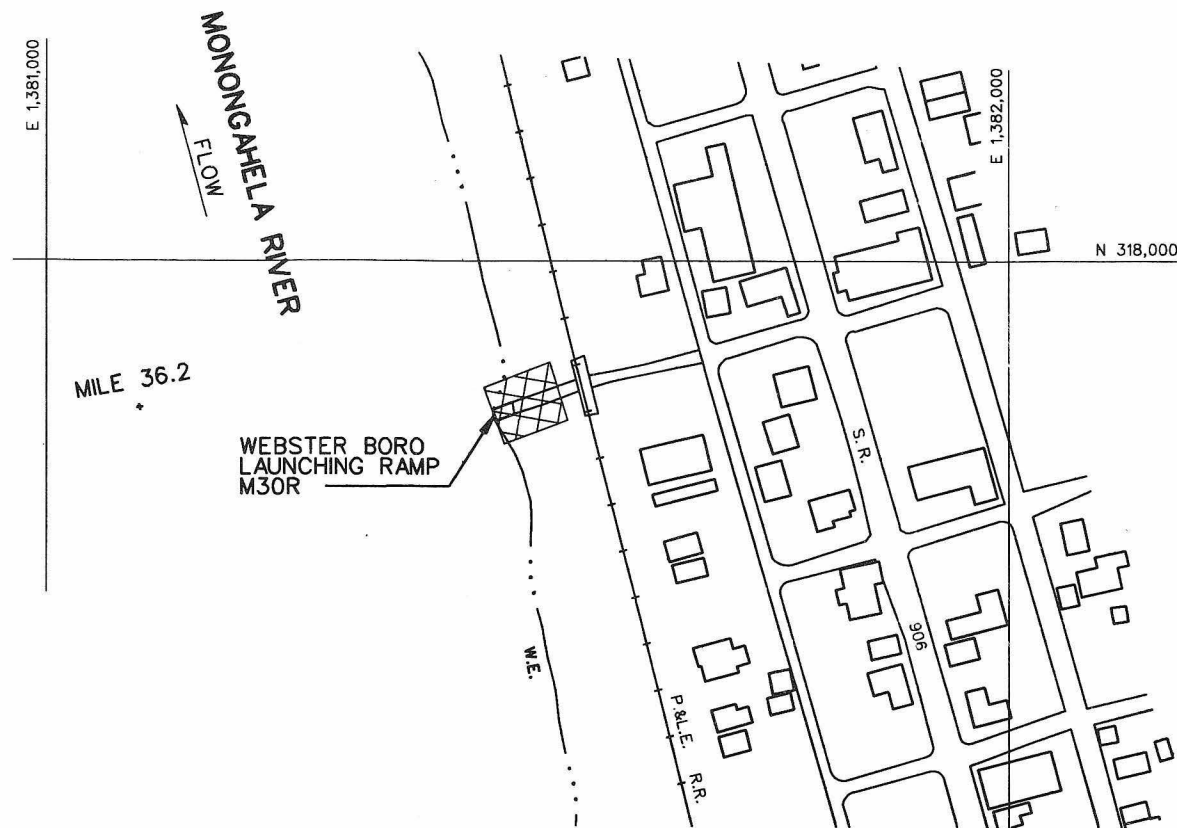
LEGEND:
TEMPORARY WORK AREA EASEMENT



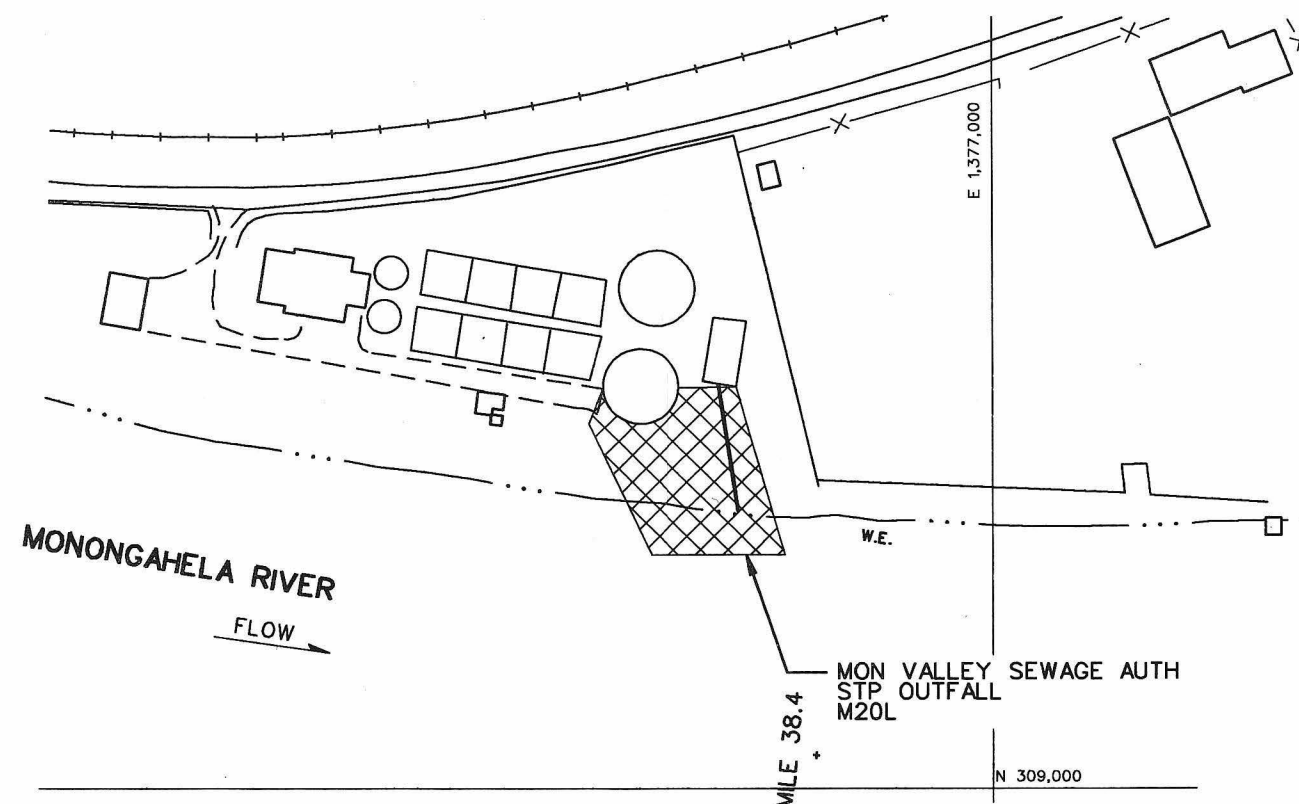
PERMANENT PIPELINE EASEMENT
AND TEMPORARY WORK AREA
EASEMENT



REVISION	DATE	DESCRIPTION	BY
200' 100' 0' GRAPHIC SCALE 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS			
PACKAGE 8 MONONGAHELA AND FOWARD TOWNSHIP			
DESIGNED	DRAWN MFR CRC	CHECKED SRF	DATE 12 Aug. 1994
SCALE 1" = 200'		DWD NO. 037-R55- 3/15	
SUBMITTED M. L. Maynard		FEB NO. DACW59	
SHEET		2 OF 3	



PACKAGE 8 - WEBSTER BORO

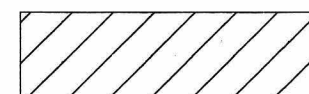


PACKAGE 8 - MON VALLEY SEWAGE AUTHORITY

LEGEND:
TEMPORARY WORK AREA EASEMENT



PERMANENT PIPELINE EASEMENT
AND TEMPORARY WORK AREA
EASEMENT



REVISION	DATE	DESCRIPTION	BY
GRAPHIC SCALE 200' 100' 0 200' 400' 1" = 200'			
U.S. ARMY ENGINEER DISTRICT, PITTSBURGH CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER PITTSBURGH, PENNSYLVANIA			
MONONGAHELA RIVER LOCKS AND DAMS 2, 3 AND 4 RELOCATIONS PROPOSED REAL ESTATE ACQUISITIONS PACKAGE 8 WEBSTER BORO AND MON VALLEY SEWAGE AUTHORITY			
DESIGNED	DRAWN	CHECKED	DATE
MFR	CRC	SRF	12 Aug 1994
SCALE			DWG NO.
1" = 200'			037-R55- 3/16
SUBMITTED			BY
14 May 1994			DACW59
SHEET			3 OF 3

11-AUG-1994

ccarney

/usr/projects/lmreldm/gen/m100316.dgn

Mr. Fritz/3538 *LFJ*

May 4 1993

General Engineering and
Relocations, Design Branch

Subject: Locks and Dams 2, 3 and 4 Monongahela River Project,
Request for Guidance on Combination Sewer Systems

Mr. Steve Balta, Chief of Planning
Water Management Program
Pennsylvania Dept. of Environmental Resources
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

Dear Mr. Balta:

The U.S. Army Corps of Engineers, Pittsburgh District, is currently investigating the relocation of the diversion portions of existing combined sewer systems for the subject project. These relocations will involve various communities along the Monongahela River between Locks and Dams 2 and 3.

The approved project, which would raise the river level (pool) between Locks and Dams 2 and 3 a nominal five (5.0) feet, may affect combined sewer systems in the following communities: Dravosburg, Duquesne, Elizabeth, Glassport, McKeesport and West Elizabeth. The existing systems are equipped with "regulator" or "diversion" type manholes which divert storm and sanitary flow to the river during significant storm events.

Because of the pool increase, certain components of these combination systems (i.e., diversion outfalls, regulators and associated piping) may need to be raised. Because we are affecting an existing combined sewer, publication DER #1357-8/91, "Domestic Wastewater Facilities Manual", Part III, paragraph 21, states that we may replace a combined sewer with a sewer of the same type if there is no adverse affect to the receiving stream. Therefore, it is our intent to raise the affected portions of these systems, in accordance with the above publication and also with our District Policy for the relocation of utility features, in order to provide replacement facilities which are at least equal to those of the pre-project condition.

We request your guidance on the procedures required to keep us within the current regulations as set by the Department of Environmental Resources. Enclosed, for your information and comments, is a copy of our District Policy for the relocation of utility features for the subject project. My point of contact in this matter is Mr. Stephen R. Fritz in our General Engineering and Relocations Section, telephone number 412-644-3538.

Sincerely,

Harold F. Alvord
Colonel, Corps of Engineers
District Engineer

Enclosure

CF:
Riley ED-DS
Edwardo ED-DL

Mayernik	ED-DG	<i>Qu 5/3</i>
Zovack	ED-DE	<i>F.2 5/3</i>
Krysa	ED-D	<i>KK</i>
Remaly	ED-D	<i>Qu 5/3</i>
Gribar	ED	<i>to</i>
Lucas	ED	<i>djl 5/4</i>
Hopson	EA	<i>ack 4 May</i>
Cingle	BP	<i>4/14</i>
Stevens	DD	<i>5/3</i>



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

SOUTHWEST REGION - FIELD OPERATIONS
WATER MANAGEMENT

400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745
(412) 442-4000 (answers 24 hrs.)

July 6, 1993

Colonel Harold F. Alvord, District Engineer
Pittsburgh District, Corp of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

RE: Locks & Dams 2, 3, & 4
Monongahela River Project
Request for Guidance on
Combination Sewer Systems

Dear Colonel Alvord:

This letter is in response to your May 4, 1993 request for Department requirements relative to relocation of combined storm and sewerage facilities along the Monongahela River as a result of the Locks & Dams 2, 3, and 4 project. Combined sewer systems were the product of an evolutionary process. Open ditches gave way to buried pipes to carry household wastes and roadway drainage to the rivers. Over time the owners of these systems were forced to intercept the waste before it reached the rivers so it could be conveyed to a common point for treatment before being discharged. The "diversion and regulator structures" at each interceptor connection are the safety valves in these systems. Each structure, depending on it's design and when it was permitted, is suppose to relieve the system of any storm induced flows in excess of 350% of the dry weather sewage flows tributary to the structure.

Combined sewer systems are a product of the past and a problem of the present. This Department no longer allows combined systems to be constructed or extended. It is certainly expected, however, that the systems will be kept in good repair. For that reason, paragraph 21 of our "Domestic Wastewater Facilities Manual" states that combined sewers may be replaced with combined sewers. If further states that combined sewer overflows shall not be permitted at points where they will adversely affect the receiving stream, thus we would not approve any propose relocation of such overflows from the main stream of the river to a point upstream on a tributary, as an example. The overflow locations, from a Water Quality standpoint, need to be along the largest flowing body of water available to minimize the effect of overflow on that stream. The importance of minimizing the impacts that these overflows might have on the receiving streams has become increasingly clear in recent years since EPA published and has been vigorously promoting it's National Combined Sewer

Overflow (CSO) Control Strategy. The objectives of the Strategy are to: ensure overflows are active only in wet weather, bring CSO's into compliance with the Clean Water Act, and minimize water quality impacts from CSO's. The Department's position with respect to combined sewer systems is rather simple. Unless a particular combined sewer system is found to be causing an adverse affect on a receiving stream, the Department primarily requires that the owner of the system maintain and operate the system in a same manner as when originally designed and permitted. In addition, the NPDES permit for each Municipality with a sewage treatment plant and a combined sewer system, stipulates that each CSO be monitored for the cause, frequency, duration, and quantity of flow. Given the above position, any modifications to a combined system should be designed to either maintain or improve the operation of the system. For example:

- All parts of the sewer system should remain accessible for maintenance after the changes to the pool elevations.
- Sewer system modification should be designed to ensure that river waters will not drain back into the sewer system and cause hydraulic overloading of the sewerage system.
- The sewer system should be modified if a pool increase will cause surcharging of an existing sewer line that is tributary to the diversion of structure.
- Modifications should maintain or delay the system's response time to storm events (e.g. the same amount of wastewater or more should be conveyed to the treatment plant before the system initiates a stormwater diversion discharge. Municipal files, design engineer reports, and other permit file documents should be researched for information of that type.)
- The hydraulic profile of any proposed modification should be carefully evaluated to ensure there are no adverse impacts to any existing customers of the sewerage system in question.
- Assume that a particular diversion and/or regulator, at present, discharges by gravity during storm events. Modifications should be avoided that would require pumping of the excess stormwater in order for it to be discharged. Such modifications would add complexity to the system and a long term economic burden to the users. The same would be true of modifications that would necessitate the use of pumps to convey sewage from individual homes.

July 6, 1993

- As with any rehabilitative or repair work on an existing sewer system, construction specifications for the project must explicitly require that sewage service not be interrupted, that there are to be no discharges of untreated sewage during construction, and that the contractor provide a written plan to demonstrate that intent.

Your design criteria for sanitary sewers indicates that "the characteristics and requirements for each affected facility are likely to be site specific". We agree with that statement and urge you to work closely with each Municipality's or Authority's engineer. We would anticipate that most system modifications which you will encounter will necessitate a new or amended water quality management permit because of the interceptor work and possibly minor amendments to the Municipality's NPDES permit. These issues can be discussed further as your investigations progress. If you have any questions, please call 412-442-4000.

Sincerely,

Stephen R Balta

Stephen R. Balta
Planning Chief

SRB:mcc: r t

cc: Operations Section

CR

2. LEBDER

1. ~~LUCAS~~ ED ~~gr~~
3. ~~GRIBAR~~ - ED - ~~DA~~
4. ED ~~DA~~ ED ~~OG~~ ^{TD}
5. EA-AA file

The Municipal Authority

of the City of McKeesport

100 Atlantic Avenue
McKeesport, PA 15132

Office: 673-8276

Members of the Board

JOSEPH J. BENDEL
REGIS T. McLAUGHLIN
EDWARD J. OANSAK
HARRY T. IRVIN, SR.
WILLIAM J. TOMKO

M. J. TRCMBCLA
Superintendent
Phone 673-9701

August 5, 1993

U. S. Army Corps of Engineers
Wm. S. Moorehead Federal Building
1000 Liberty Avenue
CEORP-ED-DG
Pittsburgh, Pennsylvania 15222-4186

ATTENTION: Mr. Stephen R. Fritz

Gentlemen:

Monongahela River Lock & Dam Project

As you are aware, the Municipal Authority of the City of McKeesport owns and operates an extensive combined sanitary/storm sewer system serving a total of nine communities. The operation and maintenance of twenty-eight (28) existing regulator chambers and thirty (30) outfall pipes, including two (2) by-passes and the main WWTP outfall, on the Monongahela and Youghiogheny Rivers is of critical importance to the proper management of the system.

This letter is to express the Authority's concern regarding the referenced project and the potential impact of higher river levels on the operation and maintenance of the facilities described above. Flooding of regulator chambers by river water or siltation and plugging of outfall pipes could cause serious hydraulic overloads of the sewer system and Wastewater Treatment Plant, resulting in a significantly reduced hydraulic capacity for carrying municipal sewage.

Such hydraulic overloads could result in surcharging and overflowing of the system from manholes or other unregulated points, resulting in potential health and safety hazards for Authority customers.

U. S. Army Corps of Engineers
Page 2
August 5, 1993

The potential reduction of available capacity at the Wastewater Treatment Plant, due to increased storm flows or inflow of river water in the system, is also of concern to the Authority from an economic standpoint. Increased flows, without the addition of customers, results in the associated increase in treatment costs being passed on to existing customers. Also, if treatment capacity is lost to increased river and storm water flows, potential growth and development of new areas in the contributing municipalities may have to be curtailed due to insufficient capacity for receiving additional sewage flows.

It is the Authority's understanding that all costs incurred by the Authority, related to the planning, design, and construction of modifications to the existing public sewer system as a result of the lock and dam project, will be paid for or reimbursed by the Federal Government. The Authority is presently incurring such costs for locating existing facilities and providing information to the Corps of Engineers through paid consultants. The Authority would appreciate a letter from the Corps of Engineers stating the Corps' intentions for reimbursement of these costs. The Authority also understands that the Corps is currently conducting field surveys of the existing sewer facilities; and that the resulting comprehensive report and technical evaluation of the impact of the Lock and Dam Project on Authority facilities will be sent to the Authority for review and approval.

The Authority is prepared to assist the Corps of Engineers as required, in order to ensure the protection and integrity of these existing public facilities. Your response to the concerns outlined here will be appreciated.

Very truly yours,

THE MUNICIPAL AUTHORITY OF
THE CITY OF McKEESPORT

Michael J. Trombola
Michael J. Trombola
Superintendent

MJT:rrp

cc: Authority Board Members
K.L.H. Engineers, Inc.
Kenneth E. Kohl, Jr. Esq.

August 12, 1993

CEORP-ED-DG

SUBJECT: Locks and Dams 2, 3 and 4, Monongahela River Navigation Project

Mr. Michael J. Trombola, Superintendent
The Municipal Authority of the City of McKeesport
100 Atlantic Avenue
McKeesport, PA 15132

Dear Mr. Trombola:

Reference is made to your letter of August 5, 1993 wherein you express certain concerns regarding the subject project.

As you know, your system is located upstream of Lock^S and Dam 2 and will be affected by the five-foot pool rise created by the new dam. We are currently investigating all existing sewer facilities in this area in order to determine the remedial measures required to ensure that the systems will continue to operate at the same level of efficiency. The results of this investigation will be documented in a Design Memorandum scheduled for completion in April 1994. We intend to send the Authority the results of our investigation of the combined sanitary/storm sewer system for your review and comments in September 1993. We will then arrange a meeting to discuss your views on the proposed work and also to discuss future contractual items.

The Authority will be reimbursed for all applicable costs incurred during the current investigative stage of the project. You should therefore keep accurate records of those costs with proper documentation. These documented expenses will be paid as administrative costs in the future Relocation Contract to be negotiated between our offices once the necessary remedial measures are determined. No payment can be made until this contract is executed. This subject will be discussed at the future meeting mentioned above.

We understand your concerns and we intend to cooperate fully with the Authority as we mutually work towards completion of this project.

Sincerely,

 5/17
Leonard J. Lucas
Chief, Engineering Division

September 9, 1993

Engineering Division

USS Division of USX Corporation
 Edgar Thomson Plant
 ATTN: Mr. George R. Fignar
 1206 Braddock Avenue
 Braddock, Pennsylvania 15104

Dear Mr. Fignar:

This letter is in reference to our Locks and Dams 2, 3 and 4 Monongahela River Navigation Project and the effects that the project's higher Pool 2 may have along Turtle Creek in the area of your property. The Corps of Engineers has completed a field inspection of the storm sewers along Turtle Creek in this area. The following facilities in this area are believed to be owned by USX Corporation.

<u>Station on</u> <u>Turtle Creek</u>	<u>Facility</u>	<u>COE Comments/Questions</u>
08+86 Rt. Bk.	18"x18" Intake	See Note 1.
17+75 Rt. Bk.	6.0'x8.3' concrete arch culvert	See Note 2.
21+90 Rt. Bk.	21" RCP	See Notes 3. thru 7.

Notes

1. Since increasing the hydraulic head (raising the existing pool elevation) increases flow through the intake, we will not recommend relocating this facility.
2. Since this culvert is an outfall from a U. S. Steel Open Hearth Facility which is not functional and since USX Corporation intends to line the inside of this culvert, we intend not to relocate this facility.
3. Attached Sketches "A" and "B" show the approximate location of the outfall with respect to the Edgar Thomson Plant complex and also indicate field survey information.
4. Is this pipe the outfall for the roof drainage runoff from Building "A" (as labeled on attached Sketch "A")?

5. If this pipe is not the outfall for roof drainage, is its source on USX Corporation property and where is its source located?

6. If this pipe was originally designed to handle roof drainage runoff from Building "A", is this pipe functional since Building "A" appears to be abandoned?

7. Based on our inspection of the drainage structure, it appears that this pipe has been non-functional. If this is true and if USX Corporation does not intend to use this facility to discharge drainage in the future, we see no need for making an alteration (raising) of this facility.

Please review our above comments/questions and respond by 24 September 1993. My point of contact in Engineering Division is LeRoy (Bo) Bosetti at 644-4151, who will be available to discuss the above.

Sincerely,

for Leonard J. Lucas, P. E.
Chief, Engineering Division

Enclosures:
a. Sketch "A"
b. Sketch "B"

CF: Hank Edwardo, DL-M
Bruce Riley, ED-DS

Mayernik ED-DG *9/9*
Remaly ED-D *9/9*
Gribar ED-D *9/9*
SALESKY ED *9/9*

READING/RECORD FILE

September 17, 1993

Engineering Division

Allegheny County Sanitary Authority
ATTN: Mr. Albert Schneider
3300 Preble Avenue
Pittsburgh, Pennsylvania 15233

Dear Mr. Schneider:

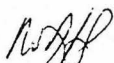
This letter is in reference to your telephone conversation with LeRoy (Bo) Bosetti of my staff concerning our preparation of a Design Memorandum for the Locks and Dams 2, 3 and 4 Monongahela River Navigation Project. The project's higher pool may affect facilities along Turtle Creek in the area of the Keystone Commons Industrial Park, specifically the facility at station 75+60 right bank of Turtle Creek. The facility is a manhole with a 10" CIP overflow apparently discharging into a 36" CIP.

As a result of your request, we have enclosed a copy of the following:

- a. Drawing No. 037a.1-P1-82/14.1 of our Turtle Creek Flood Protection Project - The 36" CIP is highlighted in yellow.
- b. Sketch "A" which indicates our field survey information - The 36" CIP, 10" CIP and manhole are highlighted in yellow.
- c. Sketch "B" which is taken from the original General Plan of Sewers, Storm Sewers & Outfalls - Westinghouse, East Pittsburgh Works - The 10" CIP is highlighted in yellow.

In regard to the 36" CIP under consideration, the following discussion is offered. Our information, including that obtained from a representative of RIDC, indicates that the pipe is a component of the overflow system from the manhole. If you have any additional information on this pipe, please contact Mr. Bosetti at 644-4151.

Sincerely,


Leonard J. Lucas, P. E.
Chief, Engineering Division

Enclosures

September 20, 1993

Engineering Division

Union Railroad Company
ATTN: Mr. Rick Janus
135 Jamison Lane
Monroeville, Pennsylvania 15146

Dear Mr. Janus:

This letter is in reference to our preparation of a Design Memorandum for the Locks and Dams 2, 3 and 4 Monongahela River Navigation Project and the effects that the project's higher pool may have along Turtle Creek in the area of your property. The Corps of Engineers has completed a field inspection of the storm sewers along Turtle Creek in this area.

The following discussion is offered for facilities in this area believed to be owned by Union Railroad.

1. 18" RCP, approximate Station 09+82 Rt. Bk. on Turtle Creek - This pipe was indicated in our Feasibility Report of December 1991 and was located in the field. Our field survey indicates that the submergence of the outfall of this pipe at the new pool elevation 723.7 is at a depth less than 1/3 of its diameter. This degree of submergence lessens the likelihood of sediment build-up and creates acceptable (minimal) capacity reduction meeting our design criteria for relocation of culverts. As the pipe will meet our design criteria after the pool raise, no remedial measures will be accomplished.

2. 36" Stone Pipe, approximate Station 20+55 Rt. Bk. on Turtle Creek - This pipe was not included in our Feasibility Report but was shown on the Turtle Creek Flood Protection Project drawings. For this reason, field surveys and other investigations were accomplished in order to locate the pipe. It is noted that the pipe cannot be found in the field and is not indicated on Union Railroad drawings. It is thus concluded that the pipe does not exist and no further study is possible.

3. 21" RCP, approximate Station 26+40 Rt. Bk. on Turtle Creek - This pipe was originally included in our Feasibility Report; however, it cannot be found in the field. As the pipe also cannot be found on Union Railroad drawings, it is concluded that the pipe does not exist and thus no further study is possible.


Bosetti/4151

September 23, 1993

General Engineering
& Relocations Section,
Design Branch

Consolidated Rail Corporation
ATTN: Mr. Paul H. Kaufmann, P.E.
P.O. Box 41412
Two Commerce Square
2001 Market Street 12-B
Philadelphia, Pennsylvania 19101-1412

Dear Mr. Kaufmann:

This letter is in reference to our preparation of a Design Memorandum for the Locks and Dams 2, 3 and 4 Monongahela River Project and the effects that the project's higher pool may have along Turtle Creek. The Corps of Engineers has recently completed a field inspection of storm sewer facilities along Turtle Creek in the area of your property. The following facilities have been located in this area and are believed to be owned by Conrail. Also, we have investigated each facility and as a result of our investigations the following actions are proposed. It is noted that the location of the facilities can be found on the enclosed drawing.

a. 18" RCP located at Station 55+35 on Turtle Creek, Right Bank. - Our field survey indicates that the submergence of the outfall of this pipe by the new pool elevation 723.7 is at a depth greater than $1/3$ of its diameter. This degree of submergence increases the likelihood of sediment build-up and creates an unacceptable capacity reduction. Therefore this pipe is required to be relocated.

b. 30" CIP located at Station 56+55 on Turtle Creek, Right Bank. - Our field survey indicates that the submergence of the outfall of this pipe by the new pool elevation 723.7 is at a depth less than $1/3$ of its diameter. This degree of submergence decreases the likelihood of sediment build-up and creates an acceptable (minimal) capacity reduction. As the capacity of the pipe will meet our design criteria for relocation of culverts for this project, no remedial measures will be accomplished.

-2-

Please confirm the ownership of the storm sewer facilities and also review the above information and forward any comments or questions to LeRoy (Bo) Bosetti of my staff at (412) 644-4151.

Sincerely,

ljl P.E.

Leonard J. Lucas, P.E.
Chief, Engineering Division

Enclosure

CF: Hank Edwardo CEORP-DL-M

Mayernik	ED-DG	<i>[Signature]</i>
Riley	ED-DS	<i>OK</i>
Remaly	ED-D	<i>[Signature]</i>
Gribar	ED-D	<i>[Signature]</i>
Salesky	ED	<i>[Signature]</i>

Files: Enclosure not attached, informational purposes on

READING/RECORD FILE COPY

Mr. Fritz/3538

September 30, 1993

General Engineering and
Relocations Section, Design Branch

Mr. Steve Balta, Chief of Planning
Water Management Program
Pennsylvania Department of Environmental Resources
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

Dear Mr. Balta:

As per the telephone conversation of September 15, 1993, between yourself and Mr. Stephen Fritz of my staff, enclosed is a copy of the U.S. Army Corps of Engineers preliminary proposal to adjust sewer facilities in the Borough of West Elizabeth for our Monongahela River Project. Also enclosed are hydraulic data pertaining to the Monongahela River in the vicinity of West Elizabeth and additional hydraulic data for the affected facilities.

West Elizabeth currently has six (6) combined sewers which outfall on the Monongahela River. Five (5) of the six (6) outfalls and the main interceptor line will be adversely impacted by the Monongahela River Project. The proposal is to raise the affected sewers, maintain existing hydraulic conditions, and construct new regulator stations, which would prohibit back flow and regulate storm induced flows which could otherwise overload the treatment plant. Two possibilities exist to neutralize adverse effects to the main interceptor line. The first is to install a PVC liner in the existing pipe and the second is to replace the existing line with new PVC pipe. Both would preclude the possibility of infiltration and would not involve changing the location of the existing interceptor.

In addition to meeting our responsibilities, the enclosed proposal both modifies and improves the operation of the West Elizabeth sewage system. It is believed that all concerns addressed in your July 6, 1993 letter, have been incorporated into this design.

It is our intent to meet with your staff, at your earliest convenience, to discuss the proposed plan. Mr. Stephen Fritz will be in contact with you in the near future to schedule this meeting. Any questions regarding this matter may be directed to Mr. Fritz, (412) 644-3538.

Sincerely,


Leonard J. Lucas, P.E.
Chief, Engineering Division

Enclosures

Cf: DL-M

Mayernik	ED-DG 7
Remaly	ED-DG BR
Gribar	ED-DG
Salesky	ED

~~READING~~/RECORD FILE COPY

12 November 1993

MEMORANDUM FOR RECORD

SUBJECT: Locks and Dams 2, 3 and 4 Monongahela River Project, West Elizabeth Borough Sewer Relocations, Meeting with the Pennsylvania Department of Environmental Resources (PENDER)

1. In a letter from our office to PENDER, dated 30 September 1993, we requested a meeting to discuss the proposed plan for the West Elizabeth Sewer System. This meeting took place on 10 November 1993 at the PENDER office. Attendance was as follows:

Corps of Engineers

ED-DG: David Mayernik, Cpt. Mike Reidy and Stephen Fritz;
ED-HR: Walt Leput, Ray Povirk and Pat Golden;

PENDER: Steve Balta, Hal Snyder and Ray Lattner;

West Elizabeth Borough: James Bucy and Edward Monroe.

2. The meeting was intended to discuss any deficiencies with the submitted plan. According to Mr. Balta the submitted plan seemed adequate, however, there is still the issue of reconstructing the regulator manholes which would require a PENDER permit. The owner of the facility, West Elizabeth Borough (WEB), must submit the plans for this permit.

3. PENDER suggested that the Corps of Engineers compute a cost for partial separation of the WEB sewers in certain areas and compare that cost with non-separation in the same area. If these costs are comparable, separate what is feasible to separate and relocate all other affected facilities as per the proposed plan.

4. PENDER informed the Corps that the Environmental Protection Agency (EPA) has drafted new requirements for combined sewer overflows (CSOs). This is not final yet but, according to PENDER, but is expected to be finalized within the next month. PENDER supplied me with a copy of this report for review.

5. It is not yet clear if the Corps will have to incorporate these requirements, mentioned in item #4 above, into relocations of CSOs or if this responsibility will fall on each community. It is my understanding that some of these requirements may fall on our shoulders if we intend to relocate the regulator portions of CSOs. This will be discussed with CEORP-OC.

6. Guidelines for CSOs are changing so rapidly that the Corps must remain aware of the fact we may be responsible to incorporate future requirements, chronologically between the DM and construction, into these relocations. This would not just apply to West Elizabeth but to all communities with CSOs that are affected by the project.

CEORP-ED-DG

SUBJECT: Locks and Dams 2, 3 and 4 Monongahela River Project,
West Elizabeth Borough Sewer Relocations, Meeting with the
Pennsylvania Department of Environmental Resources (PENDER)

7. Mr. Bucy and Mr. Monroe voiced their opposition to not separating the WEB sewers. They are still under the assumption that the money for construction was approved in the feasibility report and that if this money isn't used for WEB that it will be used for other relocations. Again, this was explained as a false understanding of the Feasibility Report.

8. Mr. Bucy is concerned that the remedial measures taken in WEB will not include portions that are not affected by the pool raise, specifically that portion which is south of Border Street. It was explained to him, again, that Army Regulations prohibit providing a betterment as a relocation alternative unless it is in the best interest of the government; this would clearly be a betterment.

9. Mr. Bucy and Mr. Monroe inquired about how they could appeal a decision that they were not in agreement with. It was explained that their objection would be included in the DM which is subject to approval by ORD.

10. ED-DG will investigate the partial separation proposed by PENDER. The cost associated with this alternative will be compared to the cost of the non-separation. It is conceivable that WEB would be open to the suggestion of paying any cost, over and above the cost of the proposed plan, to have their sewers separated. Raising of the existing outfalls, which under separation would be storm outfalls, may still be required but with sewer separation as the alternative WEB may be in favor of not adjusting these outfalls and using all funds to separate sewers. This was discussed with CEORP-OC and is an valid alternative.

11. A future meeting was scheduled with PENDER to discuss other CSOs along pool 2. CEORP-ED-DG will attend this meeting.



STEPHEN R. FRITZ
Civil Engineer, General
Engineering and Relocations Section

Mayernik ED-DG

19 November 1993

MEMORANDUM FOR RECORD

SUBJECT: Locks and Dams 2, 3 and 4 Monongahela River Project,
Combined Sewer Overflows (CSOs)

1. On 18 November 1993 ALCOSAN hosted an informational meeting regarding CSOs. This meeting dealt with the requirements that the U.S. Environmental Protection Agency (USEPA) will be imposing on CSOs in the near future.

2. Cpt. Mike Reidy and myself attended this meeting to hopefully identify future stumbling blocks associated with our endeavor to relocate outfalls of combined sewer systems affected by the subject project.

3. Although the meeting dealt primarily with ALCOSAN customers and how the new requirements affected them, the new EPA requirements will hold true for all CSOs. Requirements will fall into two categories, Phase I and Phase II.

a. Phase I (short term 24 to 42 months) is essentially using the existing system to its fullest capacity. This would include items such as monitoring operations, routine maintenance, removing floatables, removing unnecessary inflows (roof drains), public awareness of how individual systems operate and preventing dry weather overflows.

b. Phase II (long term, 15 to 100 years) involves investing capital to construct storage facilities for areas where CSOs represent a serious endangerment to the receiving body of water.

4. Discussions with Daniel Sweeney, USEPA Philadelphia PA, suggested that short term measures, Phase I, may provide enough environmental protection deeming Phase II operations unnecessary. Specifically, due to the size of the communities involved with the Monongahela river project and the size of the river, implementation of Phase II would probably not provide a noticeable difference in the environmental quality of the Monongahela river.

5. The Pennsylvania Department of Environmental Resources will determine whether or not the Corps of Engineers is responsible for Phase I measures. The only aspect of Phase I which the Corps may be concerned with would be the removal of floatables. Removing

SUBJECT: Locks and Dams 2, 3 and 4 Monongahela River Project,
Combined Sewer Overflows (CSOs)

floatables would be accomplished most efficiently at catch basins and not at outfalls. Since we are primarily dealing with outfalls, floatable collection will most likely be the responsibility of the local communities.

6. Attached is a listing of the nine (9) minimum control measures, Phase I, proposed by USEPA on all CSOs.



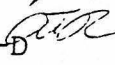
STEPHEN R. FRITZ
Civil Engineer, General
Engineering and Relocations Section

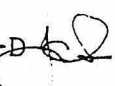
Attachment

CF:

Edwardo DL-M
Riley ED-DS
Gribar ED-D
Lucas ED
Craig OC

Mayernik ED-D 

Remaly ED-D 

Gribar ED-D 

EPA PROPOSED NINE MINIMUM CONTROLS

1. Proper Operations and Maintenance *Modified operations and maintenance programs may result in significant, low cost improvements.*
2. Maximum use of ^{existing} collection system for storage *We can store quantities of combined storm and sanitary sewage during wet weather periods. in existing sewers*
3. Review and modify pretreatment program *Industrial and other pollutant loadings may be lessened by implementing more efficient programs.*
4. Maximization of flow to POTW (ALCOSAN's treatment facility) for treatment *Can we get more flow through existing facilities rather than discharge to our rivers?*
5. Prohibit CSO discharges during dry weather *Continue to ensure the elimination of all dry weather CSO discharges.*
6. Control solids and floatables *If we keep them off the streets, we won't see them in our rivers.*
7. Pollution Prevention *Through better education programs we can alert system users to the serious consequences of dumping household hazardous materials and waste oils into our sewers, catch basins, etc.*
8. Public Notification *will provide a means to keep the public informed.*
9. Characterize CSO discharges and their effects *How often do they discharge? How much? Are CSO control measures working?*

Mr. Fritz/3538 *ARJ*

December 3, 1993

General Engineering and
Relocations Section, Design Branch

Mr. Steve Balta, Chief of Planning
Water Management Program
Pennsylvania Department of Environmental Resources
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

Dear Mr. Balta:

As discussed with Mr. H. Snyder and Mr. R. Lattner of your office at our November 17, 1993 meeting, enclosed are preliminary designs for the relocation of combined sewer overflows, due to the Monongahela River Locks and Dams 2, 3 and 4 Project, for Glassport (encl 1) and West Mifflin (encl 2). Also enclosed are the updated drawings of West Elizabeth's overflows and regulator stations (encl 3).

Please review the enclosed designs and provide our office with written comments. Your comments will be addressed by our staff and included in our Design Memorandum which is to be submitted to our higher authority in June 1994. Also, upon receiving and addressing your comments, our staff will meet with the owners of the affected facilities to discuss the relocations.

Also enclosed, as requested, is a copy of a letter, dated November 14, 1991, from your Harrisburg office and our response to that letter (encl 4). The final enclosure, (encl 5), is a partial listing of the National Pollutant Discharge Elimination System (NPDES) permit numbers and point source discharges for the affected sewer systems, as requested. The remainder of the NPDES list will be forwarded after all information is obtained.

Mr. Stephen Fritz is the point of contact for all of the above items. He may be reached at 644-3538.

Sincerely,

5 Encls

CF:
Edwardo DL-M (wo/encls)

Leonard J. Lucas, P.E.
Chief, Engineering Division

Mayernik	ED-DG
Remaly	ED-D
Gribar	ED-D
Salesky	ED

READING/RECORD FILE COPY

GREENE

ED BHG

ALLEGHENY COUNTY SANITARY AUTHORITY

ALCOSAN

3300 PREBLE AVENUE

PITTSBURGH, PA 15233-1092

(412) 766-4810 . FAX (412) 734-8714

WILLIAM C. TREFZ
Executive Director

MEMBERS OF THE BOARD

IRA WEISS, *Chairman*

NETHERLENE TURK, *Vice Chairman*

JACK WAGNER, *Secretary*

JOSEPH M. JACOBS, *Treasurer*

HERBERT C. HIGGINBOTHAM, II

Asst. Secy.-Asst. Treas.

December 7, 1993

Col. Richard B. Polin
U.S. Army Corps of Engineers
Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222

Re: Allegheny County Sanitary Authority
Combined Sewer Overflow (CSO) Project
Public Education

Dear Col. Polin:

The ALCOSAN CSO Project Team thanks you for providing representation at the November Public Information Meeting which focused on significant environmental, institutional and economic issues associated with CSO management.

We are enclosing EPA's Guidance Document for Minimum Technology Based CSO Control Measures, acquired from EPA at the presentation. Additional articles and handouts distributed at the meeting are available on request.

Your participation is sincerely appreciated, and we hope to count on you for continued support in future public education forums. Please feel free to call Ms. Jan Oliver, ALCOSAN's CSO Program Manager at 734-8351 with any questions.

Sincerely yours,
ALLEGHENY COUNTY SANITARY AUTHORITY

William C. Trefz
William C. Trefz, B.E.
Executive Director

WCT:jh

cc: Steve Fritz *[Signature]*
Michael Reidy *[Signature]*

December 15, 1993

General Engineering
& Relocations Section,
Design Branch

Regional Industrial Development Corporation
ATTN: Mr. Ken Britz
Suite 1220
Frick Building
Pittsburgh, Pennsylvania 15219

Dear Mr. Britz:

This letter is in reference to our preparation of a Relocations Design Memorandum for the Locks and Dams 2, 3 and 4 Monongahela River Navigation Project and the effects that the project's higher Pool 2 may have along Turtle Creek in the area of your property. The Corps of Engineers has recently completed a field inspection of the storm sewers along Turtle Creek in the area of your property. The following facilities have been located in this area and are believed to be owned by RIDC - Keystone Commons. Also, we have investigated each facility for project effects, and as a result of our investigations, the following actions are proposed. It is noted that the location of the facilities can be found on the enclosed drawings.

a. 30" CIP located at Station 65+45 on Turtle Creek, Right Bank. - Our field survey indicates that the submergence of the outfall of this pipe by the new pool elevation 723.7 is at a depth greater than 1/3 of its diameter. This degree of submergence increases the likelihood of sediment build-up and creates an unacceptable capacity reduction. Therefore, this pipe is required to be relocated by the Corps of Engineers.

b. 8' Stone Arch located at Station 75+50 on Turtle Creek, Right Bank. - Our field survey indicates that the invert elevation of the outfall of this pipe is 723.71 which is above the new pool elevation of 723.70. Therefore, this facility is not required to be relocated.

c. 36" CIP located at Station 75+60 on Turtle Creek, Right Bank. - This outfall is a part of the original combined sanitary/storm system. Around 1969 the flow from this outfall was diverted to a 24" concrete pipe by building a manhole at this section of pipe. The 24" pipe flows into ALCOSAN Outlet Structure #4. The upstream end of the 36" outfall pipe was bricked up and sealed off at the manhole. Also, a 10" CIP overflow was installed at this manhole and connected to the 36" pipe downstream of this brick bulkhead. Therefore, the present function of the 36" pipe is that of an outfall for the 10"

overflow pipe. See attached Sketch "A" for the plan of the above description. For the same reason as stated in above paragraph a., the 10" overflow pipe is required to be relocated by the Corps of Engineers.

d. 60" CIP located at Station 90+25 on Turtle Creek, Right Bank. - Information obtained from Mr. Bill Widdoes, a representative of RIDC, indicates this facility is an abandoned intake structure. Therefore, this facility is not required to be relocated.

The above actions will be included in our proposed Relocations Design Memorandum. This document is scheduled for completion in Summer 1994.

Please review the above information and forward any comments or questions. My point of contact in Engineering Division is LeRoy (Bo) Bosetti at 644-4151.

Sincerely,

Leonard J. Lucas, P. E.
Chief, Engineering Division

Enclosures

CF: Hank Edwardo DL-M
George Craig OC

Mayernik ED-DG

Riley ED-DS

Remaly ED-D

Gribar ED-D

Greene ED-D

READING/RECORD FILE COPY

Mr. Fritz/3538 *ARF*

January 11, 1994

General Engineering and
Relocations Section, Design Branch

Mr. Steve Balta, Chief of Planning
Water Management Program
Pennsylvania Department of Environmental Resources
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

Dear Mr. Balta:

In the past eight (8) months our offices have been coordinating proposed adjustments to combined sewer overflows (CSOs) in various communities, due to the Monongahela River Locks and Dams 2, 3 and 4 project. Our current deadline for completion of proposed designs for these adjustments is June 1994.

On December 3, 1993 our office submitted proposed designs for the adjustment of CSOs in Glassport and West Elizabeth. Also submitted was the proposed design for the adjustment of the Curry Hollow pump station bypass in the Borough of West Mifflin. In the near future we will be submitting proposed designs for the adjustment of CSOs in Elizabeth, Dravosburg, Duquesne and McKeesport.

In order to keep our project on schedule, we request that written comments be provided to our office within 30 days of all proposed design submittals. Mr. Stephen Fritz is the point of contact in this matter. He may be reached at 412-644-3538.

Sincerely,

ljl 1/12
Leonard J. Lucas, P.E.
Chief, Engineering Division

cf:
Edwardo DL-M
Riley ED-DS

Mayernik ED-DG *[Signature]*
Remaly ED-D *[Signature]*
Gribar ED-D *[Signature]* 1/1
Greene ED *[Signature]*

~~READING~~/RECORD FILE COPY

Mr. Fritz/3538 *ARJ*

January 25, 1994

General Engineering and
Relocations Section, Design Branch

Mr. First Name~ Last Name~
Organization~
Address~
City~, State~ Zip Code~

Dear Mr. Last Name~:

As you are aware, the Corps of Engineers has requested your assistance in locating publicly owned and operated facilities affected by the Monongahela River Locks and Dams 2, 3 and 4 Project. Upon execution of a Relocations Contract with your organization, the Corps of Engineers is authorized to reimburse your organization for costs incurred due to the above mentioned investigations.

You were advised by our staff, either by letter or verbally, to keep records of all expenditures directly related to the investigation of the affected facilities. At this time we request the dollar amounts expended by your organization to date and copies of all pertinent records for these expenditures. Please provide this information to our office by February 28, 1994.

The point of contact for the above information is Captain Michael Reidy. He can be reached at (412) 644-3538.

Sincerely,

Leonard J. Lucas, P.E.
Chief, Engineering Division

Mayernik ED-DG *ARJ*

Remaly ED-D *ARJ*

for Gribar ED-D *ARJ*

SKELA : ED *ARJ* 31

First Name~Last Name~Organization~Address~City~State~Zip Code~~

Mike
Trombola
Municipal Authority of the City of McKeesport
100 Atlantic Avenue
McKeesport
Pennsylvania
15132

James K.
Bucy
Municipal Coordinator, West Elizabeth Borough
610 First Street
West Elizabeth
Pennsylvania
15088-0217

Edward
Battles
Municipal Authority of the Borough of Dravosburg
P.O. Box 37
Dravosburg
Pennsylvania
15034

Raymond
Micklo
Superintendent, City of Duquesne
12 South Second Street
Duquesne
Pennsylvania
15110

Vishnu
Dharmadhikari
Senate Engineering, (Elizabeth Borough Engineer)
U-PARC, 420 William Pitt Way
Pittsburgh
Pennsylvania
15238

Daniel
Kufs
Municipal Authority of the Borough of Glassport
Fifth and Monongahela
Glassport
Pennsylvania
15045



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
400 Waterfront Drive
Pittsburgh, PA 15222-4745
February 3, 1994

Schedule
ED - [initials]
- [initials]
AA file

(412) 442-4000

Southwest Regional Office

Leonard J. Lucas, P.E. *lyl*
Chief, Engineering Division
Department of the Army, Pittsburgh District
Corps of Engineers
William S. Moorehead Building
1000 Liberty Avenue
Pittsburgh, PA 15222

RE: Relocation of Combined Sewer
Overflows
Borough of Glassport
Borough of West Mifflin
Borough of West Elizabeth

Dear Mr. Lucas:

In response to your correspondence dated December 3, 1993 and January 11, 1994 we offer the following comments:

Borough of Glassport Combined Sewer Overflow Relocations

The proposed relocations are adequate from the Department's standpoint.

Borough of West Mifflin Curry Hollow Road Pump Station Emergency Overflow

1. The concrete encasement for the overflow should be reinforced with rebar for added strength.
2. A solid foundation for the pipe encasement should be provided.
3. A method to anchor the pipe and concrete encasement must be provided.
4. We suggest placing riprap along the length of the concrete encasement to protect it from debris striking it during periods of high river flow.

West Elizabeth Combined Sewer Overflow Relocations

The Department has scheduled a field investigation for February 11, 1994 to address concerns raised by the Borough of West Elizabeth. We will defer our comments until after our investigation.

Leonard J. Lucas, P.E.

-2-

February 3, 1994

In the future we will make every attempt to accommodate your request to respond in writing within thirty days of all proposed design submittals.

Should you have any questions please feel free to contact me at the above address or telephone number.

Sincerely,

A handwritten signature in cursive script, reading "Raymond E. Lattner".

Raymond E. Lattner
Sanitary Engineer
Water Management

cc: Steve Fritz - Corps of Engineers

Mr. Fritz/3538 *RF*

February 16, 1994

General Engineering and
Relocations Section, Design Branch

Mr. John Kooser, Jr.
Executive Director of Housing Authority
City of McKeesport
332 Fifth Avenue
Suite 214, Executive Building
McKeesport, Pennsylvania 15132

Dear Mr. Kooser,

On February 15, 1994, Mr. Stephen R. Fritz, of our office, met with Thomas Trocksa and Robert Freeman from the McKeesport Housing Authority. This letter is in response to Mr. Trocksa's verbal request to provide the Housing Authority with information on impacts to the Harrison Village Complex due to our Monongahela River Locks and Dams 2, 3 and 4 Project.

Mr. Freeman assisted Mr. Fritz, and the accompanying survey crew, in locating sewage collection points for all aspects of the Harrison Village Complex. It was determined, by field investigation and the available existing drawings, that there will be no adverse impact to any of the Harrison Village structures. However, there will be a need to adjust two (2) sewer lines which originate at building number 16 and the Isbir building (former building number 17). Enclosed is a partial map of the area which highlights the sewers that require adjustment.

Because the Harrison Village Complex is government owned, operated and maintained, the sewer adjustments required, due to impacts of the Monongahela River Project, will be funded by the Federal Government. Required adjustments will be made at the same time the Municipal Authority of the City of McKeesport makes adjustments to its affected facilities in that area. Our current schedule shows this work occurring between June 1996 to May 1997.

Any questions concerning these matters may be directed to Mr. Fritz at 412-644-3538.

Sincerely,

ljl
Leonard J. Lucas, P.E.
Chief, Engineering Division

CF:
Edwardo DL-M

Enclosure

Mayernik ED-DG *Al*
Remaly ED-D *DR*
Gribar ED-D *DR*
Sekela ED *DR* *4/15*
LUCAS ED *ljl*

~~READING~~/RECORD FILE COPY *ljl*

March 16, 1993 ^{94 d/c}

Mr. Fritz/3538 *RF*

General Engineering and
Relocations Section, Design Branch

Mr. Steve Balta, Chief of Planning
Water Management Program
Pennsylvania Department of Environmental Resources
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

Dear Mr. Balta:

As discussed with Mr. H. Snyder and Mr. R. Lattner of your office at our November 17, 1993 meeting, enclosed are preliminary designs for the adjustment of some of the combined sewer overflows for the Municipal Authority of the City of McKeesport. This work is a result of our Monongahela River Locks and Dams 2, 3 and 4 Project.

Please review the enclosed designs and provide our office with written comments. Your comments will be addressed by our staff and included in our Design Memorandum which is to be submitted to our higher authority in August 1994. Also, upon receiving and addressing your comments, our staff will meet with the owners of the affected facilities to discuss the adjustments.

Mr. Stephen Fritz is the point of contact in this matter. He may be reached at 644-3538.

Sincerely,

gjl
Leonard J. Lucas, P.E.
Chief, Engineering Division

Encl

CF:
Edwardo DL-M (wo/encls)

Mayernik ED-DG *3.15*

Remaly ED-D *3.15*

Gribar ED-D *3.15*

Sekela ED *3.14*

~~READING~~ RECORD FILE COPY

15 *LRD*
April 14, 1994

Mr. Fritz/3538 *LRJ*

General Engineering and
Relocations Section, Design Branch

Mr. Steve Balta, Chief of Planning
Water Management Program
Pennsylvania Department of Environmental Resources
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

Dear Mr. Balta:

As discussed with Mr. H. Snyder and Mr. R. Lattner of your office at our November 17, 1993 meeting, enclosed are preliminary designs for the adjustment of some of the combined sewer overflows (CSO's) for the Municipal Authority of the City of McKeesport (MACM). The enclosed designs are in addition to the MACM designs submitted on March 17, 1994. This work is a result of our Monongahela River Locks and Dams 2, 3 and 4 Project.

Please review the enclosed designs and provide our office with written comments. Your comments will be addressed by our staff and included in our Design Memorandum which is to be submitted to our higher authority in August 1994. Also, upon receiving and addressing your comments, our staff will meet with the owners of the affected facilities to discuss the adjustments.

Mr. Stephen Fritz is the point of contact in this matter. He may be reached at 644-3538.

Sincerely,

Encl

John
Leonard J. Lucas, P.E.
Chief, Engineering Division

CF:
Edwardo DL-M (wo/encls)

Mayernik ED-DE *John*

Remaly ED-D *John*

Gribar ED-D *John*

Sekela ED *John*

READING/RECORD FILE COPY

 Mayernik/6837

May 9, 1994

General Engineering
& Relocations Section, Design Branch

Honorable George F. Matta, Jr.
Mayor of Duquesne
12 South Second Street
Duquesne, PA 15110

Dear Mayor Matta:

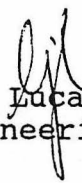
This is in response to a letter from Mr. David W. Gilliland of your staff, dated March 11, 1994, requesting financial assistance from the federal government to support the City's plan to abandon its existing water well system and purchase bulk water from another supplier. As you know, we are currently designing adjustments to the existing water well system so that it will function after construction of the Lower Monongahela River Navigation project. Such design adjustments to municipally-owned facilities adversely affected by the project will be documented in a Design Memorandum to be submitted to our higher authorities for approval later this year.

Any adjustments funded by the government in this regard must be based on a relocation contract between the Corps and the owner. We are not permitted to execute such contracts until construction funds are appropriated from Congress. For the Lower Mon project, this is currently scheduled to occur in Fiscal Year 1996, which begins on October 1, 1995. However, you should be aware that this authorization could be delayed because of fiscal or political factors beyond our control.

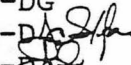
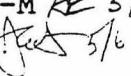
If the City pursues the bulk water option in advance of executing a relocation contract with the Corps and no adverse impact remains to the City's water supply system from our project, the government will have no legal authority to provide compensation to the City.

We request that you submit an itemized cost estimate of the bulk water proposal so that we can include it as a relocation option in the aforementioned Design Memorandum. It is noted that if we have legal authority to grant compensation to the City we are only obligated to provide the least-cost solution to the relocation question.

We appreciate your concerns and intend to work with you as we progress with this project. If you have any questions please contact the Project Manager, Mr. Henry Edwardo, at 644-5835.


Leonard J. Lucas, P.E.
Chief, Engineering Division

CF: DL-M (Mr. Edwardo)

Reidy	MR	ED-DG
Remaly	ED-D	
Gribar	ED-D	
Craig	OC	
Edwardo	DL-M	KE 5/6
Sekela	ED	 5/6



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

400 Waterfront Drive
Pittsburgh, PA 15222-4745

May 11, 1994

(412) 442-4000

Southwest Regional Office

James K. Bucy, Municipal Coordinator
Borough of West Elizabeth
610 First Street
West Elizabeth, PA 15088

Stephen Fritz
General Engineering and
Relocations Section, Design Branch
Department of the Army
Pittsburgh District, Corps of Engineers
William S. Moorehead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

RE: Combined Sewer Overflow
Reconstruction
Borough of West Elizabeth
Allegheny County

Gentlemen:

As a result of our meeting and site investigation conducted on May 3, 1994 of the West Elizabeth combined sewer overflows, we find the U.S. Army Corps of Engineers' proposal to reconstruct the combined sewer overflows acceptable to the Department.

Sincerely,

Raymond E. Lattner

Raymond E. Lattner
Sanitary Engineer
Water Management

cc: Leonard J. Lucas, P.E.

Schela

*2. ED- [signature]
- AA
file*



May 16, 1994

Engineering Division, Design Branch,
General Engineering and Relocations Section

Mr. James R. Morrison, Chairman
Elizabeth Borough Municipal Authority
206 Third Street
Elizabeth, Pennsylvania 15037

Dear Mr. Morrison:

We are continuing our efforts to develop a preliminary design to relocate Elizabeth Borough's sewer interceptor as part of the Locks and Dams 2, 3 and 4 Monongahela River Project. Section 404 of the Federal Clean Water Act requires that for us to relocate a sanitary sewer outfall, the existing outfall must be permitted by the Pennsylvania Department of Environmental Resources (PaDER) under the National Pollution Discharge Elimination System (NPDES).

Our investigations indicate that the Borough has eight sanitary sewer outfalls (Mill Alley, Park Street, Market Street, Plum Street, Walnut Street, Bayard Street, Upper Mill Street and the Sewage Plant), but only seven NPDES point discharge permits. We believe that the discrepancy is Walnut Street, which does not have a standard regulator manhole but does have a discharge pipe.

We request that you confirm the above information on NPDES point discharge permits. If this information is correct, the Borough must enter the Walnut Street outfall into the NPDES program before we can fund or construct a replacement regulator station and outfall. If Walnut Street is not entered, we will be limited to providing a direct connection of the Walnut Street sewer into the new interceptor.

Please contact Mr. Stephen Fritz at (412) 644-3538 if you have any questions concerning this matter.

Sincerely,

Leonard J. Lucas, P.E.
Chief, Engineering Division

Mr. Fritz/3538 *RF*

May 27, 1994

General Engineering and
Relocations Section, Design Branch

Mr. John Pecora, Plant Superintendent
Elizabeth Township Sanitary Authority
~~Plant Superintendent~~ *SRF*
522 Rock Run Road
Buena Vista, Pennsylvania, 15018

Dear Mr. Pecora:

Recently you were contacted by Mr. Stephen R. Fritz, of our office, in regard to the Boston Pump Station bypass along the left bank of the Youghiogheny River. As explained by Mr. Fritz, our Lower Monongahela River Navigation Feasibility Study, dated December 1991, identified certain aspects of the Boston Pump Station as being affected by our proposed project.

We are currently assembling a Design Memorandum, for our Locks and Dams 2, 3 and 4 Monongahela River Project, which we will submit to our higher authority for approval. This design memorandum further details previously identified facilities as well as new found facilities affected by our proposed project.

Recently we have completed our investigation of the pump station bypass and the manholes along the main interceptor line to the pump station. Our investigation indicates that there is no foreseeable impact to these facilities, however, infiltration along the main interceptor line may be increased because of our project.

In order for us to determine any impact caused by our project, because of possible infiltration, it is requested that you keep detailed records of the existing flow conditions at the Boston Pump Station beginning immediately. Current flow rates will be compared to flow rates after the pool is raised.

If there is an obvious increase in flow rates after the pool raise, with all other factors being equal, we may assume that our project created this impact and we may be responsible for taking remedial action.

Mr. Stephen Fritz is the point of contact in this matter. He may be reached at 644-3538.

Sincerely,

gil
Leonard J. Lucas, P.E.
Chief, Engineering Division

cf:
Fritz ED-DG
Edwardo DL-M

Mayernik ED-DG *644-527*

Remaly ED-DG *[Signature]*

Gribar ED-DG *[Signature]*

Ar Edwardo DL-M *[Signature]*

Craig OC *[Signature]*

Sekela ED *[Signature]*

~~RECORD~~ RECORD FILE COPY

SENATE ENGINEERING COMPANY

University of Pittsburgh
Applied Research Center (U-PARC)
420 William Pitt Way
PITTSBURGH, PENNSYLVANIA 15238

Telephone (412) 826-5454
Fax No. (412) 826-5458

June 3, 1994

Mr. Steven Fritz 
U.S. Army Corps of Engineers
Engineering Division, Design Branch
General Engineering and Relocation Section
Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

RE: RELOCATION OF ELIZABETH BOROUGH'S INTERCEPTOR
SECO #1631

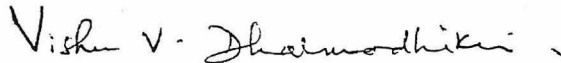
Dear Mr. Fritz:

In response to your letter dated May 16, 1994 (addressed to Elizabeth Borough Municipal Authority), we wish to advise you that the Authority has requested the PA Department of Environmental Resources (DER) to include the Walnut Street discharge pipe in the NPDES permit. Renewal of the existing permit for the added capacity has been under review with DER and this will enable DER to add this outfall to the permit. We will advise you of further developments as they occur.

Thank you for your assistance on this project.

Sincerely,

SENATE ENGINEERING COMPANY



Vishnu V. Dharmadhikari, P.E.
Project Engineer

VVD/ah

cc: Elizabeth Borough Municipal Authority
Bill Van Fossen

P\1631\DOC\060394L.DOC

Consulting Engineers - Landscape Architects - Planners - Surveyors



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
400 Waterfront Drive
Pittsburgh, PA 15222-4745
July 1, 1994

LUCAS
ED-DEB
-DEB
FILE

(412) 442-4000

Southwest Regional Office

Leonard J. Lucas, P.E.
Chief, Engineering Division
Department of the Army, Pittsburgh District
Corps of Engineers
William S. Morehead Building
1000 Liberty Avenue
Pittsburgh, PA 15222

RE: Monongahela River Project
Relocation/Reconstruction of
Combined Sewer Overflows
Municipal Authority of the City
of McKeesport
City of McKeesport
Allegheny County

Dear Mr. Lucas:

The Municipal Authority of the City of McKeesport has received a combined sewer overflow (CSO) grant under Section 104(b)(3) of the Federal Clean Water Act in the amount of \$25,000 for studying and recommending control measures to minimize or eliminate combined sewer overflow discharges from the City of McKeesport sewer system.

While we have no objections to the reconstruction of the combined sewer overflows as proposed in your March 16, and April 15, 1994 correspondence, we recommend that you incorporate the findings and results of the above mentioned study into the design. I suggest you contact the Authority's consulting engineer, Mr. Scott Hoffman of KLH Engineers, Inc., 555 North Bell Avenue, Pittsburgh, PA 15106, or at telephone number (412) 279-0817 for further information on the ongoing study.

Sincerely,

Raymond E. Lattner
Sanitary Engineer
Water Management

cc: Edward Dansak
Scott Hoffman

ROBERT C. LUCAS

ATTORNEY AT LAW

101 SIMPSON HOWELL ROAD

ELIZABETH, PA 15037

Off: (412) 751-3800

Fax: (412) 327-5958

Res: (412) 751-8699

July 29, 1994

Leonard J. Lucas, P.E.
Chief, Engineering Division
Dept. of the Army
Pittsburgh District, Corps of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

ATTN: STEPHEN FRITZ *ARJ*

RE: LOCKS & DAMS 2, 3, AND 4
MONONGAHELA POWER PROJECT

Dear Mr. Lucas:

I am writing in my capacity as Solicitor for the Elizabeth Township Sanitary Authority in response to your May 27, 1994 letter to our Plant Superintendent, John Pecora, on subject matter.

This letter serves to advise you that the Elizabeth Township Sanitary Authority Board concurs with the comments set forth in your May 27 letter and that it has accordingly directed Mr. Pecora to immediately begin monitoring and recording the flow conditions at the Boston Pump Station.

In addition, this letter is also intended to advise you that the Elizabeth Township Sanitary Authority also has facilities along the Monongahela River near the Elizabeth Borough border. These facilities consist of the Wylie Pump Station and a portion of our sewer system. Accordingly, it would be appreciated if you would provide us with a written response to confirm your intentions with regard to these facilities.

If you have any questions with regard to these Monongahela River facilities, please contact John Pecora at (412) 751-8180.

Very truly yours,

Robert C. Lucas
Robert C. Lucas
ETSA Solicitor

RCL:pk

cc: Bernard Opatich, Chairman
John Pecora, Plant Superintendent

TIMOTHY P. O'REILLY

ATTORNEY AT LAW

428 FORBES AVENUE

705 LAWYERS BUILDING

PITTSBURGH, PENNSYLVANIA 15219

(412) 566-1812

FAX: (412) 263-5435

mayerik &
FILES

August 18, 1994

Mr. Steve Fritz 
U.S. Army Corps of Engineers
CEORP-ED-DG
19th Floor, Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

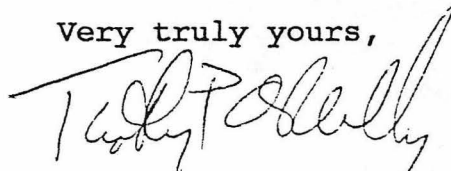
RE: Borough of Glassport

Dear Mr. Fritz:

After review of the presentation made by you and other Members of the Corps of Engineers to the Glassport Borough Council last month, the Borough Council has decided that it would like to have its Engineer, Nielan Engineers be responsible for the inspection of the work and that I, as its Solicitor be involved in any acquisition of rights of ways needed by the Corps. Our understanding is that all of the above will be accomplished without costs to the Borough.

If more is required, please contact me and it will be provided. I also appreciate the information that you have given us, and we will be available for specific action at your request.

Very truly yours,


Timothy P. O'Reilly

TPO: llj
cc: Borough of Glassport

Mr. Fritz/3538

August 19, 1994

General Engineering and
Relocations Section, Design Branch

Mr. Robert C. Lucas, Elizabeth Township
Sanitary Authority (ETSA) Solicitor
101 Simpson Howell Road
Elizabeth, Pennsylvania 15037

Dear Mr. Lucas:

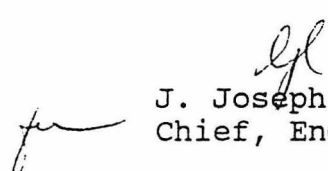
I am writing in response to your July 29, 1994 letter regarding the Boston and Wylie Pump Stations, and connecting gravity sewers, in relationship to our Locks and Dams 2, 3 and 4 Monongahela River Project.

The gravity sewers entering the Boston Pump Station may be affected by our project due to their close proximity to the Youghiogheny River. Remedial measures for these sewers, extending upstream along the left bank of the Youghiogheny River, will be included in our Relocations Design Memorandum (DM) and will be shown as a Federally Funded relocation. The final approval for providing a relocation (alteration or protection) at Federal expense, lies with the Chief of Engineers. However, implementation of remedial measures is contingent on verification that the higher pool level has an adverse affect (increased infiltration) on the gravity sewers. If investigations conducted within a reasonable time period after the pool rise reveal no significant impact, then none of the remedial measures proposed in our Relocations DM, for the gravity sewers entering the Boston Pump Station, will be implemented.

We recently completed an investigation of the Wylie Pump Station and concluded that no adverse impact, stemming from our project, is anticipated at this facility.

Mr. Stephen Fritz is the point of contact in this matter. He may be reached at 644-3538.

Sincerely,


J. Joseph Tyler, P.E.
Chief, Engineering Division

CF:
Mr. John Pecora,
ETSA Superintendent

Mayernik ED-DC 

Remaly ED-D 

Gribar ED-D 

Lucas ED 

~~RECEIVED~~/I

RECORD FILE COPY

Mr. Fritz/3538

August 29, 1994

General Engineering and
Relocations Section, Design Branch

Mr. Steve Balta, Chief of Planning
Water Management Program
Pennsylvania Department of Environmental Resources
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

Dear Mr. Balta:

As discussed with Mr. H. Snyder and Mr. R. Lattner of your office at our November 17, 1993 meeting, enclosed are preliminary designs for the relocation of combined sewer overflows, and connecting sewers, due to our Monongahela River Locks and Dams 2, 3 and 4 Project, for the Borough of Dravosburg (encl 1), the City of Duquesne (encl 2) and the Borough of Elizabeth (encl 3).

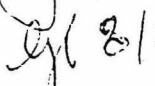
Please review the enclosed preliminary designs and provide our office with written comments. Your comments will be addressed by our staff and included in our Design Memorandum which is to be submitted to our higher authority in September 1994. Our staff will meet with the owners of these affected facilities in the near future to discuss these relocations.

Mr. Stephen Fritz is the point of contact for the above items. He may be reached at 644-3538.

Sincerely,

 8/29
J. Joseph Tyler, P.E.
Chief, Engineering Division

3 Enclosures

Mayernik	ED-DG 
Remaly	ED-D 
Gribar	ED-D  8/
Lucas	ED  8/

~~RECORDING~~/RECORD FILE COPY

TABLE F-1
Privately- Owned Facilities Granted Project Authority

Owner (As described in LMFS)	Location (River, RM, Bank)	LMFS Designation	Type	Facility	Notes
Unknown	Turtle Creek 0.2 R	ETR2	24" CIP Storm Sewer	N/A	Owned by Union RR Not Affected
Unknown	Turtle Creek 0.5 R	ETR1	21" RCP Storm Sewer	N/A	Owned by Union RR Pipe can not be found
Unknown	Turtle Creek 1.0 R	T2	6' x 7.8' Concrete Culvert	N/A	Owned by USX Not Affected
Unknown	Turtle Creek 1.0 R	Sta 52+80	18" RCP Storm Sewer	T01R	Owned by CONRAIL
Unknown	Turtle Creek 1.1 R	P22	30" CIP Storm Sewer	N/A	Owned by CONRAIL Not Affected
Unknown	Turtle Creek 1.3 R	Sta 68+65	30" CIP Storm Sewer	N/A	Owned by RIDC Not eligible for relocation Compensation shown in REP
Unknown	Turtle Creek 1.5 R	P29	36" CIP Storm Sewer	N/A	Owned by RIDC Not eligible for relocation Compensation shown in REP

NOTE: Unknown ownerships were assumed to be private facilities in LMFS

Owner-Responsible Adversely Affected Facilities

TABLE F-2
Water Intakes, Monongahela River

ID #	Owner	River Mile/Bank
PM01R	United States Steel Corp. (USX)	11.2 R
PM08L	United States Steel Corp. (USX)	17.6 L
PM09L	United States Steel Corp. (USX)	18.0 L
PM27L	Duquesne Light Co.	25.1 L
PM28L	Pennsylvania American Water Co.	25.3 L
PM30R	Riverview Golf Course	26.6 R
PM31L	Allegheny Power Systems	29.1 L
PM35L	U.S. Steel Mining Co, Inc.	30.5 L
PM60R	Monessen, Inc.	40.0 R
PM61R	Monessen, Inc.	40.2 R

TABLE F-3
Intakes, Youghiogheny River

ID #	Owner	River Mile/Bank
PY01R	Regional Industrial Development Corp.	0.2 R

TABLE F-4
Barge Facilities, Monongahela River

ID #	Owner	River Mile/Bank
PM07L	Ingram Barge Company	16.5-17.3 L
PM14R	Commercial Steel Corp.	18.5 R
PM19R	Blank Welding	22.2-22.3 R
PM18R	Consolidated Coal Co.	22.5-23.4 L
PM23R	Consolidated Coal Co.	22.5-22.7 R
PM21L	Clairton Slag	23.6 L
PM22L	Hercules Inc.	23.7 L
PM24L	Centofanti Marine	24.5 - 24.6 L
PM52L	IRECO, Inc.	35.9 L

TABLE F-5
Major Storm Sewers, Monongahela River

ID #	Owner	River Mile/Bank
PM02R	Pittsburgh & Lake Erie Railroad	11.6 R
PM02L	Union Railroad	12.1 L
PM04L	United States Steel Corp. (USX)	13.3 L
PM04R	Union Railroad	14.2 R
PM05R	Regional Industrial Development Corp.	14.4 R
PM11L	United States Steel Corp. (USX)	19.1 L
PM14L	United States Steel Corp. (USX)	19.7 L
PM15L	United States Steel Corp. (USX)	20.7 L
PM16L	United States Steel Corp. (USX)	21.1 L
PM17L	United States Steel Corp. (USX)	21.5 L
PM26R	Pittsburgh & Lake Erie Railroad	23.4 R

TABLE F-6
Major Storm Sewers, Youghiogheny River

ID #	Owner	River Mile/Bank
PY03L	Steelmet, Inc.	1.2 L
PY04L	Steelmet, Inc.	1.3 L
PY05L	Steelmet, Inc.	1.5 L
PY02R	Chessie System Railroad (CSX)	2.3 R
PY06L	Dura-Bond Coating, Inc.	2.6 L

TABLE F-7
Private Docks, Monongahela River

ID #	Owner	River Mile/Bank
PM08R	Mon Valley Boat Club	15.8 R
PM09R	Kenneth Zuccarelli	16.2 R
PM10R	Ernest Wlodarski	16.2 R
PM11R	Harry Lyons	16.3 R
PM12R	William A. Shiffmon	16.4 R
PM21R	Swift Homes	22.4 R
PM20L	Used Boat Haven, Inc. (F. Virgintino)	22.7 L
PM25R	Elizabeth Boat Club (George B. Wright)	22.8 R
PM28R	Evanford Development	26.2-26.5 R
PM29R	Pine Run Outboard Club (William Dunne)	26.4 R
PM31R	Carousel Marina (Ralph Sloan)	27.5 R
PM34R	Molnar's Marina (John Molnar)	29.0 R
PM33L	New Eagle Community Action Inc.	30.0 L
PM37L	Beach Club Boat Sales (Harry N. Fisfis)	30.7 L
PM39L	John Sminko	31.3 L
PM40L	Samuel P. Yohe	31.4 L
PM42L	Monongahela Mariners, Inc. (M. Stanton)	31.8 L
PM36R	Cialons Marina	32.2 R
PM37R	Double EE Marina (Edsel W. Burkholder)	32.3 R
PM38R	Wiley Landing	32.3 ?
PM43L	Unknown	32.6 L
PM35R	Marina One (John DeMarco)	32.1 R
PM45L	C. A. Wadsworth	33.0 L
PM39R	Unknown	33.1 R
PM47L	Douglas Wible	33.2 L
PM40R	Blair S. Evans	33.2 R

TABLE F-7 (Continued)

ID #	Owner	River Mile/Bank
PM43R	Jessie DeRosa	34.1 R
PM44R	Charles R. Martin J.	34.2 R
PM45R	James H. Barncord, Jr.	34.2 R
PM46R	William J. Hamel	34.3 R
PM47R	Richard Wyne	34.3 R
PM48R	William J. Hamel	34.4 R
PM50R	Robert S. Williams	34.5 R
PM51R	Thomas C. Hetherington	34.5 R
PM52R	Claire E. & Loretta Hufnagel	34.5 R
PM53R	Edward D. Gibson, Sr.	34.6 R
PM54R	Key Auto Supply (John Chiodo)	34.7 R
PM55R	C. R. Shutterly	34.9 R
PM56R	Richard A. Bartman	35.0 R
PM58L	Harold Warfield	40.8 L

TABLE F-8
Private Docks, Youghiogheny River

ID #	Owner	River Mile/Bank
PY01L	Rivers Edge	0.5 L
PY02L	Bertie's Landing	0.9 L

TABLE F-9
Commercial Docks, Monongahela River

ID #	Owner	River Mile/Bank
PM01L	Union Railroad Co.	11.6-12.4 L
PM03L	Regional Industrial Development Corp.	12.7-12.8 & 13.2 L
PM03R	Dravo Basic Materials Co., Inc.	13.9-14.1 R
PM06R	Regional Industrial Development Corp.	14.7-15.1 R
PM07R	Continental Contracting Corporation	15.8 R
PM05L	Boswell Oil Co.	16.0-16.1 L
PM06L	Davidson Sand & Gravel Co.	16.1-16.2 L
PM13R	St. Clair Supply Co.	17.2 R
PM10L	C & C Marine Maintenance	18.6-18.9 L
PM15R	Glassport Trans. Ctr., Inc.	18.6-19.5 R
PM12L	Aristech Chemical Corp.	19.3 L
PM13L	Clairton Works - USX	19.3-21.1 L
PM16R	Ashland Oil Company, Inc.	20.8-20.9 R
PM17R	Mon River Towing, Inc. (Jim Guttman)	21.7-21.9 R
PM18R	Crounse Corp.	22.1 R
PM20R	Howell Brothers, Inc.	22.3 R
PM19L	Mon River Supply Co.	22.7 L
PM23L	Dillner Storage Co.	24.1-24.3 L
PM25L	Ashland Oil Co.	24.7 L
PM27R	Lock 3 Oil, Coal & Dock Co.	24.7-24.9 R
PM26L	Duquesne Light Co.	25.0-25.3 L
PM29L	Allegheny Resources, Inc.	26.0 L
PM32R	Chemply Co.	27.7-27.8 R
PM33R	Mon River Terminal Corp.	28.6-28.8 R
PM30L	Allegheny Power Systems	28.9-29.1 L
PM32L	Mathies Coal Co.	29.1-29.7 L
PM34L	U.S. Steel Corp. (USX)	30.1-30.6

TABLE F-9 Continued

ID #	Owner	River Mile/Bank
PM36L	Eagle Iron & Metals	30.6 L
PM38L	Patterson Supply Corp.	31.3 L
PM41L	Stephens Lumber Co.	31.4 L
PM44L	Mon Iron & Metal Co., Inc.	32.9 L
PM46L	Riverside Iron & Steel Corp.	33.0 L
PM41R	Mr. Dana J. Dolfi	33.7 R
PM42R	Suchko Gas and Oil	33.7-33.8 R
PM48L	Donora Dock Co.	34.2 L
PM49L	LaFarge Corp.	34.3 L
PM49R	Frank & Faye Ireys	34.5 R
PM50L	Burrell Industries	34.6-34.7 L
PM51L	NAT Industries	35.4 L
PM53L	Power Piping Co.	36.6 L
PM57R	Babcock & Wilcox Co.	37.2-37.3 R
PM54L	McGrew Welding Co.	38.2-38.4 L
PM55L	American Cast Iron Pipe	38.3 L
PM56L	Sanitary Landfill Co.	38.3 L
PM58R	Monessen Inc. (Sharon Steel Corp)	38.4 R
PM57L	Canastota Construction Co.	38.9 R
PM59R	Monessen, Inc. (Sharon Steel Corp)	38.8-40.4 R
PM59L	Coastal Oil of New York, Inc	40.9 L

**TABLE F-10
Boat Ramps, Monongahela River**

ID #	Owner	River Mile/Bank
PM22R	Consolidation Coal Company	22.4 R
PM60L	Channel Holdings, Inc.	41.1 L