

**These comments pertaining to the Newton Lake Dredging and Reclamation Project are provided by the Newton Lake Dredge Task Force to the NJ DEP, March 2018**

	<b>Location</b>	<b>Comment</b>
1.	All sections, especially Peter's Creek, Oaklyn	<p>Protect the subsurface littoral zones that create a healthy habitat for foraging and nesting/spawning of various wildlife.*            As stated in the permit application plans, the extent of dredging could be as close as 2 feet from the embankment. If the dredging occurs that close throughout the entire project area, the amount of littoral zone disturbance would be significant. We estimate it could be over 90% of the littoral zone lost.</p> <p>Such a wholesale destruction of these habitats would cause short and long-term loss of biological diversity, loss of generational year fish classes, and disrupt the balance of biomass in the lake. We specifically ask that certain areas of spatterdock and shallow areas are left undisturbed by the dredging.</p> <p>We strongly urge that NJ DEP require a comprehensive assessment and evaluation of the littoral zone within all sections of Newton Lake and Peter's Creek – perhaps by the NJ Division of Fish and Wildlife or similar agency – so that an informed and scientifically based decision can be made.</p> <p>We understand that protecting the littoral zone and habitat must be balanced with the removal of accumulated contamination and legacy sediment; however because the county's permit application lacks any discussion or detail about protection of habitat, we also urge that a statement be included in the plans with exactly what specific areas will be protected and what can be dredged.</p> <p>*wildlife includes but is not limited to bald eagles, blue heron, green heron, snowy egret, kingfisher, Canada geese, mallard, wood ducks, swans, redbelly slider, red ear slider, painted turtles, snapping turtles, largemouth bass, white crappie, black crappie, bluegill sunfish, chain pickerel, gizzard shad, green sunfish, channel catfish, common carp, bullhead, yellow perch, white perch, various species of crayfish, various species of dragonfly, insectivore birds, beavers, muskrat, and various species of frogs.</p>
2.	All sections, with special attention to spatterdock growth areas	<p>We have concern about the dredge plan's depth and profile.</p> <p>The plan's cross-section examples show that the dredging would remove lake bottom and vegetation as close as 2 feet from the shoreline which would create a lake devoid of most aquatic vegetation, including, but not limited to spatterdock. The aquatic vegetation within the lake as well as the shallow water is essential for spawning and feeding grounds for various aquatic species.</p> <p>This is mainly in the areas which now have an average water depth of 2 feet or less. There are shallow areas of the lake that would benefit from dredging efforts but many others should be left undisturbed.</p> <p>As stated in comment 1, we strongly urge that the NJ Division of Fish and Wildlife is consulted and their recommendations for the preservation/removal of shallow water bottom and vegetation growth be incorporated as a condition of permit approval.</p>
3.	All sections, especially Section 2's Nichol's Pond, Section 3's Pond 2, and the beaver lodge in Peter's Creek	<p>Protect in-water wildlife from dredge action.</p> <p>Is there an established protocol for when crews encounter turtles, fish, beavers, etc. during active dredging and dewatering? Especially when setting up and working in the coffer dams and for working around the beaver lodge.</p> <p>A statement should be included as to what the protocol is for avoiding harm to wildlife and moving them out of the active work area.</p>
4.	All sections	<p>Do the dredge dates take into account migration for certain fish species coming up the fish ladder located near the Black Horse Pike dam in section #5? If migratory behavior is altered, it could interfere with the typical normal progression of herring, bluegills, shad, alewives, and other native fish which replenish the abundant food sources.</p>

5.	Section 5 and western part of Peter's Creek, Oaklyn	<p>The assessment of wetland areas did not include the entire dredging project area. Please see the enclosed hardcopy of a Google Earth satellite image titled "Western portion of project near Rt. 168". The area within the red polygon was not assessed in the Amy Greene Wetlands Delineation Report. We recognize that it is likely due to the fact that no equipment access is slated for these reaches. Are there no wetlands in section #5? We think it important that the full project area be assessed and incorporated into the Wetlands Delineation Report.</p> <p>This may or may not be a concern, nevertheless it is important to note:</p> <ul style="list-style-type: none"> <li>a. There are likely additional Exceptional Value Wetlands within the area that were not delineated.</li> <li>b. That missing section likely includes foraging habitat for threatened and endangered species.</li> </ul> <p>Additionally, if a wetlands assessment of section #5 were included, it would acknowledge that the project reaches within 1,000 feet of the head-of-tide, potentially triggering an Army Corps of Engineering permit.</p>
6.	-	<p>The county submitted a NJ Natural Heritage Database request. However, only the application form was provided and not the actual data. We urge NJ DEP to fully assess the findings of that report in the permit application decision and we respectfully request that NJ DEP and/or the county provide us with the final Natural Heritage Database report.</p>
7.	Dewatering sites in Oaklyn and Collingswood	<p>The applicant's plans state that a mechanical method will be used for dewatering. However, specific details of the type of machinery, the footprint of the operation, the sound level, and other details are missing from the plan. To best evaluate the plan, more information is needed.</p> <p><i>(Also see separate comment about dewatering, enclosed)</i></p>
8.	Sections 3 and 4 - especially Oaklyn's Peter's Creek and several areas near Section 5's Black Horse Pike dam that tested high for contaminant exceedances	<p>There is concern about the quality of the return water from dewatering. Depending on which option is chosen, return water from areas that tested above the "acute exposure risk" limits might be put back into the dredged lake without first removing contaminants.</p> <p>From Freshwater Wetlands General Permit 13, page: Sediment Testing Report:</p> <ul style="list-style-type: none"> <li>&gt; Option #1 - relies on diluting the return water with lake water and misses the opportunity to remove a considerable amount of contamination.</li> <li>&gt; Option #2 - this option also relies on dilution but would use municipal water. How many thousands of gallons of freshwater will be used in this option? At what cost? Who pays this bill? What are the effects on the aquatic species and habitat from chlorinated municipal water?</li> </ul> <p>And for both options 1 and 2: dilution of contaminants does nothing to lessen the amount of pollution being released via the return water back into the environment.</p> <ul style="list-style-type: none"> <li>&gt; Option #3 - this seems the best option for Newton Creek and the Delaware River because all return water is treated a second time at the CCMUA - if the contaminants can be removed adequately. This is particularly important in the City of Camden and Gloucester City, both of which are located downstream and will receive that flow. It is also important to the protection of the bald eagles which, according to the Wetland Delineation Report, frequent the area.</li> </ul>
9.	-	<p>In the Calculations and Analysis Certification in FHA indiv. permit (PDF file, pg. 67) states that 35 samples were taken. This does not correspond with the FX Browne Sediment Sampling Report FW General Permit 13, (PDF file, page 73) where it states 33 samples were analyzed. Please explain.</p>
10.	All sections, especially Oaklyn's Peter's Creek and several areas near Section 5's Black Horse Pike dam that tested	<p>Chemical "hot spots" based upon the sediment analysis call for optimizing the dredging effort to reduce or eliminate contamination levels that don't re-occur in short-order.</p>

	<p>high for contaminant exceedances</p>	<p>a. We support the county’s decision to treat all 260,000 cubic yards of sediment as highly contaminated; as stated in GP 13 (PDF, page 78): “Regulatory Standards and Final Disposal Due to the exceedances in the soil, and the inherent difficulty of finding contaminant boundaries, all dredge spoils, once dewatered, will be transported to a landfill that is properly classified and licensed to receive this type of material.”</p> <p>b. A big concern is that significantly higher volumes of contamination will be left behind in Nichols Pond and Pond 2. (CS 27 and CS 28) Why would the dredge plan leave so much behind? We suppose the county may not want to dredge as deep (5’) in those ponds as in Newton Lake and Peter’s Creek because they would not want to destabilize the embankments – which is also a concern of ours. However, those ponds have, by far, the highest levels of contamination in the entire lake. We understand that the county may not be able to remove all the contamination while trying to avoid embankment destabilization, but we believe they should be required to remove as much of that highly contaminated sediment as possible.</p> <p>c. In the rest of the lake segments and Peter’s Creek, there are several areas where sediment “bottom” samples exceed Non-Residential Standards (SC 01, SC 03, CS 07, CS 08, CS 09, CS 24, CS 25, CS 29, CS 30 and CS 33). Many of the “bottom sediment’s” were taken at a depth of 5’. If the lab analysis of the “bottom” sediments showed there was contamination exceeding Non-Residential Standards at that depth, then dredging to only that depth would expose and leave behind those contaminants which would be susceptible to re-suspension in the water column as well as expose the aquatic life to those contaminants. We request that deeper samples be required to assess the depth of the contamination and then have the dredge depths adjusted accordingly.</p> <p>d. Section #1 was dredged only 12 years ago (CS 32 and 33) and already exceeds for benzoapyrene. There was a sediment collection system installed just downstream of Cuthbert Blvd that was designed to capture the new sediment flowing into the creek before it flowed further downstream. However, the county has failed to conduct routine monitoring and maintenance of this sediment trap. We urge NJ DEP to require the county to prepare a best management practices maintenance manual to require monitoring and maintenance on an annual basis. We also urge NJ DEP to require the county to provide a copy of the BMP Manual to the Newton Creek Watershed Association for additional oversight.</p>
<p>11.</p>	<p>-</p>	<p>The permit applications identify two appropriate landfill sites for depositing the contaminated sediment– Kinsley Landfill in Sewell, NJ and Clean Earth in Philadelphia. Is the disposal of the sediment at one or both of those sites a condition of the permit approval? The concern is if it’s possible for the applicant to submit a post-permit approval “hardship waiver” or some other request to NJ DEP to seek a less expensive method of disposal, how would the public be notified? Please advise.</p>
<p>12.</p>	<p>All sections, especially: Section 2, Collingswood, Nichols Pond -AND- Section 3, Collingswood, Pond 2</p>	<p>Will the dredging process leave behind layers of newly-exposed contamination on the lake bottom? Of particular concern are Nichol’s Pond and Pond 2 - both are popular fishing holes for area anglers, particularly youth. Nichol’s Pond has received several sewer overflows in past years, as well as two heating oil spills. Previous dredging depth of Nichol’s Pond was 5 to 6 feet. 15 years later, the depth is now 18 inches. That’s 4-5 feet of some of the most contaminated (according to the Sediment Testing Report) material that will be dredged from the lake. If the proposed plan is only to go to a depth of 3 feet, there might be as much as 2 feet of contaminated sediment remaining. We urge that both ponds be dredged deeper than the proposed 3 feet so that all contaminants are removed. It should be noted that finding a long-term solution to repair the sewage overflows needs to be initiated.</p>

13.	Section 2, Collingswood, Nichols Pond	The Full Set maps shows only one inlet for Nichol's Pond. There are two; one from storm water drain and the other from a culvert through which a small stream flows under the roadway.
14.	All sections	Shouldn't the locations of the turbidity curtains be visible on the Full Set maps? Seems there should be some indications on the pages starting with page 12.
15.	All sections	<p>What protocol is used for leaving turbidity curtains in place until the suspended sediment has settled?</p> <p>The "Sequence of Construction" for section #5 on page 3 of the Full Set maps, simply says "until adequate time is allowed for the sediment to settle in the lake" – shouldn't there be a scientifically based assessment – perhaps total suspended solids, Secchi disk reading, or other, that would guide the contractors or the county to maintain the turbidity curtains in place until the re-suspended sediment and any return water particulates have settled?</p>
16.	Dewatering sites in Oaklyn and Collingswood	<p>It appears from the Erosion and Sediment control plan (Full Set, PDF, page 22), "mulch filter socks" will be used to help retain return water from around the dewatering areas.</p> <p>In note #7 on page 22, it states that after the project is done, the mulch filter socks might be cut open and spread around the area. Our concern is that a significant amount of contamination in the return water may have been absorbed in the mulch filter socks and therefore would be left behind and spread around the park. We urge NJ DEP to require the applicant to remove any erosion and sediment materials that retain accumulated contaminants in them.</p> <p><i>(Also see separate comment about dewatering, enclosed)</i></p>
17.	Dewatering sites in Oaklyn and Collingswood	What should residents expect regarding equipment noise volume? If loud noise is to be expected, the hours of operation should be stated.