

Participating Organizations

Alliance 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 Stripper 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
Kiwans Club of Manassquan
Kiwans 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 of 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



*Ocean Advocacy
Since 1984*

Clean Ocean Action

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RE: PN Number: 2004-00718-RS

September 30, 2004

VIA FACSIMILE

Dear Mr. Tomar;

Clean Ocean Action (COA) is writing in response to the above referenced Public Notice announcing the Bayshore Recycling Corporation's request for authorization to construct a temporary dredged material handling facility (consisting of an ore carrier, several barges, ramps, a crane and pipelines) in the Raritan River in the Township of Woodbridge, Middlesex County, New Jersey.

COA supports the responsible management of dredged material by environmentally-sound reuse methods including the utilization of dredged material treatment processes. This is in contrast to non-confined aquatic disposal options where toxins in the untreated dredged material enter into the food chain, contributing to on-going fish advisories and adverse effects in marine biota.

The proposed pilot project holds promise for the establishment of a beneficial reuse program in the port area in New Jersey. Unfortunately, the lack of public input undermines the success of the project and the previous efforts that have been made to educate the public on strategies that encourage responsible dredged material management.

COA published a citizen's guide for dredged material alternatives entitled, *Alternatives For Managing Dredge Material in New York/New Jersey Harbor. A Citizen's Guide for Understanding the Issues, Science and Options of Dredged Material Management.* The guide is a tool for citizens to evaluate, consider and question dredged material management strategies in their communities. COA feels strongly that extensive citizen involvement is instrumental in the success of this project.

In addition to our dissatisfaction with the lack of community involvement, the Public Notice itself is not adequate to assess impacts of the dredged material reclamation facility on the aquatic environment for several reasons.

1. The description provided in the Public Notice indicates that dredged material may remain on the ore carrier for an indefinite period of time and that some aspects of the reclamation process will take place on the carrier. However, the Public Notice does not provide adequate information on the following issues:
 - A. How “bottoming-out” at low tide will impact the stability of the carrier and the material stored on board. The impact to the benthic community. Indeed, this constant impact could be considered defacto filling of area.
 - B. The collection and disposal of storm water runoff that may have been contaminated through contact with the dredged material.
 - C. Measures that ensure that all materials will remain on the barge during the daily tidal beaching and occasional storm events. (This is especially important as contamination levels in the dredged material may exceed levels present at or near the ore carrier.)
 - D. The extent of processing to take place on the barge.
 - E. The handling of by-products or waste associated with the pre-processing.

Issues A through D, also need to be addressed for the transport barges, which will be located on the landward side of Barge C for at least 24 hours, at a marsh elevation that would put them at even greater risk for becoming unstable during the low tide cycles.

2. The Public Notice states that construction of a more permanent facility “...**may** require an additional public notice”. This proposed facility must not be considered as a boot-strap for a permanent facility. If / When this facility is considered as a permanent facility a new application and public process must be submitted. This is a matter of serious public interest and should require an open dialogue at all stages.
3. Essential Fish Habitat (EFH) Assessments are incomplete. The consultation with NMFS regarding EFH impacts and conservation recommendations should be prepared prior to the issuance of the Public Notice and the resulting information needs to be provided within the Public Notice for review and comment.

In addition to our comments on the actual facility construction, COA has some serious concerns regarding the Dredged Materials processing to takes place at the facility. These concerns are addressed below.

1. There is no information in the Public Notice regarding the following:
 - A. Source(s) of the dredged materials to be processed,
 - B. Classes and/or concentrations of contaminants expected to be present in the dredged material,
 - C. Reclamation processes to be employed (although language within the PN suggests multiple processes will be utilized),
 - D. Disposal/Management of wastestreams associated with the reclamation processes,
 - E. Methods used to confine/contain the sediments within the facility to prevent runoff of dredged sediments into the surrounding water during a storm or flooding event,
 - F. Length of time the dredged material will be stored at the waterfront facility,
 - G. Proposed end-use of the dredged material.

2. The Public Notice clearly states that this is a 2-year “pilot” project and that success is not certain. To properly assess the project, all proposed dredged material reclamation techniques need to be described in detail and should include the following:
 - A. Clearly defined measures of success,
 - B. Monitoring and testing regimes to be employed,
 - C. Possible failure scenarios associated with each technique,
 - D. Contingency Plans for each failure scenario that will ensure the proper handling of any contaminated sediments to prevent any exposure to the surrounding aquatic environment.

In addition, Clean Ocean Action would like to review the results of the pilot study.

3. It is our understanding that this facility will be testing techniques funded and supported through the WRDA Decontamination Technologies program. There needs to be a clear understanding of the role of the federal agencies (EPA, COE, and DOE as examples) involved with the funding and development of these technologies, including who is ultimately responsible for management and oversight of the facility, the companies applying the technologies and the pilot project.
4. Bayshore Recycling Corporation does not appear to have any prior experience operating a Dredged Material Management Facility. Prior operations of this company have been limited to handling construction debris. What makes them qualified to manage and operate such sophisticated new technologies?
5. Full disclosure and uses of the facility should be provided. Namely, is there any consideration by the federal or state agencies that this facility may treat materials designated as RCRA or Superfund material now or in the future?

In sum, this Public Notice is incomplete and therefore the project must not move forward. The information requested above must be provided in a new Public Notice detailing the project and public comments must be solicited.

Thank you in advance for incorporating these comments into the record for this project. We look forward to your written response.

Sincerely,



Cindy Zipf, Executive Director



Jennifer Samson, Ph.D., Principal Scientist

Cc: Suzanne Dietrick, Chief, Office of Dredging and Sediment Technology, NJDEP