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APPENDIX G

THE MANAGEMENT AND REGULATION OF DREDGING ACTIVITIES AND DREDGED MATERIAL IN NEW JERSEY'S TIDAL WATERS

Chapter I - Purpose

This appendix establishes the policies and procedures which the Department will use to conduct reviews of applications for permits for dredging activities in tidal waters of the State of New Jersey and the management of the dredged material. This document also provides Departmental staff and project applicants with criteria for the required sampling, testing, and permitting of dredged material for various identified management alternatives, including potential use options. These policies and procedures have been developed to ensure that proposed dredging projects and the management of dredged material are conducted so as to minimize the potential for adverse impacts to the environment and public health.

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Chapter II - Overview

A: Authorities -The Department is responsible for the evaluation and permitting of all dredging-related activities that occur in the waters of the State of New Jersey. As part of that review, the Department evaluates the proposed dredged material management option. Existing management options include in-water disposal, upland containment/disposal, and/or various potential uses of the dredged material. The objectives of the Department's regulatory program overseeing dredged material management activities include:

- (1) the identification of potential adverse impacts to the environment and public health which could result from a proposed activity;
- (2) the regulation/management of a proposed activity to ensure that any potential adverse impacts are minimized; and
- (3) the development of appropriate protocols to monitor for potential adverse impacts.

The authority to regulate proposed dredging activities and the management of dredged material is derived from the following statutes:

Waterfront Development Law (N.J.S.A. 12:5-3 et seq.)

Riparian Interests (N.J.S.A. 12:3-1 et seq. and 18A:56-1 et seq.)

New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.)

Federal Water Pollution Control Act (Clean Water Act Amendments of 1977; 33

U.S.C. § 1341, Section 401)

Federal Coastal Zone Management Act (16 U.S.C. §§ 1451 et seq.)

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The siting of upland confined disposal facilities may also be regulated by the following:

Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.)

Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.)

Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.)

Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.)

B: Permit Review Process - Pre-application conferences in accordance with N.J.A.C.

7:7-22 are recommended prior to the submittal of a permit application, to discuss the proposed project, required permits, sampling and testing protocols, and other information which must be submitted with the application.

In most cases, dredging projects in New Jersey's navigable tidal waters will require a waterfront development permit and a water quality certificate (WQC); the WQC is issued jointly with the waterfront development permit. While a WQC is not required for the actual dredging operation, it is required for any discharge of dredged material into navigable waters of the United States associated with the dredging operation. Any such discharge will also require a permit from the USACE pursuant to Section 404 of the Federal Clean Water Act; the Section 404 Permit triggers the requirement for a WQC. Federally conducted, funded, or permitted activities, including Federal navigation projects, which have a direct impact on New Jersey's Coastal Zone, will require a Federal

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consistency determination from the Department, pursuant to the Coastal Zone

Management Act. The USACE also has authority over dredging activities conducted in navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899.

Disposal of dredged material in ocean waters is regulated by the USACE and the USEPA pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA). Ocean waters are located offshore of the “baseline” established by the USEPA pursuant to the MPRSA -- offshore of Long Island and New Jersey connected by the transect between Rockaway Point and Sandy Hook, offshore of New Jersey and Delaware connected by the transect between Cape May Point and Cape Henlopen Point. Dredged material may be disposed of in ocean waters only at sites designated by the USEPA, with permits issued by the USACE pursuant to Section 103 of the MPRSA. The State of New Jersey has discretionary authority to review disposal activities at ocean disposal sites pursuant to the Federal Coastal Zone Management Act. The review of proposed ocean disposal operations at currently designated ocean disposal sites will be coordinated with the USACE and USEPA. In inland (that is, “non-ocean”) waters, the actual dredging operation, or any associated dredged material disposal/management/use alternative, which results in the placement of dredged material into navigable waters of the United States requires a Clean Water Act Section 404 permit from the USACE.

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The Department regulates the management of dredged material from out-of-State waters pursuant to the permits issued for the New Jersey facility which will handle the dredged material. These permits identify the dredged material suitable for management at the facility (locations of origin, sediment quality characteristics, quantities, etc.). Any dredged material originating in out-of-State waters would have to meet the requirements specified in the permits for the New Jersey management facility. The sediments to be dredged must comply with all of the sampling and testing requirements and protocols applicable to projects in New Jersey waters. However, note that only Testing Exclusion Case #1 (see Section III-C) will be applicable to dredged material originating in out-of-State waters. The specific evaluative criteria applied will vary with the proposed disposal/management/use alternative and its location. Likewise, dredged material from out-of-State waters proposed to be used in New Jersey would have to meet the same regulatory, sampling, and testing requirements as that of dredged material from New Jersey waters. Given these requirements, any out-of-State applicant(s) proposing to dispose/manage or use dredged material in New Jersey must contact the Department to discuss the project prior to the submittal of permit applications. The background information listed in Section III-A must be submitted to the Department prior to this discussion.

In general, an applicant proposing to dispose of or use dredged material originating in New Jersey at an out-of-State location would have to demonstrate to the Department that this option is approved by the state proposed to accept or use the material. This would consist

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of a letter from the appropriate regulatory agencies of the state where the disposal facility or use option is located, or copies of current facility permits, verifying that the facility is operating in accordance with applicable rules and regulations and can lawfully accept the dredged material for the declared disposal or use option. Note that the state proposed to accept or use the material may have different sediment sampling and testing requirements and evaluative criteria than those of the Department.

A number of factors are considered by the Department in its evaluation of a dredging project and proposed dredged material management alternatives. In general, each proposed project has its own set of potential problems and impacts to the environment and public health. Thus, not all of the concerns or regulatory requirements discussed in this appendix are applicable to all projects. To some degree, each proposed project will be evaluated by the Department on a “case-by-case” basis.

The Department will ensure the appropriate application of this appendix in its regulatory reviews. For example, the Department has divided the tidal waters of New Jersey into three geographical regions based on the expected degree and type of sediment contamination, and historic/potential dredged material management alternatives (see Figure 1 and Section III-B). In general, the applicable regulatory requirements vary between these regions, but are similar for projects located within any one region.

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Finally, the Department will periodically revise this appendix as its knowledge and experience increases, additional research is completed, new dredging and dredged material management alternatives become available, and in response to comments from the public. These revisions will also consider the Department's regulatory decisions to further ensure consistency in the Department's regulatory program. In the future, it is expected that many of the case-by-case decisions now required of the Department will be eliminated, and more specific regulatory criteria will be developed for various types of dredging projects and dredged material management alternatives.

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Chapter III - Information Required of All Projects

A - Background Information

In order for the Department to determine what specific sampling and testing are required for a proposed dredging project and the management of the dredged material, background information must be submitted to the Department. The following information shall be submitted to Department for all applications:

1. The proposed dredging method, project depth, and areal extent of project.
2. A hydrographic survey of the dredging site taken within the past six months. All hydrographic surveys shall be performed by an ACSM (American Congress of Surveying and Mapping) certified hydrographer, a licensed land surveyor with five years hydrographic experience, or a professional engineer. For detailed information on how to conduct these surveys, see USACE (2002), Engineer Manual for Hydrographic Surveying. This USACE manual provides information on levels of accuracy, transect line spacing, acceptable surveying methods, and the class of survey applicable for a specific project. The hydrographic survey and plans of the dredging project submitted to the Department should also be consistent with the following criteria:

- all hydrographic/survey plans submitted shall be of a scale no greater than one inch equals 100 feet;
- all plans shall be submitted folded with an accompanying site location map (a USGS quadrangle is preferred);

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- all projects must provide precision bathymetry (accurate to 0.10 foot vertically and one foot horizontally);
- all plans submitted shall show nearby outfalls, bulkheads, dolphins, mooring areas, turning basins, and any other prominent surface or bottom features;
- all plans must accurately identify proposed core sampling locations;
- hydrographic plans must be dated indicating the time the survey was taken and when the plan(s) was prepared;
- all plans must identify the areas to be dredged;
- all plans shall identify project depths in feet below mean low water;

3. The location of the proposed disposal/management area, photographs of the disposal site, and method of transporting material to the disposal area. For proposed use options, a description of how the dredged material is to be used must be provided.

4. The estimated volume of dredged material and length of time necessary to conduct the dredging project, including approximate number of barge trips, if applicable.

5. An inventory of aquatic resources in the area to be dredged such as shellfish habitat, submerged vegetation habitat, wetlands, shorebird nesting habitat, migratory pathways for finfish, and other aquatic organisms. Mapping of many resources is available from the Division. The Division may require surveys at the application stage if insufficient data are available for the Division to determine the project's compliance with the Coastal Zone Management rules (such a determination will be made on a project-specific basis).

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The Department recommends that the following information also be submitted with the application. This information will be utilized by the Department as part of its review to determine the potential of sediments in the dredging project area to contain contaminants, in an effort to minimize the sampling and testing requirements for applicants, and to develop a sampling plan. Any additional available information related to potential contamination or non-contamination of the sediments should also be submitted.

6. The location and type of all existing outfalls to surface waters on site and within 500 feet of the site.

7. Where available, a 10-year history and summary of past dredging events, including grain size, total organic carbon, percentage moisture, and bulk sediment chemistry analysis data.

8. The past history of on-site and adjacent land uses, and documented spills (including type, volume, and date) either on land or into surface waters.

9. An inventory of known and suspected historic upstream and downstream spills and unauthorized discharges of pollutants.

10. The location of any potable water intakes within one mile of the disposal site.

Pre-application conferences in accordance with N.J.A.C. 7:7-22 are recommended prior to the actual submittal of a permit application, to discuss the proposed project, required permits, sampling and testing protocols, and other information which must be submitted with the application. At this time, a project manager from the Department will be assigned

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to the proposed project and will act as the Department's point of contact with the applicant. The purposes of the pre-application conferences are (1) to preliminarily identify potential project impacts and areas of concern, (2) to identify the permits required for the proposed project, (3) to develop the sampling and testing plans needed to obtain the data required by the Department to properly characterize the sediments to be dredged (which will, in part, be used to evaluate the potential impacts of the dredging operation and the applicant-selected dredged material management alternative), (4) to identify other information the Department will need as part of its regulatory review process, and (5) to develop a plan of action and tentative schedule for completing data-gathering and review activities, ultimately leading to a regulatory decision by the Department.

B - Geographical Regions

Based on existing information and experience, the Department has divided the tidal waters of New Jersey into three geographical regions (see Figure 1). In general, the expected degree and type of sediment contamination, and historic/potential dredged material management alternatives are similar within each region. Likewise, the applicable regulatory requirements are expected to be generally similar for projects located within any one region, but will vary between the regions.

The three regions are described as follows:

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Region 1 - North of Sandy Hook (including Raritan Bay, Sandy Hook Bay, Raritan River, Arthur Kill, Kill Van Kull, Newark Bay, Passaic River, Hackensack River, Upper and Lower New York Bays, Hudson River, and associated tributaries)

Region 2 - the Atlantic Ocean coast from Sandy Hook to the western entrance of the Cape May Canal, including the Navesink and Shrewsbury Rivers, Barnegat Bay and associated tributaries, Mullica River, and Great Egg Harbor River;

Region 3 - Delaware Bay, tidal Delaware River, and associated tributaries.

C - Testing Exclusions

Testing of dredged material for contaminants will not always be necessary. Based on the volume of dredged material, the potential for contaminants to be present, and the proposed management alternative, the Department has developed the following five cases in which dredged material will be excluded from bulk sediment chemistry, elutriate, modified elutriate, and biological testing (see Figure 2). For exclusions from testing for evaluation of ground water impacts, see Section IV-C(4).

Case 1 - Sand:

No further testing will be required if:

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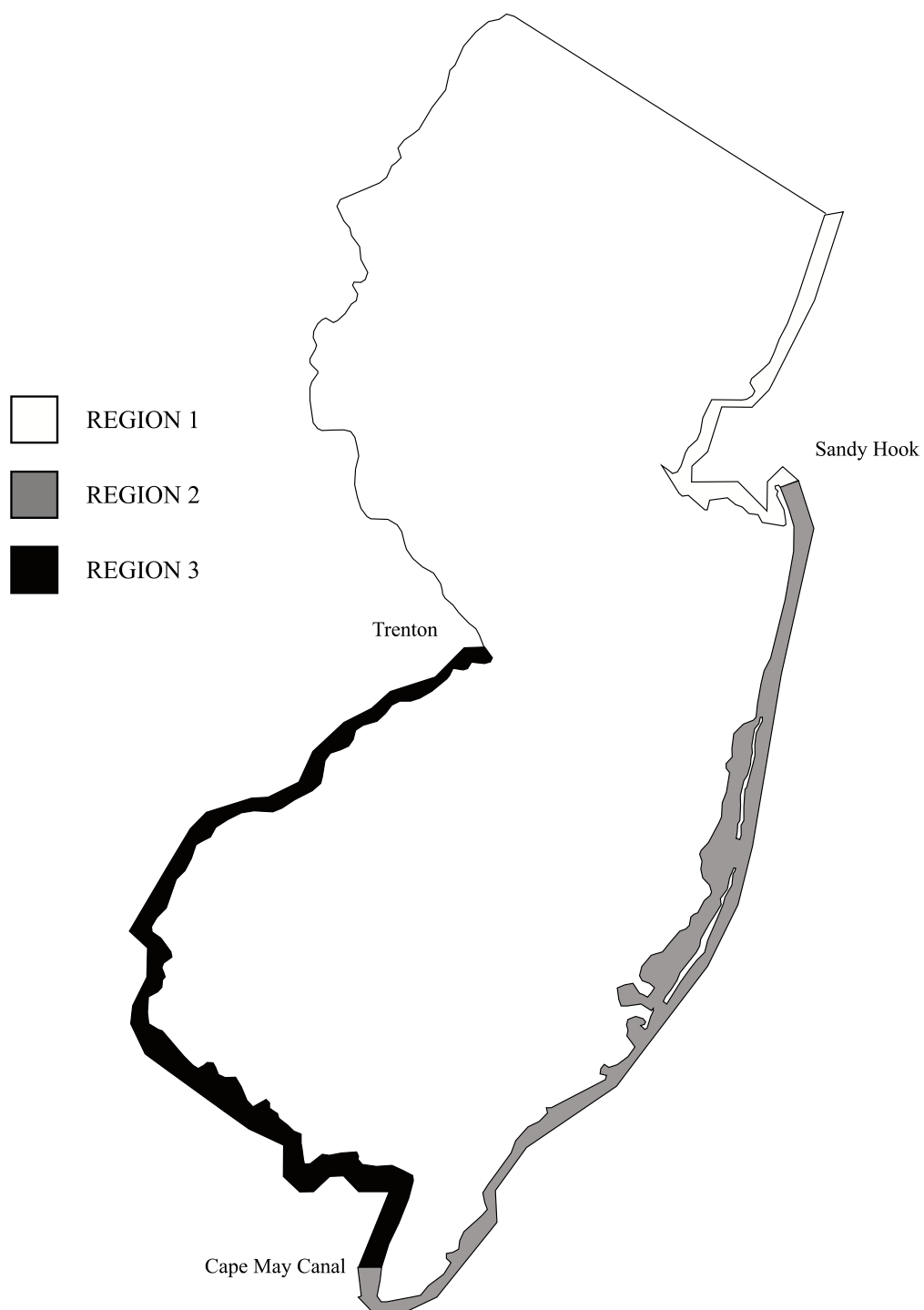
- the material to be dredged is greater than 90 percent sand (grain size >0.0625 mm); and
- other background information (for example, no known historical spills or discharges of pollutants in the project area, previous sediment chemistry data, etc.) does not lead the Department to believe the material may be contaminated.

Case 2 - Subaqueous Disposal Pits:

No further testing will be required for dredging projects where less than 1,000 cubic yards of dredged material will be removed over the five-year life of the waterfront development permit and disposal will occur in a subaqueous disposal pit approved by the Department.

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Figure 1: Schematic Diagram Depicting Three Geographic Regions of New Jersey
(for detailed description - see text)



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Case 3 - Residential Properties in Region 2:

No further testing will be required for dredging projects in Region 2 which meet all of the following requirements:

- less than 500 cubic yards of dredged material will be removed over the five-year life of the waterfront development permit;
- the dredged material will be placed on the upland portion of the residential property adjacent to the area being dredged;
- the dredging site contains four or less boat slips;
- the upland property is residential and owned by the same person(s) as the dredging site; and
- the dredged material will be capped with a six-inch layer of clean fill.

Case 4 - Small Projects in Region 2:

For dredging projects in Region 2, no further testing of dredged material will be required if all of the following requirements are met:

- less than 1,000 cubic yards of dredged material will be removed over the five-year life of the waterfront development permit; and
- disposal is proposed in an area which will not be subject to residential or active recreational use.

Case 5 - Small Marinas, Channels, and Other Projects in Region 2:

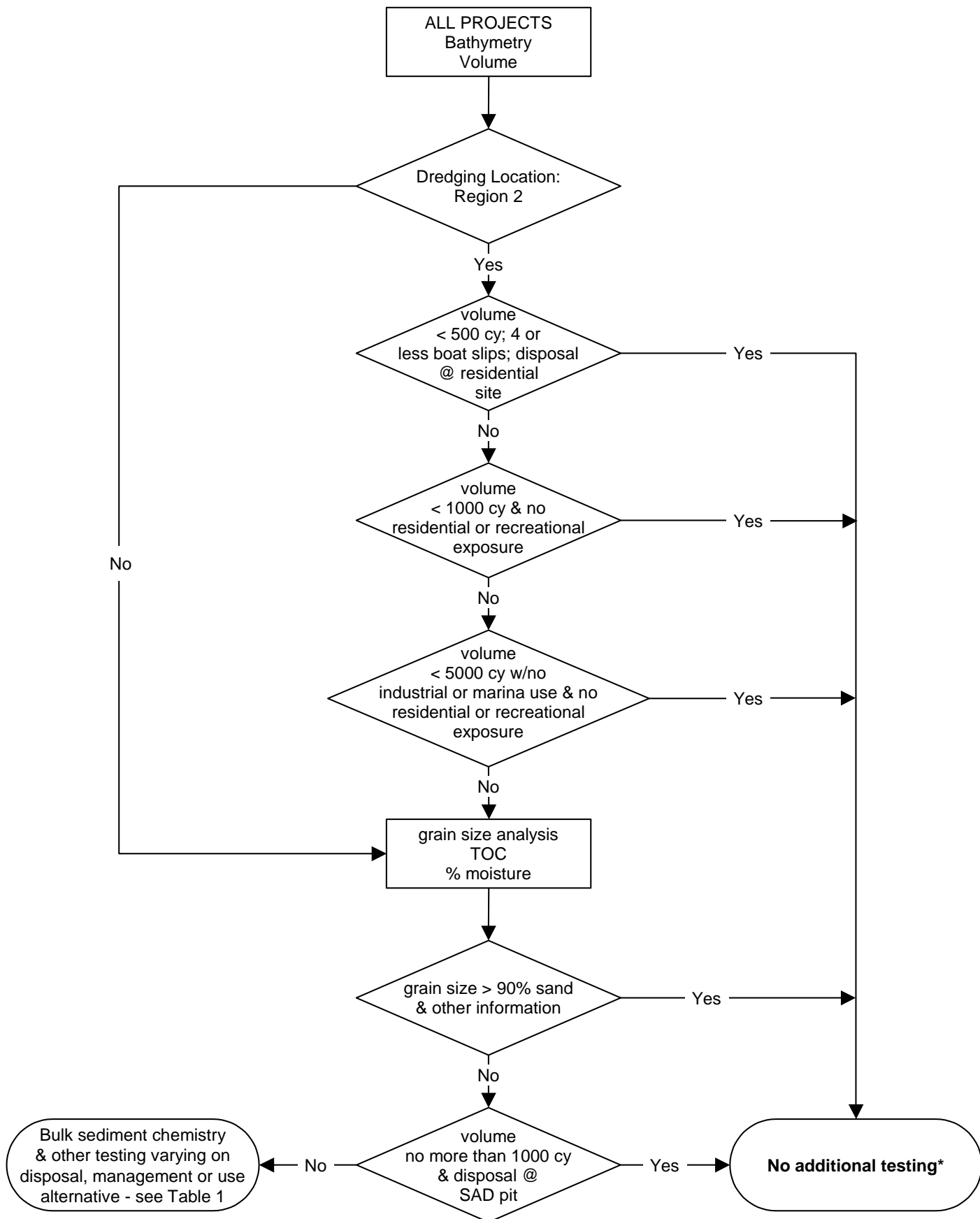
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For dredging projects in Region 2, no further testing of dredged material will be required if all of the following requirements are met.

- **less than 5,000 cubic yards of dredged material will be removed over the five-year life of the waterfront development permit;**
- **there has not been an historic or current upland industrial use, there is no history of spills or discharges of pollutants in the area, and the site is not now or previously occupied by a marina/marine basin of 25 or more boat slips; and**
- **disposal is proposed in an area which will not be subject to residential or active recreational use.**

For the purposes of these testing exclusions, areas of “active recreational use” refer to those locations and/or facilities visited/used by the general public on a frequent basis. Such recreational areas include sports facilities (for example baseball fields, basketball and tennis courts, golf courses), playgrounds, picnic sites, swimming areas (pools, beaches, shores), and fishing areas. This term does not include more “passive recreational areas”, such as hiking trails and open space areas.

Figure 2: Dredged Material Testing Schematic



*Note: Additional testing will be required for ocean disposal or placement at the Historic Area Remediation Site

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D-Sampling of Sediments

The proposed sampling plan must be presented to the Department for review and approval prior to samples being taken. In addition, the required information discussed in Section III-A must be submitted to the Department with the proposed sampling plan. The sampling plan must include the following information.

(1) Development of a Sampling Plan

a. Sample locations should be chosen so as to provide representative information on the volume, potential contamination, grain size, total organic carbon, and percentage moisture of sediments to be dredged.

b. In order to evaluate contamination of the sediments by pollutants, the sampling plan should include locations near the positions of any outfalls, tributaries, industrial sources, and historical spill areas. Previous test data for maintenance dredging projects should also be taken into account when choosing sampling locations.

c. The required number of sediment core samples to be taken per volume of sediment to be dredged, and the maximum number of core samples per analytical composite, is based (in part) on the application of guidelines developed for the Puget Sound Dredge Disposal Analysis Program (USACE, Seattle District et al., 1997). This guidance has been used to determine the total number of core samples which will be necessary to fully characterize

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the dredging project. In most cases, individual core samples may be composited for analytical purposes.

d. For all projects (that do not meet Testing Exclusion Cases #3, #4, or #5 -- see Section III-C), a minimum of three core samples must be collected. For general guidance on the required number of core samples to be taken per volume of sediment to be dredged and the maximum number of core samples which may be composited, use the following table:

	<u>Maximum Project Size (cubic yards (CY))</u>	<u>Max Volume per Core (cubic yards (CY))</u>	<u>Max # Cores per Composite</u>
Region 1	60,000 CY	4,000 CY	3
(except Ambrose and Sandy Hook Channels)			
Region 2	72,000 CY	8,000 CY	3
Region 3	64,000 CY	8,000 CY	2

For dredging projects of larger volumes than that stated above, sampling plans and compositing scheme will be developed on a case-by-case basis by the Department in conjunction with the project applicant. Note, however, that each project (regardless of size) should be assessed on a site-specific basis, taking into consideration reach boundaries and the areal extent of the project, the location(s) of outfalls and tributaries, as well as the volume of dredged material.

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e. Samples may be composited using the following general guidelines. The Department will determine the sample compositing scheme for the project:

1. Separate cores may be composited only if the grain size and likelihood of contamination is similar based on depositional characteristics, spill history, location of outfalls, etc. If a group of cores is greater than six feet in length, similar strata occurring at approximately the same depths may be composited; dissimilar strata cannot be composited.

2. The number of cores to be composited should be kept to a minimum. Minimal compositing will serve to fully characterize the sediments proposed for dredging and disposal/management/use.

3. Compositing will be conducted on a reach-by-reach basis. A reach is a continuous stretch of waterway not separated by any structure and subject to similar hydrodynamic and depositional features as well as similar upland inputs. Reach boundaries must be approved by the Department.

f. For proposed uses of dredged material (see Chapter V and Attachment G), the general sampling and compositing requirements specified above may not be appropriate. The Department will develop the sampling plan and compositing scheme for such projects on a cases-by-case basis in conjunction with the project applicant.

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g. The Department will coordinate with the USACE and USEPA on the approval of sampling plans and testing for ocean disposal projects in New Jersey waters.

(2) Operational Aspects of Sampling and Compositing

a. In order for the data to be valid, all sediment core samples must be taken in accordance with the approved sampling plan, and the guidance specified in this Section and in Attachment A.

b. Core samples are to be taken to the proposed project depth plus allowable overdredge (two feet).

c. Field logs of each core shall be submitted. Grain size analysis shall be conducted, using the method of R.L. Folk, 1980.

d. Core samples six feet or less in length may be homogenized. Separate cores may be composited only if the grain size and likelihood of contamination is similar based on depositional characteristics, spill history, location of outfalls, etc.

e. Cores greater than six feet in length may be homogenized unless there are distinct visual strata in grain size and composition which are at least two feet in depth. The Department shall be notified of any such cores that show grain size stratification prior to

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homogenizing. For those cores that show grain size stratification, each strata with a depth of two feet or greater must be analyzed separately (that is, the entire core should not be homogenized for testing purposes if distinct strata are present). If a group of cores is greater than six feet in length, similar strata occurring at approximately the same depths may be composited; dissimilar strata cannot be composited.

f. The compositing scheme associated with a sampling plan approved by the Department may need to be modified based on the actual core samples collected. If there are large differences in the grain size characteristics of the individual cores -- and thus potentially large differences in the degree of contamination of the sediments -- it is not appropriate to composite the individual cores, even if so required by the approved sampling plan and compositing scheme. In such cases, before proceeding to composite and analyze the samples, immediately contact the Department in order to obtain a revised compositing scheme.

g. In those cases in which there is a potential for the uncovering of more contaminated sediment, such as new work dredging projects in shoaling zones, the bottom six inches of each core will be separated from the remainder of the core and reserved. The material shall be visually inspected to determine if it is predominantly sand, gravel, silt or clay. The bottom 6 inches is considered representative of the material that will be exposed as a result of dredging. If the 6 inch sample is less than 90 percent sand, as determined by grain size

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analysis, bulk sediment chemistry analysis will be required. If the bottom six inches of each core is similar in grain size and visual characteristics, this material may be composited for analysis.

The purpose of testing the bottom six inches of a sediment core is to identify a potential problem - that more contaminated sediments will be exposed by the dredging project, and thus available to biota. If such contaminated sediments are found, a number of management/regulatory options are available to the project applicant and the Department:

- not permit the dredging project as proposed;
- dredge to a shallower depth than proposed, so as not to expose the more contaminated sediments; or
- over-dredge the project area, removing and disposing of the contaminated sediments (that is, “remedial/environmental dredging”).

The Department will work with the project applicant to develop an appropriate plan of action in the event the proposed dredging project will uncover more contaminated sediments.

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Chapter IV - Management of Dredging Activities and Dredged Material

A - Management of Dredging Activities and Transport of Dredged Material

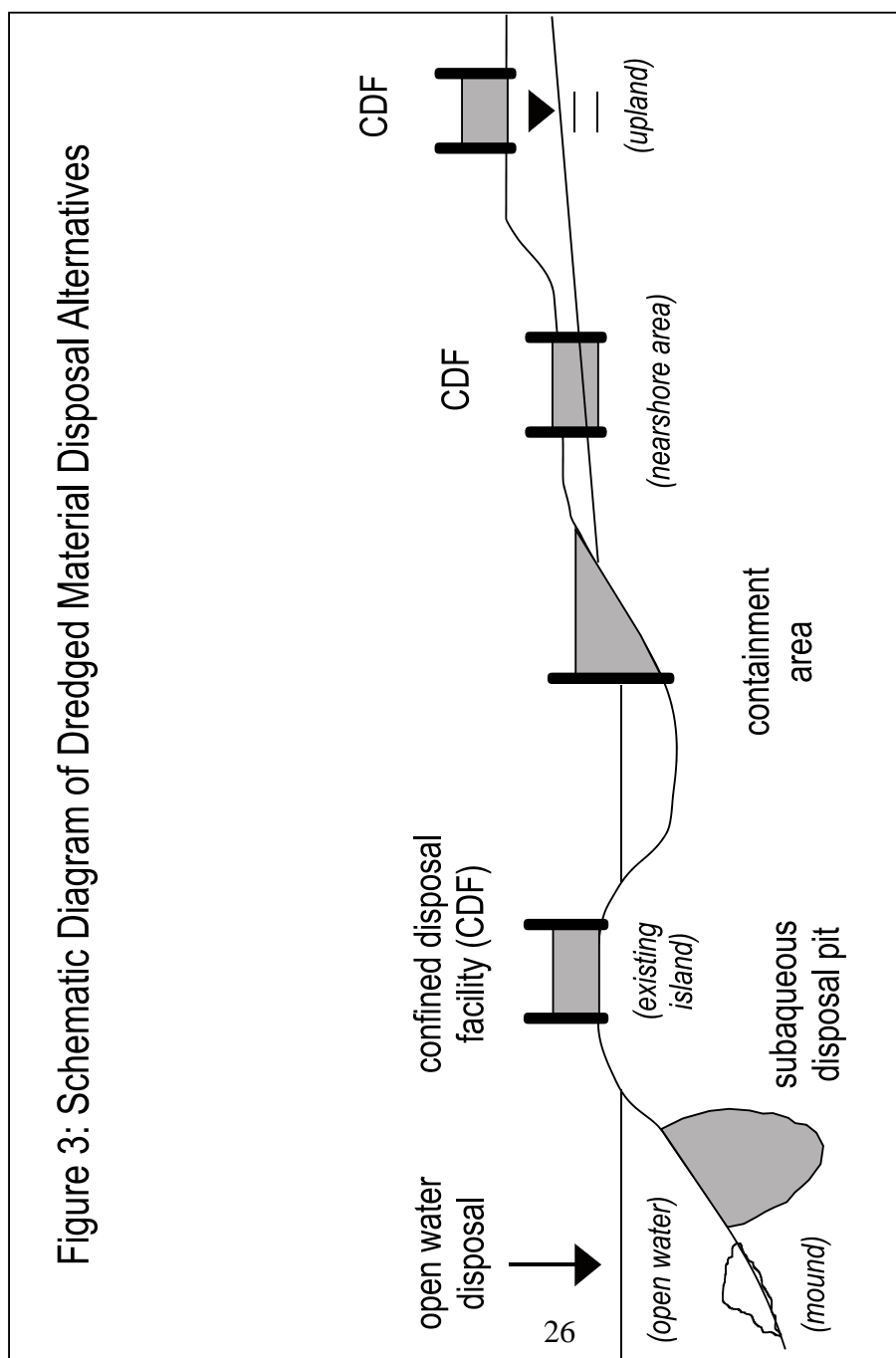
(1) Authority/Permitting Process: Refer to Sections II-B and C for a discussion of relevant statutes, regulations, and an overview of the permitting process. The Department will review proposed dredging operations under the Coastal Zone Management rules (N.J.A.C. 7:7). These rules provide the basis for the Department's review, including an evaluation of the locational requirements for the issuance of permits for maintenance and new dredging projects.

The riparian statutes contained within Titles 18A (N.J.S.A. 18A:56-1 et seq.) and 12 (N.J.S.A. 12:3-1 et seq.) may also apply to a dredging project. Tidelands conveyances are not required when dredged material is removed from tidelands and placed in a different tidelands location. This would include ocean disposal operations, reprofiling, or disposal into subaqueous disposal pits. It would also include placement on upland sites which are State-owned formerly flowed tidelands.

Construction of a subaqueous disposal pit by the removal of material may require a tidelands conveyance to transfer ownership of the tidelands from the State of New Jersey to the owner/operator of the pit. A conveyance may also be needed for a nearshore diked containment area. If dredged material having an economic value is placed in an upland location by an entity other than the State or Federal government, a commercial dredging

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license must be issued by the Tidelands Resource Council. An example would be dredged material that could be subsequently used or sold as construction aggregate or fill material.



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Table 1: Potential Sediment Testing and Permitting Requirements for Various Dredged Material Management Alternatives

<u>Management Alternative</u>	<u>Open Water</u>	<u>Subaqueous Disposal Pit</u>	<u>Containment Area</u>	<u>Upland CDF</u>	<u>Use</u>
<i>TESTS</i>					
Grain Size, TOC, & Percent Moisture	R	R	R	R	R
Bulk Sediment Chemistry	R*	R*	R*	R*	R
Modified Elutriate	(1)	(1)	R*	R*	-
Leaching Test	-	-	(2)	(2)	(2)
Biological Testing	?	-	?	?	(3)
<i>PERMITS</i>					
Waterfront Dev.	R	R	R	PR	PR
Tidelands Instrument	R	R	R	PR	PR
Water Quality Cert.	R	R	R	PR	PR
NJPDES-DSW	-	-	(1)	(1)	-
NJDES-DGW	-	-	(2)	(2)	-
Stream Encroach.	-	-	PR	PR	PR
CAFRA	-	-	PR	PR	PR
Fresh. Wetlands	-	-	PR	PR	PR
Coastal Wetlands	-	-	PR	PR	PR

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Key: R - required in all cases

R* - required except where sediments meet an applicable testing exclusion (see Section III-C)

(1) - may be required when dredged material originates in a waterbody different from that in which the management site is located

(2) - may be required depending upon the results of site specific groundwater impact evaluations and/or sediment characteristics

(3) - may be required depending on the proposed use

? - may be required depending on bulk sediment chemistry data; to be coordinated with USACE

PR - potentially required if the facility is to be located in an area regulated by the listed program

(Note: In addition to required State permits, permits will be required from the USACE pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Federal Clean Water Act.)

(2) Potential Impacts/Regulatory Objectives: Potential adverse environmental impacts associated with dredging operations arise from the alteration of benthic habitat as a direct result of the operation and the dispersal of sediments and associated contaminants away

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from the dredging area. The Department's objective in regulating dredging operations is to minimize the potential for such impacts to occur.

The dispersal of sediments away from the dredging area may result in adverse impacts. Impacts could result from the direct physical settlement of the dispersed sediments onto sensitive benthic areas. Dispersal of contaminants associated with these sediments could have impacts to both benthic and water column food webs. The Department has developed a list of best management practices which should be used to minimize the creation and dispersal of suspended sediments during dredging operations.

New dredging should avoid impacting areas of ecological importance. The Coastal Zone Management Rules provide the basis for the Department's review of proposed dredging projects and evaluation of the potential impact of dredging projects. In its review of the location and need for any dredging operation, the Department will consider direct and indirect impacts to sensitive areas, such as shellfish beds and finfish migratory pathways. To evaluate potential impacts to estuarine benthic communities as a result of the dispersal of contaminated suspended sediments, the Department will compare the bulk sediment chemistry data with the guideline values developed by Long et al. (1995) and other literature sources, on a case-by-case basis.

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The Department is also concerned about the potential long-term and cumulative impacts of dredging operations. The potential for such impacts will be evaluated as part of the Department's review of proposed dredging projects.

(3) **Best management practices (BMPs):** The Department has identified a number of BMPs which should be used to minimize the potential for, and magnitude of, adverse environmental impacts that could result from dredging operations. The need for any BMPs will be determined by the Department and will be included as permit conditions. The applicability of the use of a particular BMP for a dredging project will be evaluated by the Department in consultation with the permit applicant.

The effectiveness of a particular BMP to minimize potential adverse impacts will vary with the conditions present at a particular dredging operation. Thus, the Department will consider this list of BMPs as a "menu," from which those practices anticipated to be most effective and implementable for a particular dredging project can be selected. The use of these BMPs would then be incorporated as conditions into the permits issued by the Department for the dredging operation.

The following BMPs have been identified by the Department. This list is not intended to be all inclusive, and additional BMPs will be considered by the Department.

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***Hydraulic Dredging** - This method can be used when the channel or berthing area configuration, the type of sediments to be dredged, and the volume of dredged material allows it. Hydraulic dredging is preferable when an acceptable upland confined disposal facility (CDF) is available within pumping distance of the dredging area. It reduces the generation of suspended sediments at the dredging site. However, this method results in the production of large volumes of a high percent water content dredged material slurry. Thus, the proposed upland CDF must be designed and operated to accept such material.

***Closed Clamshell** - The use of a closed, watertight clamshell reduces the production of suspended solids at the dredging site. An example of an acceptable closed clamshell device is described in Raymond (1983). A closed clamshell will be required by the Department when the sediments to be dredged are contaminated at levels warranting concern. A closed clamshell would also be required by the Department whenever a no-barge-overflow permit condition is in effect. The Department has identified a number of areas in the New York-New Jersey Harbor portion of Region 1 where existing information shows the sediments to be contaminated at levels warranting concern; dredging operations in these areas will require the use of no-barge overflow or shunting, and thus also a closed clamshell.

***Dredging Practices** - A number of procedures can be employed by the dredging contractor to minimize the creation and dispersal of suspended sediments when using a clamshell dredge. These include:

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(1) maximizing the size of the "bite" taken by the clamshell. This also results in a minimization of the number of "bites" needed to dredge a particular volume of sediment;

(2) slowly withdrawing the clamshell through the water column;

(3) not hosing down or rinsing sediments off the sides and gunwales of the barge.

***No-Barge-Overflow** - This BMP reduces the creation and dispersal of suspended sediments when finer-grained sediments are dredged. It will be required by the Department when the dredged material is contaminated at levels warranting concern. This condition will always apply to dredging operations in Newark Bay, the Passaic River and its tidal tributaries from Newark Bay to Dundee Dam, the Hackensack River and its tidal tributaries from Newark Bay to Oradell Dam, the Kill Van Kull, the Arthur Kill, Elizabeth Channel, City Channel, and Upper New York Bay. This condition will also apply when the dredged material is to be rehydrated as part of its disposal/management.

The purpose of this BMP is to limit the dispersal of contaminated sediments from the dredging site. If the applicant for a specific project can demonstrate that State Water Quality Criteria can be met at the dredging site with barge overflow, the Department will not require this BMP. This "demonstration" must include detailed project- and site-specific evaluations, monitoring, and/or modeling.

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***Shunting - This BMP involves the active pumping of free water in a barge to the bottom of the water column at the dredging site. It may act to reduce turbidity in the upper water column. The discharge end of the shunting system must include a diffuser in order to minimize the potential for additional disruption of benthic sediments. Additionally, the pumping rate and location of the discharge must not result in the disruption of in-place sediments. This BMP could be used as an alternative to barge-overflow in reducing the volume of water in the barge.**

***Seasonal/Migratory Periods - Depending on the location of the dredging area, the Department may prohibit operations during certain times of the year to minimize potential adverse impacts to anadromous or other migratory finfish, nesting shorebirds, etc.**

***In certain semi-enclosed water bodies, dredging only on the incoming tide may provide additional time for suspended sediments to settle, thus minimizing the dispersal of contaminated sediments out of the water body.**

***Dredging contractors may be required to employ independent, on-board dredging inspectors certified by the USACE. These inspectors will observe the dredging and disposal operations to ensure compliance with all permit conditions. (Note: The Federal government requires such inspectors for all ocean disposal projects.)**

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***Silt curtains may be practical for use in areas where the water current is less than one knot. The use of silt curtains may minimize the upper water column dispersal of sediments from the dredging area. This BMP can also be used to protect tidal creeks, inter pier areas, etc. adjacent to the dredging area.**

***Split-hull barges should only be used in dredging projects which will use open water disposal methods or subaqueous disposal pits.**

***Dredged Material Pumping Systems - The use of a number of pumping systems can provide for more precise dredging operations and minimize the resuspension of sediments at the dredging site. In addition, these systems can reduce the volume of the dewatering discharge from an upland CDF, thus reducing the potential for impacts to surface water quality. The greatest percent solids transfer is obtained using positive displacement pumps which move material at *in situ* moisture levels. Typically used for concrete, these devices can achieve pumping capacities in excess of 140 cubic yards per hour. Reduced water content of dredged material can also be achieved through the use of vortex type pumps, which in combination with a directional control system serve the same function as a closed clamshell or a hydraulic cutterhead. However, the material removed has an increased solids content compared to typical hydraulic dredges, and is similar (if not greater than) a closed clamshell, but with far less sediment disturbance and turbidity generation.**

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(4) Testing Requirements: Chapter III discusses the sampling required for all proposed dredging projects. Sediments which do not qualify for a testing exclusion, as described in Section III-C, will require additional testing (bulk sediment, modified elutriate, etc.) as discussed in Chapters IV and V.

(5) Overland Transport of Dredged Material: The Department's major concern with the transport of dredged material, by truck or rail, is the prevention of spills and leaks. Dredged material transported in trucks must be managed so as to preclude spillage or leakage onto public roadways. It is recommended that dredged material be dewatered prior to transport by truck. Dredged material that has been dewatered (that is, no free water) should be transported in lined or watertight trucks, adequately covered/tarped over the top, to prevent the spilling or air dispersal of fugitive material. Dredged material shall be considered to contain free water unless it has been dewatered, amended, and/or otherwise stabilized/processed, and/or it has been demonstrated to the Department that the dredged material has no free water.

If dewatering is not possible, dredged material containing free water must be transported in trucks with water-tight tailgates, liners, or other methods to prevent leakage. When filling the trucks, sufficient freeboard must be maintained to prevent spillage over sideboards.

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Measures must also be implemented to prevent the off-site tracking of dredged material from the loading and unloading operation sites. This can be accomplished with the use of a stone tracking pad and/or a truck wash station. All trucks, equipment, and staging areas used in the loading and transport of contaminated dredged material should be thoroughly cleaned and/or decontaminated, as appropriate. In addition, all efforts must be made to keep streets free of any dredged material released during transport operations; if needed, routine/periodic sweeping and street cleaning should be undertaken.

B - Open Water Alternatives

(1) Authority: Refer to Sections II-B, C for a discussion of relevant statutes and regulations.

Open water disposal refers to disposal in tidal waters. While the USEPA/USACE Draft Inland Testing Manual (1993) refers to all tidal waters which are not ocean waters as inland waters, the Department will refer to these tidal waters as open waters.

All open water disposal operations in State waters require a WQC (this is required in conjunction with the permit issued by the USACE pursuant to Section 404 of the Clean Water Act). Non-Federal projects also require a waterfront development permit (which is a Federal consistency determination). Federally-conducted projects require a Federal consistency determination (but not a waterfront development permit).

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(2) Ocean Disposal:

(a) Overview. There are currently six Federally authorized ocean disposal sites in proximity to New Jersey. They are the Mud Dump/Historic Area Remediation Site (approximately six miles offshore of Sea Bright), sites at Shark River Inlet, Manasquan Inlet, Cold Spring/Cape May Inlet, and Absecon Inlet (the Inlet sites may only be used for the disposal of sediments dredged from each inlet), and Buoy 10 in Delaware Bay (the Buoy 10 site may only be used for disposal of dredged material from specific reaches on the Delaware River). The expansion of any of these sites or the designation of new sites will require a Federal consistency determination from the Department. In addition, individual disposal operations will require a Federal consistency determination.

(b) Testing Requirements. Disposal of dredged material in ocean waters is regulated by the USACE and the USEPA pursuant to the Marine Protection, Research, and Sanctuaries Act. The State of New Jersey has discretionary authority to review disposal activities at ocean disposal sites pursuant to the Federal Coastal Zone Management Act. The review of proposed ocean disposal operations at currently designated ocean disposal sites will be coordinated with the USACE and USEPA.

(3) Other Open Water Disposal Areas:

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(a) **Overview.** Dredged material can be placed in nearshore waters through sidecasting, reprofiling, interpier disposal, or other means. If the material will be contained by a bulkhead, berm, etc., it will not be considered open water disposal, but will be regulated as a containment area (see Section IV-E).

The following open water disposal sites have been approved by the Department and used repeatedly for the disposal of sediments dredged from the Intracoastal Waterway or adjacent channels. Proposals for open water disposal at these sites (or new proposed sites) will be reviewed by the Department on a case-by-case basis:

- Great Sound site, located north of Gull Island, Cape May County;
- Great Bay site, located behind Little Beach Island, Atlantic County.

(b) **Permitting Process.** Open water disposal is currently acceptable only in the designated areas. Where the dredged material is less than 90 percent sand, additional testing will be required. (Note: This criterion of 90 percent sand is not based on the mean of the samples/cores collected for a project. This criteria applies to each distinct portion (that is, reach) of the dredging project “represented” by an individual sample/core.) Further, practicable upland disposal alternatives must not be available. Disposal at a designated open water site requires a waterfront development permit (with the exception of Federal projects), a WQC, and a Federal consistency determination. (Note: A Clean Water Act Section 404 Permit will also be required from the USACE.)

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(c) **Potential Impacts/Regulatory Objectives.** Disposal at an open water site requires a demonstration that no practicable alternative site exists, Federal and State Water Quality Standards will be met, and potential adverse environmental impacts will be minimized. An evaluation of the proposed disposal operation will be made using the Coastal Zone Management Rules (N.J.A.C. 7:7) to ensure that sensitive areas will not be adversely affected. Sensitive areas include, but are not limited to, shellfish habitat, prime fishing areas, submerged vegetation, shallow water habitat, and threatened and endangered species habitat.

(d) **Testing Requirements.** Required testing of dredged material to be disposed of at an open water site includes an analysis of sediment cores for grain size, total organic carbon, and percent moisture. If the dredged material is greater than 90 percent sand, no additional testing will be required. If the dredged material is less than 90 percent sand, the Department may require additional testing, such as that contained in the USEPA/USACE Draft Inland Testing manual (1993). See Section III-D for sampling procedures.

(4) Reprofiling Operations

(a) **Definition.** Reprofiling is a method of maintenance dredging which consists of the movement of sediments from one location to a specific adjacent and deeper location, without removing the sediments from the water, resulting in a recontouring of both the reprofiled and depositional areas. It is usually performed by a crane or tug boat dragging a

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steel I-beam across the area to be reprofiled. The drag is terminated in the adjacent, deeper area, where the sediments are deposited (see Figure 4). Reprofiling operations are limited to the displacement of accumulated sediments within a previously dredged area to the previously approved depth. Overdredging will not be permitted.

(b) Permitting Process. The Department considers the use of reprofiling only as an interim management technique suitable for smaller projects (generally less than 5,000 cubic yards in size). Its use requires a demonstration that no other dredged material management alternative discussed in this appendix is practicable. Further, reprofiling will be restricted to the New York-New Jersey Harbor area of Region 1, excluding Raritan Bay and its tributaries east of the Cheesequake Creek. A reprofiling operation will require a waterfront development permit, a WQC, and a Federal consistency determination from the Department.

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Figure 4a: Schematic Diagram of Reprofiling at Berthing Area

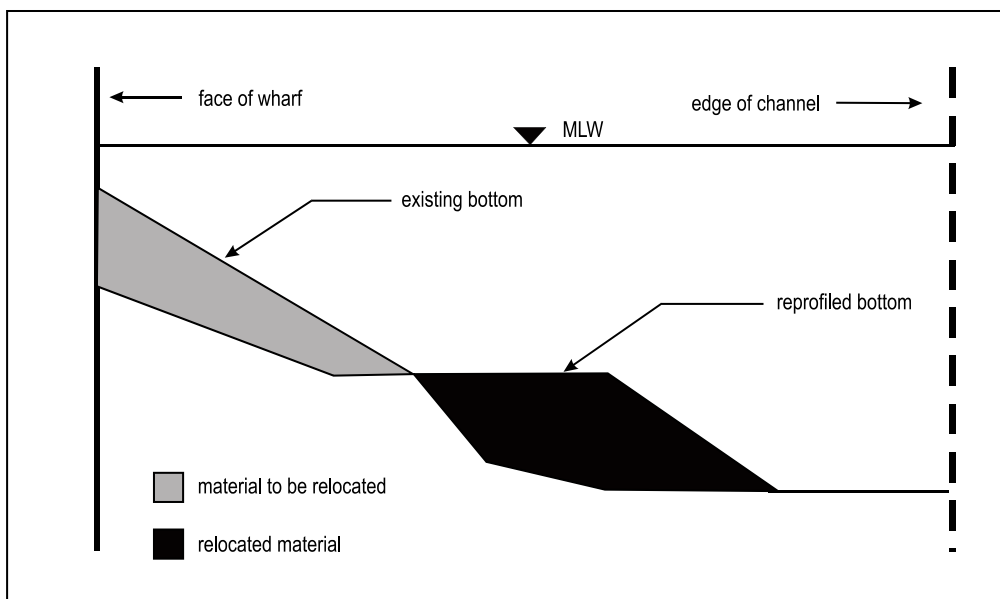
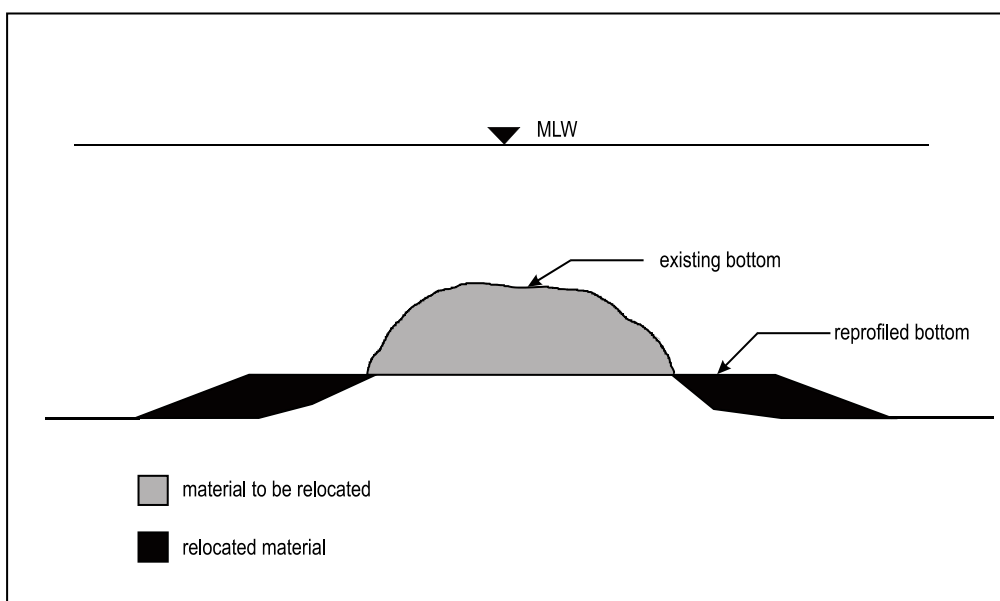


Figure 4b: Schematic Diagram of Reprofiling in Channel Area



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(c) **Potential Impacts/Regulatory Objectives.** The Department's main concern with reprofiling operations is to ensure that the proposed depositional area is of sufficient size and depth to contain the relocated sediments. In addition, since reprofiling only moves sediments from one location to another, the Department is concerned that the sediments may be resuspended and redeposited in other areas, particularly adjacent berths and navigation channels. The redeposition of sediments may also adversely impact existing benthic communities in the vicinity of the project area. Whereas conventional dredging operations remove contaminated sediments from the aquatic ecosystem, reprofiling does not and, further, may result in the redistribution of such sediments. The potential for, and magnitude of, these impacts can be reduced by employing techniques to ensure that the resuspension/redeposition of the relocated sediments is minimized.

Reprofiling does not remove sediments from the aquatic environment, and thus is not a long-term solution to navigational problems caused by shoaling. Simply put, reprofiling begets more reprofiling.

(d) **Management/Regulatory Process.** The following criteria apply to proposed reprofiling operations and the identified information must be submitted with the permit application and/or reprofiling request:

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i. The applicant must contact the Department to determine the boundaries of the area within which to conduct pre- and post-work hydrographic surveys. This survey area will typically include an area larger than the reprofiling and depositional locations, and will show bathymetry to any existing navigable channels and berths up to 500 feet from the work area.

a. The applicant must submit a pre-work precision hydrographic survey (accurate to 0.10 feet vertically and one foot horizontally), completed no more than 60 days prior to the submission of the permit application or reprofiling request.

b. The applicant must demonstrate that there is adequate capacity at the proposed adjacent depositional area(s) for the sediments to be relocated. This shall be accomplished through the submission of a cut and fill calculation prepared by a licensed land surveyor or a professional engineer.

ii. The cut limit for a reprofiling operation shall be a maximum of three feet.

iii. A second pre-work precision hydrographic survey must be completed no more than 48 hours prior to the start of the reprofiling operation. This survey shall be used in the additional quantitative cut and fill calculations stipulated in Item iv.

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iv. Within 48 hours of the completion of the reprofiling operation, a post-work precision hydrographic survey must be completed. This post-work survey area shall be identical to the pre-work survey area, including the same survey stations. The bathymetric data collected shall be used to provide cross sections of the reprofiled and depositional areas, and to prepare a quantitative calculation to compare the actual volumes of cut and fill material.

v. A second post-work hydrographic survey of the survey area shall be conducted 30 days after the completion of the reprofiling operation, and plotted in cross section on the same stations as the pre- and post-work hydrographic surveys. No cut and fill calculations are required for this survey data.

vi. The survey data, cross sections, and quantitative cut and fill calculations for the post-work hydrographic survey (Item iv only) shall be submitted to the Department within 60 days of the completion of the reprofiling operation. Should the results of the hydrographic surveying/monitoring or cut and fill calculations demonstrate that sediments from the reprofiling operation are entering adjacent channels or berths, the Department may require that these sediments be removed, and/or may not approve further reprofiling operations in the project area.

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vii. Reprofilng shall be accomplished by dragging a steel beam or pipe across the berth/channel bottom, thereby leveling accumulated sediment to a uniform, specified depth. Alternative procedures will be considered only under special instances where the use of a drag bar is impractical due to limited space in the project area.

viii. Sediment depositional areas used for all reprofiling operations must be a minimum of 100 feet from established navigation channels, unless otherwise deemed suitable by the Department.

Any waterfront development permits issued by the Department for reprofiling operations are valid in accordance with N.J.A.C. 7:7-8.2. However, only the initial reprofiling operation will be approved upon issuance of the permits. Subsequent operations must receive specific approval (this will be a condition of the permits). If the hydrographic surveys required by the Department show that the reprofiled sediments do not stay in the depositional area, future reprofiling operations may not be approved by the Department.

(e) Testing Requirements. Testing of the sediments to be reprofiled is not required.

C - Upland Confined Disposal Facilities

(1) Overview: Sediments in New Jersey's tidal waters may be impacted to varying degrees by a number of pollutants. Not all sediments are considered to be "contaminated."

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In order to place dredged material in an upland confined disposal facility (CDF), it must be demonstrated that the placement of the dredged material would not result in significant adverse impacts to terrestrial or aquatic ecosystems or pose risks to public health. The Department's regulatory programs are designed to identify and minimize potential adverse environmental impacts resulting from proposed activities. For dredged material upland CDFs, the magnitude of these impacts is dependent upon the following:

- (a) Location of the facility and site-specific conditions (including compatibility with adjacent and nearby land uses);**
- (b) Characteristics of the dredged material proposed for placement at the facility;**
- (c) Design and construction of the facility;**
- (d) Operation of the facility; and**
- (e) Final closure and use of the facility site.**

These five factors will be considered collectively, as regulatory decisions will be based on a comprehensive review of a proposed upland CDF. With proper design and operation of the upland CDF, the potential for adverse impacts can be reduced significantly. Upland CDFs will be designed, permitted, and operated on a case-by-case basis.

Siting of a proposed upland CDF will be addressed by the Division. In New Jersey's designated coastal zone, the Coastal Zone Management Rules will be applied to proposed sites. These rules include constraints on the types of activities which can occur in various

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types of coastal areas. In addition, a number of regulatory programs, such as the Freshwater Wetlands Protection Act and the Flood Hazard Area Control Act, may restrict the use of a particular site.

The major potential adverse environmental impacts associated with the upland containment of dredged material are surface and ground water contamination. Testing of dredged material for upland containment is driven, in large part, by the potential for contamination of surface and groundwaters. The discharge of contaminants from upland CDFs to surface water must be controlled to minimize potential adverse impacts to the aquatic ecosystem. The Department's testing requirements and evaluation protocols for surface and groundwater discharges are discussed in detail in Sections IV-C(3) and IV-C(4), respectively.

Potential adverse impacts could result from the dispersal of contaminants into terrestrial ecosystems effecting receptor organisms. The upland CDF must be designed and operated to minimize the dispersal of contaminants. A number of management techniques are available to address this concern. This topic is discussed in more detail in Section IV-C(5).

Potential adverse impacts to public health could result from human exposure to dredged material contaminated at levels which have been identified as being of concern. Potential

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exposure pathways with contaminated dredged material must be identified and controlled.

This topic is discussed in more detail in Section IV-C(6).

End-use(s) and final closure of the upland CDF site must also be addressed in the regulatory process. Long-term impacts of the facility will be evaluated and appropriate management actions to minimize such impacts will be required. These concerns are discussed in more detail in Section IV-C(2).

(2) Design, Construction, Operation, and Closure:

(a) **Authority.** The Department will regulate the design, construction, operation, and closure of upland CDFs pursuant to the Waterfront Development statute. The New Jersey Flood Hazard Regulations and the Coastal Area Facilities Review Act may also be applicable.

(b) **Potential Impacts/Regulatory Objectives.** Potential adverse impacts which could result from the operation and interim/final closure of an upland CDF would be caused by the dispersal of contaminants out of the upland CDF into the environment. These potential impacts are discussed in detail in Sections IV-C(1), (3), (4), (5), and (6). Potential contaminant migration pathways and exposure hazards can be minimized and controlled through oversight of the design, construction, operation, and interim/final closure of the upland CDF.

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i. Design and Construction - an upland CDF is not fundamentally different in the structural aspects of its design from any earthen berm/dike. It must be capable of resisting the forces exerted by the weight of the dredged material placed within it and the hydraulic forces exerted by adjoining surface water bodies, underlying ground water, stormwater discharges, and dewatering effluent. The containment structure must be able to withstand the effects of erosion, settlement, provide a stable platform for the operation of equipment, and allow for the potential vertical expansion of the containment structure.

The USACE has considerable experience in the design of upland CDFs. The Department will use the technical standards in the following documents as the basis for its engineering review of the design and construction of proposed upland CDFs:

Confined Disposal of Dredged Material, Engineer Manual (EM 1110-5027), September 1987; and

Confined Disposal Guidance for Small Hydraulic Maintenance Dredging Projects - Design Procedures, Environmental Effects of Dredging Technical Note EEDP-02-8, December, 1988.

Where circumstances, as described in Section IV-C(4)(c), require the use of liners and leachate collection systems within the design of an upland CDF to control discharges to

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groundwater, the Department's regulatory standards for the design, construction, and quality control of landfill liners and leachate collection systems (N.J.A.C. 7:26-2A.7) will be used for technical guidance. The Department does not anticipate that the multiple liner system required for certain landfills will be needed in the design of upland CDFs.

Erosion control of all external surfaces of an upland CDF will be necessary to prevent undermining of the containment berms and to control sediment transport to adjoining surface waters. Erosion may be caused by wind and wave action, stormwater runoff, discharge of dewatering effluent, and infiltration of water through the containment berm. The New Jersey Standards for Soil Erosion and Sediment Control (N.J.A.C. 2:90) shall be applied to the design and construction of a proposed upland CDF. If required by the appropriate regional office of the Soil Conservation Service, a Certified Soil Erosion and Sediment Control Plan shall be obtained for the upland CDF.

The importance of following all aspects of the approved engineering design for an upland CDF must be emphasized. Accordingly, the Department will require the filing of "as built" plans, with a certification by a professional engineer licensed to practice in New Jersey that the approved engineering design plans have been adhered to.

ii. Operation - It will be necessary for the Department to have adequate operational oversight of an upland CDF in order to ensure that the stability and integrity of the

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containment structure is maintained, and to prevent the uncontrolled release of dredged material, ponded water, and associated contaminants. Additional oversight and/or monitoring may be needed to control the rate at which the upland CDF is filled, the manner in which it is filled, and how dewatering occurs in order to address potential requirements relating to surface water (Section IV-C3) and ground water (Section IV-C4) discharges. Additional oversight may be needed to address potential human and terrestrial ecosystem exposure concerns as they may arise on a case-by-case basis (see Sections IV-C5 and 6).

To maintain oversight, the Department will require the owner and/or operator of an upland CDF to submit an annual report to the Department. The report will summarize the past year's activities at the upland CDF. Projected activities for the next five years shall also be identified. The report shall document the following information:

(1) Condition of containment berms, dewatering and stormwater discharge weirs, and other engineering structures critical to the operation of the upland CDF. Any changes to the upland CDF must be first approved by the Department and revised "as built" plans documenting any significant changes submitted.

(2) Summary of disposal operations at the upland CDF, including a listing of all dredging projects and their volumes.

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(3) Summary of maintenance and management activities conducted at the upland CDF, including regrading, ditching, crust management, and interim closure procedures, if required (see Section iii below).

(4) Summary of any dredged material removed from the upland CDF and its final use/destination.

(5) An analysis of available disposal capacity in the upland CDF. This will be compared with the projected disposal activities for the next five years and a running total of available capacity for the next five years estimated.

(6) Summary of surface and ground water discharge monitoring programs for all required parameters.

(7) Any additional monitoring or certifications required pursuant to Sections IV-C(5) and (6) of this appendix.

The USACE Engineer Manual EM 1110-2-5027, Confined Disposal of Dredged Material, includes discussions of a variety of concerns critical to the proper operation and maintenance of an upland CDF.

iii. Closure - It is expected that most of the dredged material placed in upland CDFs will be contaminated by organic and inorganic pollutants at various levels. It is necessary to assure long-term containment of the dredged material, in order to prevent the dispersal of contaminants into the environment. Potential human health exposure pathways include

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direct contact and inhalation (particulate transport via dust) routes (refer to Section IV-C(6)). Potential uptake of contaminants by plants and animals which colonize or use the upland CDF is also of concern (see Section IV-C(5)). Upland CDFs may erode, resulting in the transport of contaminants into surface waters. Infiltration will also continue to occur, with the resulting generation of leachate and surface water runoff, which may impact ground or surface water resources.

This section discusses the closure requirements for those upland CDFs which accept any dredged material which does not meet the testing exclusion criteria listed in Sections IV-C(4) and III-C.

To control or mitigate these potential adverse impacts, the Department will require interim/final closure of the upland CDF. Final closure refers to the implementation of practices after the cessation of dredged material disposal operations at the upland CDF. Interim closure practices may be needed if there will be a long (generally greater than six months) interval between disposal or management activities at the upland CDF.

Interim Closure

Interim closure procedures are largely concerned with minimizing the potential for direct human and plant/animal exposure to contaminated dredged material. These are discussed in Sections IV-C(5) and (6).

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The need for interim closure procedures will be determined by the Department on a case-by-case basis. The Department will require the submittal and approval of a formal plan to address interim closure requirements. Such a determination will be based on the testing data available for the dredged material; alternatively, additional testing of the exposed dredged material may be needed (see Section (d) below).

Interim closure procedures include the implementation of measures to control the generation of dust. Site access controls (for example, fencing) shall be maintained. The need for capping of exposed dredged material with clean fill will be determined by the Department on a case-by-case basis. The requirements of any WQC or New Jersey Pollutant Discharge Elimination System (NJPDES) permits for discharges to surface or ground water from the upland CDF must be maintained during the interim closure period. Likewise, required soil erosion and sediment control measures must be maintained.

The annual report on the status of the upland CDF, discussed in Section ii-Operation, shall include a summary of interim closure procedures implemented at the facility. An interim closure period will not last longer than five years; implementation of final closure procedures will be required for such situations.

Final Closure

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Upland CDFs are expected to contain dredged material contaminated with pollutants at various levels of concern. Thus, long-term containment of these contaminants must be assured. The owner of record of the property on which the upland CDF is constructed is ultimately responsible for the final closure of the facility and any required post-closure monitoring.

The Department will require the submittal and approval of formal plans that address final closure, post-closure maintenance and monitoring, and site development or use for all upland CDFs. This requirement does not apply to those upland CDFs permitted and used solely for the disposal of dredged material which meets the exclusion criteria listed in Sections IV-C(4) and III-C. A preliminary final closure plan should be submitted with the permit application to construct and operate the upland CDF. A Final Closure Plan shall be submitted to the Department no later than 60 days following the issuance of Departmental approval to construct and operate the upland CDF. The Final Closure Plan must propose all engineering controls designed to contain the contaminated dredged material and prevent direct contact with, and off-site transport of, contaminants of concern. The Final Closure Plan must also include provisions for post-closure monitoring of the upland CDF and a Financial Plan. The Financial Plan shall be prepared following the general guidance in the Department's landfill closure regulations (N.J.A.C. 7:26-2A.9), adapted to the specific design and closure features of the upland CDF. In the event of a proposed transfer of ownership of property containing an upland CDF, a new Final Closure Plan (including a

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Financial Plan), to be implemented by the prospective purchaser, shall be submitted to the Department for approval prior to the final change of Title.

A major component of the Final Closure Plan will relate to the cap design for the upland CDF. The exact nature of the cap construction must be included in the Final Closure Plan. Cap requirements will be determined on a case-by-case basis by the Department, in consultation with the owner/operator of the upland CDF. In general, a minimum thickness of two feet of cover, consisting of 18 inches of clean fill overlain by six inches of topsoil, with a complete vegetative cover, will be required. Clean fill and top soil shall be considered material demonstrated to have an origin from a non-contaminated source or material which has been tested and shown to attain the appropriate Residential Direct Contact Soil Remediation Standards. In situations where all the dredged material placed in the upland CDF meets the appropriate Residential Direct Contact Soil Remediation Standards, at N.J.A.C. 7:26D, or if such material is used as a substantial top cover on the upland CDF, reduced cap design criteria may be warranted.

Generally, the final cap should be placed as soon as the dredged material has dried and consolidated to the point where it can support placement of the cap. This will vary with the characteristics of the dredged material and the type of dewatering operations conducted at the upland CDF. In general, the Department anticipates that the final cap will be placed no later than three years after the cessation of disposal operations at the upland CDF.

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The Final Closure Plan, where warranted, shall include provisions to restrict site access, including fencing, and future site use using a declaration of environmental restrictions, deed restrictions, or other site use restriction documentation. It is possible that at some point following final closure of the upland CDF, reuse of the property may be proposed (the potential for such reuse should be identified in the Final Closure Plan, and continually investigated during the operational lifetime of the facility). If a final reuse (other than the creation of habitat via natural succession processes) is proposed, the owner of the property will be required to submit a modified Final Closure Plan to the Department. The contents of this plan will vary with the upland CDF and the proposed final reuse, and will be determined on a case-by-case basis by the Department, in consultation with the owner of the property. The main objective of the Final Closure Plan is to ensure that the proposed project design will not in any way reduce the effectiveness of the dredged material containment provided by the upland CDF.

Additional components of the Final Closure Plan could include provisions for the maintenance and monitoring of the following parameters:

- (1) Surface and/or ground water discharge monitoring required pursuant to any WQC or NJPDES permits issued for the upland CDF;**
- (2) Erosion, stormwater run-off, and drainage controls;**
- (3) Stabilization and vegetation of the final cover;**

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- (4) Weir and other outlet structures;**
- (5) Security and access restrictions; and**
- (6) Leachate collection and/or control (if required).**

The submission of an annual Post-Closure Maintenance Report, summarizing the status of the upland CDF and activities associated with its final closure, and updating the Financial Plan, may be required by the Department.

(c) Permitting Process. Applications to construct, operate, and close upland CDFs will be reviewed by the Department pursuant to the Waterfront Development statute, the Coastal Area Facilities Review Act, and the New Jersey Flood Hazard Control Act, as applicable. The Department's review will also address the concerns discussed in Sections IV-D(3), (4), (5), and (6).

(d) Testing Requirements. Design of the upland CDF containment structures must consider the engineering properties (for example, soil density, grain size, percent compaction) of the material to be used. In those cases where dredged material is to be used to construct, or enlarge, containment berms, the material on the exposed surfaces of the berm must meet the appropriate Direct Contact Soil Cleanup Criteria. Additional bulk sediment analyses of any dredged material proposed for such use may be required, as determined by the Department on a case-by-case basis.

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Given that the dredged material in the upland CDF has already been tested, with prompt capping of the exposed dredged material, no additional sampling other than that required to ensure the use of clean fill and soil cover in the cap, will be required. If a reduction in the design cap criteria are proposed by the owner and/or operator based upon site-specific conditions, then sampling and testing of the exposed dredged material will be required. In general, a minimum sampling frequency of one sample per two acres will be required. Analysis must include all the target compounds listed in Attachment A of this appendix.

Should off-site transport of dredged material or its contaminants become evident, the sampling of the media (including surface waters, sediments, and soils) surrounding the facility shall be required. Such sampling would require analysis for all of the target compounds listed in Attachment C of this appendix.

(3) Surface Water Discharges:

(a) **Authority.** The authority to issue permits for direct point source surface water discharges is derived from both the Federal and State Water Pollution Control Acts, also known as the Clean Water Act(s). The New Jersey Pollutant Discharge Elimination System (NJPDES) regulations (N.J.A.C. 7:14A) are the operating regulations that implement the State Clean Water Act.

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Additionally, authority for the permitting of the effluent from dewatering dredged material to surface waters of the State can be found in Section 401 of the Federal Clean Water Act for the issuance of WQCs.

(b) Potential Impacts/Regulatory Objectives. The objectives of any regulatory oversight document (that is, NJPDES permit or WQC) for the point source discharge of effluent from the dewatered dredged material is to prevent any adverse impacts of the discharge on the receiving water body. Adverse impacts to the receiving water body may include toxic effects or bioaccumulation of contaminants in aquatic organisms, as well as adverse effects in humans through finfish and shellfish consumption or water exposure. To ensure that no adverse impacts occur, the amount and type of potential pollutants (as defined by N.J.S.A. 58:10A-3) that could be discharged to the receiving water body will be regulated. The two principal methods of controlling the amount and type of potential pollutants that could be discharged are by having either technology based discharge criteria or water quality based discharge criteria in either the NJPDES permit or the WQC. Either of these two methods of developing discharge criteria will serve to protect the water quality of the receiving water body.

i. **Technology Based Discharge Criteria** - The rationale for technology based numbers is that compliance with either NJPDES permit or WQC discharge conditions can be demonstrated through the use of engineering solutions such as retention basins, flocculents,

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and other innovative methods. Any particular type of treatment that will achieve pollutant reduction to a defined and/or acceptable level(s) is satisfactory. These criteria may be utilized when the source dredged material is from a waterbody other than the discharge receiving water body. The effluent from the dewatered dredged material must meet these NJPDES permit or WQC conditions at all times.

ii. **Water Quality Based Discharge Criteria** - These types of discharge criteria are based on the existing water quality of the receiving water body as well as the ability of the receiving water body to assimilate any additional loading(s) of pollutants without any adverse effects. The rationale for this method of permit development for the effluent from the dewatered dredged material is to set the discharge criteria of the effluent to ambient levels of the receiving water. In this way no additional loading(s) of potential pollutants will be discharged to the receiving water body in excess of what is already presumably present in the receiving water body. The procedures to establish ambient conditions can be found in the following three reference documents:

(1) **Guidance for Preparation of Combined Work/Quality Assurance Project Plans for Environmental Monitoring.** (OWRS QA-1), Office of Water Regulations and Standards, USEPA;

(2) **Field Sampling Procedures Manual.** NJDEP, 2005; and

(3) **USEPA Handbook - Stream Sampling for Waste Load Allocation Applications.**

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Additionally, this method can utilize indicator parameters such as total suspended solids (TSS) as action levels in the permit or WQC. Indicator parameters are indicative of groups of individual pollutants; the use of an indicator parameter serves to limit the discharge of the target group of pollutants. The use of indicator parameters will allow for more rapid data generation for compliance purposes.

The criteria established by the Department for dewatering effluent discharges include consideration of ambient surface water quality criteria and/or State water quality criteria. In addition, the Department will consider requests to incorporate a mixing zone approach to the discharge of dewatering effluent from an upland CDF. These criteria will be based on a daily maximum or appropriate average discharge levels. Monitoring for compliance with the WQC or NJPDES permit must be representative of the dewatering discharge. Monitoring requirements will be developed by the Department on a site-specific basis, and may include monitoring for daily maximum and/or appropriate average discharge levels. For most upland CDFs, it is anticipated that monthly average monitoring will be required, however this would vary with the length of the activity and operations at the upland CDF.

The setting of action levels as permit conditions is consistent with the Department's direction of emphasizing compliance with permit conditions instead of monetary penalties for numerical permit violations. Exceedances of action levels trigger corrective action measures such as additional treatment of the effluent or increased retention time prior to

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effluent discharge. The permit and WQC will contain language that reflects the action level concept so that permission to discharge is contingent upon compliance with either action levels or corrective action measures. This is the method of choice when the dredged material originates in the same water body to which the effluent from the dewatered dredged material is being discharged.

(c) **Permitting Process.** The point source discharge of the effluent from the dewatering dredged material to surface waters of the State will fall into one of two categories:

(1) Dredged material dewatering effluent returning to the same water body from which the material was originally dredge will require a WQC. This WQC will have discharge conditions similar, if not identical, to those which would be found in a NJPDES/ Discharge to Surface Water (DSW) permit; or

(2) A NJPDES/DSW permit will be required for discharges from facilities accepting material from single or multiple dredging sites located in a different surface water body, or from "unidentified" sites.

(d) **Testing Requirements.** Exclusionary criteria for the testing requirements are described in Section III-C. Any project which does not qualify for a testing exemption as described in Section III-C will be subject to the following requirements.

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Initially, the background information submitted for a dredging project proposing upland disposal/containment will be evaluated to determine the testing necessary to characterize potential adverse impacts of the dewatering discharge to the receiving waterbody. A list of the required background information is provided in Section III-A. The primary information used to assess potential surface water impacts are previous and current bulk sediment chemistry and modified elutriate analyses of site sediments.

Unless the bulk sediment chemistry data shows no detections for the target analytes listed in Attachment D, the Modified Elutriate Test will be required to predict pollutant concentrations in the discharge, both soluble and particulate-bound. Modified Elutriate Test results will be considered valid only if:

(1) The Standard Operating Procedure (SOP) found in the U.S. Army Corps of Engineers Waterways Experimental Station Environmental Effects of Dredging Technical Note, EEDP-04-2 (June 1985; or most recent version) is followed, in conjunction with the Department-approved use of a site-specific field retention time, and analysis of both dissolved and suspended fractions;

(2) Sediment core sampling, homogenizing, and compositing follows Section III-D; and

(3) The total suspended solids value required for the final calculation in the Modified Elutriate Test data analysis does not exceed either ambient TSS concentrations for the receiving waterbody or State surface water quality standards for TSS for the receiving waterbody.

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As described in Section IV-C(3)(b)ii, the applicant, in the recommended pre-application conference, may choose to determine ambient pollutant/parameter concentrations in the receiving waterbody for setting discharge criteria; the methods required for this determination are referenced in this section. Ambient condition determinations will be reviewed by the Department on a case-by-case basis. Should existing information lead the Department to believe that surface water discharges from an upland CDF will not result in adverse impacts, the Modified Elutriate Test may not be required.

If the applicant proposes to use a flocculent to increase the settling of solids in the upland CDF, this should be incorporated into the Modified Elutriate Test procedure.

(4) Ground Water Discharges:

(a) **Authority.** The New Jersey Water Pollution Control (WPC) Act includes “dredge spoils” in its definition of a “pollutant.” The placement of dredged material in an upland CDF represents a potential discharge of pollutants, and is subject to regulation pursuant to the authority of the New Jersey Pollutant Discharge Elimination System (NJPDES) regulations (N.J.A.C. 7:14A-1) and the Ground Water Quality Standards (GWQS; N.J.A.C. 7:9C).

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(b) Potential Impacts/Regulatory Objectives. When dredged material is placed at upland locations, contaminants may become soluble and can be transported into the subsurface terrestrial environment by leachate generation and seepage. The introduction of contaminants into the subsurface terrestrial environment may degrade ground water quality and may threaten potable water supplies. The susceptibility of ground water to contamination and the degree to which it can be degraded is dependent upon the hydrogeologic characteristics of ground water resource and the designated use. The impact of upland confined disposal facilities (CDFs) on ground water resources can be limited through an integrated approach of ground water resource classification, engineering of upland CDFs, dredged material testing and leachate analysis, and site-specific geotechnical evaluation. Through this approach, ground water resources can be protected at an appropriate level relative to their sensitivity and use, and the objectives of the NJPDES regulations and the GWQS can be achieved.

(c) Permitting Process. The degree to which the discharge to ground water (DGW) emanating from the upland disposal of dredged material will be regulated pursuant to the NJPDES regulations and the GWQS is dependent upon the following characteristics:

- The classification of the ground water (Table 2);
- The nature of the upland CDF (Type A or B);
- The source and quality of the dredged material; and
- The management of the dredged material.

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The NJPDES-DGW permitting process involving the upland disposal of dredged material will include any or all of the following components:

- **Determination of leachate quality from dredged material;**
- **Ground Water Protection Plans; and/or**
- **An NJPDES-DGW permit.**

In order to determine which components of the NJPDES-DGW permitting process apply, it must be determined whether the project involves a Type A or Type B upland CDF as defined below:

Type A upland CDFs involve projects where the specific location(s) from which sediments are to be dredged is known prior to proceeding with the development of a Ground Water Protection Plan and issuance of a NJPDES-DGW permit. In these cases, leachate quality from the sediments to be dredged can be evaluated on a preliminary basis allowing for a wider variety of management and/or permitting alternatives.

Type B upland CDFs are constructed independent of any specific dredging project(s). As such, the leachate quality of all sediments to be placed within the upland CDF cannot be determined prior to development of a Ground Water Protection Plan and issuance of a

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NJPDES-DGW permit. Therefore, the only regulatory options available are those detailed below at IV-C(4)(c)ii and iii.

i. Determination of Leachate Quality from Dredged Sediments: Leachate quality from dredged sediments to be placed in upland CDFs can be determined preliminarily for Type A upland CDFs, or as a monitoring condition of a NJPDES-DGW permit for Type B upland CDFs. Leachate quality shall be evaluated according to the procedure outlined in IV-C(4)(d).

Where leachate testing is conducted on dredged sediments to be managed in a Type A upland CDF, and the maximum leachate quality for any parameter exceeds the Ground Water Quality Criteria in Table 2, a Ground Water Protection Plan will have to be developed and implemented through a NJPDES-DGW permit. Where leachate testing is conducted on dredged sediments to be managed in a Type A upland CDF, and the maximum leachate quality for all parameters does not exceed the Ground Water Quality Criteria in Table 2, the project will be exempt from both the requirement to develop a Ground Water Protection Plan and to obtain an individual NJPDES-DGW permit.

Table 2: Ground Water Quality Criteria

Aquifer Classification

**Class I: Ground Water
of Special Ecological
Significance**

**Class II: Ground
Water for Potable
Water Supply**

**Class III: Ground
Water with Uses
Other Than Potable
Water Supply**

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Ground Water Quality Criteria	Site specific ground water constituent standards determined as per N.J.A.C. 7:9-6.8	IIA Ground Water Quality Criteria or site specific criteria based upon ground water constituent standards determined as per N.J.A.C. 7:9-6.8	IIA Ground Water Quality Criteria or site specific criteria based upon ground water constituent standards determined as per N.J.A.C. 7:9-6.8
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ii. Ground Water Protection Plans: Ground Water Protection Plans shall be developed for:

- All Type B upland CDFs; and
- All Type A upland CDFs where the anticipated quality of the leachate, determined as per IV-C(4)(c)i and in accordance with IV-C(4)(d), exceeds the Ground Water Quality Criteria for any parameter.

The Ground Water Protection Plan for any upland CDF must comply with the general provisions of N.J.A.C. 7:14A-7.6, which includes the following:

- An engineering design and construction plan of the proposed CDF;
- An operation and maintenance plan which details the use of the proposed CDF;
- Detailed evaluation of potential contaminant migration pathways which considers at a minimum the following:
 - Regional physiography;
 - Site specific geology and hydrogeology; and
 - Regional ground water use and receptors;

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- **Annual leachate discharge and contaminant loading into ground water from the upland CDF in consideration of:**
 - **Maximum leachate concentration determined as per IV-C(4)(c)i; and**
 - **Annual leachate volume estimated using the Hydrologic Evaluation of Landfill Performance (HELP) Model, (Schroeder et al., 1994; EPA/600/R-94/168a; and**
- **Submission of results of a physical or mathematical ground water flow and/or contaminant transport model that depicts the fate of the DGW.**

iii. NJPDES-DGW Permitting: A NJPDES-DGW permit is required for a facility that must develop a Ground Water Protection Plan according to IV-C(4)(c)ii. Dependent upon the results of the Ground Water Protection Plan, a NJPDES-DGW permit may require any or all of the following:

- **Installation and periodic sampling of ground water monitoring wells;**
- **In-situ leachate monitoring through lysimetry;**
- **Liner and/or leachate collection system monitoring; and/or**
- **Leachate quality analysis of the dredged material.**

iv. Exclusions: Projects which qualify and meet either of the three criteria listed below are exempt from the requirements outlined in IV-C(4)(c)i-iii because they represent insignificant discharges to ground water and are not considered likely to contravene

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ground water quality standards. These exclusions only apply to upland CDFs which do not discharge into Class I ground waters or wellhead protection areas as delineated by the Department.

(1) Projects in Region 2 where:

- Less than 5,000 cubic yards (yd³) of dredged material will be placed in an upland CDF over the five-year life of the associated permit; and
- The sediments are dredged from a waterway(s) where there has not been an historic or current upland industrial use and the site is not currently or previously occupied by a marina of 25 or more boat slips.

(2) Any project is excluded from NJPDES-DGW permit requirements where:

- Less than 1,000 cubic yards (yd³) of dredged material will be placed within an upland CDF over the five-year life of the associated permit; and
- The sediments are placed over impervious soils, or are underlain by a liner that has a hydraulic conductivity less rapid than 10^{-7} centimeters per second (cm/sec)

(3) Any project is excluded from NJPDES-DGW permit requirements where:

- The dredged material to be placed in the upland CDF is >90 percent sand (grain size >62.5 μ m); and
- Other background information does not lead the Department to believe the material is contaminated.

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(d) Testing Requirements. Leachate quality shall be determined using the Sequential Batch Leaching Test (SBLT) procedure (for freshwater and estuarine sediments) or the Column Leaching Test (CLT) procedure (for estuarine sediments) developed by the USACE, Waterways Experiment Station (USACE-WES), or other tests as approved by the Department in advance. Leaching tests shall be conducted in accordance with the guidelines established by USACE-WES (Myers et al., 1996; Brannon et al., 1994).

For Type A upland CDFs leachate quality shall be determined for a representative number of samples for the parameters listed in Attachment C, in each location to be dredged prior to proceeding with the development of a Ground Water Protection Plan and issuance of a NJPDES-DGW permit.

For Type B upland CDFs, leachate quality shall be determined for a representative number of samples for the parameters listed in Attachment C on all sediments to be received as a condition of the NJPDES-DGW permit.

(5) Terrestrial Ecosystem Impacts:

(a) Authority. The Department's authority to regulate terrestrial ecosystem impacts which may occur during the operation of an upland CDF depends on the location of the facility. The Department may have regulatory authorities pursuant to the Flood Hazard

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Area Control Act, the Freshwater Wetlands Protection Act, the Wetlands Act of 1970, the Waterfront Development Act, and the Coastal Area Facility Review Act. Additional Department authority may also be derived from both the Federal and State Water Pollution Control Acts and the Federal Coastal Zone Management Act.

(b) Potential Impacts/Regulatory Objectives and the Management/Regulatory Process.

The regulatory objectives of the Department are to identify and minimize the potential for contaminant mobility and transport into terrestrial ecosystems resulting from the upland disposal of contaminated dredged material. Potential adverse impacts will be evaluated on a case-by-case basis, initially considering the bulk sediment chemistry analyses of the dredged material placed in the upland CDF and the proposed schedule for future disposal and management operations at the facility. Additional discussions of potential impacts to the terrestrial ecosystem can be found in Section IV-C(2).

When dredged material is allowed to dry in an upland CDF, there is potential for dust generation. This potential is greater when the dredged material consists of fine particles and has not revegetated. Dust generation could facilitate the dispersal of contaminants into the terrestrial ecosystem. Management techniques will be required, as necessary, to control the generation and dispersal of dust from an upland CDF. Potential management techniques include interim/final capping of contaminated and exposed dredged material and the use of erosion control mats.

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The potential impacts to terrestrial ecosystems associated with the upland disposal of contaminated dredged material also include the possibility of increased contaminant mobility through uptake by colonizing plants and animals. This potential is enhanced by the physicochemical changes which occur when dredged material is disposed of in an upland setting. Such chemical changes include the oxidation associated with drying, leaching by rainwater, and a decrease in pH, resulting in increased availability of metal contaminants.

The Department has identified a number of possible scenarios for the operation of upland CDFs. These scenarios, described in the following sections, have different potentials to produce adverse impacts to the terrestrial ecosystem. During the operation of an upland CDF, management techniques can be utilized to minimize potential adverse impacts. Appropriate management techniques, summarized and briefly discussed in the following sections, will be evaluated as part of the project-specific review and permitting of an upland CDF. In general, potential impacts to the terrestrial ecosystem as a result of the upland disposal of contaminated dredged material will be evaluated on a case-by-case basis.

i. Upland CDFs Maintained in Continuous Operation

For most large upland CDFs, it is expected that the facility will be operated in a continuous active mode during its operational lifetime. This would involve the continual placement of

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dredged material in the upland CDF, followed by periods of dewatering, drying, crust management, etc. - with subsequent repetitions of this cycle. This active mode of operation, in which the dredged material placed in an upland CDF remains in a disturbed condition, should effectively limit the ability of plants and animals to recolonize the site. However, wildlife may forage at the site because of the easy availability of aquatic organisms in dredged material. For such facilities, the permittee will be required to submit an annual report (see Section IV-C(2)(b)ii) to the Department, summarizing the disposal and management operations at the upland CDF, and further certifying that the site has not been recolonized to any significant extent by terrestrial plants or animals for extended periods of time (generally considered to be six months or longer). This certification shall include photographs of the upland CDF documenting site conditions. In addition, the owner/operator of the facility must implement measures to minimize foraging activities at the site if they are observed.

ii. Upland CDFs Operated Intermittently

Upland CDFs which are operated intermittently, such that the dredged material placed on the site is allowed to dry out for a period of time exceeding six months in an undisturbed condition, will be more available for use and/or recolonization by plants and animals. Such upland CDFs therefore have the potential to result in increased contaminant mobility and transport into terrestrial ecosystems.

a. Maintaining an upland CDF in a ponded condition would serve to reduce the potential for increased contaminant mobility through plant and animal colonization. This

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may be practicable in situations where the upland CDF will be used infrequently, with long periods of time between disposal operations. However, there is a concern that birds may use a ponded CDF. If this occurs, methods could be employed to discourage such use. For such facilities, the permittee will be required to submit an annual report (see Section IV-C(2)(b)ii) to the Department, summarizing the disposal and management operations at the upland CDF, and further certifying that the site has not been recolonized or used by terrestrial plants or animals for an extended period of time.

b. In those cases where an upland CDF will be used only intermittently and allowed to dry out and remain undisturbed for time periods exceeding six months between disposal operations, the potential exists for the site to be recolonized and/or used by plants and animals. The greater the contamination of the dredged material, and the longer the site remains undisturbed (and thus available for recolonization and use), the greater the potential for adverse terrestrial ecosystem impacts to occur.

Potential adverse impacts will be evaluated on a case-by-case basis, initially considering the bulk sediment chemistry analyses of the dredged material placed in the upland CDF and the proposed schedule for future disposal and management operations at the facility. The permittee will be required to submit an annual report (see Section IV-C(2)(b)ii) to the Department, summarizing the anticipated disposal and proposed management operations at the upland CDF. Interim management operations (between disposal operations) may be

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required to minimize potential adverse terrestrial ecosystem impacts. These could include interim capping measures to isolate contaminated dredged material (see Section IV-C(2)).

(c) **Testing Requirements.** Section III-C of this document identifies those sediments which are excluded from the Department's testing or reporting requirements; these exclusions also apply to any additional testing required for an evaluation of potential terrestrial ecosystem impacts. Any dredged material which does not qualify for a testing exemption as described in Section III-C may be subject to additional testing.

Section (b)-ii discusses “Upland CDFs Operated Intermittently.” If recolonization and/or use of such CDFs by plants or animals occurs, there is potential for increased contaminant mobility and transport into the terrestrial ecosystem. To evaluate the potential for such impacts, predictive animal and plant uptake bioassays may be required. Specific contaminants of concern will be determined by the Department on a site-specific basis, and will vary with the dredged material placed in the upland CDF. In particular, the Department will consider the contaminants present in the last-placed dredged material, along with proposed capping measures, in its evaluation of the potential bioaccumulation of contaminants by terrestrial organisms. The Department will determine the need for such testing on a case-by-case basis.

(6) Public Health Impacts:

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(a) **Authority.** The Department's authority to control potential public health impacts which may be associated with the disposal of dredged material at an upland confined disposal facility is derived from the Federal and State Water Pollution Control Acts, the New Jersey Waterfront Development Law, and the Federal Coastal Zone Management Act.

(b) **Potential Impacts/Regulatory Objectives.** The potential impacts to public health associated with the upland disposal of dredged material include the potential for direct human contact with contaminated dredged material, dust generation from drying dredged material with a potential inhalation exposure pathway, and surface and ground water impacts. The frameworks for regulating potential surface and ground water impacts are described in Sections IV-C(3) and IV-C(4), respectively.

The regulatory objectives of the Department are to identify and control public health impacts originating from the upland disposal of contaminated dredged material. The Department discourages the use of upland CDF sites for agricultural activities, unless such use can be demonstrated not to have potential adverse impacts to public health.

(c) **Management/Regulatory Process.** The Department will use the Coastal Zone Management rules in evaluating the siting of upland confined disposal facilities (CDFs). These rules serve to minimize potential public health impacts.

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During the operation of an upland CDF, management techniques can be applied to control and minimize potential public health impacts. Management techniques will be required, as necessary, to control the generation and dispersal of dust. This will further serve to minimize the inhalation pathway for human exposure. Direct human contact will be controlled through access restrictions to the upland CDF. Facility personnel will be required to use the appropriate precautionary measures to avoid direct contact with contaminated dredged material.

(d) Testing Requirements. Section III-C of this document identifies those sediments which are excluded from the Department's testing requirements. Any dredged material which does not qualify for a testing exemption as described in Section III-C will be subject to the following requirements.

Bulk chemical analysis of the sediments to be dredged will be required. Potential public health impacts will be evaluated by comparison to the appropriate Residential Direct Contact Soil Remediation Standards, N.J.A.C. 7:26D. These analyses will be conducted to determine if the dredged material to be disposed of requires precautions to avoid direct human exposure pathways during and after disposal in an upland CDF.

Results of the bulk sediment chemistry analyses will be considered valid only if:

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(1) The bulk sediment chemistry analysis includes all target analytes for which appropriate Direct Contact Soil Cleanup Criteria exist (which is included in the list in Attachment D); and

(2) Sediment core sampling, homogenizing, and compositing follows Section III-D sampling procedures.

D - Subaqueous Disposal Pits

(1) Overview: Subaqueous disposal pits are submarine trenches or pits excavated below the ocean/bay bottom for the specific purpose of containing contaminated dredged material. This also includes pits excavated under navigation channels. Existing subaqueous borrow pits created as a result of past sandmining activities, or natural pits and depressions, could also be used as subaqueous disposal pits. The effective function of a subaqueous disposal pit is predicated upon its ability to contain the contaminated dredged material which will be placed in it.

Subaqueous disposal pits are considered distinct from open water disposal sites (discussed in Section IV-B).

(2) Authority: Refer to Section II-B for a listing of relevant statutes and regulations.

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(3) Potential Impacts: The potential adverse environmental impacts of a subaqueous disposal pit depend directly upon the location (including physical conditions and hydrodynamics) and existing ecological functions of the pit site. Potential impacts which may require evaluation include physical disruptions during construction and disposal operations (resulting in, for example, temporary interference with existing benthos, fisheries, or anadromous fish migrations), short-term benthic and water column toxicity impacts as a result of the disposal of contaminated dredged material, and water column impacts associated with the resuspension of sediment. In addition, long-term impacts to biota and the ecosystem may result if the contaminated dredged material placed in a subaqueous disposal pit is not adequately contained and isolated from the marine environment.

(4) Regulatory Objectives/Management Process: Short-term regulatory concerns lie primarily with minimizing the potential adverse environmental impacts associated with the construction of a subaqueous disposal pit and dredged material disposal operations. Submarine excavation of bay/ocean bottom or the use of existing pits/depressions to create a subaqueous disposal pit will be evaluated using the Coastal Zone Management Rules. In general, it is preferable that subaqueous disposal pits be located in areas where existing surficial sediments have similar levels of contamination as the dredged material proposed for disposal in the pit.

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Short-term impacts can result from the dispersal of dredged material during disposal operations. Such impacts include physical disruption of benthos surrounding the subaqueous disposal pit, as well as water column and benthic toxicity and contamination. With proper design and management of the subaqueous disposal pit, these impacts can be limited. The use of best management practices (BMPs) during disposal operations will be required and permit conditions will be applied to ensure these impacts are minimized.

The filling of a subaqueous disposal pit with contaminated dredged material will employ BMPs which reduce suspension and dispersal of the dredged material during the disposal operation. These include adherence to strict navigation requirements to ensure point disposal of the dredged material. Additionally, restrictions on conducting disposal operations during severe weather/tidal conditions may also serve to minimize the dispersal of dredged material. The use of geotextile containers (see Clausner et al., 1996) or the direct shunting of dredged material into the pit should be considered.

Potential long-term impacts can be minimized, and mitigated upon closure of the subaqueous disposal pit. Designing the pit to be properly capped, and maintaining the integrity of the cap, is an essential regulatory goal to ensure the long-term isolation of contaminants. In general, one meter of suitable clean material (as defined in Section V-I) will be required as a final cap. The placement of interim caps may also be required between dredged material disposal operations. Long-term monitoring of the subaqueous

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disposal pit, its final cap, and the surrounding environment will be required to ensure cap integrity is maintained. For additional discussion of generally applicable capping requirements, see Section VI. In addition, restoration of the natural bathymetry of the subaqueous disposal pit site using appropriate clean material as a final cap will serve as *de facto* mitigation for the temporary loss of benthic habitat resulting from the construction of the pit.

Some of the techniques and designs which should be considered when constructing a subaqueous disposal pit are:

(a) Existing Pit with Capping - involves locating a subaqueous disposal pit in a natural bottom depression or existing subaqueous borrow pit. This reduces the need to excavate. Dredged material is placed in the pit up to a predetermined level. The site is then capped with clean material up to the level of the surrounding bay/ocean bottom.

(b) Contained Subaqueous Disposal - involves constructing a berm opposite an existing subaqueous ledge or wall. The cavity formed between these features is then filled and capped with clean material.

(c) New Excavation - entails the construction of a new subaqueous disposal pit, designed specifically for the containment of contaminated dredged material. In theory,

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such a pit may provide for better containment compared to that offered by existing borrow pits or natural depressions.

(5) Testing Requirements: Section III-C discusses general testing exclusions. Where the dredged material originates in the same waterbody as the subaqueous disposal pit, required testing will consist of grain size analysis, total organic carbon, and bulk sediment chemistry. In general, the disposal capacity of subaqueous disposal pits should be “reserved” for projects for which other dredged material management alternatives are not available or acceptable. The bulk sediment chemistry data will be used to ensure that only contaminated dredged material is placed in the subaqueous disposal pit. It will also be used in the development of the monitoring and management plan for the pit.

If the dredged material originates in a waterbody different from that of the subaqueous disposal pit, testing requirements will be determined on a case-by-case basis. Testing may include bulk sediment chemistry and modified elutriate testing (with retention time to be specified; ambient water quality testing of the subaqueous disposal pit site may also be needed), depending on the dredging site, subaqueous disposal pit site characteristics, and the volume of dredged material to be placed in the pit. Section III-D includes general guidance on sampling and testing the dredged material.

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Precision bathymetry (accuracy to six inches or better) of the subaqueous disposal pit site will be required prior to initial site disturbance/pit construction, upon the completion of the construction of the pit, and may be required prior to and after any dredged material disposal operation. This will provide information on existing subaqueous disposal pit capacity and help ensure the dredged material is contained within the pit.

E - Containment Areas

(1) Overview: Dredged material containment areas are features artificially created in open water or wetlands and include any structure which, upon the completion of its filling with dredged material, would result in an extension of existing upland into open waters (that is, the creation of "fastland"). In addition, a containment area could be constructed so as to form the substrate on which a wetland could develop. They are usually created by constructing a retaining structure (berm or bulkhead) in an open water area and filling the enclosed area with dredged material.

(2) Authority: The near-shore disposal of dredged material into a containment area is subject to the Waterfront Development Act, the Coastal Zone Management Rules (N.J.A.C. 7:7), Federal consistency determinations pursuant to the Federal Coastal Zone Management Act, Water Quality Certification pursuant to Section 401 of the Clean Water Act, and riparian interests. Disposal into open waters or wetlands is also regulated by the Federal government pursuant to Section 404 of the Federal Clean Water Act.

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In all cases, either a WQC or NJPDES Discharge to Surface Water permit will be required for a containment area. A NJPDES Discharge to Surface Water permit may be required for the effluent from the dewatering dredged material if the dredged material is not from the same waterbody as the containment area. A WQC will be required for the effluent from a containment area which only accepts dredged material from the waterbody in which it is located.

A NJPDES Discharge to Groundwater Permit may be required pursuant to N.J.A.C. 7:14A-1, subject to a determination by the Department's Bureau of Nonpoint Pollution Control.

(3) Potential Impacts: The potential adverse environmental impacts of a dredged material containment area depend directly upon the location and existing ecological functions of the site. Potential impacts which require evaluation include the destruction and permanent loss of benthic, open water, or wetlands habitats, and temporary physical disruptions during construction of the containment area (resulting in, for example, interference with existing benthos, fisheries, or anadromous fish migrations). Potential short-term surface water quality and benthic toxicity impacts may result from the dispersal of sediments and associated contaminants due to the construction of the containment area.

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Potential impacts to surface water quality during the filling of the containment area with contaminated dredged material resulting from the discharge of effluent from the dewatering dredged material, are similar to those for upland confined disposal facilities (CDFs; see Section IV-C(3)). In addition, potential water quality impacts resulting from the permeability of the berm/bulkhead will be considered on a case-by-case basis.

Potential long term impacts to ground water quality are also similar to those for upland CDFs, and are discussed in Section IV-C(4). Long-term impacts to aquatic biota and the marine ecosystem may result if contaminated dredged material placed in a containment area is not adequately contained and isolated. In addition, filling of the containment area ultimately results in the creation of additional upland. Potential impacts to the terrestrial environment are essentially the same as those associated with upland CDFs (see Sections IV-C(2), (5), and (6)).

(4) **Regulatory Objectives/Management Process:** The creation of upland (or wetlands) areas by filling open water/wetland environments is a regulatory concern. Based upon the Coastal Zone Management Rules at N.J.A.C. 7:7-12.11, filling in natural water areas is discouraged and filling wetlands areas is prohibited. Such activity requires a demonstration that there is no practicable or feasible land alternative. In addition, minimal interference to special areas at N.J.A.C. 7:7-9 (such as intertidal and subtidal

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shallows, finfish migratory pathways, and submerged vegetation habitats) must be demonstrated.

Short-term regulatory concerns lie primarily with minimizing the potential adverse environmental impacts associated with the construction of the containment area and dredged material disposal operations. It is preferable that containment areas be located in areas impacted by similar levels of existing sediment contamination as the dredged material proposed for disposal in the area. Locating a dredged material containment area site will be evaluated using the Coastal Zone Management Rules.

Short-term impacts can result from the dispersal of contaminated dredged material during disposal operations. Such impacts include physical disruption of benthos surrounding the containment area, and water column and benthic toxicity and contamination. With proper design and management of the containment area, these impacts can be minimized. The use of best management practices (BMPs) during disposal operations will be required and permit conditions will be applied to ensure these impacts are minimized. Such BMPs could include controlling the rate of dredged material placement in the containment area to allow for adequate settling of suspended solids. The use of geotextile containers or liners (see Clausner et al., 1996), and the pumping of free water to upland water quality basins to provide settling of suspended solids prior to discharge, could also be used.

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Potential long-term impacts could result if the containment area does not adequately isolate contaminated dredged material from the surrounding aquatic and terrestrial environments. The containment area berm/bulkhead must be designed and constructed to ensure maximum isolation of contaminants. If the containment area is filled with contaminated dredged material, final capping of the created upland (or wetlands substrate) area is required to ensure the long-term isolation of contaminants from the environment. Potential impacts to the terrestrial environment and public health are similar to those for upland CDFs, and are discussed in Sections IV-C(5) and (6). In addition, site closure/final use considerations are discussed for upland CDFs in Section IV-C(2). Long-term monitoring of the containment area site and the surrounding environment may be required to ensure that contaminated dredged material has been adequately isolated.

The use of dredged material in habitat development (including wetlands) is discussed in Section V-D.

Construction of the containment area will result in the loss of open water habitat and/or wetlands. In some cases, mitigation for this loss by means of in-kind replacement will not be possible. Thus, construction and operation of a dredged material containment area may result in the permanent loss of aquatic habitat. Proposals for out-of-kind mitigation may be considered by the Department during the regulatory review of proposed containment areas.

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(5) Testing Requirements: Section III-C discusses general testing exclusions.

Regulatory concerns with potential impacts to surface and ground water quality, the terrestrial ecosystem, public health, and site closure/final use are essentially similar to those for uplands CDFs; see Sections IV-D(2), (3), (4), (5), and (6) for applicable guidance.

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Chapter V - Use Alternatives

A - Authority

Dredged material can be considered a resource, and the Department strongly supports its use, wherever possible, as opposed to exclusive reliance on disposal facilities. The Department will evaluate and authorize proposed uses of dredged material pursuant to the process described in Attachment G of this appendix. This Acceptable Use Determination process is intended to streamline the approval of use activities.

Authority to regulate potential uses of dredged material can be found in the State and Federal Water Pollution Control Acts, the Waterfront Development Law, the Flood Hazard Area Control Act, and the Federal Coastal Zone Management Act. The Coastal Zone Management Rules are also applicable to these use options.

B - Linkages with Other Management Alternatives

The use options discussed in Sections V-C through V-H can be divided into three general categories. These categories reflect the degree to which the dredged material must be processed/amended prior to its use, or the use of dredged material to support another dredged material management alternative (discussed in Section IV of this document):

(1) Use options supporting other dredged material management alternatives - capping open water disposal sites;

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- (2) Use options requiring minimal processing of the dredged material - beach nourishment, aquatic and wetland habitat development; and
- (3) Use options requiring substantial processing or amendment of the dredged material - structural and non-structural fill material, landfill cover, agricultural use, and terrestrial habitat development.

For uses (1) and (2), the dredged material would have to meet applicable testing requirements to verify its suitability for the proposed use. Suitability criteria would include grain size and contaminant characteristics. Rehandling of this material would be limited to its transport to the use site and its placement in accordance with the applicable engineering design and regulatory requirements.

In most cases, dredged material proposed for the use (3) options noted above would first have to be dewatered. This would most likely occur at an upland confined disposal facility (CDF). A "use train," involving sequential placement of dredged material in an upland CDF, dewatering over a period of time, and then removal from the upland CDF for use purposes, could be developed. Olin and Bowman (1996) discuss the potential of soil washing and other techniques to isolate the coarser-grained and less-contaminated fractions of dredged material placed in upland CDFs. Such activities would not only provide a useable product, but would enable an upland CDF to remain in operation for a longer period of time before it reached its design capacity. Dredged material contaminated

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to various degrees could be suitable for these use options; testing requirements, evaluation criteria, and site-specific authorization of potential use projects are discussed in the appropriate sections of this document.

C - Beach Nourishment

(1) Authority: the Department's authority to regulate the use of dredged material for beach nourishment is derived from the Waterfront Development Act, the Coastal Area Facilities Review Act, the Federal Coastal Zone Management Act, and the Water Quality Certification provisions (Section 401) of the Clean Water Act.

(2) Potential Impacts/Regulatory Objectives: The Department encourages the renourishment of eroding beaches through the placement of clean sand of acceptable grain size composition.

Beach nourishment operations usually involve the borrowing of sand from inshore or offshore locations and transporting it by truck or hydraulic pipeline to an eroding beach for the purpose of restoration. A hopper dredge, with or without pumpout capability, can also be used. This can result in displacement of existing substrate, the destruction of non-motile benthic communities, and changes in the topography of both the placement and borrow areas. However, a beach nourishment operation also creates new habitat which is usually rapidly recolonized by benthic organisms. Significant impacts to offshore organisms can be minimized by selecting borrow areas to avoid important benthic habitats,

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not creating deep/anoxic borrow pits, and maintaining substrate quality in the borrow area (that is, grain size characteristics, total organic carbon, etc.).

Potential adverse impacts could also result from the placement of dredged material with excessive organic content on beaches. This situation is aesthetically unpleasant, but temporary in duration. In addition, placement of dredged material contaminated by chemical or biological pollutants may affect nearby benthic and open water habitats, and may pose a public health concern. The Department's objectives in regulating the placement of dredged material on beaches are to prevent any adverse impacts to the beach area, be they aesthetic (human interest), public health, or to nearby benthic and open water communities.

(3) Permitting Process: Permitting for this use of dredged material is conducted by the Division. The Coastal Zone Management Rules govern beach nourishment and dune construction activities.

In terms of grain size, suitable material must be comprised of 75 percent or greater sand (grain size larger than 0.0625 mm) with a grain size compatible with that of the receiving beach. (Note: Material less than 90 percent sand will require bulk sediment chemistry analyses and additional testing - see Section III.)

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(4) Testing Requirements: All dredged material proposed for beach nourishment must be characterized by grain size analyses. In addition, grain size analyses of the sand on the proposed receiving beach must also be completed. Sampling guidance for these required analyses will be provided by the Department on a case-by-case basis. Exclusionary criteria for testing requirements are described in Section III-C. Bulk sediment chemistry analyses will be required for dredged material which does not meet the exclusionary criteria. This data will be compared with the Residential Direct Contact Soil Remediation Standards, N.J.A.C. 7:26D, to evaluate potential impacts to public health. To evaluate potential impacts to estuarine benthic communities, the Department will compare this data with the guidelines values developed by Long et al. (1995) and other literature sources, on a case-by-case basis.

D - Habitat Development

(1) Overview: A wide range of habitat types can be developed (created, restored, or enhanced) using dredged material. The development of upland and wetlands habitats is discussed in this Section of the appendix. These could include areas which would then be developed further, in whole or in part, for parkland/open space or passive/active recreation uses.

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The construction of islands using dredged material, on which wetlands as well as upland habitat types could develop, is considered to be a special case. Islands are not addressed in this appendix, but will be considered by the Department on a project-specific basis.

Aquatic habitats (including tidal flats, seagrass meadows, and other benthic habitats) could also be developed as a result of the open water disposal of dredged material (see Section IV-B). Development of aquatic habitat in association with such disposal operations will be evaluated on a case-by-case basis. In general, dredged material used to create such habitats should be placed so as to maximize habitat value; the final cap must also be designed to consider potential contaminant uptake. A special case of aquatic habitat development is the use of dredged rock to create artificial reefs, jetties, etc.

The USACE Engineer Manual EM 1110-2-5026 (30 June 1987), Beneficial Uses of Dredged Material, includes detailed discussions and a listing of references concerning habitat development using dredged material.

(2) Authority: The Department's authority to regulate the use of dredged material for habitat development depends on the location of the project site. The Department may have regulatory authority pursuant to the Flood Hazard Area Control Act, the Waterfront Development Act, the Freshwater Wetlands Protection Act, the Wetlands Act of 1970, and the Coastal Zone Management Act. Additional Departmental authority may also be

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derived from both the Federal and State Water Pollution Control Acts. Dredged material could also be used in restoration or mitigation activities required pursuant to permits issued for other projects.

(3) Potential Impacts/Regulatory Objectives:

(a) Upland Habitats. Habitats will develop on upland dredged material disposal sites regardless of human intervention. However, the use of a variety of management techniques can improve the habitat that develops, or foster the development of specific habitat types. Although the level of effort needed to develop upland habitat could essentially be limited to that necessary to provide erosion control, additional effort and long-term management may be needed to create specific and more productive habitats. The objectives (that is, habitat functions and values) of proposed upland habitat development projects must be identified in advance, and the project designed and managed accordingly.

Some of the potential impacts and regulatory objectives associated with habitat creation at upland confined disposal facilities (CDFs) are discussed in Section IV-D(5).

Dredged material used for upland habitat development must be suitable in terms of physical (particularly grain size) and chemical (salinity, nutrients, and contaminants) characteristics. The main concern of the Department is the potential dispersal of contaminants from the dredged material into the terrestrial environment and food webs.

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For example, Brandon et al. (1996) report on plant uptake of heavy metals (zinc, cadmium, nickel, lead, chromium, copper, and mercury) at levels of potential concern. Uptake of lead and cadmium by animals colonizing the upland habitat area are also of potential concern. Refer to Section IV-D(2) for information concerning the development of habitat as part of the final closure process on upland CDFs. In general, placement of a clean cap at least two feet thick will serve to isolate the underlying contaminated dredged material and eliminate many of the concerns with the dispersal of contaminants into the terrestrial ecosystem.

When placed in an upland environment, among other changes it will undergo, dredged material will dry, tend to oxidize, and decrease in pH. Thus, soil amendments (including lime, manure, sand, and limestone gravel) may be needed to provide a suitable medium for the recolonization and growth of plants. In addition, the salt content of material dredge from estuarine areas may inhibit the development of upland habitat. For additional information and guidance, refer to Brandon et al. (1996 and 1992).

Section V-C of this appendix briefly discusses the use of dredged material to create dunes on beaches.

(b) Wetlands. The beneficial use of dredged material to create or restore wetlands shall be consistent with N.J.A.C. 7:7-9.27.

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The objectives (that is, habitat functions and values) of proposed wetlands development projects must be identified in advance, and the project designed and managed accordingly.

Dispersal of contaminants from dredged material used for wetland development can occur through two major routes: (1) resuspension of dredged material due to waves and currents, and (2) uptake by plants and animals colonizing or using the created wetland. In order to prevent the physical dispersal of the placed dredged material, low wave/current energy, shallow water sites should be used for wetland creation projects. Temporary (and possibly permanent) protective/retaining structures may be needed to contain the dredged material (see Containment Areas, Section IV-E). Additional design and management factors which must be considered to create a productive wetland, while minimizing the potential for contaminant dispersal, include salinity, tidal range, weir operation, and placement of a cap.

Uptake of contaminants by plants and animals will be minimized by restricting the contaminant levels allowable in dredged material proposed for wetland creation. In addition, capping of contaminated dredged material with clean material may be required. To evaluate potential impacts to benthic communities, the Department will compare bulk sediment chemistry data with the guidelines values developed by Long et al. (1995) and other literature sources. Additional biological testing as specified in the USACE/USEPA Inland Testing Manual (1998) may also be required.

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(4) Permitting Process: The development of wetlands using dredged material is regulated by the Division pursuant to the Coastal Zone Management Rules and other applicable authorities.

Long-term maintenance and monitoring of both upland and wetlands habitat development projects may be required.

(5) Testing Requirements: The use of dredged material to develop wetlands habitats may require project-specific permits with specific conditions. Section III-C of this document identifies those sediments which are excluded from the Department's testing or reporting requirements for the purpose of disposal. These exclusions may not apply to the testing required for an evaluation of potential impacts resulting from the use of the dredged material for habitat development. The testing needed to evaluate the suitability of the dredged material for the proposed habitat development project includes considerations of salinity, nutrients, and degree of contamination. This could include bulk sediment analyses, modified elutriate testing, and predictive animal and plant bioassays. The Department will determine the need for such additional testing on a case-by-case basis.

E - Structural & Non-structural Fill

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(1) Overview: Given the various physical/geotechnical requirements for structural or non-structural fill applications, dredged material must be dewatered before it could be used. In addition, if the dredged material contains a high proportion of fine-grained particles and/or contaminants at levels of concern, it would have to be blended with coarser-grained material or otherwise processed/stabilized/amended to form a “product” which would then meet the required engineering and environmental specifications.

(2) Potential Impacts/Regulatory Objectives: Given that the dredged material has been dewatered and/or processed/stabilized/amended to meet the physical and engineering specifications required for a proposed structural or non-structural fill use, the Department’s main concerns are (1) potential human exposure to contaminants in the dredged material, and (2) the dispersal of contaminants from the dredged material. In particular, the Department is concerned with the leaching of contaminants from the dredged material due to percolation and stormwater runoff. The Department will evaluate any proposed fill uses on a case-by-case basis consistent with the “Acceptable Use Determination Process” presented in Attachment G.

(3) Testing Requirements: exclusionary criteria for testing requirements are described in Section III-C. However, note that the processing/stabilization/amendment of dredged material through the addition of various substances has the potential to increase the bulk concentration of contaminants in the dredged material “product” compared to the “raw”

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dredged material. Thus, depending on the types of substances to be added, testing of the “product” may be required irrespective of the dredged material meeting any of the testing exclusions discussed in Section III-C (see Attachment G). Required testing will be determined by the Department on a case-by-case basis, but will usually consist of bulk chemical analysis of the dredged material and any processed/stabilized/amended “product,” and an appropriate leaching test.

F - Landfill Cover

(1) Authority/Management Process: In recent years, the Department has received numerous requests for the utilization of residual materials as daily landfill cover throughout the State. Contaminated soils, shredder residue, sludge derived products, and other materials have been authorized for daily cover application or in blends with other soil to produce a suitable product. Since landfill operators would otherwise have to purchase soil for cover, the acceptance of residual materials for approved applications has been considered an exempt activity pursuant to N.J.A.C. 7:26-1.1.

The Department's regulations at N.J.A.C. 7:26-2A.8(b)13 and 14 address landfill cover requirements. In general, three different classifications of cover are addressed - daily, intermediate, and final cover. All exposed surfaces of solid waste must be covered at the close of each operating day with a minimum of six inches of daily cover. Areas outside the immediate landfill working face which will be exposed for any period exceeding 24 hours

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must contain at least 12 inches of intermediate cover. Finally, the Federal government adopted amendments to the Resource Conservation and Recovery Act in 1993 at 40 CFR 258.60 which address landfill closure requirements. Under these rules, an infiltration layer of at least 18 inches of earthen material with a permeability less than or equal to the bottom liner and an erosion layer of at least six inches of earthen material capable of sustaining plant growth must be provided as part of a final landfill cover system.

(2) Testing Requirements: The purpose of a good landfill cover is to (1) impede rodents and vectors from entering the waste fill, (2) control malodorous emissions, (3) provide a firebreak, (4) have limited erosion potential, (5) not be easily windblown, and (6) provide control of windblown litter. Given these purposes, the physical properties of dredged material (which tend to be low cohesion fine-grained material) must be evaluated to ascertain its suitability for use as cover material. For example, excessively fine-grained material is generally prohibited due to its susceptibility to windblown dust, erosion, and potentially limiting hydraulic conductivity (preventing good drainage capability which consequently can cause leachate seeps on side slopes). The moisture content of the material must also be evaluated to ascertain its workability. If the moisture content is too high, then the material must be dewatered, which will require additional processing. The Department will evaluate the suitability of dredged material proposed for use as landfill cover on a case-by-case basis.

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G - Agricultural Use

(1) Overview: An additional area in which dredged material may have potential use applications is for agricultural/horticultural purposes, particularly for non-food crop applications. As an example of this type of a use with a material similar to dredged material, New Jersey potable water treatment plant residuals have been approved by the Department for several uses. These include blending with other materials to create soil products for rehabilitating barren sites and as soil for nursery use as potting and field growing media. In some cases, the residuals also have qualified for use directly as clean fill on review by the Department on a case-by-case basis.

While the chemical and physical qualities of specific dredged material would have to be evaluated, it is likely that cleaner materials would also qualify for many types of similar agricultural/horticultural uses in New Jersey, and other states as well. For example, dredged material can contain high levels of plant nutrients (including nitrogen, phosphorous, and silicon) and thus could be used to amend marginal soils, resulting in increased crop production. However, salinity problems will occur with the use of dredged material from estuarine waters.

(2) Potential Impacts/Regulatory Objectives: The Department's main concerns with the use of dredged material for agricultural purposes are human exposure to, and the dispersal of contaminants from, the dredged material through runoff/leaching and uptake by plants.

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In addition, the level of contamination in the dredged material will affect its potential use in food and non-food crop applications. In general, dredged material proposed to be used for agricultural purposes will have to meet the Residential Direct Contact Soil Remediation Standards, N.J.A.C. 7:26D, or blended with suitable materials to meet these criteria.

(3) Testing Requirements: Any dredged material proposed for use in agricultural operations must be subjected to bulk sediment chemistry analyses; the testing exclusions discussed in Section III-C are not applicable. In addition, if the dredged material is blended with other materials prior to its use, this “product” must also be subject to bulk chemical analysis. In addition, the Department may require an appropriate leaching test of the dredged material.

H- Capping Open Water Disposal Sites

(1) Overview: Depending upon its degree of contamination, dredged material proposed for disposal at an open water site (see Section IV-B) may only be acceptable for disposal if management techniques are used to isolate the contaminated dredged material from the surrounding environment. The principal method used to isolate contaminated dredged material placed at an open water disposal site is to cap it with a layer of clean material. Capping could be required as both an interim and final dredged material management method.

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The use of suitable clean dredged material for capping purposes involves a number of engineering and design considerations beyond those associated solely with the open water disposal of dredged material. In addition, capping may be required for the disposal of contaminated dredged material. Thus, the Department considers capping to be a potential use of clean dredged material.

Capping may also be required at subaqueous disposal pits (Section IV-D) and containment areas (Section IV-E) in which contaminated dredged material is disposed. The following discussion of capping open water disposal sites is also generally applicable to these two dredged material management alternatives.

(2) Authority: Capping may be required for contaminated dredged material placed at an open water disposal site, in a subaqueous disposal pit, or in a containment area. The Department's authority to regulate dredged material disposal activities at these areas has been discussed in Sections IV-B, IV-D, and IV-E, respectively.

Disposal of dredged material in ocean waters (and thus any required capping of such material) is regulated by the USACE and USEPA. The State of New Jersey has discretionary authority to review disposal activities at ocean disposal sites pursuant to the Federal Coastal Zone Management Act. The review of proposed ocean disposal (and

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capping) operations at currently designated ocean disposal sites will be coordinated with the USACE and USEPA.

(3) Potential Impacts/Regulatory Objectives: The primary purpose of capping an open water disposal site is to isolate contaminated dredged material placed at the site from the surrounding environment. This will serve to minimize potential adverse impacts to the benthic and pelagic communities as a result of exposure to the contaminants.

It must be emphasized that the use of capping must be considered throughout the siting, development and implementation of the open water dredged material disposal alternative. This begins with the process used to select the disposal site. The USACE Waterways Experiment Station Dredging Research Technical Notes DRP-5-03 (Palermo, 1991a) and DRP-5-04 (Palermo, 1991b) provide discussions of design, engineering, and construction considerations for the capping of dredged material disposal sites. The USACE emphasizes that a capping project must be considered as an engineered structure, with specific design and construction requirements that must be implemented, monitored, and maintained.

Any cap placed on contaminated dredged material must be of a thickness to ensure the long-term isolation of the contaminants from the surrounding environment. The required thickness will be dependent on the following factors:

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(a) The physical and chemical properties of the contaminated dredged material and the clean material to be used for capping;

(b) The potential for bioturbation by recolonizing benthic organisms to disturb the cap and expose the underlying contaminated dredged material; and

(c) The potential for consolidation and erosion of the cap material, including consideration of hydrodynamic conditions at the site.

In general, a required final cap will be three to four feet thick, plus allowances for consolidation and erosion.

Interim capping, between disposal operations at open water disposal sites or in subaqueous pits, may also be required. The need for and thickness of an interim cap will be determined on a case-by-case basis. Factors that will be considered in making such a determination include the grain size of the last-placed dredged material, its degree of contamination, the anticipated schedule of future disposal operations at the site, and the physical conditions (particularly currents) at the disposal site.

Only clean material of suitable grain size, which would otherwise be acceptable for unrestricted open water disposal, can be used for capping purposes. Both fine grain and

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sandy material may be suitable for capping. However, in order to avoid mixing or displacing the contaminated dredged material during capping operations, the cap material should be applied in a manner that does not displace the underlying contaminated dredged material. In addition, the cap material should be of a grain size which will be resistant to erosion and thus stable over the long-term. The USACE Waterways Experiment Station Dredging Research Technical Note DRP-5-05 (Palermo, 1991c) discusses a variety of techniques which can be used to construct a cap.

When selecting material to be used for capping purposes, its suitability (particularly grain size) for recolonization by benthic organisms must be considered. The cap must be thick enough to ensure that recolonizing organisms cannot penetrate down to the underlying contaminated dredged material and that bioturbation will not expose the contaminated material. However, the cap may also serve to mitigate the original loss of habitat resulting from the disposal of the contaminated dredged material.

(4) Management Process: Short- and long-term monitoring of capped open water disposal sites will be required to ensure that contaminated dredged material is isolated from the environment. Refer to the USACE Waterway Experiment Station Dredging Research Technical Note DRP-5-07 (Palermo et al., 1992) for general guidance on designing an appropriate monitoring program.

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A precision bathymetric survey (accuracy to six inches or better) of the disposal site will be required prior to any interim or final capping operation. Immediately after the capping operation is completed, additional monitoring will be required to verify that a cap of the required thickness has been placed as intended. This would include a precision bathymetric survey and the collection of core samples. The placement of additional cap material will be required if the specified cap design parameters have not been met.

Long-term monitoring of the open water disposal site and its cap will be required to ensure that (1) the stability and required thickness of the cap is maintained, and (2) the cap is effective in isolating the contaminated dredged material. This will consist of precision bathymetric surveys, the collection of core samples and the chemical analysis of sediment and body burden analyses of benthic organisms in the disposal area. Appropriate management actions will be required to ensure that the contaminated dredged material is isolated from the environment. This will usually involve the placement of additional suitable cap material.

(5) Testing Requirements: Only clean dredged material which will ensure the long-term isolation of the underlying contaminated dredged material is suitable for use in capping open water disposal sites. This involves a consideration of the physical and chemical characteristics of the capping material in relation to both the disposal site and the underlying contaminated dredged material. Such considerations must be evaluated as part

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of the process of selecting/siting the open water disposal site. Grain size analyses will be required to evaluate the potential long-term stability of the cap when subjected to the current and other erosive forces in the disposal area. The grain size data will also be used to ensure that the contaminated dredged material is not dispersed as a result of the capping operation. In addition, this information will be considered as part of the evaluation of the potential recolonization of the cap by benthic organisms.

Chemical analyses of the proposed capping material will also be required to ensure it is acceptable for unrestricted open water disposal. Refer to Section IV-B-(3)(d) for applicable testing requirements (note: Any dredged material that meets the testing exclusion criteria listed in Section III-C does not need to undergo bulk sediment chemistry testing). This information, together with the chemical data for the underlying contaminated dredged material, will be used in the development of a monitoring program for the open water disposal site and its cap.

Given the interdependent and complex evaluations needed, the suitability of any material for use in the capping of an open water disposal site will be made on a case-by-case basis.

Dredged material proposed for capping at an ocean disposal site must be tested per the document entitled “Dredged Material Proposed for Ocean Disposal - Testing Manual” (USEPA and USACE, 1992) and regional implementation (USACE and USEPA, 1992) testing

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manuals, unless it meets the exclusionary criteria of the USEPA Ocean Dumping Regulations (see 40 CFR 227.13).

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Chapter VI - References

The following documents are incorporated by reference into this appendix and chapter.

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Chapter VII - Glossary

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The definitions at N.J.A.C. 7:7-1.5 apply to terms used in this appendix. In addition, the following definitions are for terms used in this appendix that are not defined at N.J.A.C. 7:7-1.5.

Ambient conditions: Those physical, chemical, and biological conditions present in the immediate vicinity of the project site.

Anadromous fish: Marine or estuarine species of finfish that spawn in freshwater; fish that migrate from oceanic to coastal waters, or from salt water to fresh water.

Benthic: Occurring or living on or in the bottom of a water body; the bottom of a water body, with particular reference to sediments.

Benthos: see benthic; the organisms living on the bottom of a water body.

Best management practices (BMPs): Methods and measures (or the prohibition of practices) employed to reduce the adverse environmental impacts resulting from a dredging or dredged material management/disposal activity.

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Bioaccumulation: The accumulation of contaminants in the tissues of organisms through any route, including respiration, ingestion, or direct contact with sediment or water; indicates the biological availability of contaminants.

Bioassay (test): Acute or sublethal/chronic toxicity or bioaccumulation tests using organisms representative of the water column, benthic, and terrestrial environment(s) at the dredging or dredged material disposal site.

Borrow pit: A deep hole in a bay or near-shore area remaining after borrow material has been removed.

Bulk (sediment) chemical analysis: The determination of the concentration of target analytes present in the whole sediments to be dredged.

Clamshell dredge: A dredging bucket comprised of two hinged jaws; a boat or barge equipped with such a machine.

Containment area: Any site used for the permanent disposal or temporary confinement of dredged material, and which may or may not have a permanent retaining structure, located in an open water or wetland area directly adjacent to an upland area.

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Dewatering: The practice of actively or passively removing water from dredged material, usually occurring in a barge or upland confined disposal facility.

Dioxin: Commonly refers to polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF), in particular 2,3,7,8-TCDD (tetrachlorodibenzo-p-dioxin).

Effluent: A discharge of pollutants into the environment, whether untreated, partially treated, or completely treated; particular reference to the quality of water coming over a weir from a dredged material upland confined disposal facility during and after a disposal operation.

Elutriate (test): Involves mixing dredged material with dredging-site water and allowing the mixture to settle - the potential release of dissolved chemical constituents from the dredged material is determined by chemical analysis of the supernatant (elutriate) remaining after undisturbed settling.

Environmental dredging: see N.J.A.C. 7:7-12.8(a).

Flocculents: substances which, when added to dredged material, result in the aggregation of finer particles into larger particles, thus enhancing the settling properties of

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the suspended particles and lowering the Total Suspended Solids in the dewatering effluent.

Furans: see dioxin.

Geotextile bag/container: Tubes, bags, and other containers constructed of woven and non-woven water permeable synthetic fabrics which can be filled with dredged material.

Heavy metals: Metals which have proven to be hazardous to living organisms ingesting them in sufficient quantities; generally, cadmium, nickel, lead, zinc, copper, mercury, and chromium.

Hopper dredge: Self-propelled seagoing ships equipped with sediment containers (hoppers), dredge pumps, and other special equipment. Dredged material is raised by dredge pumps through drag arms in contact with the bay/ocean bottom and discharged into hoppers built in the vessel.

Hydraulic conductivity: Ratio of the velocity to driving force for viscous flow under saturated conditions of a specified liquid in a porous medium.

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Hydraulic dredging: Use of suction equipment to remove a sediment/water slurry from the bay/ocean bottom.

Hydrogeology: The study of those factors that deal with subsurface waters and related geologic aspects of subsurface waters.

Impervious: Impassable, applies to strata such as clays, shales, etc., which will not permit the penetration of water, petroleum, or natural gas.

Leachate: A solution obtained by leaching, as in the downward penetration of water through soil or solid waste, and containing soluble substances.

Lysimeter: A structure containing a mass of soil and so designed as to permit the measurement of water drainage through the soil.

Maintenance dredging: see N.J.A.C. 7:7-12.6(a).

Mitigation: see N.J.A.C. 7:7-17.1.

Modified elutriate test: Used to predict the quality of dewatering effluent discharged from upland confined disposal facilities and similar operations; see elutriate (test).

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New dredging: see N.J.A.C. 7:7-12.7(a).

Ocean: Those waters of the open seas lying seaward of the baseline from which the territorial sea is measured.

Ocean disposal: The practice of dredged material disposal via oceangoing barge into a designated disposal site in deep, open water, often miles from shore.

Open water disposal: The practice of dredged material disposal anywhere into open water, exclusive of disposal into a subaqueous disposal pit or containment area.

Permit(s): For the purposes of this appendix, an authorization, license, or equivalent control document issued by the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, or approved State agency to implement requirements of an environmental regulation.

Physiography: The physical geography of the general region/area in the vicinity of a project site; the study of the genesis and evolution of land forms.

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Pollutants: Any gaseous, chemical, or organic waste (natural or man-made) that contaminates air, soil, sediment, or water, and has the potential for harm to human health, to any aspect of human or natural ecosystems, or to environmental aesthetics or vitality.

Polychlorinated biphenyls (PCBs): Nonflammable liquids formerly used in heat exchangers, electrical condensers, hydraulic and lubricating fluids, etc. with demonstrated chronic toxicity effects.

Polynuclear aromatic hydrocarbons (PAHs): Although present in some natural products (for example, crude oil), they are generally associated with the incomplete combustion of organic materials; some have demonstrated carcinogenic effects.

Reprofiling: The leveling of sediments within a berth or reach, essentially removing small mounds on the bay bottom, by redistributing the sediments within the boundaries of the berth or reach.

Sample compositing: Mixing distinct samples, or sediment layers from distinct samples, (see stratification) collected in a berth or reach proposed to be dredge.

Sample homogenizing: Mixing an entire sediment core sample which is not stratified (see stratification).

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Sand: Loose, granular particles of worn or disintegrated rock, finer than gravel, and coarser than dust; the fraction of dredged material whose grain size distribution is greater than 0.0625 mm, and less than 2.00 mm.

Sidecasting: The pumping of dredged material and the discharge of the material to the side of the dredge, out of the channel or berth area.

Stratification (of sediments): The formation of distinct layers of sediments having the same general composition (grain size, quality), arranged one on top of another.

Target analyte/compound: A hazardous substance, hazardous waste, or pollutant for which a specific analytical method is designed to detect that potential contaminant both qualitatively and quantitatively (N.J.A.C. 7:26E-1.8).

Terrestrial ecosystem: Of, pertaining to, or composed of land as distinct from air or water.

Total suspended solids (TSS): The mass per unit volume (usually expressed in units of milligrams per liter - mg/L) of solid material obtained by filtering a known volume of liquid.

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Toxic/toxicity: A condition or substance that is harmful, destructive, poisonous, or deadly; the limit of intolerance of organisms to survive lethal chronic or short-term (acute) subjection to certain chemical and contaminating substances, or physical and environmental conditions.

Upland confined disposal facility: A disposal site/structure located above the mean high tide level built to hold dredged material in a confined condition. Upland CDFs are usually built to permanently hold contaminated sediments, but this term also refers to those facilities which will only contain dredged material for dewatering purposes prior to some future beneficial use or decontamination management alternative.

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ATTACHMENT A

SAMPLING METHODOLOGY AND SAMPLING REQUIREMENTS

I. Sampling Methodology:

The sampling methodology described below has been drawn from Section 8.2.6 of the "Evaluation of Dredged Material Proposed for Ocean Disposal - Testing Manual," February 1991, USEPA and the USACE (EPA503/8-91/001); the USEPA and the USACE "QA/QC Guidance for Sampling and Analysis of Sediments, Water, and Tissues for Dredged Material Evaluations," (EPA 823-B-95-001, April 1995); and the "Field Sampling Procedures Manual," New Jersey Department of Environmental Protection and Energy, May 1992.

The data reports submitted to the Department for testing and analysis of material proposed for dredging must include descriptions of the procedures used for sample handling, preservation, and storage. These procedures must conform to the following guidance:

(a) Sediment sampling:

The recommended storage and preservation procedures for sediment samples are summarized in attachment B of this appendix. The specified holding times must be adhered to or the proposed alterations to the specified holding time approved by the Department prior to analysis.

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Sediment samples are subject to chemical, biological, and physical changes as soon as they are collected. Therefore, the handling, preservation, and storage techniques should minimize any changes in sample composition by retarding chemical and/or biological activity and by avoiding extraneous contamination.

A coring device should be used for sediment sample collection, in conjunction with inert plastic liners which are not to be reused. The barrel of the coring device must be rinsed between each coring; the use of site water for rinsing is acceptable. Cross-contamination of collected sediment and water samples via personnel must also be avoided.

Generally, samples to be analyzed for metals should not come into contact with metal sampling equipment, and samples to be analyzed for organic compounds should not come into contact with plastics. All sample containers should be appropriately cleaned: acid-rinsed (10% nitric acid) for metal analysis, and solvent-rinsed (acetone is preferred; however, other approved solvents such as methanol and hexane can be used as well) for organic analysis. When equipment will be used to take samples for both metal and organic compound analysis, the acid rinse must be conducted first, and the solvent rinse second.

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Samples should completely fill the storage container, leaving no head space, except for expansion volume needed for potential freezing. Since the first few hours after collection are the most critical for potential changes to the sediment, preservation should begin immediately after collection onboard the collecting vessel. This would include refrigeration or freezing with dry ice. The elapsed time between sample collection and analysis must be as short as possible, and not exceed the recommended holding times listed in Attachment B.

(b) Water sampling:

The recommended storage and preservation procedures for water samples are summarized in Attachment B. The specified holding times by analyte group for water samples must be adhered to, or any proposed alteration of the specified holding time approved by the Department prior to analysis.

Water samples are subject to chemical, biological, and physical changes as soon as they are collected. Therefore, the handling, preservation, and storage techniques should minimize any changes in sample composition by retarding chemical and/or biological activity and by avoiding extraneous contamination.

Water samples should be collected with either a non-contaminating pump (peristaltic or magnetically coupled impeller design pump) or a discrete water sampler. The pump system

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should be flushed with 10 times the volume of the collection tubing using site water. The discrete water sampler should be made of stainless steel or acrylic plastic and be of the closed/opened/closed type. Seals should be Teflon-coated. All water sampling devices should be acid-rinsed (10% nitric acid) for metal analysis, and solvent-rinsed (acetone is preferred; however, other approved solvents such as methanol and hexane can be used as well) for organic analysis. When equipment will be used to take samples for both metal and organic compound analysis, the acid rinse must be conducted first, and the solvent rinse second.

II. Sampling Requirements:

Attachment C lists the inorganic and organic compounds for which sampling may be required under normal circumstances. See Attachment C for further details on the origins of this list.

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ATTACHMENT B
SUMMARY OF RECOMMENDED PROCEDURES FOR SAMPLE
COLLECTION, PRESERVATION, AND STORAGE

Analyses	Collection Method^a	Sample Volume^b	Container^c	Preservation Technique	Storage Conditions	Holding Times^d
Sediment						
Chemical/Physical Analyses						
Metals	Grab/corer	100 g	Precleaned polyethylene jar^e	Dry ice^e or freezer storage for extended storages; otherwise refrigerate	≤ 4°C	Hg - 28 days Others – 6 monthsⁱ
Organic compounds (for example, PCBs, pesticides, polycyclic aromatic hydrocarbons)	Grab/corer	250 g	Solvent-rinsed glass jar with Teflon[®] lid^e	Dry ice^e or freezer storage for extended storage; otherwise refrigerate	≤ 4°C'/dark^f	14 days^g
Particle size	Grab/corer	100 g	Whirl-pac bag^e	Refrigerate	< 4°C	Undetermined
Total organic carbon	Grab/corer	50 g	Heat treated glass vial with Teflon[®]-lined lid	Dry ice^e or freezer storage for extended storages; otherwise refrigerate	≤ 4°C^e	14 days

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Analyses	Collection Method^a	Sample Volume^b	Container^c	Preservation Technique	Storage Conditions	Holding Times^d
Total solids/specific gravity	Grab/corer	50 g	Whirl-pac bag	Refrigerate	< 4°C	Undetermined
Miscellaneous	Grab/corer	≥50 g	Whirl-pac bag	Refrigerate	< 4°C	Undetermined
Sediment from which elutriate is prepared	Grab/corer	Depends on tests being performed	Glass with Teflon®-lined lid	Completely fill and refrigerate	4°C/dark/airtight	14 days
Biological Tests						
Dredged material	Grab/corer	12-15 L per sample	Plastic bag or container^h	Completely fill and refrigerate; sieve	4°C/dark/airtight	14 daysⁱ
Reference sediment	Grab/corer	45-50 L per test	Plastic bag or container^h	Completely fill and refrigerate; sieve	4°C/dark/airtight	14 daysⁱ
Control sediment	Grab/corer	21-25 L per test	Plastic bag or container^h	Completely fill and refrigerate; sieve	4°C/dark/airtight	14 daysⁱ
Water and Elutriate Chemical/Physical Analyses						
Particulate analysis	Discrete sampler or pump	500-2,000 mL	Plastic or glass	Lugols solution and refrigerate	4°C	Undetermined

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Analyses	Collection Method ^a	Sample Volume ^b	Container ^c	Preservation Technique	Storage Conditions	Holding Times ^d
Metals	Discrete sampler or pump	1 L	Acid-rinsed polyethylene or glass jarⁱ	pH < 2 with HNO₃; refrigerate^j	4°C 2°C^j	Hg - 14 days Others - 6 months^k
Total Kjeldahl nitrogen	Discrete sampler or pump	100-200 mL	Plastic or glass^k	H₂SO₄ to pH < 2; refrigerate	4°C^k	24 h^k
Chemical oxygen demand	Discrete sampler or pump	200 mL	Plastic or glass^k	H₂SO₄, to pH < 2; refrigerate	4°C^k	7 days^k
Total organic carbon	Discrete sampler or pump	100 mL	Plastic or glass^k	H₂SO₄, to pH < 2; refrigerate	4°C^k	<48 hours^k
Total inorganic carbon	Discrete sampler or pump	100 mL	Plastic or glass^k	Airtight seal; refrigerate^k	4°C^k	6 months^k
Phenolic compounds	Discrete sampler or pump	1 L	Glass^k	0.1-1.0 g CuSO₄; H₂SO₄, to pH < 2; refrigerate	4°C^k	24 hours^k
Soluble reactive phosphates	Discrete sampler or pump	—	Plastic or glass^k	Filter, refrigerate^k	4°C^k	24 hours^k

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Analyses	Collection Method ^a	Sample Volume ^b	Container ^c	Preservation Technique	Storage Conditions	Holding Times ^d
Extractable organic compounds (for example, semi-volatile compounds)	Discrete sampler or pump	4 L	Amber glass bottle ^j	pH < 2, 6N HCl; airtight seal; refrigerate	4°C ^j	7 days for extraction; 40 days for sample extract analyses ^j
Volatile organic compounds	Discrete sampler or pump	80 mL	Glass vial ^j	pH < 2 with 1:1 HCL; refrigerate in airtight, completely filled container ^j	4°C ^j	14 days for sample analysis, if preserved ^l
Total phosphorus	Discrete sampler or pump	—	Plastic or glass ^h	H ₂ SO ₄ to pH < 2; refrigerate	4°C ^k	7 days ^{kc}
Total solids	Discrete sampler or pump	200 mL	Plastic or glass ^k	Refrigerate	4°C ^k	7 days ^k
Volatile solids	Discrete sampler or pump	200 mL	Plastic or glass ^k	Refrigerate	4°C ^k	7 days ^k
Sulfides	Discrete sampler or pump	--	Plastic or glass ^k	pH > 9 NaOH (ZnAc); refrigerate ^k	4°C ^k	24 hours ^k
Biological Tests						
Site water	Grab	Depends on	Plastic carboy	Refrigerate	< 4°C	14 days

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Analyses	Collection Method ^a	Sample Volume ^b	Container ^c	Preservation Technique	Storage Conditions	Holding Times ^d
Dilution water	Grab or makeup	tests being performed Depends on tests being performed	Plastic carboy	Refrigerate	< 4°C	14 days
Tissue						
Metals	Trawl/Teflon®-5-10 g coated grab		Double Ziploc ^{®e}	Handle with non-metallic forceps; plastic storage gloves; dry ice ^e	≤ 5 -20°C ^o or freezer	Hg - 28 days Others - 6 months ^m
PCBs and chlorinated pesticides	Trawl/Teflon® - 10-25 g coated grab		Hexane-rinsed double aluminum foil and double Ziploc ^{®e}	Handle with hexane- rinsed stainless steel forceps; dry ice	≤ -20°C ^e or freezer storage	14 days ^g
Volatile organic compounds	Trawl/Teflon®.10-25 g - coated grab		Heat-cleaned aluminum foil and water- tight plastic bag ^l	Covered ice chest ^f	≤ -20°C ^m or freezer storage	14 days ^m
Semivolatile organic compounds	Trawl/Teflon® - 10-25 g coated grab		Hexane-rinsed double aluminum foil and double Ziploc ^{®e}	Handle with hexane- rinsed stainless steel forceps; dry ice ^e	≤ -20°C ^e or freezer storage	14 days ^g

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Analyses	Collection Method^a	Sample Volume^b	Container^c	Preservation Technique	Storage Conditions	Holding Times^d
Lipids	Trawl/Teflon[®] - Part of coated grab	organic analyses	Hexane-rinsed aluminum foil	Handle with hexane- rinsed stainless steel forceps; quick freeze	≤ -20°C or freezer storage	14 days^g

Note: This table contains only a summary of collection, preservation, and storage procedures for samples. The cited references should be consulted for a more detailed description of these procedures.

PCB - polychlorinated biphenyl

^a Collection method should include appropriate liners.

^b Amount of sample required by the laboratory to perform the analysis (wet weight or volume provided, as appropriate).

Miscellaneous sample size for sediment should be increased if auxiliary analytes that cannot be included as part of the organic or metal analyses are added to the list. The amounts shown are not intended as firm values; more or less tissue may be required depending on the analytes, matrices, detection limits, and particular analytical laboratory.

^c All containers should be certified as clean according to USEPA (1990c).

^d These holding times are for sediment, water, and tissue based on guidance that is sometimes administrative rather than technical in nature. There are no promulgated, scientifically based holding time criteria for sediments, tissues, or elutriates.

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References should be consulted if holding times for sample extracts are desired. Holding times are from the time of sample collection.

^e NOAA (1989).

^f Tetra Tech (1986a).

^g Sample may be held for up to one year if five to 20°C.

^h Polypropylene should be used if phthalate bioaccumulation is of concern.

ⁱ Two weeks is recommended; sediments must not be held for longer than eight weeks prior to biological testing.

^j USEPA (1987a); 40 CFR Part 136, Table III.

^k Plumb (1981).

^l If samples are not preserved to pH < 2, then aromatic compounds must be analyzed within seven days.

^m Tetra Tech (1986b).

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Excerpted from pp. 54-57 of the USEPA “QA/QC Guidance for Sampling and Analysis of Sediments, Water, and Tissue for Dredged Material Evaluations”, Office of Water (EPA 823-B-95-0001, April 1995).

ATTACHMENT C
ANALYTICAL PROCEDURES AND ASSOCIATED QUALITY
ASSURANCE/QUALITY CONTROL MEASURES

I. Required Target Analyte Lists and Methodologies:

(a) Target analytes:

Required bulk sediment chemistry, modified elutriate, and leaching tests must include analysis for all target analytes listed in Attachment D, excepting the volatile organic compounds list, which will be required on a case-by-case basis. Typically, volatile organic compound testing will be instituted where known or suspected discharges of such compounds have occurred. Dioxin/furan analysis is required for all projects in Region 1.

The list of target analytes in Attachment D represents the constituents common to both the USEPA Contract Laboratory Program (CLP) analytes and the much larger list of compounds evaluated under the USEPA SW-846 testing program (SW-846). This latter program specifically employs the Test Methods for Evaluating Solid Waste Physical/Chemical Methods, Publication SW-846. While the SW-846 methods are distinct from the CLP methods, they are considered to be equivalent. Attachment B also details the required quantitation limit for each target analyte. The estimated quantitation limit (EQL) specified is the higher of the quantitation limits associated with the CLP and SW-846 programs. There is no requirement to use either the CLP or SW-846 analytical methodologies; however, the method employed must achieve the required EQL and must be from a standard method from a recognized agency. Alternatively, a method with prior

approval by the Department may be employed. The analysis must be done by a Department certified laboratory.

(b) Polychlorinated Biphenyls:

Polychlorinated biphenyls (PCBs) are required by the USEPA to be reported on an individual congener basis as well as a total PCB value. However, the Department anticipates that upland disposal of dredged material will be the primary type of proposal evaluated. This will increase the potential need to assess human health impacts due to PCBs.

The Department evaluates potential human health impacts of upland management and disposal activities using a Total Aroclor criterion. Therefore, it is acceptable to provide data to the Department using Aroclor based analysis methods (SW-846 Method 8081 or its equivalent) where aquatic species impacts are not anticipated. Where aquatic species impacts are a concern, the Department will require congener specific based analysis for PCBs using the Sloan method, NOAA Technical Memorandum NOS ORCA-71 or its equivalent. This is the same methodology that the USEPA employs. In order to be further consistent with the USEPA and to avoid duplicative analytical costs, the Department will also accept congener specific results if required by the USEPA or if already available. These congener specific results will be converted to a total PCB value by multiplying the sum of the 22 individual congeners by a factor of two as per Sediment quality of the NY/NJ Harbor system (Adams et al, 1998) and as per Contaminant Levels in Muscle and Hepatic Tissue of Lobster from the New York Bight Apex (National Marine Fisheries Service 1996). That computed result will then be compared against the Total Aroclor based human health

criteria. The recommended MDLs for all individual PCB congeners are one ug/kg dry weight (sediment) and 0.0005 ug/l (water).

(c) Polychlorinated Dibenzo-p-Dioxin and Dibenzofurans

When required, analysis will be conducted for all seventeen (17) 2,3,7,8 substituted polychlorinated dibenzo-p-dioxin and polychlorinated dibenzofurans using Method 1613 Revision B. While not preferred, Method 8290 is also acceptable. The required congeners and related isotopes used for analysis are shown in Attachment E. The analytical sensitivity should be within five times that which is cited in the method for each matrix type. Testing for these analytes will be required by the Department on a case-by-case basis in Region 1 waters.

All polychlorinated dibenzo-p-dioxin and polychlorinated dibenzofuran congener results, in both sediment and water matrices, must be reported in both individual congener concentrations and summarized as 2,3,7,8-tetrachlorodibenzo(p)dioxin toxic equivalents using the Toxic Equivalent Factors, International 1988 Method in Attachment F. For those values reported as Estimated Maximum Possible Concentrations (EMPCs), the full EMPC value should be used.

(d) Grain size analysis:

The grain size analysis must be conducted according to the methods described by Folk 1980.

Results must be reported as percentages within the general size classes:

Sand: equal to or greater than 0.0625 mm diameter.

Silt: less than 0.0625 mm diameter and equal to or greater than 0.0039 mm diameter.

Clay: less than 0.0039 mm diameter.

(e) Total Organic Carbon

Total organic carbon analysis must be conducted according to the USEPA 1986 method, excerpted from the December 1992 regional manual for USEPA Region II and the New York District Corps of Engineers, entitled, "Guidance for Performing Tests on Dredged Material Proposed for Ocean Disposal."

(f) Multiple Extraction Procedure

Testing of sediments which have been modified prior to final placement may be required to undergo testing to evaluate their potential for contaminant leaching. One procedure used to accomplish this task is the Multiple Leaching Procedure (EPA Method 1320).

II. Quality Assurance/Quality Control Guidance and Reporting Requirements

The guidance described below has been drawn from the December 1992 regional manual for USEPA Region II and the USACE New York District, entitled, "Guidance for Performing Tests on Dredged Material Proposed for Ocean Disposal"; the USEPA and the USACE "QA/QC Guidance for Sampling and Analysis of Sediments, Water, and Tissues for Dredged Material Evaluations," (EPA 823-B-95-001, April 1995); and the "Field

Sampling Procedures Manual," New Jersey Department of Environmental Protection and Energy, 2005.

The following quality control samples or procedures will be required for chemical analysis of both sediment and water matrices:

- 1. Field blanks: One with every batch of one to 20 samples;**
- 2. Method blanks: One with every batch of one to 20 samples or every 12 hours, whichever is less;**
- 3. Matrix spike and matrix spike duplicate: One set with every batch of one to 20 samples;**
- 4. Surrogate spike recovery: Each sample, organic compounds only;**
- 5. Minimum detection limit verification within last two years for marine sediments and salt water matrices to be submitted to the Department upon request (40 CFR 136 (1994) Appendix B, Revision 1.11). See <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div9&node=40:24.0.1.1.1.0.1.8.2;>**
- 6. Duplicate analyses to be conducted as per method requirements.**

All bulk sediment chemistry results must be reported on a dry weight basis. All raw data should be presented along with the appropriate criterion. Exceedances of the criterion must be highlighted in an acceptable fashion.

The need to supply either full or reduced data deliverables will be determined by the Department on a case by case basis. The need for the applicant to obtain the services of a data validation contractor will concurrently be determined by the Department at the pre-application stage.

The data reports submitted to the Department for testing and analysis of material proposed for dredging must include a description of all methods and procedures used in the field and in the laboratory, referencing established protocols or guidance, for the following:

- 1. Sample collection;**
- 2. Sample preparation (including homogenizing and compositing);**
- 3. Sample preservation methods and holding times (before and after extraction);**
- 4. Chain of custody tracking documents;**
- 5. Sample transport, storage, and disposal;**
- 6. Sample analysis;**
- 7. Data entry and data reduction;**
- 8. Deviations from standard methods or prescribed procedures;**
- 9. QA/QC summary and data; and**
- 10. Narrative of analytical problems, corrective action taken, and effects on data interpretation.**

ATTACHMENT D
TARGET ANALYTE LIST

TARGET ANALYTE LIST		
Analyte	Limits of Detection	
Volatiles	Water (µg/L)	Soil (µg/Kg)
Chloromethane	10	10
Bromomethane	10	10
Vinyl Chloride	10	10
Chloroethane	10	10
Methylene Chloride	10	10
Acetone	10	10
Carbon Disulfide	10	10
1,1-Dichloroethene	10	10
1,1-Dichloroethane	10	10
1,2-Dichloroethene (total)	10	10
Chloroform	10	10
1,2-Dichloroethane	10	10
2-Butanone(MEK)	10	10
1,1,1-Trichloroethane	10	10
Carbon Tetrachloride	10	10
Bromodichloromethane	10	10
1,2-Dichloropropane	10	10
cis-1 ,3-Dichloropropene	10	10
trichloroethene	10	10
Dibromochloromethane	10	10
1,1,2-Trichloroethane	10	10
Benzene	10	10
trans-1,3-Dichloropropene	10	10
Bromoform	10	10
4-Methyl-2-pentanone(MIBK)	10	10
2-Hexanone	10	10
Tetrachloroethene	10	10
1,1,2,2-Tetrachloroethane	10	10
Toluene	10	10
Chlorobenzene	10	10
Ethylbenzene	10	10
Styrene	10	10
Xylenes(total)	10	10
Semivolatiles		
Phenol	10	660
bis-(2-Chloroethyl)ether	10	660

2-Chlorophenol	10	660
1,3-Dichlorobenzene	10	660
1,4-Dichlorobenzene	10	660
1,2-Dichlorobenzene	10	660
2-Methylphenol	10	660
2,2'-oxybis(1-Chloropropane)	10	660
4-Methylphenol	10	660
N-Nitroso-di-n-propylamine	10	660
Hexachloroethane	10	660
Nitrobenzene	10	660
Isophorone	10	660
2-Nitrophenol	10	660
2,4-Dimethylphenol	10	660
bis(2-Chloroethoxy)methane	10	660
2,4-Dichlorophenol	10	660
1,2,4-Trichlorobenzene	10	660
Naphthalene	10	660
4-Chloroaniline	20	1300
Hexachlorobutadiene	10	660
4-Chloro-3-methylphenol	20	1300
2-Methylnaphthalene	10	660
Hexachlorocyclopentadiene	10	660
2,4,6-Trichlorophenol	10	660
2,4,5-Trichlorophenol	10	660
2-Chloronaphthalene	10	660
2-Nitroaniline	50	3300
Dimethylphthalate	10	660
Acenaphthylene	10	660
2,6-Dinitrotoluene	10	660
3-Nitroaniline	50	3300
Acenaphthene	10	660
2,4-Dinitrophenol	50	3300
4-Nitrophenol	50	3300
Dibenzofuran	10	660
2,4-Dinitrotoluene	10	660
Diethylphthalate	10	660
4-Chlorophenyl-phenyl ether	10	660
Fluorene	10	660
4-Nitroaniline	20	830
4,6-Dinitro-2-methylphenol	50	3300
N-Nitroso-diphenylamine	10	660
4-Bromophenyl-phenylether	10	660
Hexachlorobenzene	10	660
Pentachlorophenol	50	3300
Phenanthrene	10	660

Anthracene	10	660
Carbazole	10	330
Di-n-butylphthalate	10	330
Fluoranthene	10	660
Pyrene	10	660
Butylbenzylphthalate	10	660
3,3'-Dichlorobenzidine	20	1300
Benzo(a)anthracene	10	660
Chrysene	10	660
bis(2-Ethylhexyl)phthalate	10	660
Di-n-octylphthalate	10	660
Benzo(b)fluoranthene	10	660
Benzo(a)pyrene	10	660
Indeno(1,2,3-cd)pyrene	10	660
Dibenzo(a,h)anthracene	10	660
Benzo(g,h,i)perylene	10	660
Pesticides/Aroclors		
alpha-BHC	0.05	1.9
beta-BHC	0.05	3.3
delta-BHC	0.05	1.7
gamma-BHC (Lindane)	0.05	2
Heptachlor	0.05	2.1
Aldrin	0.05	2
Heptachlor epoxide	0.05	2.1
Endosulfan I	0.05	2.1
Dieldrin	0.10	3.3
4,4'-DDE	0.10	4.2
Endrin	0.10	3.6
Endosulfan II	0.10	3.3
4,4'-DDD	0.10	4.2
Endosulfan sulfate	0.10	3.6
4,4'-DDT	0.10	3.6
Methoxychlor	0.50	17
Endrin ketone	0.10	3.3
Endrin aldehyde	0.10	3.3
alpha-Chlordane	0.05	1.7
gamma-Chlordane	0.05	1.7
Toxaphene	5.0	170
Aroclor-1016	1.0	33
Aroclor-1221	2.0	67
Aroclor-1232	1.0	33
Aroclor-1242	1.0	33
Aroclor-1248	1.0	33

Arodor-1254	1.0	33
Arodor-1260	1.0	33
Inorganics	µg/L	mg/Kg
Aluminum	200	40
Antimony	60	12
Arsenic	10	2
Barium	200	40
Beryllium	5	1
Cadmium	5	1
Calcium	5000	1000
Chromium	10	2
Cobalt	50	10
Copper	25	5
Iron	100	20
Lead	3	0.6
Magnesium	5000	1000
Manganese	15	3
Mercury	0.2	0.1
Nickel	40	8
Potassium	5000	1000
Selenium	5	1
Silver	10	2
Sodium	5000	1000
Thallium	10	2
Vanadium	50	10
Zinc	20	4
Cyanide	10	0.5

ATTACHMENT E

Method 1613

Retention Time References, Quantitation References, Relative Retention Times, and Minimum Levels for CDDs and CDFs

			Minimum Level ¹		
Compound	Retention Time and Quantification Reference	Relative Retention Time	Water (pg/L; ppq)	Solid (ng/kg; ppt)	Extract (pg/μL; ppb)
<i>Compounds using ¹³C₁₂-1,2,3,4-TCDD as the injection internal standard</i>					
2,3,7,8-TCDF	¹³ C ₁₂ -2,3,7,8-TCDF	0.999-1.003	10	1	0.5
2,3,7,8-TCDD	¹³ C ₁₂ -2,3,7,8-TCDD	0.999-1.002	10	1	0.5
1,2,3,7,8-PeCDF	¹³ C ₁₂ -1,2,3,7,8-PeCDF	0.999-1.002	50	5	2.5
2,3,4,7,8-PeCDF	¹³ C ₁₂ -2,3,4,7,8-PeCDF	0.999-1.002	50	5	2.5
1,2,3,7,8-PeCDD	¹³ C ₁₂ -1,2,3, 7,8-PeCDD	0.999-1.002	50	5	2.5
<i>Compounds using ¹³C₁₂-1,2,3,7,8,9-HxCDD as the injection internal standard</i>					
1,2,3,4,7,8-HxCDF	¹³ C ₁₂ -1,2,3,4,7,8-HxCDF	0.999-1.001	50	5	2.5
1,2,3,6,7,8- HxCDF	¹³ C ₁₂ -1,2,3,6,7,8-HxCDF	0.997-1.005	50	5	2.5
1,2,3,7,8,9- HxCDF	¹³ C ₁₂ -1,2,3,7,8,9-HxCDF	0.999-1.001	50	5	2.5
2,3,4,6,7,8- HxCDF	¹³ C ₁₂ -2,3,4,6,7,8-HxCDF	0.999-1.001	50	5	2.5
1,2,3,4,7,8- HxCDD	¹³ C ₁₂ -1,2,3,4,7,8-HxCDD	0.999-1.001	50	5	2.5
1,2,3,6,7,8- HxCDD	¹³ C ₁₂ -1,2,3,6,7,8-HxCDD	0.998-1.004	50	5	2.5
1,2,3,7,8,9- HxCDD	- ²	1.000-1.019	50	5	2.5
1,2,3,4,6,7,8- HpCDF	¹³ C ₁₂ -1,2,3,4,6,7,8-HpCDF	0.999-1.001	50	5	2.5
1,2,3,4,7,8,9- HpCDF	¹³ C ₁₂ -1,2,3,4,7,8-HpCDF	0.999-1.001	50	5	2.5
1,2,3,4,6,7,8- HpCDD	¹³ C ₁₂ -1,2,3,4,6,7,8-HpCDD	0.999-1.001	50	5	2.5
OCDF	¹³ C ₁₂ OCDD	0.999-1.008	100	10	5.0
OCDD	¹³ C ₁₂ OCDD	0.999-1.001	100	10	5.0

- 1. The Minimum Level (ML) for each analyte is defined as the level at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is equivalent to the concentration of the lowest calibration standard, assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed.**
- 2. The retention time reference for 1,2,3,7,8,9-HxCDD is $^{13}\text{C}_{12}$ -1,2,3,6,7,8-HxCDD, and 1,2,3,7,8,9-HxCDD is quantified using the averaged responses for $^{13}\text{C}_{12}$ -1,2,3,4,7,8-HxCDD and $^{13}\text{C}_{12}$ 1,2,3,6,7,8-HxCDD.**

ATTACHMENT F

TOXICITY EQUIVALENT FACTOR

This is the toxicity equivalent factor guidance. Note that CDD and CDF are acronyms for chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans. T, Pe, Hx, Hp, and O stand for tetra, penta, hexa, hepta, and octa, respectively.

Compound	Toxicity Equivalency Factor (TEF)
2,3,7,8-TCDD	1.000
1,2,3,7,8-PeCDD	0.500
1,2,3,4,7,8-HxCDD	0.100
1,2,3,6,7,8-HxCDD	0.100
1,2,3,7,8,9-HxCDD	0.100
1,2,3,4,6,7,8-HpCDD	0.010
1,2,3,4,6,7,8,9-OCDD	0.001
2,3,7,8-TCDF	0.100
1,2,3,7,8-PeCDF	0.050
2,3,4,7,8-PeCDF	0.500
1,2,3,6,7,8-HxCDF	0.100
1,2,3,7,8,9-HxCDF	0.100
1,2,3,4,7,8-HxCDF	0.100
2,3,4,6,7,8-HxCDF	0.100
1,2,3,4,6,7,8-HpCDF	0.010
1,2,3,4,7,8,9-HpCDF	0.010

1,2,3,4,6,7,8,9-0CDF

0.001

All other CDD and CDF have a TEF of zero.

ATTACHMENT G
DREDGED MATERIAL ACCEPTABLE USE
DETERMINATION PROCESS

All persons producing structural or nonstructural fill, manufactured soil, or using (refer to Chapter 5 of this appendix), processing, or transferring dredged materials in New Jersey must obtain an Acceptable Use Determination (AUD) from the Department as outlined below prior to any use, processing, or transfer of the dredged material or products containing dredged material. The process for obtaining an AUD for dredged material from the tidal waters of the State of New Jersey and adjacent interstate waters is as follows:

I. GLOSSARY of TERMS

The following terms as defined herein are applicable to this attachment of the appendix.

A. "Acceptable use" means the use that is determined by the Department as appropriate for the dredged material, admixture, or product that will be protective of human health and the environment and is consistent with the requirements of Section II.C below.

B. "Acceptable use site" means the site at which the dredged material, admixture, or product is used directly as a replacement for a generally-accepted and similarly-manufactured product, or as raw material to make such a product.

C. "Acceptable use project" means the acceptable use site of dredged material, admixture, or product, or a dredged material processing facility, as authorized pursuant to an AUD.

D. "Admixture" means the materials that are blended with dredged material to

produce a product.

E. "Dredged material processing facility" means the site at which dredged material is directly transferred, or is blended with admixtures and then transferred, to another facility or site for direct use or further processing.

F. "Owner/operator" means the individual, trust, firm, joint stock company, Federal agency, corporation (including a government corporation), corporate official, partnership, association, State, municipality, commission, political subdivision of a state, or any interstate body to which an AUD is issued.

G. "Product" means the manufactured soil, structural or nonstructural fill, or other material, produced by the processing of dredged material with admixtures, that meets the specifications and standards for generally-accepted and similarly-manufactured products or raw materials used in the economic mainstream, for which the product is used as a replacement.

II. AUTHORITY and CONSTRUCTION

A. The Department will issue an AUD for dredged material in conjunction with the waterfront development permit for a specific dredging project or dredged material processing facility provided the acceptable use project is designed and managed in a manner consistent with all of the environmental statutes applicable to the project including, but not limited to, the Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.), the Waterfront Development Act (N.J.S.A. 12:5-3 et seq.), the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11 et seq.), the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), any other applicable statutes, the rules and regulations adopted

thereunder, and any permits or orders issued pursuant thereto. Each AUD proposal will be evaluated on a case-by-case basis.

B. An AUD shall only be issued for acceptable use projects that use:

1. Dredged material from the tidal waters of the State of New Jersey, which shall include adjacent interstate waters.

2. Materials that are not hazardous wastes pursuant to the New Jersey Hazardous Waste Regulations at N.J.A.C. 7:26G.

3. Materials that do not contain polychlorinated biphenyls (PCB) regulated pursuant to the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.

C. The dredged material will be considered for an AUD provided the dredged material, and each admixture used at the acceptable use project, are used directly as a substitute for a product or as a substitute for an admixture that is incorporated into a product. The dredged material-based products and admixtures must meet the specifications and standards for a generally-accepted and similarly-manufactured product or raw material.

D. Any waste, residual material, by-product, or any material contaminated above the Department's most restrictive contaminant classification criteria, that is delivered to an acceptable use project either for incorporation into product or that is not incorporated into the product but is used in some manner at the project, must be authorized in advance for such use pursuant to the regulations for beneficial use of solid wastes at N.J.A.C. 7:26-

1.7(g), or must be fully managed in transit to and at the project as solid waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

III. APPLICATION PROCESS

A. The applicant for an AUD shall submit the following information with the waterfront development permit application, or the application for modification of said permit:

1. A description of all admixtures to be combined with the dredged material at the acceptable use project, and any products produced, including:

(a) The specific location of the site of origin of each admixture;

(b) The quantity of each admixture used, and the specific ratios of admixtures used to dredged material. The quantities of admixtures, dredged material, and products used or produced on a daily basis shall be included. Ranges of ratios and variability in production levels shall also be included;

(c) Evidence that the dredged material, and each admixture used for the acceptable use project, are used directly as a product or as a substitute for raw material that is incorporated into a product that meets the specifications and standards for a generally-accepted and similarly-manufactured product or raw material, which shall include a thorough description of the purpose for use of any materials other than dredged material;

(d) A general description of each admixture, including its current and historical uses, the reason for generating the admixture, the date of generation, and the specific process by which the admixture was generated;

(e) A contaminant profile and an evaluation of the general quality of all dredged material, admixtures, and all products produced in accordance with the AUD including, but not limited to, the following as are necessary as determined by the Department on a case-by-case basis:

i. A contaminant profile in relation to current Department soil cleanup criteria (SCC) guidance levels and other evaluation requirements, such as those procedures specified at Attachments A and B in the appendix and as specified by the Department as dependent on the proposed acceptable use on a case-by-case basis;

ii. Physical characteristics including grain size;

iii. Total organic carbon (TOC) and total petroleum hydrocarbon (TPH);

iv. All sampling and analyses shall be conducted in accordance with a Department-approved sampling and testing plan, quality assurance, analytical, and other technical requirements of Attachments A and B of this appendix, and as otherwise specified by the Department;

v. A narrative description of the characteristics of the admixtures and all sampling conducted in relation to the admixtures. Material Safety Data Sheets (MSDS), all studies or analytical characterizations performed by any person on the admixture, results of all testing (screening, post-excavation and bulk material) collected during investigation of the area of excavation, or other generation, of the admixture, all historical analyses, and any other material specification information shall be included;

vi. The concentration limits for contaminants in the product for the proposed acceptable use, and if different at any stages of intermediate storage or processing, and the

rationale for those limits, and a description of the testing and quality assurance procedures that will be used to monitor the product produced in the future;

vii. A scaled site map depicting the site of origin of all admixtures and all sample locations of admixtures and products, as applicable;

viii. A determination of the waste classification of the admixtures and the rationale used for the classifications; and

ix. A full laboratory deliverable package (chain of custody, sampling methods, and QA/QC data) used to evaluate the dredged material and admixtures;

(f) A description of any past or ongoing regulatory activity undertaken by the Department or any other agency at the site of origin for each admixture;

(g) A description of any treatment or processing of the dredged material, admixtures, and product undertaken prior to shipment to the acceptable use project;

(h) A description of the measures to be taken during all stages of the acceptable use project including handling, storage, transportation, management, and application of the dredged material, admixtures, and product to minimize or eliminate environmental and human health impacts;

(i) A description of the design capacity of the acceptable use project, setting forth the

number and types of all vehicles containing admixtures, product, or other materials arriving at and leaving the project on a daily basis, stating the maximum number of vehicles per hour that will arrive at and leave the project site(s);

(j) A narrative describing the acceptable use project's operations from the receipt of dredged material and admixtures describing how those materials are contained, through processing, management, and/or transfer to the material's destination at each stage of the project. The narrative must clearly demonstrate how containers of dredged materials, admixtures, and product will be managed and that the employees, the public, or the environment will not be exposed to dredged materials, admixtures, and product except as allowed in accordance with the AUD; and

(k) The hours of operation of the acceptable use project;

2. A description of the acceptable use project including:

(a) Photocopies of documents as evidence of all authorizations and permits for siting, construction, and operation of the acceptable use project, and evidence of conformance with, or applications for authorizations from, all local, regional, State, or Federal requirements of any governmental agency, or other body with jurisdiction over any aspect of the proposed project. If all such evidence of authorizations and permits has not been obtained then evidence of applicable correspondence and records of pre-application conferences and other such evidence as shall document the securing of the necessary permits and authorizations shall be submitted;

(b) A description of the geographical location of the acceptable use project, identifying

the name of the municipality in which the acceptable use project is located and the street address of the project;

(c) A copy of the tax map showing the lot and block numbers of the acceptable use project site(s) and of all adjoining properties;

(d) A description of the current use of the acceptable use project site(s) and of all adjoining properties;

(e) Three copies of a site plan where the dredged material, admixtures, and product are managed or used, plotted on a USGS topographic map. The site plan map shall be prepared, signed, and sealed by a licensed New Jersey professional engineer or surveyor.

The site plan must:

i. Identify the placement of all equipment, buildings, activities, and areas related to the receipt, loading, unloading, temporary storage, and use of all dredged material, admixtures and products;

ii. Be drawn to a scale no greater than one inch equals 100 feet;

iii. Indicate the routing of vehicles between the dredging project or source of admixtures and the acceptable use project and all nearby roadways serving the site, as well as the traffic flow within the project site. Such routing must ensure safe and efficient vehicular and pedestrian circulation, parking, and loading and unloading of containers;

iv. Delineate floodplains as defined at N.J.A.C. 7:13-1.2;

v. Indicate the location of regulated wetlands, New Jersey Pinelands, and any other environmentally sensitive areas;

vi. Identify the direction of water runoff both on site and off site and the screening and

landscaping on the site;

vii. Indicate topographic contours, drawn at two-foot intervals;

viii. Indicate all site access controls to be employed at the project; and

ix. Contain an original current 7.5 minute USGS Quadrangle map with the boundary of the acceptable use project plotted thereon. The map shall delineate any public access roads to the site and any streams, ponds, or other potential sensitive receptors such as, but not limited to, hospitals, schools, shopping centers, and other areas of public or private use within a one-half-mile radius of the site;

(f) A description of the type(s) and number of any containers that will be used for the project and the type and means of storage and staging of the containers;

(g) A description of any treatment or processing of the dredged material, admixtures, and product at the acceptable use project;

(h) A copy of the deed of record establishing ownership of the acceptable use project property or, if the applicant is a person other than the landowner, a legal agreement (for example, a lease) to use the real property for the purpose of operating the acceptable use project; and

(i) A description of any past or ongoing regulatory activity at the acceptable use project;

3. The schedule for initiation and completion of the acceptable use project;

4. A thorough description of the destination of all admixtures, products, or wastes that will be moved from the site of use, the purpose for such disposition, and copies of any State or other authorizations, or applications for those authorizations, required for receipt or use

of such materials at the disposition site; and

5. The Department may specify and require additional information from the applicant in order to ensure that the proposed acceptable use and all activities related to that use will meet the requirements of the AUD.

IV. OPERATING CONDITIONS

A. The AUD shall include, but not be limited to, the following provisions and conditions.

1. Any control provisions, including institutional controls such as, but not limited to, a Declaration of Environmental Restriction (DER), and engineering controls as necessary to protect human health and the environment;

2. Specific operational requirements including; hours of operation, truck routing, dust control provisions, and noise limitations;

3. Production criteria including admixture quality determination procedures, admixture quality limitations and blending ratios, and quality control procedures and criteria;

4. Product application criteria such as depth of application, application conditions, maintenance, soil erosion and sediment control requirements, and site condition monitoring provisions; and

5. Any other requirements and limitations for use of admixtures, products, or other materials, and operation of the acceptable use project as shall be determined by the Department on a case-by-case basis.

B. The owner/operator of an acceptable use project shall submit on an annual basis, but not more than 13 months from the issuance of an AUD by the Department and any 13-month anniversary of such issuance, during the operation of the acceptable use project and for the year following the last activity at the project, a report to the Department detailing the amount of all materials used, the date(s) of such use, the location(s) of the use, a summary of all violations if any local, State or Federal requirements including violations of the AUD issued by the Department, and any other information as specified by the Department in the AUD, to the following address:

NJ Department of Environmental Protection

Office of Dredging and Sediment Technology

Site Remediation Program

P.O. Box 420, Mail Code 401-06C

401 East State Street

6th Floor

Trenton, NJ 08625

C. The dredged material processing facility owner/operator shall maintain the following records at the facility site at all times and shall file reports as follows:

1. Daily records shall be maintained that shall note the vehicle plate number, material quantity, source, destination facility name, and quantity, by vehicle, of all dredged material, admixtures, and product received, transferred, and shipped at the facility. The records shall specify the source for every shipment of dredged material and admixture received and the destination of every shipment of any material and/or product out of the facility. Quantities of dredged material, admixtures, and product shall be listed in tons and

cubic yards as appropriate; and

2. The daily records shall be compiled into standard quarterly reports, which shall be submitted to the address below within 20 days of the end of each calendar quarter to the Department.

D. The owner/operator shall be responsible for ensuring that its agents, including all successors and assigns involved in the use of dredged material or products produced at the acceptable use project, including, but not limited to, all brokers, transporters, end users, and owners and operators of use and management sites, are aware of, and properly manage the respective materials in strict compliance with, any conditions of specified in the AUD.

E. Access to any acceptable use project shall be restricted to project operators, vehicle operators, and authorized visitors only. Effective security procedures shall be implemented to control entry and exit at all times.

F. Dredged materials, admixtures, and products in any type of container at an acceptable use project shall not emit odors that are detectable at the project or beyond the perimeter of the project.

G. All dredged material, admixture, and product containers staged or stored at the acceptable use project shall be secured at all times in a manner that prevents unauthorized access to the containers and their contents.

H. The Department's designated representatives and inspectors shall have the right to enter and inspect any building or any other portion of any acceptable use project at reasonable times. This right to enter and inspect includes, but is not limited to:

- (a) Observing and sampling any materials on site;**
- (b) Photographing any portion of the project, vehicles, containers, and container contents;**
- (c) Investigating an actual or suspected source of pollution of the environment;**
- (d) Ascertaining compliance or noncompliance with the statutes, rules, regulations, or policies of the Department, including conditions of the project's AUD or any other permit or certificate issued by the Department; and**
- (e) Reviewing and copying all applicable records described in this section, which shall be maintained at the project at all times and shall be made available on request to Department representatives and inspectors at all reasonable times for review and inspection.**

I. All acceptable use projects shall comply with the requirements of the Federal Occupational Safety and Health Administration and all other applicable standards of any agency for the operation of the project and the maintenance of the health and safety of the employees or other persons.

J. Routine housekeeping and maintenance procedures shall be implemented at the acceptable use project to prevent the accumulation of dust and debris, and to maintain general cleanliness throughout the site and in the working environment.

K. Any release or discharge of any material at the acceptable use project, except for such releases as are allowed pursuant to the AUD, must be immediately reported by the project operator or its designee to the DEP Emergency Response 24-hour Hotline at (877)WARN DEP (927-6337). The report must specify the type of substance discharged in

estimated quantity, the nature of the discharge, the location of the discharge, any action being taken or proposed to be taken in order to mitigate the discharge, and any other information concerning the incident the Department may request at the time of notification.

L. The acceptable use project owner/operator shall designate an on-site emergency coordinator who shall be available during all hours of operation for the purpose of handling emergency situations, such as, but not limited to, spills, discharges, or releases of materials at the project.

M. The acceptable use project owner/operator shall develop and maintain at the site an Operations and Maintenance (O&M) Manual that shall describe all operating conditions and procedures of the site operation. The O&M Manual shall be made available to all employees and personnel at the site. The O&M Manual shall be prepared in accordance with the standards applied at N.J.A.C. 7:26-2.10(b)9.

N. All dredged material processing facilities shall operate in accordance with the additional standards that follow:

1. Dredged material and admixtures shall not remain at any dredged material processing facility for more than 30 days or as otherwise specified by the Department in the AUD.

2. The Department will specify the quantities of dredged material and admixtures allowed at any dredged material processing facility in the AUD.

3. Dredged materials or admixtures received, stored, processed, and transferred at any dredged material processing facility shall be held at all times in containers that do not leak

any liquids or material.

4. Dredged material products stored at a dredged material processing facility must be in compliance with the provisions of Sections III.M.1,2 and III.N of this attachment and other requirements as specified by the Department in the AUD. Storage locations must include adequate mechanisms to manage storm water, control dust generation and odors, limit access to the storage areas, and prevent the dispersal of product into the environment.

5. Dredged material, admixtures, products, wastes, or other materials leaving dredged material processing facilities, that are destined for an acceptable use site or any site out of State, must be authorized in advance for that use pursuant to the requirements and any limitations stipulated in the AUD for the dredged material processing facility.

O. Dredged material, admixtures, products, or any other materials at an acceptable use project shall be managed at all times to prevent migration in stormwater runoff, and control odors and dust generation per conditions as specified by the Department in the AUD.

P. Dredged material, admixtures, products, or any other materials that cannot be used at the acceptable use project in accordance with the AUD are solid wastes, and those wastes as well as any other specific wastes produced at the project site shall be managed as solid waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. Use of these wastes at the acceptable use site or off site must be approved in advance by the Department pursuant to the Department's beneficial use regulations at N.J.A.C. 7:26-1.7(g).

V. LIMITATIONS and COMPLIANCE

A. The Department shall suspend all operations at an acceptable use project if it determines that termination is necessary to protect human health and the environment pursuant to the Coastal Zone Management Rules at N.J.A.C. 7:7, other criteria as specified by the Department in the AUD, and other environmental standards pursuant to State law.

B. The Department may revoke the AUD if the owner/operator fails to operate in strict compliance with the requirements of its AUD at all times, or any law or regulation in any way related to the AUD, or the Department determines there is sufficient cause for revocation in order to protect human health, safety, and the environment.

C. Any person that conducts any of the activities as specified herein as requiring the authorization of the Department through issuance of an AUD, or that accepts unauthorized dredged material for any purpose as shall be determined by the Department, shall be deemed to be in violation of the requirement to obtain an AUD for such activity, and shall be subject to all applicable penalties pursuant to law.

D. An AUD shall not be construed as granting permission to fill, disturb, or conduct a regulated activity in: flood-plain areas, tidelands, freshwater wetlands, flood hazard areas or coastal wetlands, tidal areas, or surface water runoff conditions. Any such activity must be conducted in accordance with all necessary advance site-specific authorizations and permits from, and as determined by, the Department and other relevant agencies.

E. An AUD shall not constitute an endorsement of, or recommendation for, the use of dredged material or any product containing dredged material. No uses of dredged material or products produced at acceptable use projects are authorized by the AUD unless expressly stated therein.

F. Dredged material, admixtures, and products that are not managed and used in strict accordance with all of the conditions and requirements of the AUD are solid waste and shall be subject to the requirements of N.J.S.A. 13:1E-1 et seq., known as the Solid Waste Management Act, which shall include the assessments of penalties for violations thereof.

G. An AUD is not transferable to any person.

H. Any deviation in the information provided to the Department on which an AUD is based may void the AUD, at the discretion of the Department, which would require a reevaluation and may make any person subject to enforcement action pursuant to applicable laws and regulations.

I. The Department reserves the right to require or conduct testing at any time to monitor or enforce the provisions of the AUD.

J. An AUD shall be granted without prejudice and shall not affect any existing or future enforcement action the Department or any other agency may take against any person.

K. If the Department determines that dredged material, admixtures, or products are used in any manner, by any person, that violates or exceeds the scope of the conditions granted in the AUD the owner/operator shall be first responsible for the site's proper remediation, as well as for the remediation of all other media affected, and second, any other person or persons responsible in any way for the use of the material as shall be determined by the Department. Specifically, the Department may take action, and may require the owner/operator to take action, at any time if more stringent standards or other criteria are adopted, or standards or criteria were improperly applied to a use application by any person.