

Alliance for a Living Ocean  
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Arthur Kill Coalition  
Asbury Park Fishing Club  
Bayberry Garden Club  
Bayshore Regional Watershed Council  
Bayside Saltwater Fly Fishers  
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, NY  
Coalition Against Toxics  
Coalition for Peace & Justice/Unplug Salem  
Coast Alliance



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Since 1984*

# Clean Ocean Action

[www.CleanOceanAction.org](http://www.CleanOceanAction.org)

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May 23, 2006

Suzanne Dietrick, Chief  
NJ Department of Environmental Protection  
Office of Dredging and Sediment Technology  
P.O. Box 028  
401 East State Street  
Trenton, NJ 08625-0028

**RE: Project # 1331-04-0015 Major Modification to Federal Consistency Determination (FCD)/Water Quality Certificate (WQC) for Pier Complex Replacement in Sandy Hook Bay, Naval Weapon Station Earle**

**VIA FACSIMILE AND ELECTRONIC MAIL**

Dear Ms. Dietrick:

Clean Ocean Action (COA) is a regional, broad-based coalition of over 150 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups with a mission to improve the degraded water quality of the marine waters of the New Jersey/New York coast. The modification request includes procedures to be conducted to remove discovered discarded military munitions (DMM) from non-HARS dredged material. As originally proposed, the dredged sediments will be disposed of at an upland placement site in Charles County, Virginia once cleared of all DMMs. The permittee provides two Material Handling Plans (MHP). The first MHP described the process of moving material to and from holding barges and the trestle and the spreading, surveying and piling of material onto the trestle, while a second MHP describes measures to minimize and control the discharge of sediments into Sandy Hook Bay during the survey operation. COA has reviewed the above listed project and submits the following comments.

- 1. Why is the material being disposed of in Virginia as opposed to an approved upland placement site in New Jersey?**
- 2. Information is requested on the 4,000 cubic yards (CY) of additional material to be processed.**

The MHP submitted by Tetra Tech indicates that in addition to the estimated 15,000 CY of dredged material from 4 hopper scow loads, 4,000 CY of material to be dredged from the Naval Weapon Station (NWS) Pier Complex will also be included in this operation. This additional dredged material was not mentioned in any other document, including the Department of the Navy's

Coastal Jersey Parrot Head Club  
Communication Workers of America, Local 1034  
Concerned Businesses of COA  
Concerned Citizens of Bensenville  
Concerned Citizens of COA  
Concerned Citizens of Montauk  
Eastern Monmouth Chamber of Commerce  
Fisher's Island Conservancy  
Fisheries Defense Fund  
Fishermen's Dock Cooperative, Pt. Pleasant  
Friends of Island Beach State Park  
Friends of Liberty State Park, NJ  
Friends of the Boardwalk, NY  
Garden Club of Englewood  
Garden Club of Fair Haven  
Garden Club of Long Beach Island  
Garden Club of Middletown  
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  
Jersey Coast Shark Anglers  
Jersey Shore Captains Association  
Jersey Shore Running Club  
Junior League of Monmouth County  
Keyport Environmental Commission  
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, NY  
NJ Beach Buggy Association  
NJ Commercial Fishermen's Association  
NJ Environmental Federation  
NJ Environmental Lobby  
NJ Main Ship Owners Group  
NJ Marine Educators Association  
NJ PIRG Citizen Lobby  
Nottingham Hunting & Fishing Club, NJ  
NYC Sea Gypsies  
NY Marine Educators Association  
NY/NJ Baykeeper  
Ocean Wreck Divers, NJ  
PaddleOut.org  
Piscataway Saltwater Sportsmen Club  
Rantan Riverkeeper  
Religious On Water  
Riverside Drive Association  
Rotary Club of Long Branch  
Rotary District #7510 - Interact  
Saint George's by the River Church, NJ  
Saltwater Anglers of Bergen County  
Sandy Hook Bay Anglers  
Save Barnegat Bay  
Save the Bay, NJ  
SEAS Monmouth  
Seaweeders Garden Club  
Shark Research Institute  
Shark River Cleanup Coalition  
Shark River Surf Anglers  
Shore Adventure Club  
Shore Surf Club  
Sierra Club, Shore Chapter  
Soroptimist Club of Cape May County  
South Jersey Dive Club  
South Monmouth Board of Realtors  
Staten Island Friends of Clearwater  
Staten Island Tuna Club  
Strathmere Fishing & Environmental Club  
Surfers' Environmental Alliance  
Surfrider Foundation, Jersey Shore Chapter  
TACK I, MA  
Terra Nova Garden Club  
Unitarian Universalist Congregation /Monm. Cnty.  
United Boatmen of NY/NJ  
United Bowhunters of NJ  
Volunteer Friends of Boaters, NJ  
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, NJ

April 25, 2006 request for an amendment to the FCD/WQC. COA has several questions about this additional material including:

- a. Why is this additional material only addressed in the one document?
- b. Is this material being dredged from the same location as the material currently being held on the scows?
- c. Are there any sediment chemistry data available for this material?
- d. Does this material qualify for upland disposal?
- e. Has New Jersey Department of Environmental Protection (NJ DEP) already approved an Acceptable Use Determination (AUD) for this material?

In addition to these questions, COA requests a copy of any information that is available on this additional material.

**3. Any alternate processes proposed for the surveying of DMMs must be considered a major modification.**

The Department of the Navy's May 2, 2006 request for an amendment to the FCD/WQC states "the Command is also evaluating an alternative process using a screen and conveyer system on Abandon Trestle 2, to try to make the spreading and surveying process faster and more efficient. If this alternative process proves to be viable, the Navy may wish to add or substitute this process to the above spreading and survey process during the course of the work effort." The permittee is requesting that this alternative process be covered by the scope and intent of the FCD/WQC amendment currently requested. The permittee recognizes that the alternative process would require a new MHP and COA feels strongly that the significant changes in equipment and procedures required by this alternative could influence controls currently being adopted to protect water quality and aquatic life. The permittee must not be allowed to utilize any additional procedures that have not been fully described (via a MHP) in this public notice and afforded the same level of review as the currently proposed processes. COA urges the NJ DEP to prohibit the use of any alternative processes until all relevant information on the procedure has been submitted and the Department and interested public have had an opportunity to review the proposed alternative.

**4. Leaching of chemicals from DMMs.**

The process of dredging, loading, dewatering, and transporting of the dredged material and contained DMMs constitutes significant perturbations that may have allowed hazardous material contained in the DMMs to leach into the dredged material. In addition, the chemical parameters that are routinely required by NJ DEP for upland placement may not include chemicals that are known to occur in military munitions. Therefore, the dredged material must be retested to include any suspected chemicals contained in the DMMs before it can be approved for upland placement.

**5. Impacts of severe weather events on the survey operation.**

The MHP submitted by Weeks Marine, Inc. indicated that the west side of old trestle 2, where all of the material processing is proposed to occur, is wide open to the elements. It is important to note that the operation is proposed to occur during hurricane season, one that is currently predicted to include five major hurricanes. The submitted documents do not adequately address how a severe weather event will be handled, except to say that

work will cease, equipment will be moved and barriers will be inspected. The MHP (submitted by Tetra Tech, Inc.) that describes the controls to be implemented to minimize the discharge of sediments into Sandy Hook Bay during the survey operation fails to address the potential impact of severe weather, including hurricane force wind, rain and wave action on the material piled on the unprotected pier or being held in barges located in the middle of Sandy Hook Bay. Given the high degree of exposure of the material to the elements, the MHP must include adequate control measures to avoid any discharge of dredged material and DMMs during a severe weather event.

Clean Ocean Action has serious questions and concerns about the proposed survey operation to be conducted on NWS Earle that must be addressed before the modifications can be approved. COA requests a written response to our comments.

Sincerely,



Cindy Zipf  
Executive Director



Jennifer Samson, Ph.D.  
Principal Scientist