



May 26, 2014

Mr. David Q. Risilia
Supervising Environmental Specialist
Office of Dredging & Sediment Technology
P.O. Box 420
Mail Code 401-06C
401 E. State St. 6th Fl., Trenton, NJ

Re: Request for Public Hearing
Cooper River Dredging Project LUR File # 0400-14-0001.1

Dear Mr. Risilia:

On behalf of the Delaware Riverkeeper Network and Cooper River Watershed Association we request a public hearing on the Cooper River Dredging Project permit applications. A public hearing is in the public interest and is justified for the following reasons:

1. The project documents do not contain enough information to demonstrate that the project will improve water quality or provide net benefits to the ecology of the Cooper River Lake and River. A public hearing would provide an opportunity for local experts and citizens to articulate the potential short and long term adverse effects the dredging project could have as currently configured, especially the likely release of environmental contaminants that will be uncovered and released by dredging, and to suggest alternatives and best practices that might reduce these adverse impacts. It would provide an opportunity to the public and local experts to propose additional baseline and project monitoring requirements that would be better able to anticipate and avoid adverse environmental impacts from the project.
2. Camden County owns Cooper River Park, the location of the dredging project. The county also owns substantial riverfront lands throughout this and adjacent watersheds (e.g. Newton Creek). The Cooper River Dredging Project is being proposed as a water quality improvement initiative largely because it will remove accumulated sediment that have, over decades, flowed from up-river sources and the severely eroding embankment around Cooper River Park. However, Camden County has a poor track-record at maintaining the infrastructure within their jurisdiction that prevents or reduces accelerated erosion and other new sediment from

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entering the lake. The County routinely mows and encroaches upon established riparian buffers (Cooper and Newton), fails to properly remove accumulated sediment for the sediment collection structure (Newton) and a bio-filter wetland (Cooper) and does not place a high enough priority on reducing excessive stormwater runoff and vegetated buffers in planning and design of capital improvement projects, such as the Grove Street up-grade and Maple Court drainage (Haddonfield). The County recognizes, via recent engineering studies of the Newton Lake Watershed (Paul VI outfall), that excessive erosion from inadequate stormwater management is a significant contributing source of reduced water quality. A public hearing would provide an opportunity for local experts and citizens to articulate that unless the county begins making honest policy changes and funding commitments to stormwater management up-river, then the projected \$30 million up-grades at Cooper River Park will have a much reduced ecological and economically functional lifespan.

3. The County has failed to provide a comprehensive plan for how the need for future dredging operations will be avoided. A public hearing would allow the public to provide, and the County and NJDEP to benefit from, recommendations that could be used to craft a comprehensive initiative for avoiding future damaging dredging projects. Recommendations such as mandatory buffer requirements, improved stormwater avoidance and infiltration practices, enhanced green projects for reducing runoff and pollution, are among the ideas that should be used to craft a comprehensive program and funded commitment by the County that will ensure that future dredging operations can be avoided and increased ecological and community enhancements can be achieved. In addition, there could be discussion and exploration of other options that do not involve dredging today or in the future.

4. As you know from your review of the application materials, the sediments to be dredged include a large number of contaminants at concentrations that exceed NJDEP's standards for beneficial use in both residential and non-residential soil applications and that these levels are so high that all the sediment must be trucked and deposited to a landfill suitable to receive "regulated" material. These include such long-lived and dangerous contaminants as arsenic, a variety of polycyclic aromatic hydrocarbons, tri-valent chromium, mercury, and some other PCB congeners regulated by the DRBC but not NJDEP. A public hearing would provide an opportunity for local experts and citizens to articulate alternative approaches and project design options that are less likely to cause these materials to be released into the water column or to be re-suspended to the lake floor and taken up into the food chain.

5. The project applicant has issued a bid package to prospective dredgers and held a pre-bidders conference, and have requested all prospective contractors to submit bids, before having obtained required NJDEP permits, and without a complete understanding of the terms and conditions under which the dredging and de-watering activity must take place. Several pertinent questions and comments raised at the pre-bid meeting regarding the most fundamental aspects of the project, including its financial implications, deserve the benefit of a public discourse.

In comparing the bid package to the original permit application it is apparent that the applicant has significantly changed the scope of the dredging activity from the original application as well as the de-watering process for dredged sediment. It is our understanding that when NJDEP originally proposed a sediment core sampling methodology it expected the applicant to employ hydraulic dredging technology, while the applicant has now indicated in

its bid package that a special “environmental” bucket technology will be required for dredging, and that the dredged sediment will be dewatered using a novel rapid de-watering system (RDS) that is designed for use with hydraulic dredging. The bid package states that as a result of using the RDS system (no alternative will be permitted) contractors will be required to engage in a counter-intuitive dewatering process in that they will have to install and maintain a water intake pipe from the lake to the dewatering station and then actually add additional water back into the dredged sediment before it is loaded into the rapid dewatering system. A public hearing would provide an opportunity for NJDEP, the public, local experts, and prospective contractors to raise concerns about the cost and effectiveness of this approach and to suggest alternatives that could be more effective, efficient, and less costly. When questions about the project specifications that required RDS and prohibited hydraulic dredging were raised at the pre-bidders meeting, the applicant’s representatives would only answer that an important “stake-holder’s concerns” dictated the project specifications and would not state why what those concerns were. A public hearing would also provide an opportunity for the public, local experts, NJDEP, and the applicant to more fully disclose the benefits and costs of the dredging and dredge spoil dewatering processes proposed in the applications and possibly lead to a better, more effective and less costly solution.

6. NJDEP’s practice is to generally require permit applicants to not only use best determined available control technology and best management practices but to also consider alternatives to proposed projects when such alternatives are less costly and less environmentally damaging and are able to achieve the project’s overall purpose in whole or in part. The original dredging proposal as submitted in the initial permit application proposed to dredge the existing 6 lane 2,000+ meter rowing course to a uniform depth of 6 feet. This, representatives of the applicants stated, would create a “world class” rowing facility that would attract additional rowing events and benefit Camden County. Notwithstanding the fact that the standard for a world class rowing venue is 3 meters in depth (can we sight this source???) and the application contains no information to suggest how many and what additional events would have been stimulated to come to the Cooper River as a result of the 6 foot depth project, the bid package has now revised the depth target to 5 feet without providing any rationale or justification for the change or why, for example 4 feet, the original rowing course design depth, would not be more than adequate. A public hearing would provide an opportunity for the project applicant and project supporters to more fully explain why a dredging project is needed and why it could not be designed to both improve Cooper River water quality and marine life and enhance or maintain the existing rowing course that is universally acknowledged as a premier east coast rowing venue. It would also give the public and local experts an opportunity to articulate how the rowing course could be more than adequately maintained and any contaminant “hot spots” removed without risking significant bioaccumulation in the freshwater or marine food chain and endanger fishing.

7. There is significant public interest in the proposed project because if permitted as proposed it will significantly disrupt extensive public access to the Cooper River, the Cooper River Lake, and the park areas directly where and adjacent to the location where the dredge spoil dewatering and temporary storage activities will take place. It will require the shut down and non-use of the Cooper River Sailing Center, restrict lake access to kayakers, canoe users, and other boaters, and severely disrupt all passive uses of the park (walking, bird-watching, ball playing, jogging, picnicking, etc.) as it will require lake access to be shut down for at least 3 months and will require at least 40 large dump truck trips per day coming in and leaving the

facility to remove the 1,000 C/Y per day goal. A public hearing would provide an opportunity for the public, local experts, and the applicant to review whether this is the most appropriate location and method for removing this regulated material and whether there are not alternative methods that would reduce both the number and need for trucks to disrupt the neighborhood and the park's activities.

Thank you for your consideration.

Sincerely,

Maya van Rossum
the Delaware Riverkeeper
Delaware Riverkeeper Network

Fred Stine
Citizen Action Coordinator
Delaware Riverkeeper Network

Roxane Shinn
Co-Chair
Cooper River Watershed Association