Paulsboro Marine Terminal - Phase 2
Flood Hazard Environmental Report

April 18, 2022

Applicant: South Jersey Port Corporation
## Contents

1. **Project Description** .......................................................... 4
2. **Potential Temporary and/or Permanent Adverse Environmental Impacts** ........................................ 5  
   2.1 Channels (N.J.A.C. 7:13-11.1) ................................................. 5  
   2.2 Riparian Zones (N.J.A.C. 7:13-11.2) ....................................... 5  
   2.3 Floodway (N.J.A.C. 7:13-11.3) ............................................... 5  
   2.4 Flood Fringe (N.J.A.C. 7:13-11.4) ......................................... 5  
   2.5 Fishery Resources (N.J.A.C. 7:13-11.5) ................................. 6  
   2.6 Threatened and Endangered Species (N.J.A.C. 7:13-11.6) ........ 6  
3. **Activity-Specific Requirement for Individual Permits** ................................................................. 7  
   3.1 Requirements for Stormwater Management (N.J.A.C. 7:13-12.2) ....... 7  
   3.2 Requirements for Excavation, Fill, and Grading Activities (N.J.A.C. 7:13-12.3) ...................... 7
1. Project Description

The South Jersey Port Corporation (SJPC) – an agency of the State of New Jersey – is completing redevelopment of the approximately 175 acres of former industrial properties into the Paulsboro Marine Terminal (PMT). The PMT is a new, deep-water import-export marine terminal with additional capabilities for processing, distribution, assembly, and intermodal operations. The PMT is adjacent to the Delaware River and Mantua Creek in the Borough of Paulsboro, Gloucester County, New Jersey, directly across the river from the Philadelphia International Airport. The project is shown on the Site Location (Project Site) as Figure 1, local roads in the project area are included as Figure 2, and the project is shown outlined on the U.S. Geological Survey (USGS) Quad map (Figure 3). A map with the locations of photographs provided is included as Figure 4. Construction of PMT started in 2012 with construction of a wharf structure, new deep-water berths and placement of dredged material as fill in upland areas. A new Ro-Ro berth and mooring dolphins are scheduled to be constructed starting July 1, 2022 which will complete the in-water work.

The proposed Phase 2 project, the focus of these permit applications is located on a portion of the Paulsboro Marine Terminal, at the convergence on Universal Road and Mantua Creek in the Borough of Paulsboro, Gloucester County, New Jersey. The development area is proposed to be an approximate 23.8 +/- acre lease area within the limits of the existing marine terminal property, known on the Borough of Paulsboro Tax Maps as Block 1, Lots 2 & 18. The stormwater management elements evaluated in this report are as depicted on the plan set entitled, Paulsboro Marine Terminal South Jersey Port Corporation Phase 2 Site Development NJDEP Permit Plans Borough of Paulsboro Block 1, Lots 2 & 18 Gloucester County, New Jersey prepared by Jacobs Engineering, dated April 15, 2022.

The Phase 2 project is the second phase of the upland work currently being constructed on PMT to support the offshore wind industry. Overall, PMT is being developed as a facility to manufacture and ship monopile foundations for construction of wind turbines off the coast of New Jersey Phase 1, currently under construction is approximately 82 +/- acres entirely within the Paulsboro Marine Terminal property on Block 1, Lots 2, 4, 5, 8, 18, 20-24; Block 1.07, Lot 26; Block 1.14, Lot 45; and Block 135, Lot 24.01. NJDEP approved the upland work for Phase 1 (Permit No. 0800-20-0002.1 LUP200001 issued March 17, 2022).

NJDEP approved the in-water work for the PMT RoRo Berth (0800-20-0002.1 LUP210001 on December 13, 2021) which includes the construction of mooring dolphins, dredging, and upland placement of dredged material within the Phase 1 and Phase 2 areas scheduled to begin July 1, 2022.

Phase 2, the focus of this Statement of Compliance and permit application, will include two fabrication buildings in which steel plate welding, roll bending, and circumferential welding will take place. The square footage of each of the buildings is approximately 169,215 sq-ft and 89,015 sq-ft. Drive aisles, constructed with heavy paving for the movement of steel components and completed monopiles will be constructed in other Phase 2 areas. The balance of the site will include DGA surfaces for smaller vehicle parking and stormwater management including bioswales.

Under the previous approvals for the overall site, the site has been raised, or will be raised above the 100-year tidal flood elevation. The project has been designed to be in compliance with the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13)
2. Potential Temporary and/or Permanent Adverse Environmental Impacts

The following sections discuss potential impacts of the Project and the applicant’s proposed mitigation for the following resources:

- Channels (N.J.A.C. 7:13-11.1),
- Riparian Zones (N.J.A.C. 7:13-11.2),
- Floodway (N.J.A.C. 7:13-11.3),
- Flood Fringe (N.J.A.C. 7:13-11.4),
- Fishery Resources (N.J.A.C. 7:13-11.5), and

Figures providing an inventory of environmental resources on site such as freshwater wetlands and United States Department of Agriculture (USDA) soil survey is provided in Section 6 of this permit application.

2.1 Channels (N.J.A.C. 7:13-11.1)

Channel is defined in N.J.A.C. 7:13-1.2 as a linear topographic depression that continuously or intermittently confines and/or conducts surface water, not including transient erosional gullies and other ephemeral features that temporarily form after heavy rainfall. A channel can be naturally occurring or can be of human origin through excavation or construction, in which case it is referred to as “manmade.” A channel includes both banks.

There are no proposed activities to be conducted within a channel. Mantua Creek is located along the southeast boundary of the Project area. The channel itself as well as its buffer are not included in the immediate Project area. There will be no impacts to any channels or their buffers as a result of this Project.

2.2 Riparian Zones (N.J.A.C. 7:13-11.2)

Riparian Zone is defined in N.J.A.C. 7:13-1.2 as the land and vegetation within and adjacent to a regulated water as described at N.J.A.C. 7:13-4.1 and illustrated at N.J.A.C. 7:13-2.3.

Mantua Creek is located along the site's southeastern boundary. It is considered a regulated water and is classified by the New Jersey Water Quality Standards (N.J.A.C. 7:9B) as freshwater-nontrout/saline estuarine (FW2-NT/SE2). Mantua Creek is not classified as a Category 1 Water, trout production or trout maintenance water, and does not flow through an area that contains habitat for threatened and/or endangered species critically dependent on the regulated water. Therefore, a 50-foot riparian zone is designated for this waterbody as defined in N.J.A.C. 7:13-4.1.

There are no proposed activities to be conducted within the riparian zone of Mantua Creek. All activities are located well over 100 feet from Mantua Creek, and there will be no impacts to any vegetation within Mantua Creek's riparian zone.

2.3 Floodway (N.J.A.C. 7:13-11.3)

The Floodway is defined in N.J.A.C. 7:13-1.2 as the land, and the space above that land, which lies within the inner portion of the flood hazard area, and which is mathematically determined to be required to carry and discharge floodwaters resulting from the 100-year flood under certain conditions. The floodway always includes the channel and often includes land adjacent to the channel. The floodway is normally characterized by faster and deeper flows than the flood fringe, which is the portion of the flood hazard area outside the floodway.
There are no proposed activities to be conducted within the floodway of Mantua Creek. The FEMA Flood Insurance Rate Map (FIRM) 34015C0076F (FEMA 2016; Figure 4) shows that Mantua Creek has a mapped floodway. This area is located over 100 feet east of the proposed activities. No impacts to the floodway of Mantua Creek will occur from the proposed project activities.

2.4 Flood Fringe (N.J.A.C. 7:13-11.4)

The Flood Fringe is defined in N.J.A.C. 7:13-1.2 as the portion of the flood hazard area that is outside the floodway.

The FEMA Flood Insurance Rate Map (FIRM) 34015C0076F (FEMA 2016; Figure 4) maps a small area of the tidal 100-year floodplain in the northeastern portion of the project area. These areas are identified as Zone AE (elevation 9). Approximately 36,755 square feet of this area will be disturbed to construct stormwater management facilities. Per N.J.A.C. 7:13-11.4(d), any activity located within a tidal flood hazard area is not subject to the flood storage volume displacement limits. Other than meeting the definition of a major development, the Project will meet the conditions of Permit-by-rule 9 for general construction activities within a tidal flood hazard area. As such, it is in compliance with the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13).

2.5 Fishery Resources (N.J.A.C. 7:13-11.5)

Mantua Creek is classified as FW2-NT/SE2, which is a non-trout waterway. No activities will occur within the channel of Mantua Creek or within its adjacent riparian zone. Mantua Creek and its fishery resources will be protected through the implementation of BMP’s and following a SESP, which is consistent with the Standards for Soil Erosion and Sediment Control in New Jersey. These will be utilized before, during, and after any proposed construction activities.

2.6 Threatened and Endangered Species (N.J.A.C. 7:13-11.6)

Review of the NJDEP’s Landscape Project (Version 3.3) identified habitat for two species on the project site: bald eagle (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*). No significant impacts are expected to bald eagle and osprey. The project site is a developed site and does not contain suitable nesting habitat for bald eagle or osprey. No impacts will occur to Mantua Creek or to its adjacent vegetated riparian zone. Therefore, the project is not expected to impact these species. Dredging activities may result in a temporary loss of foraging habitat for these species; however, these are mobile species with other foraging habitat in the immediate vicinity.
3. Activity-Specific Requirement for Individual Permits

3.1 Requirements for Stormwater Management (N.J.A.C. 7:13-12.2)

The Department shall issue an individual permit for a regulated activity associated with a major development only if the requirements of the Stormwater Management rules at N.J.A.C. 7:8 are satisfied.

The Department shall issue an individual permit for a stormwater management basin located within or discharging within a flood hazard area only if the following requirements are satisfied:

1. The basin is designed and constructed to function properly during both flood and nonflood conditions;

   The small-scale bioretention systems (SSBSs) will be constructed to be above the design flood elevation of 9 feet. The top of storage (surface) elevations of the SSBSs will be at 12 to 14 feet and the bottom (surface) elevations from 10 to 12 feet.

2. The effects of flooding and tailwater conditions on any proposed discharge are accounted for in the stormwater management calculations for the proposed basin. Tailwater conditions refer to situations where the discharge pipe will be submerged during a flood in such a way that floodwaters prevent the basin from draining properly. The effects of flooding and tailwater conditions are of particular concern in one or more of the following cases:

   i. The basin will be overtopped and flooded during the flood hazard area design flood, because it is not feasible to construct the emergency spillway in accordance with (c)3 below;

   ii. The drainage area of the basin is similar in size to the drainage area of the water receiving the proposed discharge;

   iii. The basin reaches its maximum storage volume during or near the time flooding peaks within the water receiving the proposed discharge; or iv. The elevation of the lowest discharge orifice or weir in the basin lies below the flood hazard area design flood elevation;

The stormwater management system has been designed to account for the effects of flooding and tailwater conditions. The tailwater elevation has been set at 9 feet, which is the design flood elevation. Please refer to the stormwater management report included in Section 8 of this application.

3. If a basin is proposed within the flood hazard area, the emergency spillway shall be constructed above the flood hazard area design flood elevation where feasible, in order to prevent floodwaters from overtopping the berm and flooding the basin; and

   Each SSBS will contain an overflow structure with a grate elevation at 11 to 13 feet. In extreme storm events (i.e. greater than the 100-year, 24-hour event), the SSBSs will overtop their top of storage elevations of 12 to 14 feet, which are well above the design flood elevation of 9 feet.

4. If the elevation of the lowest discharge orifice or weir in the basin lies below the flood hazard area design flood elevation, the discharge pipe shall be equipped with mechanical devices where appropriate to prevent floodwater from backing up the pipe into the basin

   Per above, each SSBS will contain an overflow structure with a grate elevation at 11 to 13 feet. The top of storage (surface) elevations of the SSBSs will be at 12 to 14 feet and the bottom (surface) elevations from 10 to 12 feet, which are all above the design flood elevation of 9 feet.

3.2 Requirements for Excavation, Fill, and Grading Activities (N.J.A.C. 7:13-12.3)

The Department shall issue an individual permit for excavation, fill and/or grading only if the following requirements are satisfied:
1. The overland flow of stormwater is not impeded, and floodwaters can freely enter and exit the disturbed area, unless the area is graded to impound water for a stormwater management structure that meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8;

   The overland flow of offsite stormwater will not be impeded by the construction of the proposed SSBSs, which will be located in the mapped regulated flood fringe.

2. Any slope of greater than 50 percent (a ratio of two horizontal to one vertical) is stabilized using soil bioengineering, retaining walls, rip-rap or other appropriate slope protection;

   The proposed SSBSs that will be located within the mapped flood fringe are designed with slopes at a 3:1 ratio and therefore will not exceed 50 percent.

3. The excavation, fill and/or grading does not endanger the integrity of any existing structure; and

   The proposed grading associated with the construction of the proposed SSBSs has been designed to meet the appropriate construction codes and specifications required for the proposed manufacturing and storage facilities. The only existing structure within the project area is a terminal substation, which is remain in place. The proposed grading will not endanger the integrity of any existing structures in the vicinity of the project area.

4. All excavated material is disposed of lawfully

   All excavated material will be used on site and will be used appropriately.
Paulsboro Marine Terminal - Phase 2
Freshwater Wetlands Statement of Compliance

April 18, 2022

Applicant: South Jersey Port Corporation
Paulsboro Marine Terminal - Phase 2

Project No: L7020700
Document Title: Freshwater Wetlands Statement of Compliance
Revision: N/A
Date: June 22, 2021
Client Name: Applicant: South Jersey Port Corporation
Client No: OCW01.0112
Project Manager: Chris Lawrence
Author: Keith D’Angiolillo
File Name: FWWSOC_Phase2_DRAFT

Jacobs Engineering Group Inc.
2301 Chestnut Street
Philadelphia PA, 19103
T +1.973.267.0555
www.jacobs.com

© Copyright 2019 Jacobs Engineering Group Inc. The concepts and information contained in this document are the property of Jacobs. Use or copying of this document in whole or in part without the written permission of Jacobs constitutes an infringement of copyright.

Limitation: This document has been prepared on behalf of, and for the exclusive use of Jacobs’ client, and is subject to, and issued in accordance with, the provisions of the contract between Jacobs and the client. Jacobs accepts no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this document by any third party.

Document history and status

<table>
<thead>
<tr>
<th>Revision</th>
<th>Date</th>
<th>Description</th>
<th>Author</th>
<th>Checked</th>
<th>Reviewed</th>
<th>Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Contents
1. Project Description ............................................................................................................................................. 4
2. Compliance with the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) .............................................. 5
   2.1 Transition Area Averaging Waiver .................................................................................................................... 5
      2.1.1 Transition Area Averaging Plan .................................................................................................................. 5
      2.1.2 Special Activity Waiver for Redevelopment ............................................................................................. 6
1. Project Description

The South Jersey Port Corporation (SJPC) – an agency of the State of New Jersey – is completing redevelopment of the approximately 175 acres of former industrial properties into the Paulsboro Marine Terminal (PMT). The PMT is a new, deep-water import-export marine terminal with additional capabilities for processing, distribution, assembly, and intermodal operations. The PMT is adjacent to the Delaware River and Mantua Creek in the Borough of Paulsboro, Gloucester County, New Jersey, directly across the river from the Philadelphia International Airport. The project is shown outlined on the U.S. Geological Survey (USGS) Quad map as Figure 1, and local roads in the project area are included as Figure 2. A map with the locations of photographs provided is included with the photolog. Construction of PMT started in 2012 with construction of a wharf structure, new deep-water berths and placement of dredged material as fill in upland areas. A new Ro-Ro berth and mooring dolphins are scheduled to be constructed starting July 1, 2022 which will complete the in-water work.

The proposed Phase 2 project, the focus of these permit applications is located on a portion of the Paulsboro Marine Terminal, at the convergence on Universal Road and Mantua Creek in the Borough of Paulsboro, Gloucester County, New Jersey. The development area is proposed to be an approximate 23.8 +/- acre lease area within the limits of the existing marine terminal property, known on the Borough of Paulsboro Tax Maps as Block 1, Lots 2 & 18. The stormwater management elements evaluated in this report are as depicted on the plan set entitled, Paulsboro Marine Terminal South Jersey Port Corporation Phase 2 Site Development NJDEP Permit Plans Borough of Paulsboro Block 1, Lots 2 & 18 Gloucester County, New Jersey prepared by Jacobs Engineering, dated April 15, 2022. A stormwater management plan has been prepared in accordance with N.J.A.C. 7:8 – Stormwater Management, last amended March 2, 2020 and in compliance with the Freshwater Protection Act Rules (N.J.A.C. 7:7A).

The Phase 2 project is the second phase of the upland work currently being constructed on PMT to support the offshore wind industry. Overall, PMT is being developed as a facility to manufacture and ship monopile foundations for construction of wind turbines off the coast of New Jersey Phase 1, currently under construction is approximately 82 +/- acres entirely within the Paulsboro Marine Terminal property on Block 1, Lots 2, 4, 5, 8, 18, 20-24; Block 1.07, Lot 26; Block 1.14, Lot 45; and Block 135, Lot 24.01. NJDEP approved the upland work for Phase 1 (Permit No. 0800-20-0002.1 LUP200001 issued March 17, 2022). Under the previous approvals for the overall site, the site has been raised, or will be raised above the 100-year tidal flood elevation.

NJDEP approved the in-water work for the PMT RoRo Berth (0800-20-0002.1 LUP210001 on December 13, 2021) which includes the construction of mooring dolphins, dredging, and upland placement of dredged material within the Phase 1 and Phase 2 areas scheduled to begin July 1, 2022.

Phase 2, the focus of this Statement of Compliance and permit application, will include two fabrication buildings in which steel plate welding, roll bending, and circumferential welding will take place. The square footage of each of the buildings is approximately 169,215 sq-ft and 89,015 sq-ft. Drive aisles, constructed with heavy paving for the movement of steel components and completed monopiles will be constructed in other Phase 2 areas. The balance of the site will include DGA surfaces for smaller vehicle parking and stormwater management including bioswales.
2. Compliance with the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A)

2.1 Transition Area Averaging Waiver

2.1.1 Transition Area Averaging Plan

a) The Department shall issue a transition area averaging plan waiver only if the transition area, as modified, will continue to serve the purposes of a transition area set forth in N.J.A.C. 7:7A-3.3. The Department shall presume that the following will result in a transition area that will not serve the purposes set forth in N.J.A.C. 7:7A-3.3, and shall not issue a transition area averaging plan waiver, unless the applicant demonstrates otherwise under N.J.A.C. 7:7A-8.1(d):

1. The portion of the existing, pre-activity transition area that will be reduced has a slope greater than 25 percent;
   i. The percent slope shall be established by measuring the distance perpendicular to the contour of the slope on the plan. The percent slope shall be calculated for each two-foot contour interval at 10-foot intervals. For example, any location in the transition area where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a two-foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

The pre-activity transition area that will be reduced does not have a slope greater than 25 percent.

2. A new individual subsurface sewage disposal (septic) system that discharges onsite will be placed within the existing, pre-activity transition area;

The encroachment into the transition area is needed for the placement of a portion of stormwater management basin. It is not for the placement of a septic system.

3. An outfall structure that will discharge unfiltered or untreated stormwater into wetlands will be placed within the existing, pre-activity transition area; or

No outfall structure is proposed within the transition area.

4. The proposed averaging compensation area is separated from the wetland by an intervening structure.

The modified transition area will continue to serve the purposes of a transition area set forth in N.J.A.C. 7:7A-3.3.

b) In addition to the presumptions at 7:7A-8.2(b), the Department shall presume that, for a transition area adjacent to an exceptional resource value wetland, the following will result in a substantial impact on the adjacent freshwater wetlands, and the Department shall not issue a transition area averaging plan waiver unless the applicant demonstrates that the activity would qualify for an individual permit under this chapter:

1. The freshwater wetland adjacent to the transition area is a breeding or nesting habitat for a threatened or endangered species;

According to the Landscape Project (Version 3.3), the wetlands adjacent to the project area are mapped as bald eagle foraging habitat. No breeding or nesting habitat has been identified for these wetland areas.

2. The freshwater wetland adjacent to the transition area discharges directly to a trout production water or a tributary thereof, except that a transition area averaging plan waiver shall not be disallowed under this subsection if:
i. The freshwater wetlands and transition area remaining adjacent to the trout production water after the averaging is at least 150 feet wide, measured from the top of the bank of the trout production water; or

ii. The wetland drains to a tributary that is separated from the trout production water by an intervening lake; or

The Mantua Creek is classified by the Surface Water Standards (7:9B) as a FW2-NT/SE2 water.

3. The transition area averaging plan proposes to:

i. Reduce any portion of the transition area to less than 75 feet wide; or

The adjacent wetlands are classified as an exceptional resource value wetlands with a 150-foot transition area. The proposed construction activities propose to reduce the transition area by approximately 10 feet.

ii. Compensate for a transition area reduction by increasing the width of any portion of the transition area to more than 225 feet.

The compensation area increases the width of the transition area to approximately 65 feet.

c) Each transition area averaging plan shall be specific to a particular freshwater wetland and its associated transition area. To determine whether a freshwater wetland area is all one wetland or made up of multiple separate wetlands, the Department shall consider the factors listed at N.J.A.C. 7:7A-8.1(c). If an applicant proposes to expand a transition area to compensate for a reduction elsewhere, the expanded portion of the transition area shall:

1. Be an extension of the same transition area that is being reduced, located adjacent to the same freshwater wetlands as the reduced transition area;

The compensation area is located adjacent to the same wetland as the reduced transition area.

2. Be located on the same site as the reduction;

The compensation is located on the Paulsboro Marine Terminal site, the same site as the reduction.

3. Be owned in fee simple by the applicant, unless the applicant demonstrates sufficient legal authority over the site to carry out all requirements of this chapter. For example, the expanded portion of the transition area shall not be subject to a utility easement or other encumbrance; and

The compensation area is located on property owned by applicant.

4. Have the same ecological characteristics as the reduced portion of the transition area, including the vegetation types, or have characteristics that are equivalent or better than the characteristics of the reduced portion of the transition area in regards to the transition area's ability to serve the functions listed at N.J.A.C. 7:7A-3.3. For example, if a forested portion of the transition area must also be forested.

The compensation area is characterized by herbaceous and shrub vegetation and is the equivalent to the reduction area that is characterized by the same vegetation community.

2.1.2 Special Activity Waiver for Redevelopment

a) The Department shall issue a special activity transition area waiver for redevelopment of a significantly disturbed area if all of the following conditions are met:

1. The area of proposed activity is significantly disturbed, so that it is not functioning as a transition area at the time of application, for example, the area is covered by an impervious surface such as pavement, by gravel or paver blocks, or by a deck that is less than five feet off the ground;
The project site is a former industrial site. The area of the proposed activities occur within a portion of the project site that is developed and is characterized by existing paved areas. Please reference the enclosed permit plan and photolog for a representation of the developed nature of the site.

2. The significant disturbance in the area of proposed activity was legally existing in the transition area prior to July 1, 1989, or has been permitted under this chapter;

The project site was a former industrial site that has been developed since the 1960’s.

3. No additional disturbance is proposed that would expand the disturbed area; and

The proposed activities will not result in additional areas of disturbance within the on-site transition area.

4. Where practicable, any remaining disturbed portion of the transition area shall be planted with indigenous plants that are beneficial to the wetland and protected from future development by a conservation restriction that meets the requirements at N.J.A.C. 7:7A12.

The proposed project will redevelop all existing disturbed portions of the site. There will be no remaining disturbed portions that will can be planted with indigenous vegetation.
NOTES:

1. SEE PROJECT NOTES ON 03M02
2. WATER FRONT DEVELOPMENT LINE DEFINED AS 525 FT FROM THE MEAN HIGH WATER LINE.
3. TRANSITION AREA REDUCTION: 0.22 ACRES (9,602 SF)
4. TRANSITION AREA COMPENSATION: 0.22 ACRES (9,602 SF)
5. DISTURBED AREA IN FLOOD AREA W/E 0.38 AC (30,748 SF)
Paulsboro Marine Terminal - Phase 2

Waterfront Development Statement of Compliance

April 18, 2022

Applicant: South Jersey Port Corporation
Waterfront Development Statement of Compliance

Paulsboro Marine Terminal - Phase 2

Project No: L7020700
Document Title: Waterfront Development Statement of Compliance
Revision: N/A
Date: April 15, 2021
Client Name: Applicant: South Jersey Port Corporation
Client No: OCW01.0112
Project Manager: Chris Lawrence
Author: Keith D’Angiolillo
File Name: CZMConsistencyStatement_phase 2

Jacobs Engineering Group Inc.
2301 Chestnut Street
Philadelphia PA, 19103
T +1.973.267.0555
www.jacobs.com

© Copyright 2019 Jacobs Engineering Group Inc. The concepts and information contained in this document are the property of Jacobs. Use or copying of this document in whole or in part without the written permission of Jacobs constitutes an infringement of copyright.

Limitation: This document has been prepared on behalf of, and for the exclusive use of Jacobs’ client, and is subject to, and issued in accordance with, the provisions of the contract between Jacobs and the client. Jacobs accepts no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this document by any third party.

Document history and status

<table>
<thead>
<tr>
<th>Revision</th>
<th>Date</th>
<th>Description</th>
<th>Author</th>
<th>Checked</th>
<th>Reviewed</th>
<th>Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Contents

1. Project Description ............................................................................................................................................. 4

2. Compliance with the Coastal Zone Management Rules (N.J.A.C. 7:7) .............................................................. 5

   2.1 Subchapter 9 Special Areas ............................................................................................................................ 6

      2.1.1 7:7-9.11 Ports ........................................................................................................................................... 6

      2.1.2 7:7-9.18 Coastal high hazard areas ........................................................................................................... 6

      2.1.3 7:7-9.23 Filled water's edge .................................................................................................................... 7

      2.1.4 7:7-9.25 Flood hazard areas .................................................................................................................... 7

      2.1.5 7:7-9.26 Riparian zones ........................................................................................................................ 7

      2.1.6 7:7-9.27 Wetlands ..................................................................................................................................... 7

      2.1.7 7:7-9.28 Wetland buffers .......................................................................................................................... 8

      2.1.8 7:7-9.34 Historic and archaeological resources ......................................................................................... 8

      2.1.9 7:7-9.36 Endangered or threatened wildlife or plant species habitats ................................................... 8

      2.1.10 7:7-9.37 Critical wildlife habitat ............................................................................................................. 9

      2.1.11 7:7-9.39 Special hazard areas ................................................................................................................ 9

      2.1.12 7:7-9.41 Special urban areas .................................................................................................................. 9

      2.1.13 7:7-9.45 Geodetic control reference marks .............................................................................................. 10

      2.1.14 7:7-9.48 Land and waters subject to public trust rights .......................................................................... 10

    2.2 Subchapter 14 General Location Rules ........................................................................................................ 10

       2.2.1 7:7-14. Basic Location Rule ................................................................................................................... 10

       2.2.2 Secondary Impacts ..................................................................................................................................... 11

    2.3 Subchapter 15 Use Rules ............................................................................................................................ 11

       2.3.1 7:7-15.9 Port ............................................................................................................................................. 11

       2.3.2 7:7-15.12 Dredged Material Placement on Land .................................................................................... 12

    2.4 Subchapter 16 Resource Rules ..................................................................................................................... 13

       2.4.1 7:7-16.3 Water Quality .......................................................................................................................... 13

       2.4.2 7:7-16.6 Stormwater Management ...................................................................................................... 14

       2.4.3 7:7-16.7 Vegetation .................................................................................................................................... 14

       2.4.4 7:7-16.8 Air Quality .................................................................................................................................... 14

       2.4.5 7:7-16.9 Public Access .......................................................................................................................... 15

       2.4.6 7:7-16.11 Buffers and Compatibility of Uses .......................................................................................... 15

       2.4.7 7:7-16.12 Traffic .......................................................................................................................................... 15

       2.4.8 7:7-16.14 Solid and Hazardous Waste .................................................................................................... 16
1. Project Description

The South Jersey Port Corporation (SJPC) – an agency of the State of New Jersey – is completing redevelopment of the approximately 175 acres of former industrial properties into the Paulsboro Marine Terminal (PMT). The PMT is a new, deep-water import-export marine terminal with additional capabilities for processing, distribution, assembly, and intermodal operations. The PMT is adjacent to the Delaware River and Mantua Creek in the Borough of Paulsboro, Gloucester County, New Jersey, directly across the river from the Philadelphia International Airport. The project is shown outlined on the U.S. Geological Survey (USGS) Quad map as Figure 1, and local roads in the project area are included as Figure 2. A map with the locations of photographs provided is included with the photolog. Construction of PMT started in 2012 with construction of a wharf structure, new deep-water berths and placement of dredged material as fill in upland areas. A new Ro-Ro berth and mooring dolphins are scheduled to be constructed starting July 1, 2022 which will complete the in-water work. The proposed Phase 2 project, the focus of these permit applications is located on a portion of the Paulsboro Marine Terminal, at the convergence on Universal Road and Mantua Creek in the Borough of Paulsboro, Gloucester County, New Jersey. The development area is proposed to be an approximate 23.8 +/- acre lease area within the limits of the existing marine terminal property, known on the Borough of Paulsboro Tax Maps as Block 1, Lots 2 & 18. The stormwater management elements evaluated in this report are as depicted on the plan set entitled, Paulsboro Marine Terminal South Jersey Port Corporation Phase 2 Site Development NJDEP Permit Plans Borough of Paulsboro Block 1, Lots 2 & 18 Gloucester County, New Jersey prepared by Jacobs Engineering, dated April 15, 2022. A stormwater management plan has been prepared in accordance with N.J.A.C. 7:8 – Stormwater Management, last amended March 2, 2020 and in compliance with the Freshwater Protection Act Rules (N.J.A.C. 7:7A).

The Phase 2 project is the second phase of the upland work currently being constructed on PMT to support the offshore wind industry. Overall, PMT is being developed as a facility to manufacture and ship monopile foundations for construction of wind turbines off the coast of New Jersey Phase 1, currently under construction is approximately 82 +/- acres entirely within the Paulsboro Marine Terminal property on Block 1, Lots 2, 4, 5, 8, 18, 20-24; Block 1.07, Lot 26; Block 1.14, Lot 45; and Block 135, Lot 24.01. NJDEP approved the upland work for Phase 1 (Permit No. 0800-20-0002.1 LUP200001 issued March 17, 2022). Under the previous approvals for the overall site, the site has been raised, or will be raised above the 100-year tidal flood elevation.

NJDEP approved the in-water work for the PMT RoRo Berth (0800-20-0002.1 LUP210001 on December 13, 2021) which includes the construction of mooring dolphins, dredging, and upland placement of dredged material within the Phase 1 and Phase 2 areas scheduled to begin July 1, 2022.

Phase 2, the focus of this Statement of Compliance and permit application, will include two fabrication buildings in which steel plate welding, roll bending, and circumferential welding will take place. The square footage of each of the buildings is approximately 169,215 sq-ft and 89,015 sq-ft. Drive aisles, constructed with heavy paving for the movement of steel components and completed monopiles will be constructed in other Phase 2 areas. The balance of the site will include DGA surfaces for smaller vehicle parking and stormwater management including bioswales.
2. Compliance with the Coastal Zone Management Rules (N.J.A.C. 7:7)

Table 1. Applicability of Coastal Zone Management Rules: Subchapter 9. Special Areas

<table>
<thead>
<tr>
<th>N.J.A.C. Rule</th>
<th>Description</th>
<th>Applicable</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:7-9.1</td>
<td>Purpose and scope</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>7:7-9.2</td>
<td>Shellfish habitat</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.3</td>
<td>Surf clam areas</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>7:7-9.4</td>
<td>Prime fishing areas</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.5</td>
<td>Finfish migratory pathways</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.6</td>
<td>Submerged vegetation habitat</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.7</td>
<td>Navigation Channels</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.8</td>
<td>Canals</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.9</td>
<td>Inlets</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.10</td>
<td>Marina moorings</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.11</td>
<td>Ports</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.12</td>
<td>Submerged infrastructure routes</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.13</td>
<td>Shipwreck and artificial reef habitats</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.14</td>
<td>Wet borrow pits</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.15</td>
<td>Intertidal and subtidal shallows</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.16</td>
<td>Dunes</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.17</td>
<td>Overwash areas</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.18</td>
<td>Coastal high hazard areas</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.19</td>
<td>Erosion hazard areas</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.20</td>
<td>Barrier island corridor</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.21</td>
<td>Bay islands</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.22</td>
<td>Beaches</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.23</td>
<td>Filled water’s edge</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.24</td>
<td>Existing lagoon sides</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.25</td>
<td>Flood hazard areas</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.26</td>
<td>Riparian zones</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.27</td>
<td>Wetlands</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.28</td>
<td>Wetlands Buffers</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.29</td>
<td>Coastal bluffs</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.30</td>
<td>Intermittent stream corridors</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.31</td>
<td>Farmland conservation areas</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Table 1. Applicability of Coastal Zone Management Rules: Subchapter 9. Special Areas

<table>
<thead>
<tr>
<th>N.I.A.C. Rule</th>
<th>Description</th>
<th>Applicable</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:7-9.32</td>
<td>Steep slopes</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.33</td>
<td>Dry borrow pits</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.34</td>
<td>Historic and archaeological resources</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.35</td>
<td>Specimen trees</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.36</td>
<td>Endangered or threatened wildlife or plant species habitats</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.37</td>
<td>Critical wildlife habitats</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.38</td>
<td>Public open space</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.39</td>
<td>Special hazard areas</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.40</td>
<td>Excluded Federal lands</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.41</td>
<td>Special urban areas</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.42</td>
<td>Pinelands National Reserve and Pinelands Protection Area</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.43</td>
<td>Hackensack Meadowlands District</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.44</td>
<td>Wild and scenic river corridors</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.45</td>
<td>Geodetic control reference marks</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.46</td>
<td>Hudson River Waterfront Area</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.47</td>
<td>Atlantic City</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.48</td>
<td>Lands and waters subject to public trust rights</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7:7-9.49</td>
<td>Dredged material management areas</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

2.1 Subchapter 9 Special Areas

2.1.1 7:7-9.11 Ports

*Ports are water areas having, or lying immediately adjacent to, concentrations of shoreside marine terminals and transfer facilities for the movement of waterborne cargo (including fluids), and including facilities for loading, unloading, and temporary storage. Port locations in New Jersey include, among others, Newark, Elizabeth, Bayonne, Jersey City, Weehawken, Hoboken, Woodbridge, Perth Amboy, Camden, Gloucester City, Paulsboro, and Salem. Any use which will preempt or interfere with port uses of this water area is prohibited.*

The project site, Paulsboro Marine Terminal, is identified under this sub-chapter as a Port Location. The site operates as a marine terminal facility handling goods. This project seeks to construct two fabrication buildings in the southeastern portion of the marine terminal property. The project does not interfere with or preempt any port uses. Therefore, the activity is consistent with this rule.

2.1.2 7:7-9.18 Coastal high hazard areas

*Coastal high hazard areas are flood prone areas subject to high velocity waters (V zones) as delineated on FEMA flood mapping, and areas within 25 feet of oceanfront shore protection structures, which are subject to wave run-
up and overtopping. The coastal high hazard area extends from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The inland limit of the V zone is defined as the V zone boundary line as designated on FEMA flood mapping or the inland limit of the primary frontal dune, whichever is most landward. Except as provided at N.J.A.C. 7:7-9.18 (c), (d), (e), and (f), residential and commercial development is prohibited in coastal high hazard areas.

The Preliminary FEMA Flood Insurance Rate Map (FIRM) 34015C0076F (FEMA 2016; included in this application) shows that the Paulsboro Phase 2 Project area does not occur within any areas mapped as VE – Coastal Flood Zone. The project complies with this rule.

2.1.3 7:7-9.23 Filled water’s edge

Filled water’s edge areas are existing filled water, wetland, or upland areas lying between wetlands or water areas, and either of the following, whichever is closer: 1) the upland limit of fill; or 2) the first paved public road or railroad landward of the adjacent water area.

The proposed project activities do not occur within any filled water’s edge areas. Therefore, it complies with this policy.

2.1.4 7:7-9.25 Flood hazard areas

Flood hazard areas are subject to flooding from the flood hazard area design flood, as defined by the Department under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. Flood hazard areas include those areas mapped as such by the Department, areas defined or delineated as an A or a V zone by FEMA, and any unmapped areas subject to flooding by the flood hazard area design flood. Flood hazard areas are subject to either tidal or fluvial flooding and the extent of flood hazard areas shall be determined or calculated in accordance with the procedures at N.J.A.C. 7:13-3.

The FEMA Flood Insurance Rate Map (FIRM) 34015C0076F (FEMA 2016; Figure 4) shows that the project activities will occur within tidal areas mapped as Zone AE (elevation 9’ NAVD 88). Filling will occur within small portions of the onsite mapped flood hazard area. The small portions to be filled are areas slightly below the Zone AE elevation (9'NAVD88) but above spring high tides and will only be inundated during extreme coastal/tidal flood events. A Flood Hazard Area Individual Permit is being submitted concurrently with this application. The Project is in compliance with the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13).

2.1.5 7:7-9.26 Riparian zones

A riparian zone is the land and vegetation within and adjacent to a regulated water. A riparian zone exists along both sides of every regulated water and includes the regulated water itself, except as provided in 7:7-9.26(b). The extent of a riparian zone is determined in accordance with 7:7-9.26 (c), (d), and (e).

The proposed project is located along Mantua Creek. The width of the associated riparian zone is expected to be 50 feet for this portion of the Delaware River. No impacts to any vegetation within the riparian zone of Mantua Creek are proposed as part of the proposed project. The project is in compliance with this policy.

2.1.6 7:7-9.27 Wetlands

Wetlands or wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Freshwater wetlands associated with Mantua Creek have been delineated along the southeastern boundary of the Block 1, Lot 2. In addition, according to the NJDEP’s GeoWeb online mapping tool (NJDEP, 2021), there
are no Coastal Wetlands mapped in the vicinity of the proposed project activities. The proposed project activities are located solely within uplands and will not result in the disturbance of any wetland areas. The project is in compliance with this policy.

2.1.7  7:7-9.28 Wetland buffers

Wetlands buffer or transition area means an area of land adjacent to a wetland which minimizes adverse impacts on the wetlands or serves as an integral component of the wetlands ecosystem. Wider buffers than those noted below may be required to establish conformance with this chapter, including, but not limited to, N.J.A.C. 7:7-9.36 and 9.37.

The onsite wetlands located along the Mantua Creek have been classified as exceptional resource value wetlands with a 150-foot wide transition area. In addition, wetlands have been identified south of Universal Road whose transition area crosses into the project site along the southwestern boundary. Several construction activities will occur within these buffers and have been designed to meet the conditions of a transition area waiver pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A). An application for a Transition Area Averaging Plan and a Special Activity Waiver for Redevelopment are being submitted concurrently with this application. The project is in compliance with this policy.

2.1.8  7:7-9.34 Historic and archaeological resources

Historic and archaeological resources include objects, structures, shipwrecks, buildings, neighborhoods, districts, and man-made or man-modified features of the landscape and seascape, including historic and prehistoric archaeological sites, which either are on or are eligible for inclusion on the New Jersey or National Register of Historic Places. Development that detracts from, encroaches upon, damages, or destroys the value of historic and archaeological resources is discouraged. Development that incorporates historic and archaeological resources in sensitive adaptive reuse is encouraged.

Jacobs reviewed publicly available online databases and reviewed the 2009 DEIS and 2010 NJDEP WDP application for the Paulsboro Marine Terminal. The 2021 background research included a review of the HPO's LUCY online map viewer. The records review indicated the project site is within an archaeological grid (AK208) containing identified archaeological sites. No other inventoried resources are within the grid. Due to existing developed nature of the site, it is not expected that the project will have significant impacts to historic or archaeological resources.

2.1.9  7:7-9.36 Endangered or threatened wildlife or plant species habitats

Endangered or threatened wildlife or plant species habitats are terrestrial and aquatic (marine, estuarine, or freshwater) areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife or plant identified as “endangered” or “threatened” species on official Federal or State lists of endangered or threatened species, or under active consideration for State or Federal listing. The definition of endangered or threatened wildlife or plant species habitats includes a sufficient buffer area to ensure continued survival of the population of the species as well as areas that serve an essential role as corridors for movement of endangered or threatened wildlife. Absence of such a buffer area does not preclude an area from being endangered or threatened wildlife or plant species habitat.

Development of endangered or threatened wildlife or plant species habitat is prohibited unless it can be demonstrated, through an endangered or threatened wildlife or plant species impact assessment as described at N.J.A.C. 7:7-11, that endangered or threatened wildlife or plant species habitat would not directly or through secondary impacts on the relevant site or in the surrounding area be adversely affected.
Review of the NJDEP's Landscape Project (Version 3.3) identified habitat for two species on the project site: bald eagle (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*). No significant impacts are expected to bald eagle and osprey. The project site is a developed site and does not contain suitable nesting habitat for bald eagle or osprey. No impacts will occur to Mantua Creek or to its adjacent vegetated riparian zone. Therefore, the project is not expected to impact these species.

2.1.10 7:7-9.37 Critical wildlife habitat

Critical wildlife habitats are specific areas known to serve an essential role in maintaining wildlife, particularly in wintering, breeding, and migrating.

According to the response letter from the Natural Heritage Program April 29, 2021, there are no records for rare ecological communities within one mile of the project site. The project activities will take place within previously disturbed areas, and within an area dominated by industrial uses. The site is not expected to provide critical wildlife habitat. As such, the proposed project will not impact critical wildlife habitat. The project is in compliance with this section.

2.1.11 7:7-9.39 Special hazard areas

Special hazard areas include areas with a known actual or potential hazard to public health, safety, and welfare, or to public or private property, such as the navigable air space around airports and seaplane landing areas, potential evacuation zones, and areas where hazardous substances as defined at N.J.S.A. 58:10-23.11b are used or disposed, including adjacent areas and areas of hazardous material contamination. Coastal development, especially residential and labor-intensive economic development, within special hazard areas is discouraged. All development within special hazard areas must include appropriate mitigating measures to protect the public health and safety.

The Paulsboro Marine Terminal property, including the project site, is undergoing remediation under the supervision of a Licensed Site Remediation Professional (Kevin Wheeler, Sovereign). The NJDEP recently issued a soil remediation action permit (RAP) and groundwater remediation action permit that became effective August 21, 2020. Contaminants identified in the site soil consist of various volatile and semi-volatile organic compounds as well as lead and arsenic. In accordance with the deed notice, a total of 18 distinct areas must remain covered by a minimum of 2 feet of clean soil cover or paving. The proposed activities will not result in a disturbance of these areas.

2.1.12 7:7-9.41 Special urban areas

Special urban areas are those municipalities defined in urban aid legislation (N.J.S.A. 52:27D-178) qualified to receive state aid to enable them to maintain and upgrade municipal services and offset local property taxes. Under N.J.S.A. 52:27D-178 et seq., the Department of Community Affairs (DCA) establishes a list of qualifying municipalities each fiscal year. DCA’s list of qualifying municipalities may be obtained on request from the Department’s Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7-1.6. Development that will help to restore the economic and social viability of special urban areas is encouraged. Development that would adversely affect the economic well-being of these areas is discouraged, when an alternative which is more beneficial to the special urban areas is feasible. Development that would be of economic and social benefit and that serves the needs of local residents and neighborhoods is encouraged.

The Borough of Paulsboro is not listed as a Special Urban Area by the Department of Community Affairs. As such, this policy is not applicable to the project.
2.1.13  7:7-9.45 Geodetic control reference marks

Geodetic control reference marks are traverse stations and benchmarks established or used by the New Jersey Geodetic Control Survey pursuant to P.L. 1934, c.116. The disturbance of a geodetic control reference mark is discouraged. When a geodetic control reference mark must be moved, raised, or lowered to accommodate construction, the New Jersey Geodetic Control Survey shall be contacted at least 60 days prior to disturbance, and arrangements shall be made to protect the position. If the position cannot be protected, it may be altered in position after approval by the New Jersey Geodetic Control Survey and under the supervision of a licensed professional engineer or land surveyor using standard methods. Copies of field notes and instruments, tape, and rod specifications including calibration data, shall be submitted to the New Jersey Geodetic Control Survey.

According to the National Geodetic Survey Data Explorer (NOAA, 2021), no geodetic control reference marks are located within the project area. The project is in compliance with this policy.

2.1.14  7:7-9.48 Land and waters subject to public trust rights

Lands and waters subject to public trust rights are tidal waterways and their shores, including both lands now or formerly below the mean high-water line, and shores above the mean high-water line. Tidal waterways and their shores are subject to the Public Trust Doctrine and are held in trust by the State for the benefit of all the people, allowing the public to fully enjoy these lands and waters for a variety of public uses. Public trust rights include public access which is the ability of the public to pass physically and visually to, from and along the ocean shore and other waterfronts subject to public trust rights and to use these lands and waters for activities such as navigation, fishing and recreational activities including, but not limited to, swimming, sunbathing, surfing, sport diving, bird watching, walking, and boating. Public trust rights also include the right to perpendicular and linear access.

The site is currently used as a marine terminal, and the proposed activity will not alter the usage. There is currently no public access to or through the terminal due to safety concerns and security regulations mandated by the US Coast Guard and the Department of Homeland Security, and public access is not planned. The activity is consistent with N.J.A.C. 7:7-16.9 (b) 5, which states that “public access to tidal waterways and their shores shall be provided in such a way that it shall not create a significant homeland security vulnerability, as determined by the Department in consultation with the New Jersey Office of Homeland Security and Preparedness or the United States Department of Homeland Security. Therefore, public access may be prohibited in locations where homeland security concerns are present or where it is not practicable based on the risk of injury from hazardous operations or substantial permanent obstructions, and no measures can be taken to avert these risks.” Therefore, the activity is consistent with the rule.

2.2  7:7-14 Subchapter 14 General Location Rules

2.2.1  7:7-14. Basic Location Rule

A location may be acceptable for development under N.J.A.C. 7:7-9, 12, 13, and 14, but the Department may reject or conditionally approve the proposed development of the location as reasonably necessary to: 1) Promote the public health, safety, and welfare; 2) Protect public and private property, wildlife and marine fisheries; and 3) Preserve, protect and enhance the natural environment.

A marine terminal is a facility that requires direct access to a waterway such as the Delaware River. Due to the geographic requirements of having the marine terminal in close proximity to the Delaware River, more distant sites were ruled out. The requirement to have the proposed fabrication facilities in close proximity to a federally maintained navigation channel (Channel) due to the large dimensions of the monopoles that can’t be transported over conventional roadways narrowed potential sites. Other potential sites would not allow access to the wharf complex that is suite for these structures.
As the project will increase the economic viability of the site and has been designed with considerations of the developed and natural resources of the area, it will promote public health safety, and welfare. Because the proposed project, as planned would occur within the historic port area and impacts to the surrounding environment would be avoided and or minimized to the maximum extent practicable, the proposed project would protect public and private property, wildlife, and marine fisheries. Compliance with the conditions of the coastal zone regulations as detailed in this report would ensure that the project preserves, protects, and enhances the natural environment. The proposed project complies with this rule.

2.2.2 Secondary Impacts

Secondary impacts are the effects of additional development likely to be constructed as a result of the approval of a particular proposal. Secondary impacts can also include traffic increases, increased recreational demand and any other offsite impacts generated by onsite activities which affect the site and surrounding region. Coastal development that induces further development shall demonstrate, to the maximum extent practicable, that the secondary impacts of the development will satisfy this chapter. The Department may restrict coastal development from connecting to an approved infrastructure in order to prevent adverse impacts to special areas as defined at N.J.A.C. 7:7-9 and to protect and preserve coastal resources.

The use of the former industrial is consistent with local zoning, as well as well as with the regional and statewide smart growth planning studies. The expanded use of the site as a marine terminal is consistent with the past land uses as well as current surrounding land uses to the north, east, and south.

The fabrication facilities are consistent with the current use and the historic uses of the PMT site; the Borough's zoning of the site; the Borough's redevelopment plans; and is consistent with the demographics and trades of the residents residing in the Borough of Paulsboro. The project will have a positive impact on the local and regional economy and development. The secondary impacts associated with the project are positive benefits to the region's economy by providing additional manufacturing capacity and thus sustaining the marine terminal's ongoing operation. The redevelopment of the site as an intermodal port facility has been the subject of transportation and master plans for many years, and is consistent with smart land use practices, the local zoning, and with the regional and statewide smart growth planning strategies. By placing the facilities at a site with existing intermodal transportation access, secondary transportation-related impacts will be minimized. The proposed project is consistent with the intermodal port facility and will enhance the socioeconomic benefits associated with the site. The project is in compliance with this rule.

2.3 7:7-15 Subchapter 15 Use Rules

Many types of development seek to locate in the coastal zone. The second stage in the screening process of the Coastal Zone Management rules involves analysis of appropriate uses of coastal resources. Use rules are rules and conditions applicable to particular kinds of development. Use rules do not preempt location rules which restrict development, unless specifically stated. In general, conditions contained in the use rules must be satisfied in addition to the location rules (N.J.A.C. 7:7-9 through 14), and the resource rules described in the following subchapter (N.J.A.C. 7:7-16).

2.3.1 7:7-15.7 Industry

Industry uses are uses that involve industrial processing, manufacturing, storage, or distribution activities. These uses include, but are not limited to, electric power production, food and food by-product processing, paper production, agrichemical production, chemical processes, storage facilities, metallurgical processes, mining and excavation processes, and processes using mineral products. Industrial uses do not include petroleum refining, which is considered an energy use and, therefore, subject to the standards of N.J.A.C. 7:7-15.4.
Industrial uses are encouraged in special urban areas. Elsewhere, industrial uses are conditionally acceptable provided they comply with all applicable location and resource rules. Particular attention should be given to location rules which reserve the water's edge for water dependent uses (N.J.A.C. 7:7-9.16 and 9.30); to the buffers and compatibility of uses rule, N.J.A.C. 7:7-16.11, which requires that the use be compatible with existing uses in the area or adequate buffering be provided; and the lands and waters subject to public trust rights rule, N.J.A.C. 7:7-9.48, and the public access rule, N.J.A.C. 7:7-16.9, which places public access requirements upon the use

The proposed fabrication facility is located within a former industrial site. It has been designed to comply with the applicable location and resource rules. The water's edge has been reserved for water dependent uses and maintains appropriate buffers to adjacent land uses. The proposed facilities appropriately address the public trust rights rule and the public access rule. The project is in compliance with this policy.

2.3.2 7:7-15.9 Port

Port uses are concentrations of shoreside marine terminals and transfer facilities for the movement of waterborne cargo (including fluids), and including facilities for loading unloading and temporary storage. Port-related development and marine commerce is encouraged in and adjacent to established port areas. Water-dependent development shall not be preempted by non-water dependent development in these areas. New, port uses outside of existing ports as defined at N.J.A.C. 7:7-9.11(a) are only acceptable when there is a clear demonstration of need, and when suitable land and water area is not available in or adjacent to an existing port. New or expanded ports must be compatible with surrounding land uses and provide for maximum open spaces and physical and visual access to the waterfront, provided that this access does not interfere with port operations or endanger public health and safety. New or expanded ports must also not interfere with national, State, county, or municipal parks, recreational areas, or wildlife refuges. New, expanded, or redeveloped port facilities must have direct access to navigation channels of sufficient depth for anticipated vessel access with minimal dredge and fill requirements, adequate access to road, rail transportation, and adjacent land with sufficient load bearing capacity for structures. Limited water-dependent, port-related activity, such as commercial fishing, support facilities and emergency oil spill cleanup storage, is acceptable at the small commercial harbors in the coastal zone.

The proposed fabrication facilities will be at an existing marine terminal and is compatible with the surrounding land uses. The public's visual access is limited by the use of the site as a terminal with warehousing and production facilities. However, these facilities do not limit visual access to the water for nearby residential areas. The proposed facilities do not interfere with any parks, recreational areas, or wildlife refuges.

NJDEP coastal rules encourage water-dependent uses at port locations. These fabrication facilities are associated with the offshore wind energy industry and by definition, requires access to a major waterbody, such as the Delaware River. The proposed use is an activity encouraged by the Rules.

2.3.3 7:7-15.12 Dredged Material Placement on Land

Dredged material placement is the disposal or beneficial use of sediments removed during dredging operations. Beneficial uses of dredged material include, but are not limited to, fill, capping material, topsoil, bricks, and lightweight aggregate. This rule applies to the placement of dredged material landward of the spring high water line. The standards for dredged material disposal in water areas are found at N.J.A.C. 7:7-12.9. Dredged material placement on land is conditionally acceptable provided that the use is protective of human health, groundwater quality, and surface water quality, and manages ecological risks. Testing of the dredged material may be required as needed to determine the acceptability of the placement of the material on a particular site in accordance with Appendix G of the Coastal Zone Management Rules. Dredged material disposal and/or construction of a confined disposal facility is prohibited in wetlands unless the criteria found at N.J.A.C. 7:7-9.27 are met. The beneficial use
of dredged material of appropriate quality and particle size for purposes such as restoring landscape, enhancing farming areas, capping and remediating landfills and brownfields, transportation projects, beach protection, creating marshes, capping contaminated dredged material disposal areas, and making new wildlife habitats is encouraged. Adverse effects associated with the transfer of the dredged materials from the dredging site to the upland confined disposal facility or upland placement site shall be minimized to the maximum extent feasible. Dredged material placement in wet and dry borrow pits is conditionally acceptable (see N.J.A.C. 7.7-9.14 and 9.33).

On October 15, 2010, the DLUR issued a multi-permit document to the South Jersey Port Corporation for the construction of the Paulsboro Marine Terminal (DLUR File No. 0800-07-0003.3 WFD10001, WFD10002, FHA10001, FWW10001). NJDEP approved the in-water work for the PMT RoRo Berth (0800-20-0002.1 LUP210001 on December 13, 2021) which includes the construction of mooring dolphins, dredging, and upland placement of dredged material within the subject Project Site. These approvals authorized the use of dredge material to raise the ground surface elevations above the base flood elevations shown on the FEMA Flood Insurance Rate Maps (effective August 17, 2016).

2.4 7:7-16 Subchapter 16 Resource Rules

In addition to satisfying the location and use rules, a proposed development must satisfy the requirements of this subchapter. This subchapter contains the standards the Department utilizes to analyze the proposed development in terms of its effects on various resources of the built and natural environment of the coastal zone, both at the proposed site as well as in its surrounding region.

2.4.1 7:7-16.3 Water Quality

As required by Section 307(f) of the Federal Coastal Zone Management Act, 16 U.S.C. §§ 1451 et seq., Federal, State, and local water quality requirements established under the Federal Clean Water Act, 33 U.S.C. §§ 1251 et seq., shall be the water resource standards of the coastal management program. These requirements include not only the minimum requirements imposed under the Clean Water Act but also the additional requirements adopted by states, localities, and interstate agencies pursuant to Section 510 of the Clean Water Act and such statutes as the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. In the Delaware River Basin, the requirements include the prevailing “Basin Regulations–Water Quality” adopted by the Delaware River Basin Commission as part of its Comprehensive Plan. In the waters under the jurisdiction of the Interstate Environmental Commission in the New Jersey-New York metropolitan area, the requirements include the Interstate Environmental Commission’s Water Quality Regulations. Department rules related to water pollution control and applicable throughout the entire coastal zone include, for example, the Surface Water Quality Standards (N.J.A.C. 7:9B), the Ground Water Quality Standards (N.J.A.C. 7:9C), and the New Jersey Pollutant Discharge Elimination System rules (N.J.A.C. 7:14A).

Coastal development which would violate the Federal Clean Water Act, or State laws, rules and regulations enacted or promulgated pursuant thereto, is prohibited. In accordance with N.J.A.C. 7:15 concerning the Water Quality Management Planning and Implementation process, coastal development that is inconsistent with an approved Water Quality Management (208) Plan under the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., is prohibited.

According to the NJDEP’s Surface Water Quality Standards, (N.J.A.C.7:9B), the portion of Mantua Creek along the project site’s border is classified as freshwater nontrout/saline estuarine (FW2-NT/SE2). The designated uses of FW2 water are:

1. Maintenance, migration and propagation of the natural and established biota;
2. Primary contact recreation;
3. Industrial and agricultural water supply;
4. Public potable water supply after conventional filtration treatment; and
5. Any other reasonable uses.

The designated uses of SE2 waters are:

1. Maintenance, migration and propagation of the natural and established biota;
2. Migration of diadromous fish;
3. Maintenance of wildlife;
4. Secondary contact recreation; and
5. Any other reasonable uses.

The proposed project is not expected to have an adverse impact on the water quality of Mantua Creek or to impact its designated uses. All work will be completed in accordance with the Clean Water Act, the New Jersey Water Pollution Control Act, the Stormwater Management Rules. In addition, the project will implement a soil erosion and sediment control plan in accordance with Gloucester County Soil Conservation District certification.

2.4.2 7:7-16.6 Stormwater Management

If a project or activity meets the definition of “major development” at N.J.A.C. 7:8-1.2, then the project or activity shall comply with the Stormwater Management rules at N.J.A.C. 7:8.

A Stormwater Management Plan prepared for the proposed manufacturing facilities has been prepared that addresses the requirements of the Stormwater Management rules and is included in Section 8 of this application submittal.

2.4.3 7:7-16.7 Vegetation

Vegetation is the plant life or total plant cover that is found on a specific area, whether indigenous or introduced by humans. Coastal development shall preserve, to the maximum extent practicable, existing vegetation within a development site. Coastal development shall plant new vegetation, particularly appropriate coastal species, native to New Jersey to the maximum extent practicable.

The activities are primarily located within areas of impervious surfaces or that has been previously disturbed. As part of the proposed design, vegetation that has been removed will be replanted as required by the Freshwater Wetlands Protection Act. Replanting of the regulated areas will include native species, resulting in improved plant cover and diversity. Therefore, the Project is in compliance with this rule.

2.4.4 7:7-16.8 Air Quality

The protection of air resources refers to the protection from air contaminants that injure human health, welfare or property, and the attainment and maintenance of State and Federal air quality goals and the prevention of degradation of current levels of air quality. Coastal development shall conform to all applicable State and Federal regulations, standards and guidelines and be consistent with the strategies of New Jersey’s State Implementation Plan (SIP). See N.J.A.C. 7:27 and New Jersey SIP for ozone, particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, lead, and visibility. Coastal development shall be located and designed to take full advantage of existing or planned mass transportation infrastructures and shall be managed to promote mass transportation services, in accordance with the traffic rule, N.J.A.C. 7:7-16.12.
The project does not require a Title V air permit. The proposed use will involve operations (i.e., welding, metalization, and painting) that require air permits from the NJDEP, the applications for which were pending as of the date of this report/application.

The 2010 DLUR permit for the Paulsboro Marine Terminal project (File No. 0800-07-0003.3) and the 2021 DLUR permit for the Phase I upland work (Permit No. 0800-20-0002.1 LUP200001 issued March 17, 2022) includes “air quality conditions” applicable to the entire port facility, including the Project Site.

The proposed construction activity will not result in airborne emissions that would violate any state or federal regulations. Emissions will be limited to exhaust from vehicles traveling to and from the site during construction and from construction equipment. Minimal impacts to air quality resulting from construction equipment and airborne dust will result from construction activities, but these are considered short-term impacts and will not be present post construction. Therefore, the Project is consistent with this rule.

2.4.5 7:7-16.9 Public Access

Public access to the waterfront is the ability of the public to pass physically and visually to, from, and along tidal waterways and their shores and to use such shores, waterfronts and waters for activities such as navigation, fishing, and recreational activities including, but not limited to, swimming, sunbathing, surfing, sport diving, bird watching, walking, and boating. Public accessways and public access areas include streets, paths, trails, walkways, easements, paper streets, dune walkovers/walkways, piers and other rights-of-way. No authorization or approval under this chapter shall be deemed to relinquish public rights of access to and use of lands and waters subject to public trust rights in accordance with N.J.A.C.7:7-9.48. Further, no authorization or approval under this chapter shall be considered a Tidelands approval or shall exempt an applicant from the obligation to obtain a Tidelands approval, if needed.

The site is currently used as a marine container terminal, and the proposed activity will not alter its use. Currently, there is no public access to the terminal due to safety concerns and security regulations mandated by the US Coast Guard and the Department of Homeland Security, and public access is not planned in the future. The activity is consistent with N.J.A.C. 7:7-16.9 (b) 5, which states that “public access to tidal waterways and their shores shall be provided in such a way that it shall not create a significant homeland security vulnerability, as determined by the Department in consultation with the New Jersey Office of Homeland Security and Preparedness or the United States Department of Homeland Security. Therefore, public access may be prohibited in locations where homeland security concerns are present or where it is not practicable based on the risk of injury from hazardous operations or substantial permanent obstructions, and no measures can be taken to avert these risks.” Accordingly, the project is consistent with the rule.

2.4.6 7:7-16.11 Buffers and Compatibility of Uses

Buffers are natural or man-made areas, structures, or objects that serve to separate distinct uses or areas. Compatibility of uses is the ability for uses to exist together without aesthetic or functional conflicts. Development shall be compatible with adjacent land uses to the maximum extent practicable.

The existing marine terminal includes, as an aesthetic measure, incorporates greenbelt buffers to visually separate the terminal from the surrounding properties. The project is in compliance with this rule.

2.4.7 7:7-16.12 Traffic

Traffic is the movement of vehicles, pedestrians or ships along a route. Coastal development shall be designed, located and operated in a manner to cause the least possible disturbance to traffic systems.
Shropshire Associates, LLC of Atco prepared a traffic engineering analysis report based on the full build out of the marine terminal site. Based on the results of the analysis, the traffic resulting from the proposed development will have a minimal impact on the adjacent roadway network.

2.4.8 7:7-16.14 Solid and Hazardous Waste

Solid waste means any garbage, refuse, sludge or other waste material, including solid, liquid, semi-solid or contained gaseous material. A material is a solid waste if it is "disposed of" by being discharged, deposited, injected, dumped, spilled, leaked or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground or surface waters. Solid waste becomes a hazardous waste when it exhibits any of the characteristics which are specified in the Federal Regulations on Identification and Listing of Hazardous Waste (40 C.F.R. 261). The general characteristics of hazardous waste include, but are not limited to, characteristics of ignitibility, characteristics of corrosivity, characteristics of reactivity and characteristics of toxicity.

All solid or hazardous waste generated from the site during construction activities will be properly stored in designated areas. Solid or hazardous wastes will be removed and disposed of in accordance with Department-approved procedures. Therefore, the proposed Project is in compliance with this rule.