

**Participating Organizations**

*Alliance for a Living Ocean*

American Littoral Society

Arthur Kill Coalition

Asbury Park Fishing Club

Bayberry Garden Club

Bayside Saltwater Flyrodders

Belford Seafood 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 Bensonhurst

Concerned Citizens of COA

Concerned Citizens of Montauk

Dosil'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

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 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

Waterspint

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

www.CleanOceanAction.org



Ocean Advocacy  
Since 1984

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May 27, 2008

Mr. Thomas Shea, Project Manager  
Mr. Richard L. Tomer, Chief, Regulatory Branch  
US Army Corps of Engineers  
New York District  
26 Federal Plaza  
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Mr. Doug Pabst, Team Leader  
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US Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866

## VIA E-MAIL AND REGULAR MAIL

**RE: PN # FP64-SE1-2008 Elizabeth Channel NY/NJ Harbor Deepening, Federal Navigation Project with Placement of Dredged Material at the HARS**

Dear Mr. Shea, Mr. Tomer, and Mr. Pabst;

Enclosed are comments on behalf of Clean Ocean Action, including the over 200,000 citizens who signed petitions against ocean dumping of contaminated dredged materials. The project proposes deepening the existing Elizabeth Channel, located in the Newark Bay, Newark and Elizabeth, New Jersey to 50 feet below mean low water, with placement of 715,000 CY of dredged material to be disposed of at HARS. The PN characterizes the material to be placed at HARS as Pleistocene Red Clay and Glacial Till, which would have the effect of allowing it to be placed in the ocean without further testing for various contaminants as otherwise required by federal regulations. However, the core data do not support the Pleistocene designation of some of this dredged material.

**Dredged Material Characterization:** There are several core logs that describe the "Pleistocene" age material as "red silt" with overlying Holocene black silt (See core logs E 99-7-5, E 98-16, E 98-17, PA 2-424, PA 2-440, PA 2-441, PA 2-442, PA 2-451, PA 3-088, NB 12, NB 13, NB 16, 4B-24, 4B-33). Any material that is describes as SILT, does not qualify for the testing exemptions allowed for

Glacial Till or Red Clay<sup>1,2</sup>. For example, according to the U.S. Army Corps of Engineers (USACOE), it is the physical characteristics of red clay, including its impermeability, compaction, particle size of less than 2 microns, horizontal configuration and cohesion, that contribute to its extremely low or absent toxin levels.<sup>3</sup> Silt material does not have these important characteristics and therefore must be tested to determine if it is acceptable for use at HARS. **Clean Ocean Action would like confirmation that this type of silty material does not qualify as either Pleistocene Glacial Till or Red Clay and must undergo additional toxicity testing to qualify for HARS placement.**

In addition, there are at least two core logs that incorrectly describe sediments as Pleistocene age material:

**Core Log # PA 3-088:** The sediment in this core is described as containing approximately 15 feet of Holocene age material on the top including “*Gray, organic silty clay*” (top ~10 feet) and “*Gray, fine sand*” (~5 feet) followed by Pleistocene age material that is described as “*Gray-brown, silty clay*” (~ 3 feet) and “*Gray-brown fine sand*” (~10 feet).

In a Feb. 27, 2008 Memo<sup>4</sup> from Dr. Steven Knowles, he finds that “*Gray silt is noted in most of the borings and gray sand identified in several borings*” (Core # PA 3-088 is included in a list of several cores). “*This material was removed in previous dredging or clearly lies outside of the dredging prism*” and “*The silt and clay and sand and gravel that occurs within the dredging prism at elevations below the required depth of the last dredging project (-47’ MLW) is clearly red-brown in color.*”

It is not clear from Dr. Knowles description how the questionable ~13 feet of material described in core log # PA 3-088 is to be handled and where it is to be disposed. It is clearly **not red-brown in color, nor does it lie below the required -47’ MLW depth of the last dredging project**, yet this “*gray-brown*” sand and clay is designated as “*Pleistocene*” on the core log.

**Core Log # E 99-7-7:**

This core is described as containing an upper Pleistocene layer of approximately 3.5 feet of material that includes “*trace shell hash*”. Again, in his Feb. 27, 2008 Memo<sup>5</sup>, Dr. Knowles describes several core logs in which shell fragments were identified, but **E 99-7-7** is not included in this list. He further notes “*No shells or shell fragments were noted in sands or silt and clay deposits that occur within the dredging prism at elevations below the required depth of the last phase of dredging*” The ~3.5 feet of material in question

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<sup>1</sup> Memorandum for the Record for Joint USEPA and USACOE Federal Position on Clay Testing in the Newark Bay Complex, January 26, 2000

<sup>2</sup> USACOE Memorandum for Distribution on the Standard Operating Procedures to determine if proposed dredged sediments from selected areas of New York Harbor are Pleistocene Glacial Till, July 16, 2004

<sup>3</sup> Letter to Clean Ocean Action from Richard Tomer, US ACOE addressing our concerns about red clay being placed at HARS. April 16, 2002.

<sup>4</sup> Memorandum for the Record, Feb 27, 2008, Analysis of SE-1 dredging project core data, Steven C. Knowles, PhD, USACE-NY.

<sup>5</sup> Memorandum for the Record, Feb 27, 2008, Analysis of SE-1 dredging project core data, Steven C. Knowles, PhD, USACE-NY.

extends to (- 47.5'), which is right at the required depth of the last dredging project. This further supports a finding that this is Holocene material that was recently deposited and does not support a designation of "Pleistocene" age material.

**The material characterized by cores # PA 3-088 and E 99-7-7 do not qualify as Pleistocene Red Clay or Glacial Till and therefore, must be treated as newly deposited Holocene age material and properly tested to determine if it meets HARS criteria.**

**Material Separation Plan:** COA support the requirement that the applicant provide a "Dredged Material Separation Plan" to "*ensure that only HARS-suitable dredged materials are transported to the HARS*". COA requests a copy of the Material Separation Plan for this project and any additional information on the dredging procedures that describe how the material will be handled to provide acceptable separation.

**Beneficial Reuse of Holocene Silt:** COA supports the proposed beneficial reuse of the Holocene silt material in an environmentally sound manner at an upland site in New Jersey. In order for the public to adequately review the proposed reuse, the PN must also include specific information on the location of the upland placement site.

**Placement of Material at HARS:** The 2006 Multibeam Bathymetric and Backscattering Survey of HARS<sup>7</sup> found areas in the western half of PRA 1 and in the eastern half of PRA 2, where deposits measured up to 19 feet thick. Therefore, the Pleistocene Red Clay and Glacial Till should be deposited within the HARS in a manner that ensures coverage and capping of historically contaminated sediments, not repeated placement over areas that have already received clean cap material.

The core logs and data fail to support the characterization of some of the material in the Elizabeth Channel in Newark and Elizabeth, NJ as Pleistocene Glacial Till or Red Clay and this material must undergo additional site-specific testing before being approved for placement at the HARS. **Any exemption from such testing is contrary to both the spirit and letter of the January 26, 2000 Memorandum for the Record for Joint USEPA and USACOE Federal Position on Clay Testing in the Newark Bay Complex and the USACOE July 16, 2004 Memorandum for Distribution on the Standard Operating Procedures to determine if proposed dredged sediments from selected areas of New York Harbor are Pleistocene Glacial Till, as well as the Ocean Dumping Regulations.**

A written response to these comments is requested.

Sincerely,

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<sup>6</sup> Memorandum for the Record, Feb 27, 2008, Analysis of SE-1 dredging project core data, Steven C. Knowles, PhD, USACE-NY.

<sup>7</sup> RESULTS OF THE SUMMER 2006 MULTIBEAM BATHYMETRIC AND BACKSCATTER SURVEYS AT THE HISTORIC AREA REMEDIATION SITE, SHARK RIVER REEF, AXEL CARLSON REEF, AND SANDY HOOK REEF, FINAL REPORT, December 2006, Contract No. SAIC Project No. 01-0236-04-5000-300, SAIC Report No. 716



Cindy Zipf  
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cc: Suzanne Dietrick, Chief, Office of Sediment and Dredging Technology, New Jersey  
Department of Environmental Protection