Memo: **DMMIWG**
From: **Jim Tripp and Tom Wakeman, Co-chairs**
Date: **September 26, 2002**

The next meeting of the DMMIWG is scheduled for Wednesday, October 2 at the Hudson River Foundation, 40 West 20th Street, Manhattan, 9th floor, starting at 9:30 a.m. Subsequent meetings will take place November 6 and December 3, 2002 and January 8, 2003.

The preliminary agenda for the October 2 meeting is as follows:

1. **Port Authority $60 million habitat protection investment.** Chris Zeppie, Port Authority. In mid-2001, the Port Authority committed to investing $60 million in habitat protection in the Hudson-Raritan Estuary. What is the status of those funds? What is the PA's program for utilizing those funds? What has been accomplished to date? What actions are anticipated in the coming year?
2. **Corps navigational dredging projects.** Joe Seebode with maps. During the presentation of this subject at the September 4 meeting, it was suggested that it would be useful to have some maps to show exact locations of projects. In addition, in the event that the Corps and the Port Authority proceed directly to a 50-foot Port Jersey channel, what will be the environmental impacts on habitat and what is the proposed mitigation?
3. **Glacial till.** Seebode, Gimello, Wakeman, Genn. Expansion dredging in the KVK has exposed significant amounts of glacial till. What are the characteristics of this material? Has it been exposed to industrial contaminants? Could it qualify as exclusionary material – and, if so, under what circumstances? Is it suitable for the HARS? Since it apparently is not suitable as Penn & Fountain or other landfill closure material, what are the available disposal options?
4. **Penn & Fountain.** Because glacial till that the Corps has in abundance is not suitable for Penn & Foundation, what does EDC intend to do? When does the Corps expect to have suitable closure material available? Can the City modify its schedule accordingly?
5. **US Gypsum and the RMWG process.** What is EPA's position on the US Gypsum application to the Corps? Can this matter be appropriately resolved? Have EPA and the Corps set a date for the next RMWG meeting as part of an effort to expedite this process?
6. **Arthur Kill speed enforcement.** Wakeman. At the last DMMIWG meeting, Wakeman and Dan Ronan of the USCG indicated that AK speed enforcement as an erosion-control measure would be taken up by the Harbor Operations committee at its September 18 meeting. Since Wakeman was away and many of us interested in this subject were on the Colonel's Harbor Inspection tour that morning, it is unclear who presented this topic for discussion. What is the status of this issue? Will Harbor Ops discuss it at another meeting?
7. **Decontamination technologies.** Eric Stern and Doug Pabst. An update on the status of these technologies and their use.

At the September 4 meeting we discussed the following:

1. Status of major Corps navigational dredging projects. Presentation by Joe Seebode concerning four major projects: a) the KVK deepening to 45 feet; b) the Port Jersey channel from 35 to 41 or 50 feet; c) the Arthur Kill deepening from 35 to 41/40 feet; and d) the deepening of the Ambrose channel and other federal channels to 50 feet.

a). The KVK. The KVK channel deepening started in 1999. It has nine contract areas. We have completed five of them – 1,2,3,4A and 7. We are actively working on four contract areas. Number 5 is under construction. The rock that is being removed is being taken to reef sites. HARS-suitable material is going to the HARS. The test blast was successful. By mid-September we expect full construction blasting. This is the subject of a Port Authority application to go to 50 feet directly. The PA will piggy back on the back of the Corps' contractor to go directly to 50 feet. The Corps and state permits have issued. The PA awarded the contract on August 30. The first construction meeting is September 9. New dredging rigs are on site, far less noisy than the older rigs.

We have two contracts to go to complete the KVK 45 foot project. We will meet the deadline of December 2004. The dredging of contract area 8 in the southern part of Newark Bay will take 1 ¾ years. We will solicit a contract shortly following the characterization of the dredged material and selection of a disposal site. The last is 4A. This reach may go to 50 feet directly. We are spending less on the project than anticipated, possibly 15 to 20% under the estimated cost. It involves dredging of 8.8 mcy of material, of which 2 mcy is rock, 4 mcy is glacial till that is HARS-suitable and 2 mcy that is non-HARS suitable. The latter has been going to the OENJ landfill in Bayonne. Contract area 6 is Upper Newark Bay. We expect to start soon. This involves 800,000 cy that will be mixed with Portland cement, destined for the Linden landfill as closure material. In general, the levels of contamination found in any of this dredged material do not warrant full use of decontamination technologies. For further information, look at www.usace.army.mil - NY District. This has Harbor program schematics.

b) Port Jersey channel. In July, the Corps executed a project cooperation agreement with the State of NJ. We pre solicited for the first contract area in May. The responses that the Corps is evaluating were very competitive. We expect an award of the contract in late September. The channel has three areas: the entrance channel, the MOTBY and Port Jersey berthing area and the turning area. The project will take 2 ½ to 3 years. We are looking at consolidation since the 50-foot project would probably change the design with the elimination of the dogleg and the turning basin. With the 50-foot project, ships would back out and not turn. The State of NJ wants to disturb the Port Jersey flats only once. Baier reported that DEP and NMFS have considered mitigation.

Dredged material from the first contract will go to an upland site, as of yet unspecified. The deepest material may be appropriate for the HARS. Gimello commented that we are sampling the glacial till to see if it is HARS-suitable. We have an approved sampling plan from EPA. Some of the till will have value as aggregate. Baier added that till bulk chemistry shows that it meets the most stringent NJ standards. We are doing the sampling to make sure that groundwater contamination has not penetrated this till. The groundwater picture is complex. Seebode continued that a closed bucket cannot dig glacial till. The Corps has brought in a large excavator to dredged red clay, sand and

huge boulders in the till. Glacial till also cannot be processed because of this mix, i.e., it cannot be used for landfill closure.

Wakeman stated that, as ships come in, they have to guess about where to turn to avoid the auto marine terminal. The 50-foot channel would come in straight off the anchorage channel. If the till can go to the HARS, the cost savings would be $14 to $15 million on the first contract. Seebode indicated that the Corps bid contract for the removal of 575,000 cy in area 1 calls for this material to go upland, with an option that the till could go to the HARS. If the till cannot go to the HARS, the Corps will proceed with the base bid. This contract bid has flexibility written into it.

c) AK channel. The channel depth is 41 feet to Howland Hook and then 40 feet to TOSCO. The Corps is working with the Port Authority to identify dredged material placement options. We anticipate that the first contract will be awarded by the end of the year. The work has similar issues with glacial till. It has five contract areas. It will take three years and eight months. Seasonable windows vary, i.e., for winter flounder the period of concern is January to May. The Corps will use a closed clam shell to take out surficial material. Higgins pointed out that this glacial till cannot be used as closure material at the Penn & Fountain landfill for geo-technical reasons.

Higgins inquired if there is a proposed sampling program for the Arthur Kill as there is for the Port Jersey channel. Pabst responded No. The question is how to characterize glacial till. We have an agreement with the Corps that there is no need to test red clay or rock. EPA and the Corps are meeting to determine whether further testing is needed. EPA has a lot of geologic questions. Glacial till is so variable. EPA does not believe that glacial till is contaminated. Summers commented that a source of contamination could be spillage. Why not use sophisticated containment techniques of the sort proposed for the Upper Hudson GE hot spots? Pabst commented that ship traffic resuspends bottom material more than dredging does. Seebode added that it is not practical to use hydraulic dredging with a dewatering facility. Baier pointed out that, in the lower Delaware where the Corps uses hydraulic dredging, they have 600 to 1200 acres for dewatering. Nothing like that is available here.

d) 50-foot project. The final project is the 50-foot Harbor Navigation project. It is in the planning, engineering and design phase. The Corps will be negotiating with the Port Authority about PCAs. We are looking at air quality issues, dredged material characterization for dredged material, seasonable windows, budgets year-by-year, mitigation and scheduling of projects. We are beginning to apply for state permits and water quality certifications. We have been looking at consolidation opportunities at two or three reaches. The AK to Howland Hook reach falls within the Corps' 50-foot authorization.

We are focusing on the channels to Newark Bay and Port Jersey initially. The Arthur Kill 50-foot project is in a later stage of the 15-year schedule. The Howland Hook operator wants a 50-foot berth next to the P & G property. If so, he could live with a 45-foot berth at the current location. EDC is looking at its rail operations. Flatow suggested that we have a subcommittee looking at the planning for Howland Hook. Summers inquired whether there will be a re-examination of the benefits and costs for the 50-foot

study; environmental groups are opposed to the whole 50-foot program because of unacceptable impacts at two or three channel locations. Seebode responded that the project is incrementally justified. We justify projects incrementally, first of all for the Newark Bay and Port Jersey channels.

It is pointed out that EDC and the Howland Hook operator are looking at expanding towards and into the Arlington Marsh. Summers emphasized her opposition to any loss of wetlands in the Arlington Marsh. Tripp reiterated that sentiment stating that filling Arlington Marsh is unacceptable; that is should be off the table; and that it could be necessary to oppose the whole 50-foot program if construction of incremental pieces of it would increase pressure to construct a 50-foot berth for Howland Hook at the Arlington Marsh. We should have a meeting with the Port Authority, EDC, ESDC, DEC and the operator to discuss Howland Hook. As an alternative, it was suggested that the Port Authority has the P & G parcel with rail access that it is looking to develop. Could the Howland Hook operator shoe-horn a 50-foot berth at that site? Seebode pointed out that the Harbor Navigation Study envisioned a 50-foot channel to Howland Hook with a 50-foot berth at the current facility. We are looking at a compromise that would reduce dredging and make economic sense. Arthur Kill deepening is probably eight years out.

2. Arthur Kill erosion control measures. Dan Ronan, US Coast Guard, oversees vessel traffic management in the NY Harbor. USCG works with the Corps and the Port Authority through the Harbor Operations Committee to regulate traffic to avoid dredging operations and vice versa. The Harbor risk mitigation committee is one sub-committee.

Ronan has looked at the draft AK wave wash study. Harbor Operations will review the report. The next meeting of Harbor Operations is September 18 at Fort Wadsworth. Moffatt & Nichols will be making a presentation. Wakeman pointed out that there are speed limits in the Arthur Kill, in particular in the no wake zones. Ronan continued that a mariner is responsible for his/her own wake. Since the Arthur Kill is a tight waterway, a ship needs enough speed to make turns with tugs. Light tugs are not part of the traffic vessel systems. Tugs are busy. They are underway continuously. Concerns are marine sensitive and erosion-prone areas.

USGS cannot necessarily enforce state law. DEC environmental enforcement officers have to enforce speed limits and no wake zones. Wakeman pointed out that the speed limit for tugs would be 8 mph in certain stretches. We need to identify these stretches. Let's go with the Harbor Operations Committee approach. We should use peer pressure. Peterson emphasized that the Moffatt & Nichols study was very good – a real wake-up call. Dennis Miranda asked who polices wave wake damage to natural resources.

3. CPIP economic forecast. Gimello reported that the CPIP management committee is looking at preliminary drafts of the consultant's economic forecast deliverable. The date of the next CPIP steering committee is September 17 (subsequently postponed). Issues relate to basic methodology in making economic forecasts, e.g., does Port traffic relate directly to GDP? These issues have arisen because preliminary forecasts by the consultant were lower than HNS forecasts.

4. U.S. Gypsum. The Corps is to make a decision on the US Gypsum application by September 30. A question was raised as to whether Judge Rakoff's decision in effect ordered the Corps to evaluate the permit based on the old PCB criterion of 400 ppb. Pabst stated that EPA is preparing a proposed rule to use 113 ppb as an interim number. In addition, EPA is committed to expedite the peer review process. EPA is looking at October for a RMWG meeting to look at health and ecological concerns. Clean Ocean Action has sent out a 60-day notice letter. Questions were raised about the legal basis of the former 400 ppb number for PCBs since that number did not go through rule-making with notice and comment.

5. Penn & Fountain. Andrew Genn. EDC needs to have a meeting with the P & F advisory committee. We have dredged 8000 cy from around the Harbor, including the Bay Ridge anchorage, Ambrose channel and other locations. We brought this material to the landfill in March. We processed it with Portland cement and sand. The intent was to mimic conditions of the closure process. At what point do we have the ideal mix for plants? We have a greenhouse test underway, with 300 plants. The plants are growing. We want to continue the test through two growing seasons. The material brought to the landfill has passed all leachate tests. We plan a full advisory committee meeting in October. Portable pug mills may be feasible at relatively low cost.

Wakeman pointed out that all of the agencies, including NJ Marine Resources, NJDEP, EPA, EDC, DEC, ESDC, the Port Authority and the Corps have aggressively been looking at amending contracts to bring dredged material upland.