

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 Mansquan

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 Drivas

Ocean Wreck Divers

Outreach/First Presbyterian Church of Rumson

Pecaniny 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 1

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 Keysport

Women's Club of Long Branch

Women's Club of Merchantville

Zen Society

Clean Ocean Action



*Ocean Advocacy
Since 1984*

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VIA ELECTRONIC MAIL

RE: Update Dredged Management and Monitoring Plan (DMMP) for the Port of New York and New Jersey, Vol. 1, August 2008

Dear Dr. Riccardi and Ms. Baron:

Clean Ocean Action is a regional, broad-based coalition of over 125 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. COA has been actively involved in dredged material management issues for the Port of New York/New Jersey (NY/NJ). Our efforts are constructive and based on sound science, law, and good governance to ensure harbor dredged material is managed in an environmentally responsible manner.

Thank you for providing the long awaited update for the Dredged Material Management Plan (2008 Updated DMMP) for the Port of New York and New Jersey. We also appreciate the six week extension of the comment period that was provided by the New York District of the U.S. Army Corps of Engineers (ACOE).

COA supports the 2008 Updated DMMP's Preferred Management Options of contaminant and sediment reduction and the beneficial reuse of dredged sediments. We commend this documents strong emphasis on utilizing dredged material as a resource, promoting/exploring beneficial reuse opportunities and eliminating from consideration

COA Comments on Port of NY/NJ 2008 Updated DMMP



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many previously listed aquatic disposal options that COA considers environmentally harmful. We are optimistic that recent efforts initiated by the Harbor Estuary Program (HEP) and led by the ACOE, to develop a Regional Sediment Management Plan for the NY/NJ Harbor will lead to reduced contamination and sedimentation in the Harbor and increase opportunities to beneficially reuse dredged material.

Aquatic Disposal Options

COA commends the ACOE decision to remove from consideration several placement options (Table 2-1c) that we have long rejected as environmentally unsound, including several confined aquatic disposal sites and nearshore/island confined disposal facilities within the Harbor and all new ocean disposal sites. Any future attempts to designate a new ocean remediation site must require extensive investigations to demonstrate past disposal activities resulted in Category 1 sediments that are causing substantial acute and chronic impacts on current biota, in addition to the stated “*new site screening process and extensive agency and public review*”.

COA is profoundly disappointed that after ten years and \$42 million dollars of investment in the NY/NJ Harbor Sediment Decontamination Technologies Demonstration Program; stabilization is the only available option to aquatic disposal. We encourage Federal and state agencies to focus efforts on developing additional suitable, economically viable and environmentally sound beneficial reuse options, including regional processing and treatment facilities.

Sediment Decontamination Technologies

The 2008 Updated DMMP must be amended to accurately report on the current status of the USEPA and New Jersey Department of Transportation/Office of Maritime Resources (NJDOT/OMR) NY/NJ Harbor Sediment Decontamination Technologies Demonstration Program. The 2005 Implementation Report states “*It is expected that decontamination could be utilized for up to 1 MCY/YR of dredged material by 2007 and the cost will have been reduced from the current cost of approximately \$90-\$150/CY to a competitive cost of \$35-\$55/CY.*” (from Section 2.4: Decontamination). The 2008 Updated DMMP must clearly state that despite spending over \$42 million dollars and many years, neither the USEPA, nor NJDOT/OMR programs, resulted in any successful decontamination technology (beyond stabilization) that could process 500,000 CY/YR (lowered from the original goal of 1 MCY/YR) of dredged material, even at \$90 -\$150/CY. In fact, only two technologies (Endesco Clean Harbors Cement-Lock and BioGenesis sediment washing) proceeded beyond bench/pilot demonstration phase, and neither was able to effectively process even moderate volumes of relatively uncontaminated dredged material without significant handling, equipment, air emissions and/or contaminant reduction problems. For example, the final testing phase conducted using Cement-Lock Technology involved only 44 CY of dredged material. Even with this very small volume of material, the processing equipment failed to function properly, despite already undergoing extensive modifications in an effort to solve problems identified in earlier testing phases. The air pollution control equipment also exhibited significant design and operational problems and the final product failed to meet New Jersey Clean-up Criteria for land disposal requiring all 146 tons to be disposed at a secure landfill.

Dredged material processed using BioGenesis’s Sediment Washing Technology also failed to demonstrate effective or efficient dredged material handling and processing, even with only

limited volumes of material, and once again, the end-product failed New Jersey Clean up Criteria for land disposal requiring landfill disposal.

The 2008 Updated DMMP inaccurately cites these two failed demonstrations among the “Recent Accomplishments” towards fulfilling the goals of the Port of NY/NJ DMMP. Both of these demonstrations failed to produce viable end-products or increase dredge material placement options (see above). In addition, these demonstrations were associated with the Lower Passaic River Restoration Project, an environmental dredging project, not a navigational dredging project and therefore, not relevant to the DMMP and management of “*all planned maintenance material, Federal and non-Federal*” or material “*generated from Federal and non-Federal deepening projects.*”

It is COA’s understanding that none of the sponsored decontamination technologies are undergoing any further investigation by either the USEPA, or the NJDOT/OMR. Therefore, the 2008 Updated DMMP must be corrected to clarify the current status of these decontamination programs, including detailed information on the issues/problems with each of the tested technologies. Although it is possible that with substantially greater time and money, these technologies may some day prove useful for processing highly contaminated “Superfund” level sediments from environmental dredging projects such as the Lower Passaic River Restoration Project. None of the sponsored technologies provide useful, cost-effective options for managing navigational dredged material from the Port of NY/NJ and should therefore be eliminated as potential future options in the 2008 Updated DMMP.

The failures of the USEPA and NJDOT/OMR NY/NJ Harbor Sediment Decontamination Technologies Demonstration Programs were largely due to a complete lack of oversight. The multi-million dollar programs would have had a much greater chance of success had they included outside technical and scientific experts in the analysis and assessment of the step-wise demonstration results for each sponsored technologies. These experts, together with agency representatives, should have determined which technologies were effective enough to go on to the next level of demonstration, based on performance and ability to achieve the larger goals of the Program. Although we encourage the continued pursuit of economically viable, environmentally sound sediment decontamination technologies, any future programs must have greater accountability and oversight, including ongoing scientific peer review and meaningful public input.

Public Processing/Storage Facility

COA supports the concept of developing regional Public Processing Facilities (PPF) to ensure reliable capacity, sustain commercial-scale processing, and stabilize costs for managing dredged material. We understand the importance of such facilities in achieving the ACOE Preferred Management Option of utilizing dredged material as a resource. The 2008 Update DMMP states “*Many opportunities exist via public-private partnerships for the public sector to become involved in the siting, construction, operation, management and operation and maintenance of a processing or storage facility...*”. The document goes on to say “*With increased understanding of the economics of processing and storage, the public sector will continue to work for cost-effective dredged material processing and placement.*” Therefore, it is a source of significant frustration that as the USEPA Region 2 and the ACOE PPF feasibility and planning efforts have

been ongoing for almost a decade, no meaningful dialogue and participation by the public or regional and local officials have even been attempted, despite repeated requests by COA. We find, and have proven, that collaborations are the most effective and efficient means of successful public policy and environmental success. The failure of the federal agencies to engage the public in the early planning and development of regional PPFs will result in a lack of support and ultimate rejection of these important facilities by potential host communities.

We urge the ACOE to change its current course, endorse its own rhetoric, and initiate immediate and meaningful public participation in the siting and planning PPF process, before making any preliminary decisions on the size, scale, location or operations. These critical decisions must be made through open discussion, debate and input with the interested public, not presented to them as a draft PPF Plan at a public meeting held in the prospective host community.

In conclusion, the 2008 Updated DMMP for the Port of NY/NJ demonstrates the ACOE's ongoing commitment to reducing sedimentation and contamination loads to the Harbor, while utilizing dredged material as a resource. Clean Ocean Action will continue to participate in efforts to improve water/sediment quality in the Harbor, develop economically viable and environmentally sound beneficial reuse options for dredged material and reduce the need for aquatic disposal. We welcome opportunities to work cooperatively with the ACOE and USEPA to these ends.

COA also supports the numerous issues and concerns raised by the Natural Resources Protective Association (NRPA) in their recently submitted comments on this 2008 Updated DMMP.

Sincerely,



Cindy Zipf
Executive Director



Jennifer Samson, Ph.D.
Principal Scientist