

Participating Organizations

- Aliance for a Living Ocean
- American Littoral Society
- Arthur Kill Coalition
- Asbury Park Fishing Club
- Bayberry Garden Club
- Bayshore Saltwater Flyrodgers
- Belford Seaford Co-op
- Belmar Fishing Club
- Beneath The Sea
- Bergen Save the Watershed Action Network
- Berkeley Shores Homeowners Civic Association
- Cape May Environmental Commission
- Central Jersey Anglers
- Citizens Conservation Council of Ocean County
- Clean Air Campaign
- Coalition Against Toxics
- Coalition for Peace & Justice
- Coastal Jersey Parrot Head Club
- Coast Alliance
- Communication Workers of America, Local 1034
- Concerned Businesses of COA
- Concerned Citizens of Bensenville
- Concerned Citizens of COA
- Concerned Citizens of Montauk
- Dossil's Sea Roamers
- Eastern Monmouth Chamber of Commerce
- Environmental Response Network
- Explorers Dive Club
- Fisheries Defense Fund
- Fishermen's Dock Cooperative
- Fisher's Island Conservancy
- Friends of Island Beach State Park
- Friends of Liberty State Park
- Friends of Long Island Sound
- Friends of the Boardwalk
- Garden Club of Englewood
- Garden Club of Fair Haven
- Garden Club of Long Beach Island
- Garden Club of Morristown
- Garden Club of Navesink
- Garden Club of New Jersey
- Garden Club of New Vernon
- Garden Club of Oceanport
- Garden Club of Princeton
- Garden Club of Ridgewood
- Garden Club of Rumson
- Garden Club of Short Hills
- Garden Club of Shrewsbury
- Garden Club of Spring Lake
- Garden Club of Washington Valley
- Great Egg Harbor Watershed Association
- Greater Point Pleasant Charter Boat Association
- Hi-Mar Striper Club
- Highlands Business Partnership
- Highlands Chamber of Commerce
- Hudson River Fishermen's Association/NJ
- Interact Clubs of Rotary International
- Jersey Coast Shark Anglers
- Jersey Shore Audubon Society
- Jersey Shore Captains Association
- Jersey Shore Running Club
- Junior League of Monmouth County
- Junior League of Summit
- Kiwanis Club of Manasquan
- Kiwanis Club of Shadow Lake Village
- Leonardo Party & Pleasure Boat Association
- Leonardo Tax Payers Association
- Main Street Wildwood
- Marine Trades Association of NJ
- Monmouth Conservation Foundation
- Monmouth County Association of Realtors
- Monmouth County Audubon Society
- Monmouth County Friends of Clearwater
- Montauk Fisherman's Emergency Fund
- National Coalition for Marine Conservation
- Natural Resources Protective Association
- Navesink River Municipalities Committee
- Newcomers Club of Monmouth County
- NJ Beach Buggy Association
- NJ Commercial Fishermen's Association
- NJ Council of Dive Clubs
- NJ Environmental Federation
- NJ Environmental Lobby
- NJ Marine Educators Association
- NJ PIRG Citizen Lobby
- NJ Sierra Club
- NJ Windsurfing Association
- Nottingham Hunting & Fishing Club
- NYC Sea Gypsies
- NY/NJ Baykeeper
- NY Marine Educators Association
- Ocean Advocates
- Ocean Conservancy
- Ocean County Citizens for Clean Water
- Ocean Divas
- Ocean Wreck Divers
- Outreach/First Presbyterian Church of Rumson
- Piscataway Saltwater Sportsmen Club
- Raritan Bay Anglers Club
- Raritan Riverkeeper
- Riverside Drive Association
- Rotary Club of Long Branch
- Saint George's by the River Church, Rumson
- Saltwater Anglers of Bergen County
- Sandy Hook Bay Catamaran Club
- Save Barnegat Bay
- Save the Bay
- SEAS Monmouth
- Seaweeders Garden Club
- Shark River Cleanup Coalition
- Shark River Surf Anglers
- Sheepshead Bay Fishing Fleet Association
- Shore Adventure Club
- Shore Surf Club
- Sierra Club, Shore Chapter
- Soroptimist Club of Cape May County
- South Monmouth Board of Realtors
- Staten Island Friends of Clearwater
- Strathmere Fishing & Environmental Club
- Surfers' Environmental Alliance
- Surfrider Foundation, Jersey Shore Chapter
- TACK I
- Terra Nova Garden Club
- Unitarian Universalist Congregation of Mon. County
- United Boatmen of NY/NJ
- United Bowhunters of NJ
- Volunteer Friends of Boaters
- Waterspirit
- Women's Club of Brick Township
- Women's Club of Keyport
- Women's Club of Long Branch
- Women's Club of Merchantville
- Zen Society

Clean Ocean Action

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Ocean Advocacy
Since 1984

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VIA FACSIMILE

September 13, 2004

RE: Comments regarding the USACOE application for dredging of Contract Area 2 of the Arthur Kill Channel, Howland Hook Marine Terminal New York and New Jersey Federal Navigation Project, with proposed placement of dredged material at the HARS, PN# FP63-AKCA2-2004

To Mr. Seebode, Mr. Millar, and Mr. Pabst:

Enclosed are comments on behalf of Clean Ocean Action (COA, representing 170 organizations), including the over 200,000 citizens who signed petitions against ocean dumping of contaminated dredged materials.

The current Public Notice (PN) is for the second of five contracts (hereafter referred to as Contract 2) for the deepening of the existing federal 35-foot Arthur Kill Navigation Channel. Contract area 2 is located within the Navigation Channel from Newark Bay to the southern end of the Howland Hook Marine Terminal berth and will be dredged to a total depth of 44.5 feet below MLW, which includes the authorized depth of 41-feet below MLW and 3.5 feet of overdepth¹ due to the hard underlying materials. Once established the contract areas will be maintained at the authorized 41- and 40- foot depths below MLW.

¹ According to NY District of Army Corps, a 2-foot safety overdepth is required due to the hard Pleistocene material that underlies the channel. Also, given that the accuracy of dredging equipment vary and contractors may dredge deeper than the 2-safety foot margin, the Army Corps compensates contractors for material that they may dredge up to but not exceeding 1.5 feet.

The volumes to be dredged and proposed management alternatives for Contract 2 are in Table I below.

Location	Proposed for HARS		For upland management		
	Glacial Till (CY)	Red Clay (CY)	Black Silt/Mud (CY)	Rock (CY)	Total Volume (CY)
Contract 2	83,500	804,000	624,000	473,800	1,985,300

Table I. Areas to be dredged, proposed volumes, types of dredged material, and proposed management options. From the Army Corps of Engineers Public Notice.

Sediments to be dredged from Contract Area 2 range from silty black mud to red clay to sand/gravel glacial till. The silty black mud is a top layer found above the red clay, sand/gravel glacial till, and rock. Rock will be placed at the Axel Carlson artificial reef site.

The purpose of the current PN is to collect public review and comments on the proposal for dredging of the materials, as well as the proposed placement of glacial till and red clay to be placed at the Historic Area Remediation Site (HARS), and rock material at selected reef sites .

This Public Notice is the first federal project that has included the use of a new Standard Operating Procedure for determining Glacial Till. The new Public Notice includes the availability of a document called the “Glacial Till Determination.” It is noted here that these are improvements to the process, but as with all new initiatives, questions and additional dialog will be needed for clarification and confirmation of information provided.

In sum, COA’s concerns are as follows:

- (1) Sediment sampling information provided in the PN is not detailed enough. .
- (2) The characterizations of the project material in the “Glacial Till Determination” document, the core logs and the subcrop map do not appear to be consistent, and do not enable COA to assess whether (a) certain material is actually “Pleistocene Glacial Till” and (b) the project volume given for Pleistocene Glacial Till is accurate.
- (3) An unfamiliar classification, Red Shale, was introduced in the “Glacial Till Determination” document which represents a large volume of material for which placement is unclear. In the project map provided, material is defined as “Shale/Bedrock”. There is no mention of either of these sediment types within the PN. For purposes of disposal, is Red Shale considered rock or sediment?
- (4) Dredging and separation of overlying recent silt/clay layers is not assured based on information provided in the Notice. Requirements must be detailed in the permit that will assure that black silt has been completely removed. These requirements include specifications for corrective actions in the case that recent silt/clay sediments are encountered.

The following are long-standing issues that COA considers still unresolved, please refer to our response to the PN for Contract Area 1 dated October 14, 2003 for the specific information related to these issues.

(5) Red Clay has not been adequately tested. COA again emphasizes that this material is not exempted material and thus must be subjected to direct chemical and biological testing.

(6) A thorough evaluation of disposal alternatives was not conducted and evaluated.

(7) The Red Clay has not been shown to be appropriate Material for Remediation

(8) The suitability of Glacial Till as effective cap material has not been assessed.

(9) State water quality certification for the dredging phase for all Holocene material already requires environmental buckets with a slow hoist speed, however it is not clear from the PN whether no “No barge overflow” will be required during dredging to minimize suspension of fine grained particles and associated toxins. NO BARGE OVERFLOW must be a part of the dredging requirements within this project.

(10) Cumulative effects of multiple placement events at HARS and the dredging site have not been assessed- this includes cumulative effects in the water column during dredging, effects from multiple sediment placements within a relatively short period of time, and cumulative effects of placing these sediments (and their contaminant levels) over already degraded sediments.

(11) Specific information about dredged material management of “black silts” has not been provided.

The first four points are discussed in detail below.

(1) Sediment sampling information provided in the PN is not detailed enough.

COA requested and received from the Army Corp a copy of the “Glacial Till Determination” for Contract Area 2, therefore we are aware of the number, location and actual depth of each core sample but we feel it is appropriate to provide this information WITHIN THE PN.

(2) The characterizations of the project material in the “Glacial Till Determination” document, the core logs and the subcrop map do not appear to be consistent, and do not enable COA to assess whether (a) certain material is actually “Pleistocene Glacial Till” and (b) the project volume given for Pleistocene Glacial Till is accurate.

The PN (on page 3) states that the SOP set forth in an August 4, 2004 joint EPA and Army Corp memo were used to classify 83,500 CY of proposed dredging material as Pleistocene glacial till and a resulting list of sediment characteristics were provided. Acknowledging improvement by the permitting agency in requiring official classification of these sediments using the SOP, we are still unclear how data are evaluated and decisions are made regarding

sediment types and volumes. We look forward to a meeting and further discussion of these substantive issues.

In the meantime, there are a few project specific discrepancies that need to be addressed immediately. First, although it was stated that the Glacial Till material contained “low organic carbon content”, it was unclear how such a conclusion could be reached using information provided in the “Glacial Till Determination” document.

Secondly, again based on information provided in the “Glacial Till Determination” document, COA has significant concerns that project material is being misclassified as Pleistocene Sand and Gravel (a.k.a. Glacial Till). The Corps appears to have made a serious error in judgment on the subcrop map by classifying the area surrounding Core #AK95-28 as “Pleistocene Sand & Gravel.” A review of the relevant core log indicates that sediments in that area are clearly NOT of Pleistocene age. To a depth of 50.8 feet, these materials are described as gray or black (NOT RED), and, significantly, **have a petroleum odor**. The joint SOP specifically states that “*Holocene age sands are usually light gray...sediments that are gray, light gray or reddish-gray, OR clearly not reddish or red-brown are NOT likely to be glacial till*”. Moreover, accordingly to the August 2003 memo on glacial till, Pleistocene materials are supposedly isolated from sources of modern contamination, and therefore should not be saturated with petroleum.

COA’s concerns are based on the following observations as well:

- a) 2 of the 9 designated areas (Northeast corner of larger project area and Western end of smaller project area) contain NO core data, therefore it is unclear how the classification was determined;
- b) 5 of the 9 designated areas appear to be determined using only ONE core and 4 of these individual cores contain information that does not correlate with the Army Corp classification of this material as Glacial Till. The SOP clearly states that certain characteristics of the material “must support a determination that the proposed dredged materials are Pleistocene glacial till as opposed to Holocene age material”.
 - i) As noted above, One Core (Serial # AK95-28) clearly is NOT of Pleistocene age as it contains NO RED material, all sediments throughout the entire 50.8 ft of core depth are described as Gray or Black, and smelling of petroleum.
 - ii) One Core (Serial # AK98-6) contained Red Silt/Clay and therefore should have been classified Pleistocene Red Clay not Glacial Till.
 - iii) One Core (Serial # AK-227) contained a material described as “Sandstone w/boulders, cobbles of shale and gneiss”
 - iv) One Core (Serial # AK-251) contained material described only as “Gravel” and “Red Shale” and does not provide adequate information to satisfy a classification of Glacial Till.

(3) An unfamiliar classification, Red Shale, was introduced in the “Glacial Till Determination” document which represents a large volume of material for which placement is unclear. In the project map provided, material is defined as “Shale/Bedrock”.

There is no mention of either of these sediment types within the PN. For purposes of disposal, is Red Shale considered rock or sediment?

22 Cores contain the material described as “Red Shale” within the contract depth (DH13- & 14-82; AK-227, 234, 242, 243, 245, 250, 251; AK95-30, 31, 32, 33, 35, 36, 38, 39, 40, 41, 43, 44, 48). Information needs to be provided regarding the material designation, actual volume and proposed placement of such a large volume of material.

- (4) Dredging and separation of overlying recent silt/clay layers is not assured based on information provided in the Notice. Requirements must be detailed in the permit that will assure that black silt has been completely removed. These requirements include specifications for corrective actions in the case that recent silt/clay sediments are encountered.**

COA urges the Army Corps to provide detailed procedures in the permit to ensure separation of materials during ongoing and future dredging operations, especially non-consolidated materials. Separation of silt from underlying sediments is mandatory (as the black silt is not HARS-suitable). Any permit for dredging of sediments for HARS, must require that all black silt has been removed prior to dredging.

A system to verify the separation of all black silt must be established. Separation must be verified prior to disposal at HARS. For example, to achieve environmentally safe separation of sediments, an on-site inspector from the Corps should be present at all times to: (a) assure that dredging is performed correctly and (b) to assure that any recent silt/clay material (i.e., black mud) encountered during dredging of the deeper sediment layers is placed in an environmental scow for upland placement. The permit should provide specific details to guide the inspector as to how to identify the scenario when recent sediments (i.e., black mud) are found during dredging of deeper, cleaner sediments.

Furthermore, COA requests inspector reports and documentation demonstrating successful layer separation for the dredging at Port Jersey, where dredging was performed in a similar way to that proposed in this project.

In conclusion, based on all the above points, this project as proposed must be denied. A written response to these comments is requested.

Sincerely,



Cindy Zipf,
Executive Director



Jennifer Samson, Ph.D.
Principal Scientist

cc: Ms. Suzanne Dietrick, Chief, Office of Dredging and Sediment Technology, NJDEP