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October 30, 2020

Via Email to DNRECHearingComments@delaware.gov

Lisa A. Vest
Hearing Officer
Office of the Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

**Re: Docket # 2020-P-MULTI-0024
Comments Regarding Diamond State Port
Corporation's Application for Subaqueous Lands
Permit and Water Quality Certification,
Port of Wilmington Edgemoor Delaware
(Tax Parcels: 0615300006 and 0615300003)**

4600 Hay Road, Edgemoor, New Castle County, Delaware, 19809

Dear Hearing Officer Vest:

On behalf of Gloucester County, New Jersey, its over 288,000 residents, and its many businesses that depend on the Delaware River, we are submitting these comments to the Delaware Department of Natural Resources and Environmental Control ("DNREC") regarding the above-described permit application from the Diamond State Port Corporation ("DSPC") concerning the development of the Edgemoor site in Delaware as a containerized cargo port (the "Edgemoor Expansion project"). At the outset, Gloucester County agrees with and supports the public comments concerning the Edgemoor Expansion project being submitted by the South Jersey Port Corporation. In particular, Gloucester County reiterates the following concerns:

- 1. The Edgemoor Expansion project threatens to impede the completion of the Delaware River Main Channel Deepening Project.**

The Delaware River Main Channel Deepening Project (the “Deepening Project”), which will result in the deepening of the main navigation channel, is near completion except for certain work required in Reach B. The proposed Edgemoor Expansion project is located in the southern portion of Reach B and will involve dredging an additional 3.3 million cubic yards of sediment. Since work on both projects will presumably be required to be done during a designated seasonal window so as not to impact sturgeon, the Edgemoor Expansion project could hinder the expeditious completion of the Deepening Project. Also, if the Edgemoor Expansion project has negative impacts on sturgeon or other aquatic life, and such impacts are detected by the U.S. Army Corps’ monitoring activities for the Deepening Project, there could be confusion as to the cause of these impacts or they could be mistakenly attributed to the Deepening Project, which would delay work on the Deepening Project. Ports and businesses all along the Delaware River, including ports and businesses located in Gloucester County, have been awaiting the completion of the Deepening Project so that the larger ships that require the 45’ depth can now reach them. Sufficient studies must be done by DSPC and/or conditions must be imposed by DNREC to ensure that the Edgemoor Expansion project does not impede the completion of the Deepening Project.

2. The Edgemoor Expansion project’s proposed use of sedimentation fans would likely increase the amount of sedimentation in the main navigation channel and at New Jersey sites across the Delaware River.

To reduce the significant maintenance dredging associated with the Edgemoor Expansion project, DSPC has proposed the use of 13 large sedimentation fans that will blow sediment from the Edgemoor berthing area toward the main navigation channel and New Jersey. DSPC has not provided studies regarding whether the fans will materially increase the amount of sediment in the main navigation channel or nearby New Jersey sites, which could hinder navigation or increase the cost of maintenance dredging in the main channel and impacted New Jersey ports. *See* Del. Admin. Code § 7504-4.6.3 (requiring DNREC to consider the impact on navigation) and § 7504-4.7.4.1 (requiring DNREC to consider the “degree to which the project represents an encroachment on or otherwise interferes with public lands, waterways or surrounding private interests”). Common sense suggests that if the sediment is being blown away from the Edgemoor site, it must come to land somewhere else, making it someone else’s problem. Gloucester County ports, including the Paulsboro Marine Terminal, and businesses with berths on the Delaware River rely on ships being able to reliably use the main navigation channel and should not bear the cost of addressing sediment blown from the Edgemoor site toward New Jersey.

In addition, located on the New Jersey-side of the Delaware River in this section of the River are public spaces, such as Penns Grove Riverwalk (Penns Grove), Helms Cove (Carneys Point), Riverwinds (West Deptford), Dream Park (Logan), and a wildlife management area with a boat ramp that is managed by the New Jersey Division of Fish, Game and Wildlife (Carneys Point). There must be sufficient studies to ensure that blowing sediment from the Delaware side of the Delaware River toward the main navigation channel will not result in a build-up of sediment in these public areas that will result in increased costs to Gloucester County and the State of New Jersey. In addition, a number of companies and electric power plants have water withdraw intakes along the Delaware River. DNREC should require sufficient studies to determine whether the sedimentation fans blowing large amounts of sediment toward the New Jersey side of the River will impact the operations of these companies and power plants. For example, will they need to install new or different types of filtration? Overall, it seems that much more

investigation and analysis of the proposed sedimentation fans must be done before DNREC can consider permitting them.

3. The proposal to have a turning basin in the Main Navigation Channel could have serious negative impacts on navigation on the Delaware River.

Gloucester County is home to ports and businesses that depend on ships being able to reach them unimpeded. The potential to impede ship traffic to and from these ports and businesses is a threat to their continued existence. DNREC must consider certain public interest factors when considering an application, including “the potential effect on the public with respect to commerce [and] navigation.” 7 Del. Admin. Code § 7504-4.6.3; see also 7 Del. Admin. Code § 7504-4.11.1.2 (projects shall be designed to “[m]aintain the navigability of channels”). DNREC must also consider the “degree to which the project represents an encroachment on or otherwise interferes with public lands, waterways or surrounding private interests.” 7 Del. Admin. Code § 7504-4.7.5.1. A turning basin that occupies the entire main navigation channel poses a serious risk to navigation that affects ports and businesses in Gloucester County. Accordingly, DSPC must perform sufficient studies or impose appropriate conditions that ensure that the proposed turning basin will not have negative impacts on other ports and businesses further north on the Delaware River, including Gloucester County ports and businesses.

4. The Edgemoor Expansion project does not have a definite plan for disposing dredged materials.

DSPC’s application suggests that dredged materials from the Edgemoor site, both from the initial dredging and ongoing maintenance dredging, will be disposed at federal Confined Disposal Facilities (“CDFs”). However, DSPC’s proposed plans for dredged material disposal hinge on future U.S. Army Corps of Engineer approvals that have not yet been given. DSPC should be required to specify a definite plan for its dredged material before it subaqueous land permit is granted. Without a definite plan, DNREC cannot consider the environmental effects of the disposal of the dredged materials at and surrounding the disposal sites, as required by 7 Del. Admin. Code § 7504-4.11.2.2.

Gloucester County has an interest in ensuring that there is adequate disposal facilities for the significant amount of dredged materials that will be generated from both the construction of the Edgemoor Expansion project and its ongoing maintenance, including making sure that (1) the Edgemoor dredged material do not affect capacity at CDFs that have been allotted to the Deepening Project, and (2) there is no risk that such dredged material will find its way to New Jersey sites.

As discussed in the four points above, DNREC must either require that DSPC perform sufficient studies to address the concerns raised or impose appropriate conditions that ensure that the Edgemoor Expansion project will not have negative impacts on ports, businesses and public sites located in Gloucester County. Thank you for the opportunity to provide these comments.

Respectfully submitted,



Chad M. Bruner, County Administrator
County of Gloucester