US Army Corps
of Engineers®

New York District
26 Federal Plaza
New York, N.Y. 10278
ATTN: CENAN-OP-ST

Public Notice

In replying refer to:
Public Notice: RARITAN RIVER 2021 DREDGING
Published: 08 FEB 2021 Expires: 10 MAR 2021

RARITAN RIVER, NEW JERSEY
FEDERAL NAVIGATION CHANNEL
MAINTENANCE DREDGING

TO WHOM IT MAY CONCERN:

The New York District, U.S. Army Corps of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899, Section 404 (33 U.S.C. 1344) of the Federal Water Pollution Control Act (amended in 1977 and commonly referred to as the Clean Water Act), and Section 103 (U.S.C. 1413, 86 Statute 1052) or Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (commonly referred to as the Ocean Dumping Act), proposes to perform maintenance dredging of Raritan River, New Jersey, Federal Navigation Project (see Figure No. 1) with subsequent placement of the dredged material at the Historic Area Remediation Site (HARS, see Figure No. 2A and 2B) and at a contractor furnished, state permitted upland placement site(s).

ACTIVITY: Maintenance dredging of the Raritan River Federal Navigation Project, with placement of the dredged material at both the HARS and at a contractor furnished, state permitted upland placement site(s)

WATERWAY: Raritan River, New Jersey, Federal Navigation Project

LOCATION: From Perth Amboy and South Amboy upstream to Keasby, Middlesex County, New Jersey

The Raritan River, Federal Navigation Project was authorized by the Rivers and Harbors Act of 1919 and subsequently modified by the River and Harbors Acts of 1930, 1937, 1940, and 1962. The project includes the following channels:

a. A main channel, 25 feet (ft) deep Mean Low Water, 300 ft wide, from the turn in New York and New Jersey Channels, near Great Beds Light to the Raritan Arsenal Wharf; thence 15 ft deep Mean Low Water, 200 ft wide, to the Washington Canal; then 10 ft deep Mean Low Water, and generally 100 ft wide, with widening bends, to the Delaware and Raritan Canal entrance at New Brunswick. The channel is about 13.8 miles long.

b. A turning basin opposite Raritan Arsenal Wharf, 25 ft deep Mean Low Water, 300 ft wide and 1,000 ft long. A south channel 25 ft deep Mean Low Water, 300 ft wide, from its junction with the main channel opposite Keasby to the upper limit of the NL industries property 15 ft deep Mean Low Water, 150 ft wide to the Middlesex County Sewerage Authority Dock; thence 10 ft deep Mean Low Water and 150 ft wide to the junction with the Main Channel at Crab Island.

The proposed activity is to dredge the critical shoal areas located seaward of the Thomas A. Edison Bridge (U.S. Route 9) in the Raritan River. A detailed description of the proposed activities is enclosed to assist in your review.

This activity is being evaluated to determine that the proposed placement of dredged material will not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems or economic potentialities. On September 26, 2000, the United States Environmental Protection Agency (USEPA) and Corps of Engineers signed a Memorandum of Agreement (MOA) outlining the steps to be taken to ensure that remediation of the HARS continues in a manner appropriately protective of human health and the aquatic environment. In making the determination, the criteria established by the Environmental Protection Agency (EPA) will be applied, including the interim change to one matrix value for PCB's as described in the MOA. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean site will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, an independent determination will be made of the need to place the dredged material in ocean waters, other possible methods of disposal, and other appropriate locations.

The U.S. Army Corps of Engineers, New York District, is soliciting comments from the public; federal, state and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments are used to assess impacts on navigation, water quality, endangered species, historic resources, wetlands, scenic and recreational values, and other public interest factors. Comments are used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act and to determine the need for a public hearing.

DUE TO CURRENT LOCAL CONDITIONS, AND TO ENSURE ALL COMMENTS REGARDING THIS ACTIVITY ARE RECEIVED, ALL COMMENTS SHOULD BE EMAILED TO ALEXANDER.F.GREGORY@USACE.ARMY.MIL BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person who has an interest, which may be affected by the placement of this dredged material, may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by the activity. It should be noted that information submitted by mail is considered just as carefully in the process and bears the same weight as that furnished at a public hearing.

Pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities conducted or supported by a federal agency in a state which has a federally approved Federal Consistency Determination (FCD) program, the Corps must submit a determination that the proposed project is consistent with the State of New Jersey FCD program to the maximum extent practicable. This activity is subject to review by the State of New Jersey Department of Environmental Protection for FCD consistency. The U.S. Army Corps of Engineers New York District has determined that the proposed activities are consistent to the maximum extent practicable within the application policies of the State of New Jersey FCD Program. A copy of this determination has been provided to the State of New Jersey Department of Environmental Protection. Additional information regarding the Corps of Engineers' consistency determination may be obtained by contacting the New Jersey Department of Environmental Protection, Division of Land Use Regulation, Office of Dredging and Sediment Technology, P.O. Box 420, Mail Code #501-02A, 501 East State Street Trenton, NJ 08625.

The proposed project was reviewed based upon the "Biological Assessment for the Closure of the Mud Dump Site and Designation of the Historic Area Remediation Site (HARS) in the New York Bight and Apex", (USEPA, 1997). Based upon this review, and a review of the latest public listing of threatened and endangered species, it has been preliminarily determined that the proposed activity for which authorization is sought herein, is not likely to adversely affect any federally threatened or endangered species (humpback whales, finback whales, right whales, loggerhead turtles, leatherback turtles, green turtles, and Kemp's Ridley turtles) or their critical habitat pursuant to Section 7 of the Endangered Species Act (16 USC 1531).

The proposed HARS placements will not result in Remediation Material being placed within 0.27 nautical miles of any identified wrecks, as indicated in the National Register of Historic Places. Other than wrecks, there are no known sites eligible for or included in the Register within the project area. No known archaeological, scientific, prehistorical or historical data are expected to be lost by work accomplished under the required dredging.

Reviews of the activity pursuant to Section 404 of the Clean Water Act will include application of the guidelines announced by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. The Corps will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to commencement of any work.

In compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments), an Essential Fish Habitat Assessment will be prepared and submitted to the National Marine Fisheries Service for review and comment.

The proposed work is being coordinated with the following Federal, State and local agencies:

- U.S. Environmental Protection Agency
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Department of the Interior, Fish and Wildlife Services
- U.S. Coast Guard, First District
- State of New Jersey Department of Environmental Protection

If you have any questions concerning this notice, you may contact Mr. Alex Gregory, the Project Manager at (917) 790-8427 or email at alexander.f.gregory@usace.army.mil

Questions about the HARS can be addressed to Mr. Mark Reiss, Chief, Dredging, Sediments and Oceans Section, US Environmental Protection Agency, Region 2, at (212) 637-3799, or e-mail at Reiss.Mark@epa.gov.

DESCRIPTION OF PLANNED ACTION:

The New York District, U.S. Army Corps of Engineers proposes to perform maintenance dredging of Raritan River, New Jersey, Federal Navigation Channel. Dredging was last performed in 2014, with approximately 660,000 cubic yards (CY) of dredged material removed from Raritan River and placed at the HARS.

The proposed maintenance dredging would involve the removal of approximately 500,000 CY of material to -25 feet MLLW plus 2 feet allowable overdepth. Maintenance dredging of the channel is usually accomplished by a clamshell dredge with environmental bucket. The entire reach will generally not require maintenance dredging; only areas where shoaling has reduced the depth of the channel will require dredging. Approximately 435,000 cubic yards of dredged material from Dredging Area “A” would be placed at the HARS and approximately 65,000 cubic yards of dredged material from Dredging Area “B” would be placed upland at a contractor furnished, state permitted upland placement site(s). Please see Figure No. 1 Raritan River Proposed Dredging Map for more information.

The purpose of the proposed dredging is to maintain the authorized project dimensions, thereby assuring safe and economical use of Raritan River by shipping interests. The material from Dredging Area “A” has been tested and meets the criteria for remediation material at the HARS. The dredged material would be used as such by placing it over degraded sediments within the HARS. The proposed dredged material from Dredging Area “A” would be transported by bottom dumping vessels to the HARS. The material from Dredging Area “B” will be placed at a suitable, state permitted upland placement site(s). The proposed dredged material from Dredging Area “B” would be transported by barge to be offloaded and placed at a contractor furnished, state permitted upland placement site(s).

This public notice serves to announce the government's intent and identities the proposed location for placement of approximately 500,000 CY of material. The dredging and placement of this material is anticipated to occur in the fall to winter of 2021.

ENVIRONMENTAL IMPACT STATEMENT:

The material to be placed at the HARS is dredged material that will be removed from Dredging Area 'A' in Raritan River, New Jersey, Federal Navigation Project. The material has been evaluated and found to meet the regulatory testing criteria of 40 CFR Sections 227.6 and 227.27 and the requirements of the rule establishing the HARS in Section 228.15(d)(6). The material to be placed at a contractor-furnished, state-permitted upland placement site(s) is dredged material that will be removed from Dredging Area 'B' in Raritan River, New Jersey, Federal Navigation Project. It has been determined that maintenance dredging of Raritan River, with placement of the dredged material at both the HARS and an approved upland facility is not likely to have significant adverse environmental impact on water quality, marine resources, fish, wildlife, endangered species, recreation, aesthetics and flood protection of the area.

An Environmental Impact Statement (EIS) was prepared in 1976 for the maintenance dredging of the Raritan River Channel. An Environmental Assessment (EA) updating the EIS was prepared by the New York District for a similar maintenance dredging project in 2008 and 2014. The EAs concluded that the dredging with disposal at the HARS or an approved upland facility had no significant adverse environmental impacts on water quality, marine resources, endangered species, wildlife, recreation, aesthetics, and flood protection. An update of the EA and a 404 (b) evaluation as required by the Clean Water Act 40 CFR 230 will be prepared prior to the implementation of the proposed work.

PLACEMENT SITE:

The dredged material from Dredging Area 'A' is proposed to be placed at the HARS (see next section: Introduction to the HARS) using the bottom dumping process. As noted in the designation of the HARS, Remediation Material would not be allowed to be placed within 0.27 nautical miles of any wrecks identified in the National Register of Historic Places or other wrecks that might be found.

The dredged material from Dredging Area 'B' will be transported to a suitable upland placement site(s) furnished by the contractor, permitted by the State, and approved by the Government. The dredged material will be required to meet all federal, state and local criteria required by the government agencies having jurisdiction where the placement site is located. All necessary permits required for the dredged material placement will be provided to the Government.

INTRODUCTION TO THE HARS:

In 1972, the Congress of the United States enacted the Marine Protection Research and Sanctuaries ACT (MPRSA) to address and control the dumping of materials into the ocean waters. Title I of the Act authorizes the US Environmental Protection Agency (USEPA) and the US Army Corps of Engineers (USACE) to regulate dumping in ocean waters. USEPA and USACE share responsibility for MPRSA permitting and ocean disposal site management. USEPA regulations implementing MPRSA can be found in 40 CFR Sections 220 through 229. With few exceptions, MPRSA prohibits the transportation of material from the United States for the purpose of ocean dumping except as may be authorized by a permit issued MPRSA. The MPRSA divides permitting responsibility between USEPA and USACE. Under Section 102 of the MMPRSA, USEPA has responsibility for issuing permits for all materials other than dredged material. Under Section 103 of MPRSA, the Secretary of the Army has the responsibility for issuing permits for dredged material. Determination to issue MPRSA permits for dredged material are subject to USEPA concurrence.

In the fall of 1997, the USEPA de-designated and terminated the use of the New York Bight Dredged Material Disposal Site (commonly known as the Mud Dump Site or MDS). The MDS has been designated in 1984 for the disposal of up to 100 million cubic yards of dredged material from navigation channels and other port facilities within the Port of New York and New Jersey. Simultaneous with the closure of the MDS, the site and surrounding areas that had been used historically as disposal sites for dredged material were redesigned as the HARS in 40 CFR Sections 228.15 (d)(6), (see 62 Fed. Reg. 46142 (August 29, 1997); 62 Fed. Reg. 26267 (May 13, 1997)). The HARS will be managed to reduce impacts of historical disposal activates at the site to acceptable levels in accordance with 40 CFR Sections 228.11 (c). The need to remediate the HARS is supported by the presence of toxic effects, dioxin bioaccumulation exceeding Category 1 levels (a definition of which appears in an evaluation memorandum reviewing the results of the testing) in worm tissue, as well as TCDD/PCB contamination in area lobster stocks. Individual elements of those data do not establish sediments within the study as imminent hazards to the New York Bight Apex Ecosystem, living resources, or human health; however, the collective evidence presents cause for concern, and justifies the need to remediation. Further information on the condition the study area and surveys performed may be found in the Supplemental Environmental Impact Assessment (SEIS) [USEPA, 1997].

The designation of the HARS identifies an area in and around the former Mud Dump Site (MDS) that has exhibited the potential for adverse ecological impacts (see Figure No. 2A: HARS Location Map A and Figure No. 2B: HARS Location Map B). The HARS will be remediated with dredged material that meets current Category 1 Standards and will not cause significant undesirable effects including through bioaccumulation or unacceptable toxicity, in accordance with 40 CFR 227.6. This dredged material is referred to as “Material for Historic Area Remediation Site (HARS)” or “Remediation Material.”

As of the end of December 2020, dredged materials from one hundred thirty-five (135) different completed and ongoing Department of the Army (DA) permitted and federal

dredging projects in the Port of New York and New Jersey have been dredged and placed as Remediation Material in the ocean at the Historic Area Remediation Site (HARS) since the closure of the Mud Dump Site and designation of the HARS in September 1997. This represents approximately 78,239,000 cubic yards of Remediation Material.

The HARS, which includes the 2.2 square nautical mile area of the MDS, is approximately 15.7 nautical square mile area located approximately 3.5 nautical miles east of Highlands, New Jersey and 7.7 nautical miles south of Rockaway, New York. The MDS is located approximately 5.3 nautical miles east of Highlands, New Jersey and 9.6 nautical miles south of Rockaway, New York. When determined by bathymetry that capping is complete, the USEPA will take any necessary rulemaking to de-designate the HARS. The HARS includes the following three areas:

Priority Remediation Area (PRA): A 9.0 square nautical mile area to be remediated with at least 1 meter of Remediation Material. The PRA encompasses the area of degraded sediments as described in greater detail in the SEIS.

Buffer Zone: An approximately 5.7 square nautical mile area (0.27 nautical mile wide band around the PRA) in which no placement of the Material for Remediation will be allowed, but which may receive Material for Remediation that incidentally spreads out of the PRA.

No Discharge Zone: An approximately 1.0 square nautical mile area in which no placement or incidental spread of Material for Remediation is allowed.

To improve management and monitoring of placement activities at the HARS, electronic monitoring equipment will be on-board any barges carrying Remediation Material to the HARS. This equipment records vessel positions throughout the duration of each trip to the HARS and during remediation operations. To improve communication reliability between tugs and scows, a prescribed formal communication procedure has been put in place (copies of this procedure are available upon request).

Questions about the HARS can be addressed to Mr. Mark Reiss, Chief, Dredging, Sediments and Oceans Section, US Environmental Protection Agency, Region 2, at (212) 637-3799.

HARS SUITABILITY TESTING:

A testing evaluation process was developed, which established a basic framework for assessing results of tissue analysis from bioaccumulation testing of dredged material proposed for ocean placement. The framework defines a standard approach for assessing each analyte (an item to be analyzed for as part of the testing), in relation to regulatory standards and human health and environmental risk factors, to facilitate decisions in accordance with the Marine Protection, Research and Sanctuaries Act of 1972. USEPA and USACE utilize this testing evaluation process for identifying Category 1 dredged material in determining suitability of dredged sediments as remediation

material at the HARS. The Testing Evaluation Memorandum for this project may be obtained by contacting Mr. Mark Reiss, Chief, Dredging, Sediments and Oceans Section, U.S. Environmental Protection Agency, Region 2, at (212) 637-3799.

Sediment Grain Size Analysis

The proposed maintenance Dredging Area “A” has been characterized by nine (9) sediment core samples taken down to -25 feet MLLW plus 2 feet allowable overdepth. The 9 samples were then combined into one composite sample which was subjected to chemical and biological testing. Based upon an analysis of the sediment samples from Raritan River, the grain size characteristics of the proposed dredged material are:

Dredging Area A Composite

0.0% GRAVEL, 39.5% SAND, 36.3% SILT & 24.2% CLAY

Results of the chemical and biological testing for Dredging Area A are summarized below.

Evaluation of the Liquid Phase: Chemistry

Under the requirements of 40 CFR Sections 227.6 (c) (1) and 227.27 (a), chemical analysis was conducted on project area site water and elutriate. Results of this evaluation are summarized in Table 1. Please note in reading Table 1 that detection limits have been listed for only those constituents which the laboratory reported as not-detected (ND) (this reporting convention was similarly applied in reporting the results of bioaccumulation potential testing discussed below). If the constituents were detected above the detection limit, the measured value would appear.

Expected concentrations of chemical constituents in the water column following ocean placement, after allowing for initial mixing, were calculated using the Automated Dredging and Disposal Alternatives Management System (ADDAMS). ADDAMS is a mixing model developed by USACE Waterways Experiment Station (WES) and described in the joint USEPA/USACE implementation manual entitled "Ecological Evaluation of Proposed Discharge of Dredged Material Into Ocean Water" (commonly referred to as the National “Green Book”). The material can be considered suitable for ocean disposal only if the concentration of the Suspended Particulate Phase (SPP) of the dredged material, after allowance for initial mixing, will not exceed the Limiting Permissible Concentration (LPC) beyond the boundaries of the disposal site within the first four hours following HARS placement or at any point in the marine environment after the first four hours. The ADDAMS Model predicted that applicable marine water quality criteria for listed constituents were not exceeded after allowance for initial mixing (40 CFR 227.29(a)). Results of this analysis indicate that the LPC will be met for the proposed dredged material from the project area.

BIOASSAYS:

In accordance with 40 CFR Part 227 of the Ocean Dumping Regulations, bioassays were performed to assess the toxicities of the suspended particulate, liquid, and solid phases of the proposed dredged material from the proposed project area.

Evaluation of the Liquid Phase

Liquid phase bioassays, run as part of the suspended particulate phase on three appropriate sensitive marine organisms a crustacean (mysid shrimp, *Americamysis bahia*), a finfish (*Menidia beryllina*), and the planktonic larvae of a bivalve (the Mediterranean mussel, *Mytilus galloprovincialis*), show that after initial mixing (as determined under 40 CFR Sections 227.29(a)(2)) the liquid phase of the material would not exceed a toxicity threshold of 0.01 of a concentration shown to be acutely toxic to appropriate sensitive marine organisms. Accordingly, it is concluded that the liquid phase of the material would be in compliance with 40 CFR Sections 227.6(c)(1) and 227.27(a). The specific test results and technical analysis of the data underlying this conclusion are described and evaluated in a joint USACE New York District / U.S. Environmental Protection Agency Region 2 memorandum (copies available upon request).

Evaluation of the Suspended Particulate Phase

The suspended particulate phase of the material was evaluated for compliance with 40 CFR Sections 227.6(c)(2) and 227.27(b). Bioassay testing of the suspended particulate phase of the material has been conducted using three appropriate sensitive marine organisms: a crustacean (mysid shrimp, *Americamysis bahia*), a finfish (*Menidia beryllina*), and the planktonic larvae of a bivalve (Mediterranean mussel, Mytilus *galloprovincialis*). Median lethal concentrations (LC50), which are concentrations of suspended particulate phase resulting in 50% mortality, were determined for all three test species. In addition, the median effective concentration (EC50), based on normal larval development to the D-cell stage, was determined for the bivalve larvae. The Limiting Permissible Concentration (LPC) was then calculated as 0.01 of the LC50 or EC50 of the most sensitive organism. In this case, the LPC was calculated as 0.22 based on the EC50 of *Mytilus galloprovincialis*.

This information shows that when placed at the HARS and after initial mixing (as determined under 40 CFR Sections 227.29(a)(2)), the suspended particulate phase of this material would not exceed a toxicity threshold of 0.01 of a concentration shown to be acutely toxic in the laboratory bioassays and, thus, would not result in significant mortality. Moreover, the fact that after placement, the suspended particulate phase would only exist in the environment for a short time, which indicates the suspended particulate phase of the project material would not cause significant undesirable effects, including the possibility of danger associated with bioaccumulation, since these impacts require long duration exposures (see USEPA, 1994). Accordingly, it is concluded that the suspended phase of the material would be in compliance with 40 CFR Sections 227.6(c)(2) and

227.27(b). The results of bioassay tests conducted on proposed dredged sediments from the project area are presented in Table 2 of this public notice.

Evaluation of the Solid Phase

The solid phase tests the whole test sediment before it has undergone processing that might alter its chemical or toxicological properties. The solid phase was evaluated for compliance with 40 CFR Sections 227.6(c)(3) and 227.27(b). This evaluation was made using the results of two specific types of evaluations on the solid phase of the material – one focusing on the acute (10-day) toxicity of the material, and the other focusing on the potential for the material to cause significant adverse effects due to bioaccumulation. Both types of tests used appropriate sensitive benthic marine organisms according to procedures approved by USEPA and the USACE. The following sections address the results of those tests and further analyze compliance with the regulatory criteria of 40 CFR Sections 227.6(c)(3) and 227.27(b), and 228.15 and with USEPA Region 2/USACE New York District guidance.

1. <u>Toxicity:</u>

Ten-day toxicity tests were conducted on proposed project dredged material using a filter feeding mysid shrimp (*Americamysis bahia*) and a deposit feeding, burrowing amphipod (*Ampelisca abdita*), which are appropriate sensitive benthic marine organisms. The results from the proposed project material are then compared to results for the same organisms that are exposed to reference sediments. The reference sediment represents existing background conditions in the vicinity of the HARS, removed from the influence of any placement operations. These organisms are good predictors of adverse effects to benthic marine communities (see USEPA, 1996). The toxicity of project sediments was not statistically greater than reference sediments for either mysids or for amphipods, and the difference between percent survivals in test and reference sediments was less than 10% for mysid shrimp and less than 20% for amphipods.

These results show that the solid phase of the material would not cause significant mortality and meets the solid phase toxicity criteria of Sections 227.6 and 227.27. The results of the 10-day toxicity test are summarized in Table 2.

2. <u>Bioaccumulation:</u>

Bioaccumulation tests for the sediment were conducted on the solid phase of the project material for contaminants of concern using two appropriate sensitive benthic marine organisms: a burrowing, deposit-feeding polychaete, *Nereis virens*, and a filter-feeding bivalve, *Macoma nasuta*. These species are considered to be good representatives of the phylogenetically diverse base of the marine food chain. Contaminants of concern were identified for the regional testing manual from the NY/NJ Harbor Estuary Program Toxics Characterization report (Squibb, et al. 1991).

Table 3 of this notice addresses the bioaccumulation of contaminants of concern. Additional information on more rigorous evaluations conducted on individual contaminants may be found in the Testing Evaluation Memo for this project. Table 3 indicates that some contaminants bioaccumulated above reference in the clam and/or worm. All constituents identified in worm and clam tissue were compared to existing Food and Drug Administration (FDA) action levels for poisonous or deleterious substances in fish and shellfish for human food, regional disposal criteria, background concentrations and risk-based criteria provided by USEPA Region 2. The testing memo further evaluates these contaminants and concludes that any contaminant that exceeded reference did not exceed any existing regional matrix or dioxin values. Several contaminants which did not have matrix values did exceed background levels, but in no case did any contaminant accumulate to toxicologically important concentrations even when very conservative assumptions were used in the analysis. Any contaminants that exhibited bioaccumulation test results above referenced were all below the acceptable human health risk range and acceptable aquatic effects range, again using conservative approaches and analyses. A discussion of this determination is available in the Testing Evaluation Memo for this project. The bioaccumulation test results were used in evaluating the potential impacts of the material. The determination is that the combined results of the toxicity and bioaccumulation tests indicate that the material meets the criteria of 40 CFR Sections 227.6(c)(3) and 227.27(b), and 228.15(d)(6)(v)(A) of the Regulations, and that the material is suitable for placement at the HARS.

CONCLUSIONS:

Based upon the results of testing of the sediments proposed for dredging in the Raritan River Channel Dredging Area A, USACE and USEPA have determined that the material is Category 1, meeting the criteria for ocean placement as described in 40 CFR parts 227.6, 227.27, and 228.15, and is Remediation Material as defined under the USEPA, Region 2/USACE, New York District, guidance. The specific test results and technical analysis of the data underlying this conclusion are described in the joint USACE, New York District/USEPA, Region 2 memorandum as previously mentioned.

Placement of this material at the HARS will serve to reduce impacts at the HARS to acceptable levels and improve benthic conditions. Sediments in the HARS have been found to be acutely toxic to sensitive benthic marine organisms in laboratory test whereas project sediments used in laboratory acute toxicity tests with the same species were determined not to be toxic. Placement of project material over existing toxic sediments would serve to remediate those areas for toxicity. In addition, by covering the existing sediments in the site with this project material, surface dwelling organisms will be exposed to sediments exhibiting Category 1 qualities, whereas the existing sediments exceed these levels.

ALTERNATIVES TO HARS PLACEMENT:

Regarding ocean placement of dredged material, the Ocean Dumping Regulations [Title 40 CFR Sections 227.16(b)] states that ". . . alternative methods of disposal are practicable when they are available at reasonable incremental cost and energy expenditures which need not be competitive with the costs of ocean dumping, taking into account the environmental impacts associated with the use of alternatives to ocean dumping . . ." The Corps has investigated the use of alternative placement sites for the dredged material that include beach placement, upland placement, and open water placement. Beneficial uses such as beach nourishment were found not to be practicable, as the dredged material is silty, fine-grained material that is not suitable for beach nourishment. Processing the dredged material for use in brownfields restoration projects has been considered, but the costs for handling and amending the material would be excessive. The Corps has also investigated the use of upland placement of the dredged material. However, based on historical bid prices of similar projects in the area, there is a significant increase in cost for upland placement as compared to placement at the HARS. Upland placement of dredged material from both Dredging Area “A” and Dredging Area “B” would not be economically viable for this project. Therefore, alternative sites for the placement of the HARS suitable dredged material are either not available, or not available at a reasonable incremental cost, thus leaving HARS placement as the Corps preferred alternative for Dredging Area “A”.

For more information on the New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.

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Randall G. Hintz
Chief, Operations Support Branch

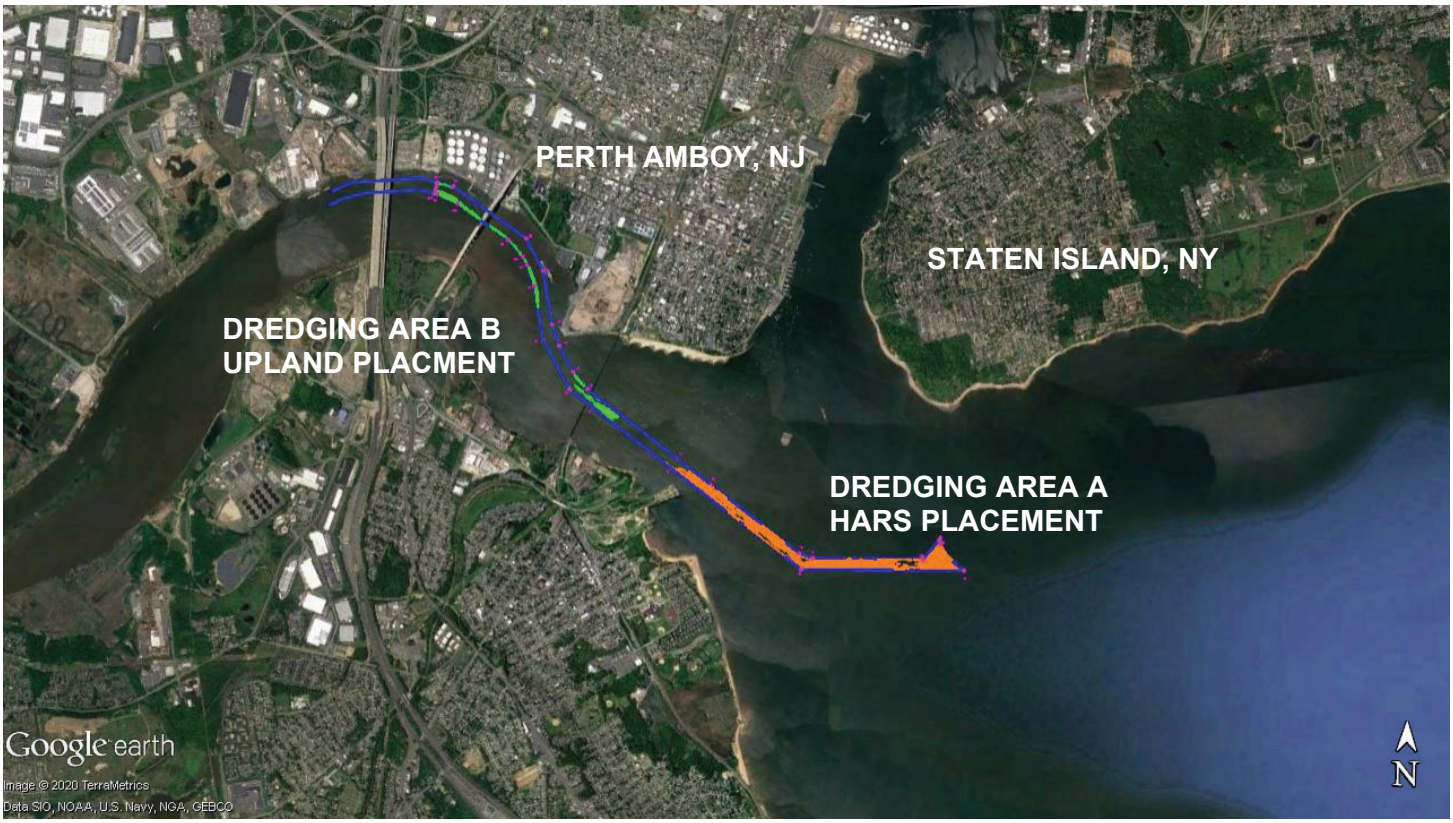

Figure 1: Raritan River Proposed Dredging Map

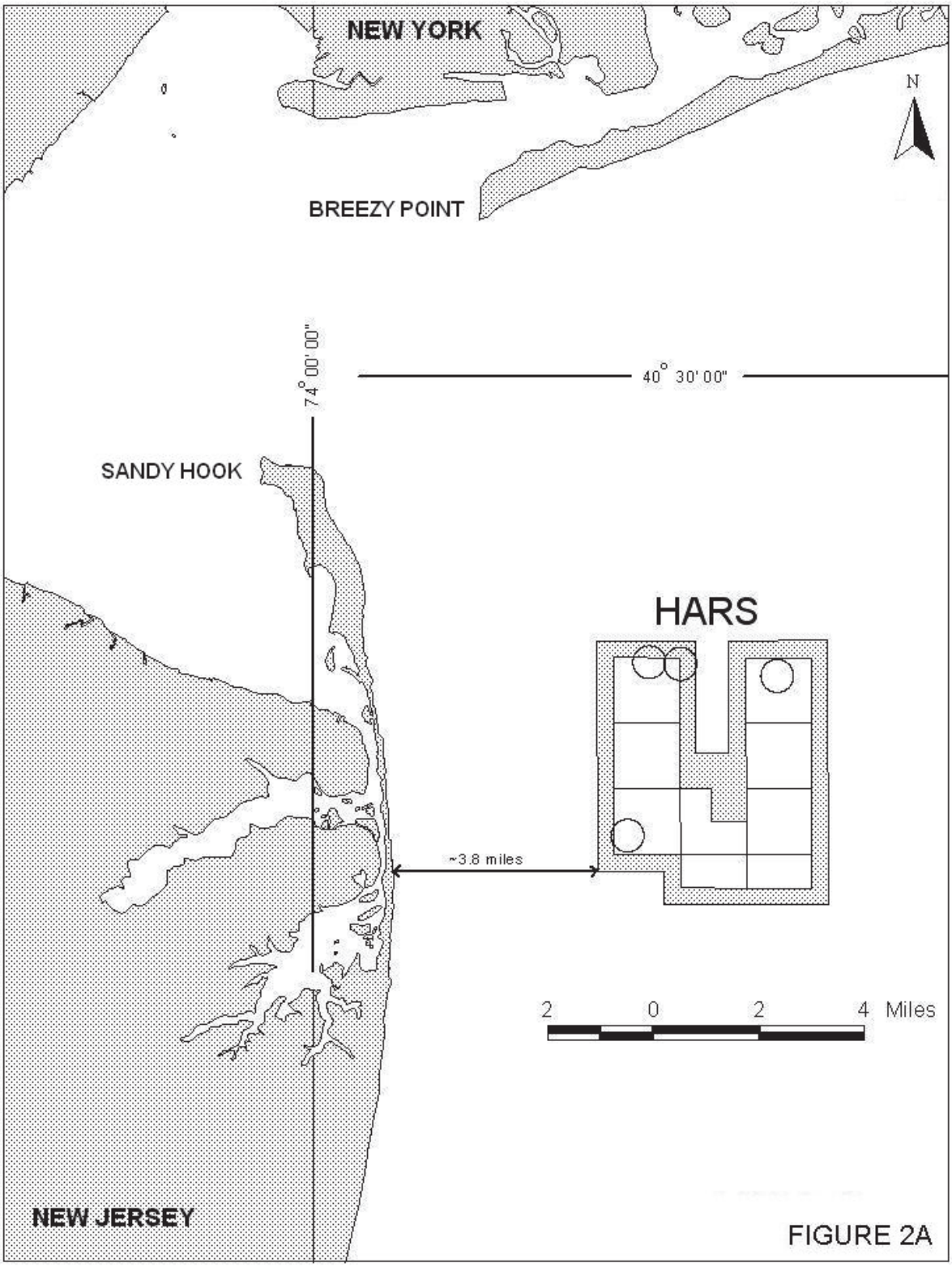

Figure 2A: HARS Location Map 1

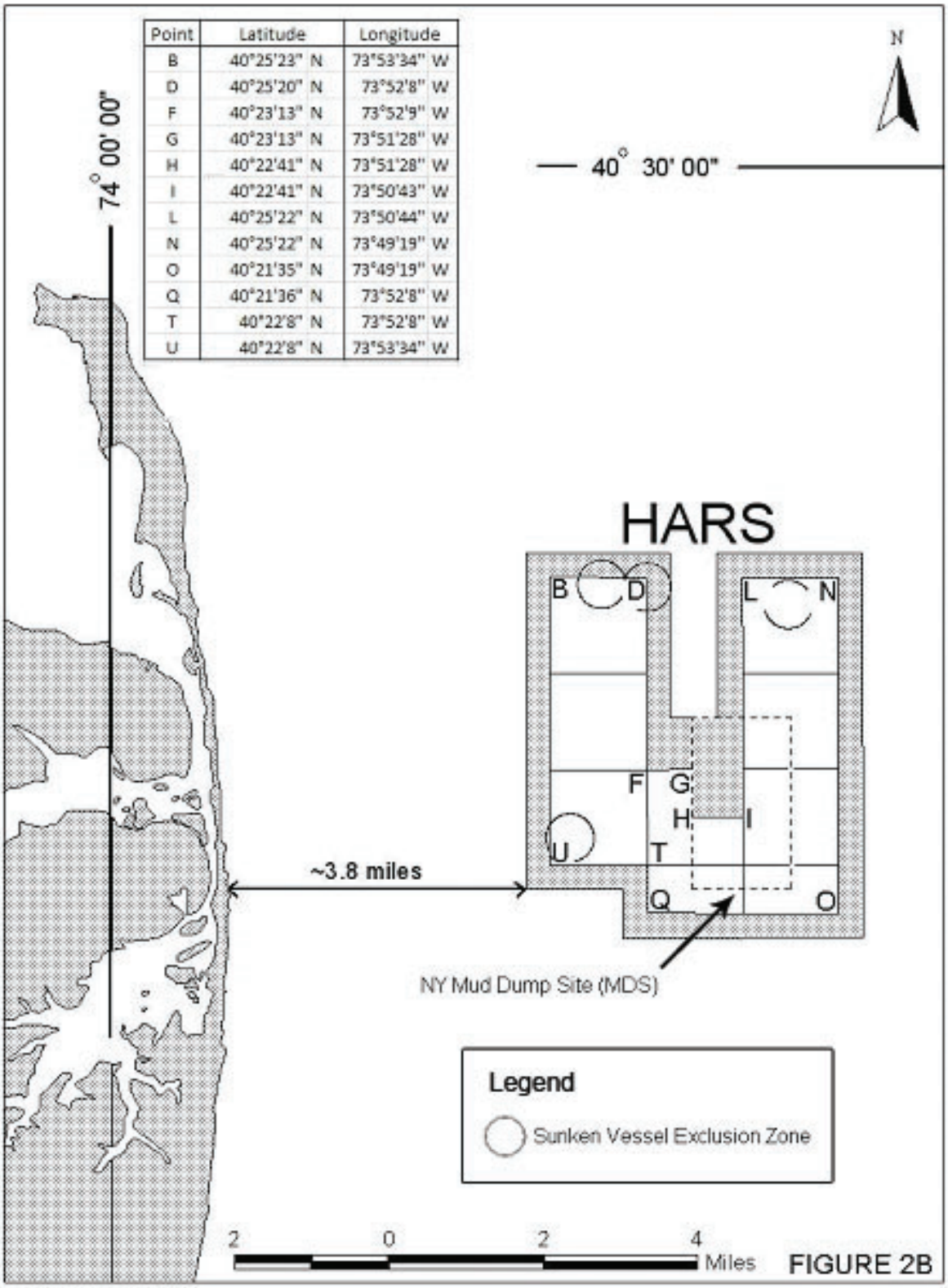

Figure 2B: HARS Location Map 2

TABLE 1. RESULTS OF CHEMICAL ANALYSIS OF SITE WATER AND ELUTRIATE

Raritan River - Reach A

	SITE WATER		ELUTRIATE	
CONSTITUENTS	**DETECTION LIMITS**	**CONCENTRATION**	**DETECTION LIMITS**	**CONCENTRATION**
Metals	**ppb (ug/L)**	**ppb (ug/L)**	**ppb (ug/L)**	**ppb (ug/L)**
Ag		0.019		0.091
Cd		0.041		0.026
Cr		0.490		2.30
Cu		2.44		4.54
Hg	0.020	ND		0.290
Ni		1.50		1.89
Pb		0.964		5.05
Zn		6.06		6.04
Pesticides	**pptr (ng/L)**	**pptr (ng/L)**	**pptr (ng/L)**	**pptr (ng/L)**
Aldrin	0.531	ND	0.501	ND
a-Chlordane	0.442	ND		0.647
trans Nonachlor	0.436	ND		1.33
Dieldrin	0.544	ND	0.513	ND
4,4'-DDT	0.633	ND	0.597	ND
2,4'-DDT	0.795	ND	0.750	ND
4,4'-DDD	0.531	ND		1.09
2,4'-DDD	0.582	ND	0.549	ND
4,4'-DDE	0.445	ND		1.88
2,4'-DDE	0.557	ND	0.526	ND
Total DDT		**ND**		**2.97**
Endosulfan I	0.531	ND	0.501	ND
Endosulfan II	0.525	ND	0.495	ND
Endosulfan sulfate	0.439	ND	0.414	ND
Heptachlor	0.534	ND	0.504	ND
Heptachlor epoxide	0.442	ND	0.417	ND
Industrial Chemicals	**pptr (ng/L)**	**pptr (ng/L)**	**pptr (ng/L)**	**pptr (ng/L)**
PCB 8	0.572	ND	0.540	ND
PCB 18	0.366	ND	0.345	ND
PCB 28	0.423	ND	0.399	ND
PCB 44	0.534	ND	0.504	ND
PCB 49	0.391	ND		10.2
PCB 52	0.499	ND		7.07
PCB 66	0.601	ND		1.33
PCB 87	0.461	ND	0.435	ND
PCB 101	0.388	ND		4.61
PCB 105	0.598	ND		1.64
PCB 118	0.576	ND		1.27
PCB 128	0.417	ND		0.128
PCB 138	0.493	ND		1.00
PCB 153	0.493	ND	1.48	ND
PCB 170	0.452	ND		0.796
PCB 180	0.458	ND		0.687
PCB 183	0.410	ND		0.298
PCB 184	0.576	ND	0.543	ND
PCB 187	0.423	ND		0.849
PCB 195	0.429	ND		0.355
PCB 206	0.464	ND		0.288
PCB 209	0.445	ND		0.561
Total PCB		**ND**		**62.2**

ND = Not detected

Total DDT = sum of 2,4'- and 4,4'-DDD, DDE, and DDT

Total PCB = sum of congeners reported x 2

TABLE 2. TOXICITY TEST RESULTS
Raritan River - Reach A

Suspended Particulate Phase

Test Species	Test Duration	LC_{50}/EC_{50}		LPC (a)
Menidia beryllina	96 hours	**(b)**	52.0%	0.520
Americamysis bahia	96 hours	**(b)**	65.0%	0.650
Mytilus galloprovincialis **(larval survival)**	48 hours	**(b)**	60.0%	0.600
Mytilus galloprovincialis **(larval normal develop.)**	48 hours	**(c)**	22.0%	0.220

(a) Limiting Permissible Concentration (LPC) is the LC_{50} or EC_{50} multiplied by 0.01

(b) Median Lethal Concentration (LC_{50}) resulting in 50% mortatlity at test termination

(c) Median Effective Concentration (EC_{50}) based on normal development to the D-cell, prodissoconch 1 stage

Whole Sediment (10 days)

Test Species	% Survival Reference	% Survival Test	% Difference Reference - Test	Is difference statistically significant? (a=0.05)
Ampelisca abdita	99%	100%	1%	No
Americamysis bahia	98%	98%	0%	No

TABLE 3. 28 DAY BIOACCUMULATION TEST RESULTS: CHEMICAL ANALYSIS OF TISSUE
Wet weight concentrations
Raritan River Reach A

	Macoma nasuta				*Nereis virens*			
	REFERENCE		TEST		REFERENCE		TEST	
CONSTITUENTS	DETECTION LIMITS	CONCEN TRATION	DETECTION LIMITS	CONCEN TRATION	DETECTION LIMITS	CONCEN TRATION	DETECTION LIMITS	CONCEN TRATION
Metals	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)	ppm (mg/kg)
Ag		0.081		0.088	0.030	ND	0.030	ND
As		5.11		5.14		2.64		2.37
Cd		0.052		0.049		0.040		0.038
Cr		0.603		0.489		0.112		0.063
Cu		1.69		* 2.37		1.56		1.11
Hg		0.008		* 0.014		0.026		0.020
Ni		0.627		0.496		0.196		0.153
Pb		0.226		* 0.750		0.122		0.122
Zn		20.7		13.9		19.8		26.1
Pesticides	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)
Aldrin	0.027	ND	0.028	ND	0.027	ND	0.027	ND
a-Chlordane	0.021	ND		* 0.114	0.021	ND		0.025
trans Nonachlor	0.027	ND		0.013	0.027	ND		0.018
Dieldrin	0.018	ND		* 0.196	0.018	ND		* 0.219
4,4'-DDT	0.024	ND	0.023	ND	0.024	ND	0.022	ND
2,4'-DDT		0.065	0.033	ND	0.033	ND	0.032	ND
4,4'-DDD		0.062		* 1.35		0.023		* 1.35
2,4'-DDD	0.033	ND		* 0.423	0.033	ND		* 0.466
4,4'-DDE		0.134		* 3.84	0.021	ND		* 1.23
2,4'-DDE	0.018	ND		* 0.446	0.018	ND	0.018	ND
Total DDT		**0.299**		* **6.08**		**0.089**		* **3.08**
Endosulfan I	0.030	ND	0.030	ND	0.030	ND	0.030	ND
Endosulfan II	0.033	ND	0.033	ND	0.033	ND	0.033	ND
Endosulfan sulfate	0.024	ND	0.023	ND	0.024	ND	0.024	ND
Heptachlor	0.021	ND	0.021	ND	0.021	ND	0.021	ND
Heptachlor epoxide	0.033	ND	0.033	ND	0.033	ND	0.033	ND
Industrial Chemicals	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)
PCB 8	0.060	ND		* 0.523	0.060	ND	0.060	ND
PCB 18	0.027	ND		* 0.755	0.027	ND		* 0.975
PCB 28		0.074		* 2.17		0.016		* 1.40
PCB 44		0.012		* 0.720		0.064		* 1.13
PCB 49		0.051		* 2.24		0.010		* 1.73
PCB 52		0.016		* 2.38		0.083		* 2.59
PCB 66		0.155		* 1.99	0.042	ND		* 1.22
PCB 87	0.027	ND		* 0.305	0.027	ND		* 0.061
PCB 101		0.108		* 2.37		0.276		* 1.69
PCB 105	0.024	ND		* 0.445	0.024	ND		* 0.204
PCB 118		0.022		* 1.45		0.064		* 0.925
PCB 128	0.0300	ND		* 0.124		0.044		* 0.170
PCB 138		0.144		* 1.48		1.09		* 1.89
PCB 153		0.818		* 2.74		1.73		* 2.92
PCB 170		0.018		* 0.214		0.134		* 0.296
PCB 180		0.054		* 0.519		0.460		* 0.764
PCB 183	0.021	ND		* 0.150		0.173		* 0.260
PCB 184	0.048	ND	0.049	ND	0.048	ND		* 0.597
PCB 187		0.023		* 0.594		0.666		* 0.984
PCB 195	0.018	ND		0.036		0.021		* 0.143
PCB 206	0.018	ND	0.018	ND		0.068		0.165
PCB 209	0.033	ND	0.033	ND		0.136		0.141
Total PCB		**3.30**		* **42.5**		**10.3**		* **40.6**
1,4-Dichlorobenzene		0.118		* 0.236		0.108		0.083

TABLE 3. (Continued)

Raritan River Reach A

	Macoma nasuta				*Nereis virens*			
	REFERENCE		TEST		REFERENCE		TEST	
CONSTITUENTS	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION	DETECTION LIMITS	CONCENTRATION
PAH's	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)	ppb (ug/kg)
Naphthalene		0.652		* 1.09		0.468		0.491
Acenaphthylene		0.153		* 0.604		0.087		* 0.190
Acenaphthene		0.194		* 0.541		0.185		* 0.441
Fluorene		0.207		* 0.786		0.095		* 0.228
Phenanthrene		1.31		* 5.01		0.465		* 0.936
Anthracene		0.304		* 2.03		0.053		* 0.184
Fluoranthene		2.82		* 25.8		0.397		* 7.77
Pyrene		3.05		* 30.8		0.403		* 9.58
Benzo(a)anthracene		0.909		* 8.73		0.126		* 0.459
Chrysene		1.58		* 14.5		0.047		* 0.453
Benzo(b)fluoranthene		1.38		* 13.5		0.089		* 0.756
Benzo(k)fluoranthene		1.26		* 9.56		0.114		* 0.847
Benzo(a)pyrene		0.916		* 7.80		0.081		* 0.496
Indeno(1,2,3-cd)pyrene		0.574		* 5.31		0.048		* 0.169
Dibenzo(a,h)antracene		0.133		* 1.25	0.093	ND		* 0.068
Benzo(g,h,i)perylene		0.542		* 5.67		0.089		* 0.454
Total PAH's		**16.0**		* **133**		**2.79**		* **23.5**
Dioxins	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)	pptr(ng/kg)
2378 TCDD	0.010	ND		0.044		0.057		* 0.282
12378 PeCDD	0.014	ND	0.014	ND	0.256	ND		0.114
123478 HxCDD	0.011	ND	0.012	ND		0.014		0.029
123678 HxCDD		0.054		0.132		0.092		* 0.267
123789 HxCDD	0.011	ND	0.012	ND	0.010	ND		* 0.127
1234678 HpCDD		0.060		* 1.76		1.49		1.08
1234789 OCDD		7.52		23.7		9.75		10.2
2378 TCDF	0.010	ND		* 0.526		0.904		* 1.81
12378 PeCDF	0.010	ND	0.011	ND		0.149		0.200
23478 PeCDF	0.010	ND		* 0.054		0.280		0.351
123478 HxCDF	0.008	ND		0.095	0.005	ND		* 0.139
123678 HxCDF	0.008	ND		0.017		0.026		0.027
234678 HxCDF	0.009	ND	0.009	ND		0.020		0.022
123789 HxCDF	0.009	ND		0.030	0.005	ND	0.006	ND
1234678 HpCDF		0.243		* 0.704		0.573		0.562
1234789 HpCDF		0.052		0.066	0.005	ND		0.048
12346789 OCDF		0.508		* 0.966		0.646		0.476

ND = Not detected
Total PAH = Sum of all PAH's.
Total DDT = sum of 2,4'- and 4,4'-DDD, DDE, and DDT
Total PCB = 2(x), where x = sum of PCB congeners
Concentrations shown are the mean of 5 replicate analyses in wet weight.
Means were determined using conservative estimates of concentrations of constituents that were at concentrations below the detection limit.
* = Statistically significant at the 95% confidence level.