MARITIME RESOURCES COUNCIL

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TO: Maritime Resources Council

FROM: Philip K. Beachem

DATE: October 9, 1996

SUBJECT: JOINT DREDGING PLAN FOR THE PORT OF NEW YORK & NEW JERSEY

Enclosed for your review is a copy of the plan jointly issued on October 7th by Governors Whitman & Pataki.

A portion of this plan relies on the funding that will be made available when Public Question #1 is passed by the voters on November 5th. Please remind your family, friends, associates and employees that this question is on the ballot and that they should support it.

Flyers and a 6 1/2 minute video are available on Public Question #1. If you would like a supply, call the Coalition to Keep New Jersey Working, (908)225-1180.

PKB:pql
Enclosures

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FOR RELEASE:
IMMEDIATE, Monday
October 7, 1996

GOVERNOR PATAKI, GOVERNOR WHITMAN RELEASE PORT PLAN
Bi-State Agreement to Take Port of New York and New Jersey into 21st Century

Governor George E. Pataki and Governor Christie Whitman today released a bi-state plan to take the Port of New York and New Jersey into the 21st century.

"This bi-state plan is a critical step in breaking the dredging deadlock which has plagued the harbor," Governor Whitman said. "Over the next twelve months, we will dredge more than five million cubic yards of material from channels throughout the Port, making it safe for passage by cargo vessels."

"Working together, Governor Whitman and I are committed to maintaining our harbor as the premier port on the East Coast, now and into the future," Governor Pataki said. "This dredging plan will ensure that we protect jobs for the thousands of families that rely on the Port as we continue to develop solutions to promote the long-term economic vitality of our two states. The Port is too important to the economic and environmental health of the region to delay aggressive action to restore its competitive edge."

The plan announced today by New York and New Jersey follows an agreement reached by environmental groups including Clean Ocean Action and The Coast Alliance and the federal government that allows for dredged materials to be deposited at the Mud Dump Site until September 1, 1997, at which time the site will be closed.

"I am looking forward to September 1, 1997 when the Mud Dump Site will close and will continue our focus on upland disposal and beneficial re-uses of dredged materials," Governor Whitman said.

The $130 million plan represents a partnership between New York and New Jersey, New York City, the federal government and the Port Authority of New York and New Jersey.

The Port of New York and New Jersey is the third largest Port in the country, and the largest on the East Coast. It contributes $20 billion in economic activity to the region, generating close to 200,000 jobs.

- Category II material from certain Port Jersey Channels, the Kill van Kull, and Red Hook Flats, among others, will go to the Mud Dump Site until it reaches capacity of approximately one million cubic yards of material, or September 1, 1997, whichever comes first. As other alternatives are developed, they will be implemented;

- As other alternatives are developed, they will be utilized for Category II material;

- Other material, including from the Arthur Kill and certain other Jersey Channels, among others, will be deposited at an upland site in New Jersey; and

- The Newark Bay Confined Disposal Facilities are scheduled to come on line in the summer of 1997 to take an additional 1.5 million cubic yards of material.

Other provisions for the use of dredged material include:

- The States agree to support decontamination technologies and will work to issue an RFP for full scale production by July 1997 to handle 100,000 cubic yards of material per year. The goal is to increase that capacity to at least 500,000 cubic yards per year by 1999;

- The States will work together to provide for one million cubic yards of material per year in nearshore and upland projects;

- As part of an integrated, comprehensive disposal plan the States commit to working with all stakeholders to develop environmentally and economically acceptable long term disposal facilities;

- The States will work to promote the development of beneficial use projects such as landfill cover, habitat creation, and construction material for transportation projects among others, for 1.2 million cubic yards of material per year; and

- Uncontaminated material will be used to remediate the Mud Dump Site, according to EPA guidelines.

Other initiatives to be taken by the States include:

- A commitment to implement the Harbor Estuary Plan as it relates to sediment toxicity and harbor pollution control;

- A commitment to work together on comprehensive consistent regulatory policies for dredge material disposal;

- To work together with the Corps of Engineers, the Port Authority and the City of New York in planning the future of the Port;

- To work together with the Army Corps of Engineers, the Port Authority, the EPA and New York City on sediment characterization and data collection; and

- To work together on development of dredge material processing facilities.

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The dredging dilemma has reached crisis proportions as the use of the Mud Dump Site as the repository for dredged material from the Harbor has become increasingly restricted, as new testing has revealed greater quantities of contaminated materials and because alternative sites are not yet available to handle the quantity of dredged material. The situation has become critical as major channels have silted up, impeding the passage of fully loaded ships.

While other ports have gained business, the Port of New York and New Jersey has already lost some of its container business as a result of shallow channels. In some instances, cargo vessels have to wait for a high tide, while others must be lightened in other ports before putting in here, or forced to off-load cargo in the outer harbor to another ship, an expensive and risky environmental procedure.

"In order to allow the Port to compete, it is essential that dredging and the disposal of the dredged materials take place in a timely and cost-effective manner to keep our navigational channels passable," Governor Whitman said.

"This historic agreement demonstrates we can improve our economic competitiveness and allow the Port to grow and prosper while also protecting and enhancing our environment," Governor Pataki said. "The fact that two states have come together on a plan to dredge the critical channels in the next year is a major step forward, but more must be done. Governor Whitman and I are determined to get it done."

New York will spend $20 million of its $65 million contribution on pollution control and decontamination programs designed to protect and enhance the long-term environmental health of the harbor. In addition, $40 million will be spent on dredge material disposal projects and $5 million on temporary transportation projects, including a temporary subsidy for cargo traffic from Staten Island to New Jersey, the rehabilitation of ferry terminals in State Island and the decontamination of the Gowanus Canal using a plan to be developed with local input.

New Jersey's $65 million will be spent on actual dredging projects on that state's side of the harbor and on the development of subacqueous pits for the disposal of dredged materials. A portion of these funds will also be allocated for contamination reduction to reduce the amount of contaminants coming into the harbor and for decontamination projects to treat contaminated dredged material removed from the harbor. Some of the funding will go toward development of beneficial uses of dredged materials.

"The Port is a critical economic engine for the region, and a great natural resource to be enjoyed by all our people," Governor Pataki said. "This bi-state plan not only calls for dredging the harbor, but also includes our pledge to work toward clean harbor sediments in the future. No long term solution to the dredging problem can be called complete without a plan to prevent pollution at the source."

The bi-state plan includes an agreement as to the sequencing of channel dredging and disposal of dredged material as follows:

- Non-contaminated material from the Hudson River, Sandy Hook Channel, the East River, and various private channels and terminals will be deposited at the Mud Dump Site;

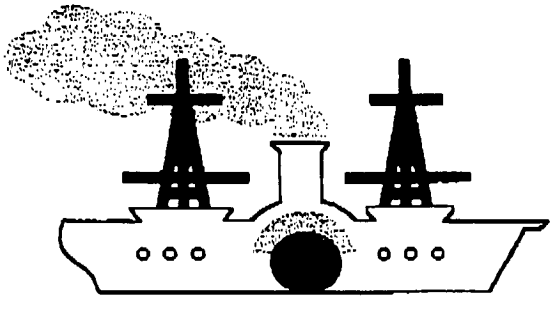
-more-

JOINT DREDGING PLAN FOR THE PORT OF NEW YORK & NEW JERSEY

OCTOBER 7, 1996

Christine Todd Whitman
Governor
State of New Jersey

George E. Pataki
Governor
State of New York



Joint Dredging Plan
for the Port of New York and New Jersey

PREAMBLE: The continued operation and economic development of the Port facilities and private terminals located in New York Harbor is vital to the regional economy of New York State, New York City, and New Jersey. Additionally, and as importantly, the preservation, conservation, and restoration of the harbor's natural resources are critical to the quality of life in the metropolitan region.

With these overall concerns in mind, the two states, consistent with the parameters developed by the environmental groups and the federal agencies, have developed this plan to accomplish two major objectives vital to the maintenance of our navigational assets. They are:

- To promote greater certainty and predictability in the dredging project review process, and dredged material management; and
- To facilitate effective long-term environmentally sound management strategies for addressing dredging and disposal needs for the region.

The plan consists of three components, a bi-state component representing initiatives common to the two states, and individual components particular to each state's requirements and methodologies.

Introduction and Guidelines for Management of Dredged Materials:

The fundamental principles for dredged material management are as follows:

- Utilize the most economically and ecologically efficient and effective management and disposal options;
- Restore areas historically used for dredged material disposal;
- Reduce volumetric requirements through efficient harbor planning and dredged material reduction techniques and technologies;
- Decontaminate and remediate harbor sediments to the extent possible;
- Improve sediment quality through elimination/reduction of sediment contaminant sources; and
- Develop beneficial uses for dredged material wherever possible.

Categorization of Dredged Material

In the New York District, the Environmental Protection Agency (USEPA) Region II and the U.S. Army Corps of Engineers (ACOE) New York District have established three broad categories of dredged material based upon their suitability for ocean disposal. The ocean disposal criteria for the New York District are as follows:

> **Category I:** Sediments which meet "unrestricted" ocean dumping criteria, test results indicate no unacceptable toxicity or bioaccumulation. No special precautionary measures are required during ocean disposal.
>
> **Category II:** Sediments which demonstrate no toxicity, but where there is the potential for bioaccumulation. Restricted ocean disposal, capping or some other disposal management practice required.
>
> **Category III:** Sediments that do not meet ocean dumping criteria. These sediments fail acute toxicity testing or pose a threat of significant bioaccumulation that cannot be addressed through available ocean disposal management practices.

Until 1992, most of the dredged material (95%) from the New York Harbor region was found to be acceptable for ocean disposal. However, the revised testing protocols implemented in 1992, literally reversed the quantities of material in category. It is now estimated that 66% of the material to be dredged over the coming years is Category III, 20% is Category II and only 14% is Category I. These are estimates at best, and the likelihood is that upon further examination, more material will fall into the Category III range.

On July 24, 1996, the Federal administration mandated the closure of the Mud Dump Site by September, 1997. The only material which may be deposited thereafter at the Mud Dump Site will be Category I material, and then only for specific remediation purposes. It is unclear at this time how much Category I material will be required to remediate the site. The USEPA is developing a Supplemental Environmental Impact Statement, which will be completed in January, 1997, in which these requirements will be detailed.

Dredging and disposal of Category I material has continued and a number of initiatives have been undertaken to develop disposal alternatives for the remaining material, but availability of those alternatives is limited at this time. Therefore, it is necessary to utilize all available alternatives in order to maintain our navigation channels.

The following sections outline the options for disposal of dredged materials in the immediate, short and long term, and the initiatives undertaken by the two states to implement this plan.

The Joint Plan

Specific Objectives:

1. To maintain and strengthen the economic vitality of the Port region;
2. To provide for a comprehensive and coordinated approach to the management of dredged material in the region;
3. To identify immediate and short term disposal requirements and initiate development of long term disposal options;
4. To eliminate contaminants at their source; and
5. To remediate contaminated material.

In furtherance of these objectives, the States of New York and New Jersey (the "States") commit to the following actions:

I. **Immediate Term (through October, 1997):** The States will co-operate with each other, the City of New York, the ACOE, the USEPA, the Port Authority of New York and New Jersey (PANY/NJ) and the private sponsors, where appropriate, to dredge the following high priority projects as expeditiously as possible:

   1. The federally-designated high priority navigational channels indicated in Table I (attached); and
   2. The public and private dredging projects indicated in Table II (attached).

Immediate term dredged material disposal options are as follows:

Category I material: Mud Dump Site. Capacity is sufficient for our needs until September, 1997, at which time only material to be used for remediation purposes as defined by the USEPA may be deposited at the Site.

Category II material: Mud Dump Site, only if no reasonable alternative (as found by the ACOE) is available and the USEPA determines that there is sufficient capacity. A "reasonable alternative site" has been defined as a site which is available on a timely basis, with costs comparable to ocean disposal of Category II materials, as adjusted for cost escalation but not to exceed the current local upland disposal rates. It is estimated by the ACOE and the USEPA that the Mud Dump Site has space for slightly over 1 million cubic yards of Category II material. The following conditions apply to disposal of Category II material at the Mud Dump Site:

- The dredged material comes from fully permitted projects;
- USEPA must establish a maximum time that the mud dump site may remain exposed, without capping, between individual disposal operations;

- The material must be capped with appropriate containment material as determined by the USEPA;
- The USEPA must devise and implement a monitoring plan to assure the complete containment of the contaminated materials deposited at the Mud Dump Site; and
- The Mud Dump site must be closed to all disposal operations by Sept. 1, 1997, and the USEPA restoration plan must be in place on that date.

The Mud Dump is the site of last resort for Category II material, to be used when no other reasonable options are available. As other "reasonable" options become available, they will be brought on line to replace the Mud Dump as the preferred disposal site for Category II material.

Category III material:

- **The ORION Site** is a site located in New Jersey currently being operated as an upland demonstration project for construction fill utilizing dredged materials. Current flow rates for dredged materials are below projections. Therefore, disposal operations associated with the project do not meet current requirements. However, the operator expects to reach a 5,000 to 7,000 cubic yard per day capacity during October, 1996. Capacity is 1.3 million cubic yards.

- **The Newark Bay Borrow Pit(s)** are scheduled to be available for use by June, 1997. The Pits, as well as the ORION site would be limited to New Jersey Category III material, and for New Jersey Category II material to the extent required. The capacity of the pits is currently estimated to be approximately 1.7 million cubic yards.

- Other projects are now in the planning or pre-application phase which will produce additional capacity commencing in June, 1997, as outlined in the individual states' components of this plan.

The sequencing of priority channel dredging and disposal in the immediate term will be conducted by the ACOE, the PANY/NJ and the States of New York and New Jersey. The purpose of this sequencing will be to ensure that the identified projects have the opportunity to be disposed of at the various disposal sites within the projected time frame. Projects will have to be "bundled together" in order to meet both the dredging windows and to ensure maximum capacity utilization.

Additionally, permit advance teams have been created to conduct pre-application meetings with applicants to identify, on a case by case basis, disposal options and testing requirements, in order to provide the most efficient and cost effective options for individual permit applicants. The teams consist of representatives from USEPA, ACOE, New Jersey Department of Environmental Protection (NJDEP) and New York State Department of Environmental Conservation (NYDEC).

II. Short Term (September, 1997 - 2000)

Short Term Dredging requirements - maintenance only

	Category I	Non-Ocean Disposal	Total
New York	3,138,400	4,389,000	7,527,400
NY/NJ	200,000	1,008,000	1,208,000
New Jersey	8,478,000	3,700,600	12,178,600
Total	11,816,400	9,097,600	20,914,000

As noted above, to expedite the permitting process for these projects, each State has set up a dedicated permitting team, with representatives from the ACOE and Environmental Protection Agency. Each team is charged with streamlining the permitting process, developing testing protocols for each project, and working with each applicant to ensure an efficient process.

Initiatives for the disposal of dredged material to be implemented in the short term:

1. The states commit to the development and implementation of dredged material **decontamination technology**. By July, 1997, the states will solicit proposals for the design and construction of a demonstration decontamination facility to treat at least 100,000 cubic yards of Category II/III dredged material. The capacity to treat contaminated material will increase to 500,000 cubic yard (cyd) per year of material by 1999. The states will also:

    - Continue monitoring of the BNL/USEPA/ACOE decontamination technologies project and provide assistance where possible;

    - Provide coordination and assistance to the PANY/NJ in its review of technologies and disposal operations as embodied in its report, Matrix Evaluation of Unsolicited Proposals/Ideas, published on July 31, 1996, providing sites and technical review where practicable; and

    - Work jointly and in cooperation with the appropriate entities, for the evaluation of and funding for additional proposals as warranted.

2. The states commit to the siting, design and construction of **nearshore** and **upland demonstration projects** to take 1,000,000 cubic yards of dredged material per annum in environmentally acceptable, and economically viable sites. Both states have projects under evaluation at this time (see state initiatives.)

3. As part of an integrated, comprehensive disposal plan which includes all viable disposal options, the States commit to the investigation, siting, design and

development of **confined disposal facilities** in environmentally acceptable and economically viable sites. The States will initiate the environmental impact statement process during calendar year 1997.

4. The states commit to continue the investigation of **geotextile bags** and other technologies designed to contain material disposed of in confined disposal facilities.

5. The states commit to the continued development of **beneficial use** projects such as habitat creation, landfill cover/closure, construction material and hazardous site remediation.

6. The processing of dredged material is a critical element in many disposal options, especially upland disposal, beneficial reuse, and decontamination. The states commit to jointly or in cooperation with each other, the development of sufficient **processing facilities** to rehandle dredged materials.

7. The states commit to the use of dredged material suitable for **ocean disposal** to remediate the Mud Dump Site, following the guidelines as determined in the Supplemental Environmental Impact Statement to be published by the USEPA Region II in January, 1997.

8. The states commit to the development of state sponsored **transportation projects** utilizing dredged materials.

9. The States commit to the development of **comprehensive, consistent regulatory policies** between the States with reciprocal acceptance of proposals which meet the other State's criteria. The States will enter into a memorandum of understanding for reciprocal recognition of dredged material management technologies and processes.

10. There are several initiatives underway for the **evaluation and promotion of technologies** for the use of dredged material. The states will continue to foster development of these technologies.

11. The States will work with their **respective Congressional delegations** to insure that the appropriate federal actions are included in authorization and appropriation bills.

III. Long Term (September 2001-2025) Dredging Requirements and Disposal Options

The long term dredging requirements for the harbor, for maintenance dredging, will include approximately 4-5 million cubic yards of material per annum. Depending on the results of the Hub Port Study and the 50' Harbor Deepening study, capital dredging could approach 40 to 60 million cubic yards in addition to the maintenance dredging needs over the long term. These decisions on deepening could also impact the annual maintenance

dredging requirements for the harbor depending on the siting characteristics of the deepened channels.

1. As part of an integrated, comprehensive disposal plan which includes all viable disposal options, the States commit to the investigation, siting, design and development of a long term, large capacity containment facility, utilizing as a base, information solicited and provided by the respective states' Dredged Material Management Teams, the Dredged Material Management Integration Work Group and the data contained in the ACOE Interim Report. Each state's team will make specific recommendations to its respective Governor for environmentally acceptable, and economically viable sites. The States will initiate the environmental impact statement process during calendar year 1997.

   Much of the material removed for channel deepening is expected to be "clean" material and may even be suitable for beneficial re-use without the necessity for extensive and expensive re-handling.

2. The States commit to implementation of the Harbor Estuary Plan as it relates to the study of sediment contaminants, the identification and elimination of the sources of contamination of harbor sediment, the remediation of contaminated areas, and the pursuit and sanction of polluting entities. Since 1960, the level of contamination in harbor sediments has been reduced, through a number of initiatives, by half. In order to reduce contaminant levels to produce clean sediments within 30 years, from this date, the states commit to the following actions:

   - To continue the aggressive pursuit of point and non-point source pollution in the harbor;
   - To fund the track down and clean-up recommendations in The Comprehensive Conservation and Management Plan (CCMP);
   - To continue the implementation and enforcement of The Combined Sewer Overflow (CSO) abatement controls of USEPA's national CSO Control Policy;
   - To develop a workplan for additional studies in areas of highly contaminated sediments;
   - To conduct Phase I and Phase II Sediment toxicity identification evaluations to identify the causes of sediment contamination; and

- To aggressively pursue the recovery of damages from the parties responsible for polluting the harbor, with any damage awards to be applied to harbor restoration including clean-up and disposal costs.

3. The States will serve as local sponsors with the PANY/NJ for the Hub Port study being undertaken by the USACE, New York District, in accordance with the Water Resources and Development Act (WRDA) '96 to ensure that the coordinated planning, development and construction necessary to meet the needs of future vessel traffic is carried out. The study should focus on capitalizing on all current assets of the Port and will work toward attaining the most efficient operations possible with the least adverse environmental impact on the harbor, recognizing that increases in cargo and shipping in world trade create an opportunity for all existing (and improved) facilities to benefit if developed appropriately. The reconnaissance study will be completed by early 1977, and the feasibility study will be completed in 1999.

4. The States will identify and implement technologies and processes designed to reduce the amount of material to be dredged harbor wide.

5. The States will work together with the USEPA and ACOE to develop accurate and adequate knowledge of the characteristics of sediment to be dredged. This information is necessary in order to make valid scientific and regulatory decisions concerning the contamination of sediments and disposal options for dredged material.

New Jersey's Plan

SECTION I - Introduction

The purpose of this section is to further define the immediate (1996) and short term (1997-2000) management and disposal options identified in the Joint Plan; and to initiate the development of long term facilities and processes to meet New Jersey's dredging disposal requirements. The anticipated availability of management options is contained in Table 3.

SECTION II - Regulatory Initiatives

The two States are committed to development of comprehensive, consistent regulatory policies between the states with some form of reciprocal acceptance of proposals which meet the other State's criteria.

- New Jersey will adopt as regulation its technical guidance document known as The Management and Regulation of Dredging Activities and Dredged Material in New Jersey's Tidal Waters, as may be amended in the public comment process.

- New York State will expedite the adoption of policies and procedures for the management of dredged materials, compatible with New Jersey's regulations.

- The two states will enter into a formal memorandum of understanding for reciprocal recognition of technologies and processes, as appropriate.

- All regulatory initiatives will be completed during calendar year 1997.

SECTION III - Technology Development

1. Decontamination Technologies

The two States are committed to the continued development of decontamination technologies with demonstration projects to be conducted in 1997, with the goal of full scale (500,000 cubic yards per annum) production during 1999. New Jersey will, in concert with New York, request proposals for demonstration technologies and, if necessary, assist in site selection and development.

New Jersey will, jointly and in cooperation with New York and the PANY/NJ, assist the New Jersey Dredged Material Sediment and Technology Institute in evaluating and funding additional proposals as warranted.

2. Sediment Control Technologies

New Jersey will commit to the investigation and development, if warranted and feasible, practical sediment control technologies to reduce and/or re-direct sediment transport.

3. Processing Technologies

New Jersey will commit to the development of facilities to rehandle, process and/or decontaminate dredged materials with a capacity of 1.5 to 2.0 million cubic yards per annum. Currently, there are four private proposals which are in the pre-application phase in New Jersey. New Jersey will expedite, in so far as possible, all such applications with the goal of a fully permitted, full production facility, in place by June 1, 1997.

4. Beneficial Reuse Technologies

New Jersey will commit to the continued development of beneficial uses for dredged materials. During the period 1997-2000, the annual average volume of Category II/III projects in New Jersey is 1.82 million cubic yards. To meet those requirements, New Jersey will continue development of the following projects:

- State sponsored transportation projects utilizing dredged materials in an average annual volume of up to 700,000 cubic yards. The New Jersey Department of Transportation has tentatively identified those projects and New Jersey will provide the necessary research and development funds.

- New Jersey will commit to assisting in identification and development of nearshore/upland demonstration projects for construction, habitat development, and restoration projects in the amount of 500,000 cubic yards per annum, providing necessary research and development funds.

- Coordinating with USEPA Region II, New Jersey will provide from its dredging projects as much Category I material as is possible for the restoration of the Ocean Disposal site and such other remediation areas as are available and sanctioned by the appropriate agencies.

- All Categories of materials will be utilized where appropriate for upland beneficial uses such as landfill cover/closure, construction material and hazardous site remediation. New Jersey will aggressively develop a list of local sites which will accommodate the remaining disposal requirements, and will work with dredging permit applicants to schedule development projects to meet identified dredging needs.

5. Harbor Sediment Contaminant Reduction & Remediation

As indicated in the Joint Plan, New Jersey will commit to implementation of the Harbor Estuary Plan particularly as it relates to the sediment studies (source-transport-fate) elimination of pollution sources, remediation, identifying the sources and pursuing polluters. The two states will meet during the first quarter of 1997 to develop work plans, identify funding requirements, and secure commitments to implement those elements of the Harbor Estuary Program identified in the Joint Plan.

6. Funding

A. New Jersey Funding ($185 Million)

New Jersey, upon successful passage of the Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996, will develop a dredging priority list and adopt regulations for the implementation of the Bond Act. The Director of Maritime Resources will coordinate with all parties to develop priorities for the annual budget required by the Legislature, and will assist the Commissioner of the Department of Environmental Protection in developing the criteria for the regulations.

Projects eligible for funding under the act include:

- Construction of Disposal Facilities;
- Decontamination Projects; and
- Dredging of Navigation Channels.

B. Project Funding from Committed Port Authority Funds ($65 Million)

New Jersey will fund, as appropriate, projects from monies allocated by the PANY/NJ to the two states in accordance with the agreement and request of the two Governors. The Director of Maritime Resources will coordinate with all parties to encourage and assist in the development of projects consistent with the goals and objectives of the Joint Plan.

The Director will coordinate with the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Transportation, and the Executive Director of the Port Authority of New York and New Jersey to implement appropriate projects within the following categories:

- Dredging and Dredged Material Disposal Projects;
- Dredged Material Management Initiatives;
- Harbor Sediment Contaminant Identification/Reduction Studies (local share);
- Harbor Sediment Control Technologies (local share);

- Pollution Prevention Initiatives (local share);
- Beneficial Reuse Technology Development;
- Decontamination Technology Development; and
- The Port of New York and New Jersey Navigation Study (ACOE Hub Port Study), (local share)

THE NEW YORK PLAN

SECTION I - Introduction

This Plan is a critical step in the process of developing a workable solution to the dredging crisis now facing us in the New York Harbor region. The process will include working in partnership with the State of New Jersey, the City of New York, the Port Authority of New York and New Jersey, the Federal Government, local community groups, public interest groups, the maritime industry, and private citizens to ensure that the final plan has support from the broadest possible base. The plan presents a broad array of options for the management of the dredged material, no one of which is sufficient to solve the problem by itself, but when put together, will go a long way towards keeping the Harbor a vibrant port, equipped to compete into the 21st century.

In developing this plan, we recognize the importance of two very basic policies. The first is that the Port is important to the economic well-being of the States of New York and New Jersey, not to mention the entire United States. In order to allow the Port to compete now and in the future, it is essential that dredging and the disposal of the dredged materials take place in a timely and cost-effective manner to keep our navigational channels open. The second all-important policy is that the harbor is a vital natural resource, and the management of the dredged material must include provisions for the preservation and improvement of that resource. These two policies are complementary. To the extent the harbor is a successful economic engine, resources will be generated which can be used to assist in assuring it is a resource which can be enjoyed by all its constituents.

In order to accomplish these goals, the State of New York is committed to the following:

Maintenance Dredged Material Disposal Projects:

- Upland beneficial use (landfill cover);
- Nearshore confined disposal facilities;
- Habitat creation, shoreline protection, wetland creation; and
- RD&D projects.

Dredged Material Management Initiatives:

- Sediment Contaminant source identification and reduction;
- Decontamination technologies; and
- Dredge material Processing Facility Development.

Support Projects:

- Sediment Characterization;
- Regulatory revisions;
- Promotion of technologies for beneficial use;
- Permit Applicant Assistance; and
- Harbor Related Studies.

New York State Project Funding
$65 (million)

	Funding
Maintenance Dredged Material Disposal Projects	40,000,000
Dredged Material Management Initiatives	20,000,000
Other Support Projects	5,000,000
Total	**$65,000,000**

SECTION II - Maintenance Dredged Material Disposal Projects

In the short term, from 1997 through 2000, the annual average volume of maintenance dredging projects in New York State is approximately 1.2 million cubic yards of material which is Category II or III. To meet these requirements, we will aggressively develop the following projects:

	Projected Capacity per Year in Cubic Yards
Upland beneficial use: Landfill Cover	500,000
Nearshore Containment Projects	750,000
Habitat Creation, shore protection, wetlands	100,000
RD&D Projects	100,000
Total	**1,450,000**

In addition to the projects developed for Category II and III material, New York State is committed to the use of Category I material for restoration of the Mud Dump Site in coordination with the EPA Region II, and any other remediation areas available and sanctioned by the appropriate agencies.

SECTION III - Dredged Material Management Initiatives

1. **Sediment Contaminant Source Identification and Reduction**

New York State is committed to the elimination of the sources of pollution into the Harbor Estuary. **No long term dredged material management strategy is complete without a viable plan to ensure that the dredged material at some time in the future**

will be free of contaminants. To this end, we are committed to implementation of the toxics section of the Comprehensive Conservation and Management Plan (CCMP).

2. Decontamination technologies

Typically, decontamination technologies for dredged materials are intended to make the treated material suitable--as defined by legal and technical criteria--for beneficial use as a product or for less restricted disposal. In the case of the most contaminated sediments, decontamination may be primarily targeted to reducing the actual or potential exposures to hazardous waste, to controlling the spread of contaminants or to modifying the material so that it may be more easily and cheaply managed.

New York State is committed to the continuing development of decontamination technologies. We will work with the State of New Jersey to fulfill the goal of full scale (500,000 cubic yards) production per year by 1999.

3. Dredged Material Processing Facility Development

Processing of dredged material is a critical element in many disposal options, especially upland disposal. Proper processing can cut down significantly on the amount of material which must be disposed of through dewatering and separation of contaminated material from non-contaminated fractions of material. In addition, in many cases the material must be stabilized prior to further handling or disposal. There are several sites in the region which may accommodate this use, both in New York and New Jersey.

The State of New York is committed to working with the State of New Jersey to develop dredged material processing facilities. This is an area where the States of New York and New Jersey can readily share a facility for mutual benefit.

SECTION IV- Support Projects

1. Sediment Characterization

Accurate and adequate knowledge of the characteristics of sediment to be dredged is necessary in order to make valid scientific and regulatory decisions concerning the contamination of sediments and disposal options for dredged material.

The State of New York has committed to a workplan which will compile a complete and reliable database of existing sediment data in the Harbor, support sample collection, analysis and modeling to fill gaps in the database, and enhance the scope, availability and organization of information to characterize sediments over time and space. This will enable predictions of long term disposal capacity needs at different contaminant levels. We will work with other agencies that have data on the Harbor, including the ACOE, USEPA, the City of New York, and PANY/NJ.

2. Regulatory Revisions

DEC is currently seeking to expand upland management opportunities through the development of revisions to Part 360 of the state regulations that are designed specifically for upland management of navigational dredged material. DEC is committed to working with the State of New Jersey to formulate consistent policies and procedures for the management of dredged material.

3. Promote Development of New Technologies for Beneficial Use of Dredge Material

There are several initiatives underway for the evaluation and promotion of technologies for the use of dredged material. These include construction aggregate and use for transportation projects, among others. New York is committed to the development of these alternatives.

4. Dedicated Assistance to Dredging Permit Applicants

DEC, which is responsible for the vast majority of State issued permits for the dredging and disposal of material from the State's waters, has put together an interdisciplinary team of engineers, biologists and technicians led by a project manager to provide dedicated permit services solely to New York Harbor customers. These services include preapplication project evaluation, site evaluations, sampling protocols for data analysis, and environmental assessment, among others. These professionals will work closely with the appropriate Federal agencies, the ACOE, and the USEPA, to ensure clear, consistent guidance and permitting decisions, exclusively for the Port.

5. Harbor Related Studies

The State of New York is committed to the efficient development of the Port of New York and New Jersey. We will work with the State of New Jersey, the ACOE, the City of New York, community groups, environmentalists and others to ensure that the economic and environmental interests of the Harbor are best served.

Potential Sequencing of Projects over the next 12 Months

Project	Responsible Party	Volume (cy)	App. Tim	Comments	State	Potential Disposal Options	
						MDS	ORION
CATEGORY I PUBLIC/PRIVATE PROJECTS							
Con Edison of New York (59th Street)		44,000	1997	Permit Issued	NY	44,000	
Tower Ridge Yacht Club		15,000	1997	Permit Issued	NY	15,000	
Refined Sugars Inc.		60,000	1997	Permit Pending	NY	60,000	
US Gypsum Company		115,000	1997	Permit Issued	NY	115,000	
Yonkers' Yacht Club		8,575	1997	Permit Issued	NY	8,575	
Port Authority of NY & NJ Bkln. Marine Terminal	PANY/NJ	33,000	1997	Permit Pending	NY	33,000	
Con Edison of NY (the Narrows)		24,000	1997	Permit Issued	NY	24,000	
Port Auth. of NY & NJ Passenger Ship Terminal	PANY/NJ	440,000	1997	Permit Issued	NY	440,000	
Norval		50,000	1997	Permit Pending	NY	50,000	
Navy Earle	NAVY	700,000	1997	Permit Pending	NJ	700,000	
Hudson River	ACOE	290,000	1997	Permit Pending	NY	290,000	
Union Dry Dock		90,000	1996	Permit Pending	NJ	90,000	
Sandy Hook (35')	ACOE	150,000	1997	Testing Completed	NY/NJ	150,000	
East River	ACOE	175,000	1996	Permit Issued	NY	175,000	
Subtotal		**2,194,575**				**2,194,575**	
PUBLIC DREDGING PROJECTS							
Reach B, C, D Maintenance	PA	110,000	Jan. 96	Testing underway	NJ	110,000	
Red Hook Flats	ACOE	55,000	1997	Needs ocean disposal testing	NY	55,000	
Flushing Bay	ACOE	50,000	1997	Need testing	NY		
Liberty State Park	NJDEP	30,000	Nov. 96	Currently being tested for disposal at ORION	NJ		30,000
Port Jersey Channel Reach A (38') Maint.	NJ/PA	118,485	Dec. 96	Needs ocean disposal testing	NJ	118,485	
Port Jersey Channel Reach B (38') Maint.	NJ/PA	360,620	Jan. 97	Needs upland disposal testing	NJ		360,620
Newark Bay Maintenance (40')	ACOE	390,000	Jan. 97	Testing Completed	NJ	390,000	
Arthur Kill	ACOE	590,000	Feb. 97	Testing Completed	NY/NJ		590,000
Auto Marine Terminal	PA	25,000	Feb. 97	Needs disposal testing for ORION	NJ		25,000
Reach A Maintenance	PA	50,000	Mar. 97	Completion of Reach A - may need testing	NJ		50,000
Newark Bay CDF	PA	579,000	May-97	Needs EIS & Permit	NJ	579,000	
Raritan Bay Reach	ACOE	60,000	1997	Needs ocean disposal testing	NY/NJ	60,000	
Subtotal		**2,418,105**				**1,312,485**	**1,055,620**

TABLE 2

HIGH PRIORITY FEDERAL NAVIGATION CHANNELS

Federal Project Name	Channel/Reach Needing Dredging	Quantity (c.y.)	Needs Testing	Projected Category
New York and New Jersey Channels	Kill Van Kull	10,000	No - reprofiling	N/A
Newark Bay, Hackensack and Passaic Rivers	Newark Bay Channels	390,000	No (11/95)	II
New York and New Jersey Channels	Arthur Kill	590,000	No (8/95)	III
New York and New Jersey Channels	Wards Point Bend	60,000	No - reprofiling	N/A
New York and New Jersey Channels	Raritan Bay Channel	60,000	Yes (pre-1991 Green Book)	II/III
New York Harbor	Sandy Hook Channel	150,000 (-35ft) 1.2 mil. (-45 ft)	No - meets testing exclusion (sand)	I
New York Harbor	Red Hook Flats Anchorage	55,000	Yes (pre-1991 Green Book)	II/III
Hudson River Channel	40 ft. Channel (N.Y. Side)	290,000	Yes (pre-1991 Green Book)	I
Flushing Bay and Creek	(Entire Channel)	50,000	Yes (pre-1991 Green Book)	II/III

TABLE 1

Potential Sequencing of Projects over the next 12 Months (Continued)

Project	Responsible Party	Volume (cy)	App. Time	Comments	State	Potential Disposal Options	
						MDS	ORION
PRIVATE DREDGING PROJECTS							
Exxon Co.		100,000	1996	Need testing	NJ		100,000
GATX		78,000	1996	Need testing	NJ		78,000
Caddell Dry Dock		46,000	1997	Need testing	NY	46,000	
IMTT Bayonne		65,000	1996	Need testing	NJ		65,000
Chevron Perth Amboy		70,000	1996	Need testing	NJ		70,000
Stratus Petroleum		60,000	1996	Need testing	NJ		60,000
City of Perth Amboy		33,000	1996	Need testing	NJ		33,000
May Ship Repair		67,000	1996	Need testing	NY	67,000	
Mobil Oil		100,000	1996	Need testing	NY		100,000
Cilgo Petroleum Linden		35,000	1997	Need testing	NJ		35,000
Northville		20,000	1997	Need testing	NJ		20,000
Coastal Oil		20,000	1997	Need testing	NY	20,000	
Subtotal		**694,000**				**133,000**	**561,000**
OTHER							
Kill Van Kull	ACOE	10,000	Dec. 96	Reprofiling	NY/NJ		
Ward's Point Bend	ACOE	60,000	Dec. 96	Reprofiling	NY/NJ		
Subtotal		**70,000**					
Total		**5,376,680**				**3,640,060**	**1,616,620**

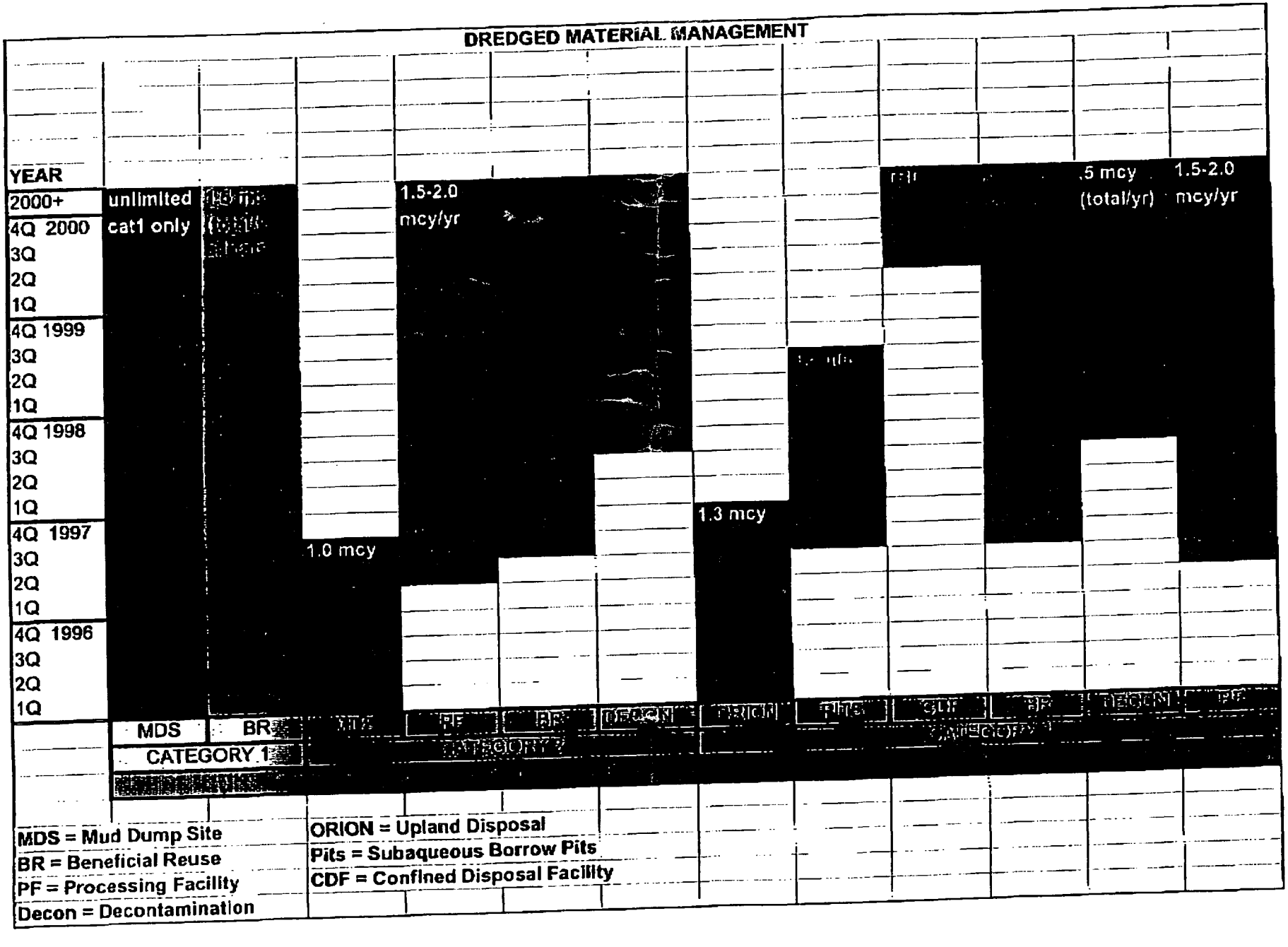

DREDGED MATERIAL MANAGEMENT
YEAR
2000+
4Q 2000
3Q
2Q
1Q
4Q 1999
3Q
2Q
1Q
4Q 1998
3Q
2Q
1Q
4Q 1997
3Q
2Q
1Q
4Q 1996
3Q
2Q
1Q
unlimited
cat1 only
1.5-2.0
mcy/yr
1.0 mcy
1.3 mcy
.5 mcy
(total/yr)
1.5-2.0
mcy/yr
MDS
BR
CATEGORY 1
CATEGORY 2
MDS = Mud Dump Site
BR = Beneficial Reuse
PF = Processing Facility
Decon = Decontamination
ORION = Upland Disposal
Pits = Subaqueous Borrow Pits
CDF = Confined Disposal Facility

TABLE 3