

Clean Ocean Advocate



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February 2005 Highlights
- Atlantic Highlands Dredging: Permit Violations
- Fast Track Repeal Update
- Advocate for a Clean Ocean in the Middle of Winter!

ATLANTIC HIGHLANDS DREDGING PROJECT

Permit Violations and NJDEP Stop-Work Order



A slurry of black mud pouring from the CDF into Sandy Hook Bay

In order to keep our waterways safe for boaters and ships, marinas and channels must be periodically dredged. Dredging and the management of the material is a necessity and it must be done in an environmentally sound manner.

On December 16, 2004, the Atlantic Highlands Harbor Commission was issued a permit by the NJ Department of Environmental Protection (NJDEP) for maintenance dredging of the marina, disposal of dredged material into the nearby existing Confined Disposal Facility (CDF), and discharge of water into Sandy Hook Bay. The NJDEP permit contained certain requirements due to environmental concerns. Shortly thereafter, dredging began and the project was underway.

Permit Violations

Clean Ocean Action (COA) visited the site of the dredging project on December 29 and observed numerous violations of the permit, including:

- The permit required a 24-hour settling period because of contamination concerns to allow sediment to settle to the bottom so that only the clear water is discharged into Sandy Hook Bay. However, the dredged material (a slurry mix of sediment and water) was pumped into the CDF and then discharged into the harbor *simultaneously*.
- The permit also required that measures be taken to prevent scouring and soil erosion at the discharge point. Yet, as a result of the lack of protective measures, severe scouring and soil erosion occurred from the point of discharge at the base of the CDF into the Bay (see photo). Thus, sediment washed into the Bay creating pollution and redistributing mud to another part of the Bay, potentially requiring dredging in the future.
- The permit required placement of a silt fence around the perimeter of the CDF to protect the wetlands and adjacent waters from contamination. However, in several places, the silt fencing was breached and contaminated sediments flowed directly into the wetlands.

COA contacted Atlantic Highlands Mayor Donoghue and Joe Reynolds of the Atlantic Highlands Environmental Commission to alert them of the problems. A short time later, Mayor Donoghue informed COA that he conferred with the Harbor Master, Bill Bate, who agreed to stop the dredging shortly.

The next day COA contacted the NJDEP enforcement officer, Tammy DiGiacomo, who issued a stop-work order on December 30. Currently, NJDEP is assessing further enforcement actions.

COA will work with local citizens, NJDEP, and Atlantic Highlands and the Harbor Commission to resolve these matters and develop an environmentally sound dredged material management plan for the future.

For more pictures showing COA's observations, visit www.CleanOceanAction.org and follow the links for "Action Alerts."

COA PARTICIPATING ORGANIZATIONS Featuring... Communication Workers of America, Local 1034

Communication Workers of America (CWA), Local 1034 reflects the diversity of COA as one of the original sponsoring organizations of COA. CWA 1034 remains an active Participating Organization today. CWA 1034 is a labor union that represents 16,000 public workers in New Jersey and Delaware at the state, county, and municipal levels of government, as well as workers in health care and the private sector. The union includes employees from the NJ Department of Environmental Protection, county park systems, wastewater treatment plants, and public works and health departments. Local 1034 is the largest public sector local within NJ and the single largest local in CWA's International Union.

The union helps public employees "gain rights and respect on the job." CWA 1034's Organizing Department promotes employees' legal rights to organize with co-workers for better wages, benefits, and protections in the workplace.

Tom Fagan, a staff representative, has been involved with COA since the early days and convinced other labor unions to support and join efforts to fight ocean pollution. Tom is a member of the COA Board of Trustees and an active NJ wreck diver.

When asked why the union joined COA, Tom said, "Our members swim in the same ocean as everyone else. A clean ocean is necessary for our quality of life in this region, creating jobs in the tourism, recreation, fishing, and diving industries."

CWA 1034 has participated in several COA campaigns over the years including the Ocean Defense Campaign and the newest, the Clean Ocean Zone. Members of the labor union attend public hearings to fight ocean polluting projects and relate the health of the ocean to their everyday lives.

CWA 1034 has several offices throughout the state, including its main office in Trenton (where they provide office space to the NJ Environmental Federation) and a regional office in Red Bank, which served as a meeting place for the COA Board since the 1980s.

For information about CWA 1034, call (609) 530-0060 or visit www.cwa1034.org.

Contributions by Tom Fagan
Adapted from CWA 1034 website



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RETURNS SERVICE REQUESTED

February 2005

February 20, Sunday
- SCUBA Flea Market, Ocean Wreck Divers of NJ, 8:30AM-2PM, Toms River Intermediate West School. See inside for details and volunteer information.

February 9 & 23, Wednesdays
- "Repeal Fast Track" public meetings. See details inside.

Save the Date:

March 13, Sunday
- Fishing Market, Ocean Wreck Divers of NJ, 8AM-2PM, Toms River Intermediate West School. See inside for details and volunteer information.

May 22, Sunday
- COA Family Beach Party. Stay tuned for details.



Please clip and send to COA.

STAY INVOLVED IN YOUR COALITION!

MAILING LIST RENEWAL OR SIGN-UP FORM

- ➔ If you received a message on your address label, it's time to renew.
- ➔ Your contribution will ensure that you receive this monthly newsletter, action alerts, and notices of events for one year.
- ➔ To renew, please detach this form and enclose with your check.

Thank you.

Enclosed is my check for (please check one):

\$25 Individual/Family \$15 Student/Senior
 \$50 Participating Organizations

Name _____

Street _____ City _____

State _____ Zip _____ Phone _____

Please include organization name & contact, if applicable:

Please make check payable to
Clean Ocean Action, PO Box 505, Highlands, NJ 07732

COA is a 501(c)(3) organization and contributions are tax deductible.

CONTAMINATED SEDIMENTS

Jennifer Samson, Ph.D., 732-872-0111, Science@cleanoceanaction.org

To review comments, visit "Issues/Campaigns" and "Contaminated Sediments" at www.CleanOceanAction.org.

Raritan River Dredging Project

Clean Ocean Action (COA) and NY/NJ Baykeeper submitted joint comments to the US Army Corps of Engineers (ACOE) on proposed maintenance dredging of the Raritan River from the New York railroad bridge (river mile 2) to the Driscoll Bridge (river mile 4) to a depth of 25 feet (+2 ft) below mean low water. The project will generate approximately 152,000 cubic yards of material, which will be placed at an upland disposal site yet to be identified.

COA and Baykeeper are not opposed to maintenance dredging, as it is essential for safe navigation, but wants to ensure the work is conducted in a manner that is protective of the marine environment. The groups requested the use of an environmental bucket with slow hoist speed and no barge overflow as a project requirement. The comments to ACOE also asked that the seasonal ban on dredging (Jan. 1-May 31) be enforced to protect early life stages of winter flounder.

COASTAL WATER QUALITY ISSUES

Nicole Simmons, 732-872-0111, Policy@cleanoceanaction.org

Delaware Oil Spill Hearing & Update

On January 18, the US House Subcommittee on Coast Guard and Maritime Transportation, chaired by **US Representative Frank LoBiondo (R-2)**, held a hearing about the November 2004 oil spill that tainted 57 miles of the Delaware River. **US Representative Robert Andrews (D-1)** attended the hearing. Officials have revised the amount of crude oil that spilled from the *Athos I* to 265,000 gallons, making the spill the fourth-largest on the Delaware.

Many concerns pertaining to the spill, cleanup, and the investigation were discussed at the hearing, including delays in the deployment of booms to protect sensitive areas, as well as the cause of the spill. Recently, several objects were located in the River and may be the cause of gashes in the single hull tanker, including a huge chunk of metal (part of a pump housing), a gigantic anchor, and a slab of concrete.

The origin of these objects and why they were in the River were discussed.

265,000 gallons of crude oil spilled from the Athos I, making it the fourth-largest spill on the River.

One possible source is objects falling from ships. Panel members were astounded to learn that no legal requirement exists for ship operators to report lost items in the River. Ship operators are only required to report when a ship sinks. Concerns also arose when it was reported that the underwater structures were not found by single, multi, and side-scanning sonar, but rather by a diver backing into the pump housing. Interestingly,

the side-scanning sonar showed "an area of interest" but no particular structure that could have caused the accident.

In response, LoBiondo vowed to remedy the law to require reporting of lost objects, to seek funds for more advanced sonar scanning by the US Army Corps of Engineers, and to push for aggressive removal of debris in river channels.

To prevent future oil spills, scientists and environmental officials recommended the Subcommittee consider: phasing-out single-hull tankers sooner, increasing port fees for single-hull tankers, increasing liability limits for all tankers, providing funds for training and response for other hazardous materials, requiring armed escorts for oil and hazardous material tankers against terrorist attacks, permanently setting maximum ship draft of 34 feet, restricting tanker movement two hours before low tide and to daylight travel, "pre-positioning" rolled-up booms along the River and establish anchoring sites, improving detection of underwater objects, increasing removal of underwater objects, and improving data management on environmentally sensitive areas.

For updates on the investigation, contact the Delaware Riverkeeper Network (www.delawareriverkeeper.org or 215-369-1188).

Buttermilk Channel Dredging & HARS Disposal

COA continues to monitor ocean disposal of sediments at the Historic Area Remediation Site (HARS). ACOE is currently proposing maintenance dredging of Buttermilk Channel federal navigation channel with subsequent placement of approximately 100,000 cubic yards (CY) of dredged material at HARS. The sediment proposed to be dredged is contaminated with PAHs and PCBs at levels an order of magnitude *higher* (for PAHs) or *equal to* (for PCBs) concentrations in the contaminated sediments already at HARS. During 28-day bioaccumulation tests using Buttermilk Channel sediments, clams and worms showed significant bioaccumulation of 52 different contaminants.

COA protested that the Buttermilk sediments are not appropriate material for cleaning up HARS. The US Environmental Protection Agency (EPA) and ACOE continues to use an outdated and unprotective framework to evaluate sediment toxicity, allowing such contaminated materials to be used as "clean" cap. COA asked for a meeting with the two agencies to discuss the framework and other HARS management issues.

Fast Track Repeal Update

By press time, 43 Legislators signed on as sponsors of the bi-partisan bill (S2157/A3650) to repeal the Fast Track law. If your NJ legislator has yet to sign on to the repeal bill, please write or call your legislator and ask him or her to co-sponsor S2157/A3650.

Also, the Save NJ Coalition is organizing several town meetings over the next few months to provide helpful information to citizens about Fast Track (see box). Visit www.savenj.net for meeting announcements, a list of legislators on the repeal bill, a sample letter to your legislator, a list of towns that have signed resolutions against Fast Track, and other important updates. With your help, Save NJ can repeal the Fast Track law and work toward a real smart growth program.

Fast Track Citizen Meetings

Ocean County:

- **January 31**, 7-9 PM
Dover Municipal Building, Toms River
Hersch Blonde Room, 2nd Floor

South Jersey:

- **February 9**, 7:30-9PM
Salem County RCE Ware Building
Located off Rt. 45, just past Salem
County Vo-Tech, Cheney Road,
Woodstown
- **February 23**, 7-9PM
Wheaton Village Conference Center
1501 Glasstown Road, Millville

Coastal Creature Feature

December's Creature Feature was the **Eel Pout** or **Ocean Pout**. They can reach 3½ feet long and weigh up to 12lbs, and get their names from a huge mouth with drooping lips, eel-like appearance, and slimy skin. Pouts are visually differentiated from true eels because the anal fin is continuous with the caudal fin. Coloring can vary from pinkish-yellow, brownish, reddish-brown, or mottled with darker hues, and white or yellow bellies. Eel pouts use strong, blunt conical teeth to eat invertebrates and slink around sandy, muddy, or rocky bottoms and hard structures as deep as 360 feet. Considered a cold-water fish, NJ is near its southern range, which extends from Delaware Bay north to Newfoundland. Eel pouts actually have natural antifreeze in their blood to help them handle northern sub-zero temperatures! While the ling cod looks like the pout, there were no correct entries this month.



Eel Pout or Ocean Pout
Macrozoarces americanus



February Creature
(What's Cool at ICE and Coastal Creature Feature appear every other month.)

ARTIFICIAL REEFS

Proposed Permit for All NJ Artificial Reef Sites

The US Army Corps of Engineers (ACOE) released a Public Notice seeking comments on the re-issuance of permits for New Jersey's artificial reef sites, including the 14 existing sites and an additional site called Townsends Inlet off Cape May. COA submitted comments to ACOE on January 17, 2005.

COA supports NJ's artificial reefs and works to support improvements to the program. Important strides have been made to ensure the materials used in the program are environmentally sound. COA supports the permit for the 15 reef sites as long as the permit is consistent with state policy and applicable laws. Unfortunately, the Public Notice and application was deficient and inconsistent with current state policy and law, and therefore, COA's comments were:

1. The ACOE's list of "materials of opportunity" included concrete-ballasted tires, obsolete subway cars, and ocean telecommunication cables, which is outdated and does not reflect current NJDEP policies, such as NJDEP's Policy Directive 2003-02 or the September 2004 NJ "Draft Artificial Reef Management Plan."
2. ACOE did not request the required Endangered Species Act (ESA) consultation from the National Marine Fisheries Service (NMFS). Section 7 of the ESA requires a NOAA/NMFS consultation.
3. The permit application failed to include information that the requirements of the New Jersey Coastal Zone Management Program have been met and are consistent with state policy.

Based on these deficiencies, COA urged ACOE to ensure that the final application and permit are consistent with current law and state policy.

For more information call Dr. Jennifer Samson at 732-872-0111.

OUTREACH

Kari Jermansen, 732-872-0111, Outreach@cleanoceanaction.org

Advocate for a Clean Ocean in the Middle of Winter!

Beat the winter blues by volunteering for COA at two fabulous and fun flea markets, organized by Ocean Wreck Divers of New Jersey. Volunteers are needed to staff information tables and to sell COA merchandise at the SCUBA Flea Market on February 20 from 8:30 AM to 2:00 PM, and at the Fishing Market on March 13 from 8:00 AM to 2:00 PM. To volunteer for COA, call Kari. General admission for the SCUBA market is \$5.00, and for the Fishing market is \$3.00. Both events will be held at the Toms River Intermediate West School at 150 Intermediate West Way, Toms River, NJ. For more information about the events, visit www.oceanwreckdivers.com.

EDUCATION

Julie Hajdusek, 732-872-0111, Education@cleanoceanaction.org
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Environmental & Marine Education Abounds

COA Educators Tony and Julie joined other environmental educators and teachers at the annual conference of the Alliance for NJ Environmental Educators on January 6-8. Tony and Julie gave presentations to classroom and non-formal educators, showcasing COA's educational programs. Tony described how teachers could integrate service projects such as the Beach Sweeps and Storm Drain Stenciling into their classrooms. Julie's program focused on the Student Summit and the innovative way that it fosters learning in an outdoor classroom.

About the Student Summit... Applications for the 17th Annual Spring Student Summit are now available at www.CleanOceanAction.org, or by calling Julie. The Summit is a free field trip program for middle school (Grades 5-8) students from central and northern NJ counties (southern NJ counties are invited to the Fall Student Summit, held in October). The Summit allows students to be "scientists for a day", making observations, conducting experiments, and drawing conclusions about a variety of marine and environmental science topics.

