Notice to Mariners
Dear Lieutenant Powpow:

The U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACE), N.J. Department of Transportation (NJDOT) and N.J. Department of Environmental Protection (NJDEP) have formed a partnership to conduct an integrated study of the Lower Passaic River. The study is being conducted under the Superfund program and the Water Resources Development Act. The study area consists of the 17-mile stretch of the Lower Passaic River and its tributaries from the Dundee Dam to Newark Bay. The objective of the study is to propose a plan to remediate contaminated sediments and restore habitats in and around the river.

As part of the Feasibility Study, the agencies are implementing an Environmental Dredging and Decontamination Pilot in late October in the Harrison Reach of the Passaic River. The pilot will take place approximately 2.8 miles upstream of the confluence with Newark Bay within a 1.5 acre area. NJDOT has recently selected a dredger to remove 5,000 cyd of sediment at a maximum depth of 3-feet. The sediment will be removed and transported to the Bayshore Recycling Facility in Keasby, NJ. There, the material will be offloaded into a carrier ship for subsequent treatment using sediment washing and thermal destruction.

I would like to inform you that it is our goal to implement this pilot beginning the week of October 17, 2005. The project team will begin conducting background monitoring surveys the week of October 17, 2005 with dredging initiated on October 24, 2005. Dredging should take place for approximately one week. Organizations that will be involved in the pilot investigations include NJDOT, USEPA, USACE, TAMS/EarthTech, Malcolm Pirnie, Inc., Rutgers University, USGS. The team will be intensively monitoring the result of the dredging activities through the collection of water quality samples, shipboard surveys and mooring structures in the river with instruments that measure turbidity, conductivity, temperature and current.
NJDEP has issued the enclosed Federal Consistency Determination/Water Quality Certification for the field work the team is conducting and the dredging activity. As required, enclosed is a map of the Passaic River with the dredging pilot location. We will work with you to ensure that the environmental dredging pilot will not pose a hazard to navigation in the river.

Additional information about the pilot can be found at [www.ourpassaic.org](http://www.ourpassaic.org). In addition, we have scheduled a Pre-Construction Meeting with the project team and dredger for October 7, 2005 at North Jersey Transportation Planning Authority (NJTPA) in Newark. Please let me know if you or your staff are interested in attending. If you have any questions about the project or the work to be performed, please contact me at (609) 530-4779.

Sincerely yours,

Lisa A. Baron  
Lower Passaic River Restoration Project  
Project Manager

Cc: Richard Gimello, NJDOT  
    Alice Yeh, USEPA  
    Scott Nicholson, USACE  
    Dave Risilia, NJDEP
Dear Mr. Zielinski:

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As part of the Feasibility Study, the agencies are implementing an Environmental Dredging and Decontamination Pilot in late October in the Harrison Reach of the Passaic River. The pilot will take place approximately 2.8 miles upstream of the confluence with Newark Bay within a 1.5 acre area. NJDOT has recently selected a dredger to remove 5,000 cyd of sediment at a maximum depth of 3-feet. The sediment will be removed and transported to the Bayshore Recycling Facility in Keasby, NJ. There, the material will be offloaded into a carrier ship for subsequent treatment using sediment washing and thermal destruction.

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Lisa A. Baron
Lower Passaic River Restoration Project
Project Manager

Cc: Richard Gimello, NJDOT
    Alice Yeh, USEPA
    Scott Nicholson, USACE
    Dave Risilia, NJDEP
State of New Jersey

DEPARTMENT OF TRANSPORTATION
1035 Parkway Avenue
PO Box 600
Trenton, New Jersey 08625-0600

Richard J. Codey
Acting Governor

John F. Lettiere
Commissioner

Please Reply To:
NJDOT
Office of Maritime Resources
PO Box 837
Trenton, NJ 08625-0837
Phone: 609-530-4770
Fax: 609-530-4860

Mayor Sharpe James
City of Newark
City Hall
920 Broad Street
Newark, New Jersey 07102

September 26, 2005

Dear Mayor James:

The U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACE), N.J. Department of Transportation (NJDOT) and N.J. Department of Environmental Protection (NJDEP) have formed a partnership to conduct an integrated study of the Lower Passaic River. The study is being conducted under the Superfund program and the Water Resources Development Act. The study area consists of the 17-mile stretch of the Lower Passaic River and its tributaries from the Dundee Dam to Newark Bay. The objective of the study is to propose a plan to remediate contaminated sediments and restore habitats in and around the river.

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Sincerely yours,

Lisa A. Baron
Lower Passaic River Restoration Project
Project Manager

Cc: Richard Gimello, NJDOT
    Alice Yeh, USEPA
    Scott Nicholson, USACE
    Dave Risilia, NJDEP
Mayor Alberto G. Santos  
Town of Kearny  
Town Hall  
402 Kearny Avenue  
Kearny, New Jersey 07032  

September 26, 2005

Dear Mayor Santos:

The U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACE), N.J. Department of Transportation (NJDOT) and N.J. Department of Environmental Protection (NJDEP) have formed a partnership to conduct an integrated study of the Lower Passaic River. The study is being conducted under the Superfund program and the Water Resources Development Act. The study area consists of the 17-mile stretch of the Lower Passaic River and its tributaries from the Dundee Dam to Newark Bay. The objective of the study is to propose a plan to remediate contaminated sediments and restore habitats in and around the river.

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Sincerely yours,

Lisa A. Baron
Lower Passaic River Restoration Project
Project Manager

Cc: Richard Gimello, NJDOT
    Alice Yeh, USEPA
    Scott Nicholson, USACE
    Dave Risilia, NJDEP
October 17, 2005

Subject: Environmental Dredging and Decontamination Pilot Study

Dear Mayor McDonough:

The U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACE), N.J. Department of Transportation (NJDOT) and N.J. Department of Environmental Protection (NJDEP) have formed a partnership to conduct an integrated study of the Lower Passaic River. The study is being conducted under the Superfund program and the Water Resources Development Act. The study area consists of the 17-mile stretch of the Lower Passaic River and its tributaries from the Dundee Dam to Newark Bay. The objective of the study is to propose a plan to remediate contaminated sediments and restore habitats in and around the river.

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Lisa A. Baron
Lower Passaic River Restoration Project
Project Manager

Cc: Richard Gimello, NJDOT
    Alice Yeh, USEPA
    Scott Nicholson, USACE
    Dave Risilia, NJDEP
Dear Mayor Smith:

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Lower Passaic River Restoration Project
Project Manager

Cc: Richard Gimello, NJDOT
    Alice Yeh, USEPA
    Scott Nicholson, USACE
    Dave Risilia, NJDEP
Coast Guard, NY District  
Vessel Activity Notification  

<table>
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<tr>
<td>Vessel Captain</td>
<td>Eugene Nieminen</td>
<td>David Foster</td>
<td>Dan Crowell</td>
<td>John Zlotnik</td>
<td>Mike Marcello</td>
<td>Jim Nickels</td>
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<tr>
<td>POC:</td>
<td>Eugene Nieminen</td>
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<td>Dan Crowell</td>
<td>John Zlotnik</td>
<td>Mike Marcello</td>
<td>Jim Nickels</td>
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<tr>
<td>Office Phone:</td>
<td>609-646-9310</td>
<td>914-641-2777</td>
<td>609-296-5260</td>
<td>609-296-5260 x 246</td>
<td>917-567-9065</td>
<td>908/788-8700</td>
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<tr>
<td>Crew:</td>
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<td>1 crew, 3-4 field staff</td>
<td>1 crew, 3-4 field staff</td>
<td>1 crew, 3-4 field staff</td>
<td>2 crew, 10 passengers</td>
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<td>Work Area</td>
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The following personnel will be working on this project

<table>
<thead>
<tr>
<th>ASI Crew</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Eugene Nieminen</td>
<td>primary</td>
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<tr>
<td>Richard Henry</td>
<td>primary</td>
</tr>
<tr>
<td>Timothy Kubiak</td>
<td>secondary</td>
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<tr>
<td>James Nickels</td>
<td>Previously cleared</td>
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<tr>
<td>Steve Brodman</td>
<td>Previously cleared</td>
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<tr>
<td>Jeff Clemens</td>
<td>Previously cleared</td>
</tr>
<tr>
<td>Majid Ojanli</td>
<td>Previously cleared</td>
</tr>
<tr>
<td>Mark Padover</td>
<td>Previously cleared</td>
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<tr>
<td>Fred Kushner</td>
<td>Previously cleared</td>
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<tr>
<td>Lisa Baron</td>
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<td>Peter Weppler</td>
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<tr>
<td>Erica Zamek</td>
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<td>Liam Bossi</td>
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<tr>
<td>David Foster</td>
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<td>Paul Kareth</td>
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<td>Kenneth Hayes</td>
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<tr>
<td>Robert Forstner</td>
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<td>Mike Marcello</td>
<td></td>
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<tr>
<td>ASI Crew</td>
<td>Comments</td>
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<tr>
<td>Celeste Foster</td>
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<td>Mark Kucera</td>
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<td>Mike McGuire</td>
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<td>David Lewitt</td>
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<td>F. Chris Purkiss</td>
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<td>Jennifer Bonin</td>
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<td>Tim Wilson</td>
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<td>Bob Chant</td>
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<td>Eli Hunter</td>
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<td>Dave Fugate</td>
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<td>Clinton Haldeman III (Chip)</td>
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<td>Dan Crowell</td>
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<td>Amit Haryani</td>
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<td>Maheyar Bilimoria</td>
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<td>Leonard Mangiaracina</td>
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<td>Shewen Bian</td>
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<td>Richard Henry</td>
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<td>Steve Wolf</td>
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<td>Peter Jackson</td>
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<tr>
<td>Nicholas Smith</td>
<td></td>
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<tr>
<td>Robert Law</td>
<td></td>
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<tr>
<td>Jim Hughes</td>
<td></td>
</tr>
</tbody>
</table>

Fax to Jeff Yunker at least 48 hours in advance of beginning work. Fax # 718/354-4190
Permits
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. Box 439
TRENTON, NEW JERSEY 08625-0439

APPLICATION FOR LICENSE OR EASEMENT

DATE 8/12/04

FILE #

Application is hereby made, in accordance with N.J.S.A. 13:1B-13 and N.J.S.A. 12:3-10 for a revocable license to use and occupy State's lands under water, subject to such terms and conditions contained therein or as may be imposed by law.

APPLICANT

1. NAME (Mr./Mrs./Ms.) LISA BARON

2. ADDRESS 1035 PARKWAY Ave, TRENTON NJ 08625-0837

3. BUSINESS New Jersey Department of Transportation

4. PHONE # 609-530-4779

WHERE LICENSE IS LOCATED

5. CITY OR MUNICIPALITY SEE TABLE I

6. COUNTY TABLE I

7. NAME OF WATERWAY Passaic River - 17 miles

8. LOT & BLOCK NA

INTENDED USE

9. EPA, NDOT, Rutgers plan to install temporary monitoring equipment in the channel to collect data on salinity, suspended solids, currents, etc. for a hydrodynamic study pursuant to the feasibility study.

NAME AND ADDRESS OF THE UPLAND AND ADJOINING OWNERS

10. NA
PERMITS REQUIRED: (11)

TYPE: Federal Consistency Water Quality Certificate

DATE APPLIED: 8/5/07

GENERAL REMARKS (12)

This study is part of the CERCLA
Lower Passaic River Remediation Restoration
Feasibility study with USEPA + USACE.

NOTICE: IN MAKING THIS APPLICATION, APPLICANT UNDERSTANDS THAT NO WORK SHALL BE PERFORMED BY THE APPLICANT UNLESS AND UNTIL THE LICENSE IS DELIVERED, AND ALSO ONLY IF THE APPLICANT HAS OBTAINED A PERMIT TO PERFORM SAID WORK. THE ISSUANCE OF A PERMIT IS SUBJECT TO AN INDEPENDENT DETERMINATION BY THE STATE.

SIGNATURE

LISA A. BARON

PRINT NAME LISA A. BARON

TITLE Project Manager

ATTEST (14)
<table>
<thead>
<tr>
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<th>COUNTY</th>
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REVOCABLE LICENSE/LEASE

THE STATE OF NEW JERSEY:

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN:

GREETING:

WHEREAS, the State of New Jersey owns the lands now or formerly under water hereinafter described,

AND WHEREAS, the Tidelands Resource Council in the Department of Environmental Protection is empowered under N.J.S.A. 13:1B-13 to approve licenses/leases of lands now or formerly under tidewater;

AND WHEREAS, the licensee/lessee herein represents that it is the owner of the land abutting and adjoining the said lands now or formerly under tidewater;

AND WHEREAS, NEW JERSEY DEPARTMENT OF TRANSPORTATION, has applied to the Tidelands Resource Council in the Department of Environmental Protection, for a license/lease to an area of land now or formerly under tidewater for temporary mooring equipment in the channel of the Passaic River, as shown on Figure 1 entitled “Passaic River Superfund Site, Proposed Mooring Locations”, prepared by Malcolm Pirnie and located in Essex, Passaic, Hudson and Bergen Counties.

AND WHEREAS, the said Department of Environmental Protection, by a majority of the members of the Tidelands Resource Council, having due regard for the public interest, have agreed to grant said applicant a license/lease for a period of one (1) year, revocable at the pleasure of the Tidelands Resource Council of the Department of Environmental Protection as hereinafter described.

Prepared By: Jo Ann Cubberley
Manager
Bureau of Tidelands Management
(N.J.S.A.46:15-1.1(a)(b))
NOW THEREFORE, the State of New Jersey acting by and through the said Tidelands Resource Council of the Department of Environmental Protection in consideration of the premises and of the terms, covenants and conditions herein contained, does hereby authorize, allow and license/lease to the said NEW JERSEY DEPARTMENT OF TRANSPORTATION to use the area of land as described above, situate upon the lands of the State now or formerly under tidewater;

This license/lease is made subject to the limitation that the licensee/lessee herein shall not improve or develop the above described lands flowed by tide nor appropriate said lands to its own exclusive use unless and until a permit, pursuant to N.J.S.A. 12:5-3, is obtained for that purpose.

This license/lease, authority and privilege is to continue one (1) year from 1/18/05 to 1/18/06 unless revoked or otherwise terminated as hereinafter provided by the said Tidelands Resource Council of the Department of Environmental Protection.

This license/lease is made and accepted upon the express condition that the license may be assigned or otherwise transferred by the said licensee/lessee to any other person or persons, only upon written consent of the Manager of the Bureau of Tidelands Management of the Department of Environmental Protection. Forms are available from the Bureau for this purpose.

It is distinctly understood and mutually agreed between the parties of these presents that the payment of the annual rentals or fees on the days and times appointed shall be of the essence of this contract. It is the responsibility of the licensee to remit the annual rental within 30 days of the due date stated above. The licensee/lessee may elect to make application for a license/lease renewal at the expiration of the said period of one (1) year. The State of New Jersey does not covenant and is not bound to make any renewal of the license/lease. If any such renewal is granted, it shall be at such valuation and terms as may be fixed by the said Tidelands Resource Council of the Department of Environmental Protection.

AND the said NEW JERSEY DEPARTMENT OF TRANSPORTATION, as aforesaid, does hereby agree to and with the State of New Jersey, that it the said NEW JERSEY DEPARTMENT OF TRANSPORTATION, will at the termination thereof, promptly quit, surrender and vacate the above described premises, to the satisfaction of the Tidelands Resource Council of the Department of Environmental Protection, of the State of New Jersey aforesaid, or occasioned by or through the acts of the said NEW JERSEY DEPARTMENT OF TRANSPORTATION.
AND IT IS EXPRESSLY AGREED AND PROVIDED that the said Tidelands Resource Council of the Department of Environmental Protection, Bureau of Tidelands Management, may withdraw, terminate or revoke the license/lease hereby given and all the rights and privileges thereunder at any time prior to the expiration of the said terms above, upon notice to the said NEW JERSEY DEPARTMENT OF TRANSPORTATION by passing a resolution to that effect, and that upon passage of such resolution by the said Tidelands Resource Council of the Department of Environmental Protection, Bureau of Tidelands Management, the said license/lease and all rights and privileges thereupon shall cease and terminate.

IT IS ALSO PROVIDED, that this license/lease is made upon the condition and limitation, that if the said licensee/lessee is not the record owner of any parts of the land adjacent to the land hereby licensed/leased on the date of delivery of this license/lease, then in that event, this license/lease and all of the covenants herein on the part of the State shall be void with respect to the land herein licensed/leased as to which the said licensee/lessee is not the record owner on said date, and the licensed/leased land shall automatically revert to the ownership of the State, but without any diminution of the fees or consideration paid upon the delivery of this instrument.

It is further understood and agreed upon by the licensee/lessee herein and the heirs, successors and assigns, that by acceptance of this document, the licensee/lessee acknowledges that the issuance of this license/lease shall not be construed to in any way affect the State's right, title or ownership of land now or formerly under tidewater lying shoreward of the licensed/leased area.

AND PROVIDED FURTHER that nothing in this instrument contained shall in any manner affect the rights of any shore owner as now existing under the Laws of the State of New Jersey.
STATE OF NEW JERSEY   

COUNTY OF MERCER   

BE IT REMEMBERED that on this 5th day of January, 2004, before me a Notary Public of New Jersey, personally appeared Jo Ann Cubberley, Manager, Bureau of Tidelands Management, Land Use Regulation Program, Department of Environmental Protection, who being duly sworn on her oath deposes and makes proof to my satisfaction, that she is the Manager, Bureau of Tidelands Management, Land Use Regulation Program and she has been authorized by proper resolution of the Tidelands Resource Council, and she has signed this document as an act pursuant to said resolution.

Sworn to me and Subscribed
before me the date aforesaid

[Signature]

A Notary Public of New Jersey

MARY ANN HERMAN
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES 2020/07
IN WITNESS WHEREOF, the said Tidelands Resource Council of the Department of Environmental Protection, Bureau of Tidelands Management, has caused these presents to be signed by its Manager of the Bureau of Tidelands Management of the Department of Environmental Protection on this 18th day of July in the year Two Thousand Four.

Ann Cubberley, Manager
Bureau of Tidelands Management
Land Use Regulation Program
Department of Environmental Protection
May 6, 2005

Ms. Jo Ann Cubberley, Manager
Bureau of Tidelands Management
Land Use Regulation Program
New Jersey Department of Environmental Protection
P.O. Box 439
Trenton, New Jersey 08625-0439

Dear Ms. Cubberley:

Enclosed is a copy of the signed and recorded Acceptance of Revocable License dated 1/18/05 for the Lower Passaic River Restoration Project’s hydrodynamic survey program. NJDOT has recorded the license in Essex County. We apologize for the delay in getting you the copy for your file. Please let me know if you have any questions at 609-530-4779.

The Project Managers from the other funding agencies in this joint Superfund-Water Resources Development Act study are Alice Yeh at EPA and Scott Nicholson at USACE. I appreciate the work you have done to date to help the partner agencies move forward on the Lower Passaic River Restoration Project and hope that we may continue to work together in the future.

Sincerely,

Lisa A. Baron
Project Manager
Office of Maritime Resources

Enclosure
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. BOX 439
TRENTON, NEW JERSEY 08625-0439

ACCEPTANCE OF REVOCABLE LICENSE

FILE#: 04-0306-T

DATE: 3/7/05

TO THE BUREAU OF TIDELANDS MANAGEMENT:

The undersigned hereby accepts the revocable license issued by the Department of Environmental Protection, Bureau of Tidelands Management, to the New Jersey Department of Transportation, dated 1/18/05, subject to all the terms thereof and applicable laws, rules and regulations, with the understanding that the obtaining of a revocable permit is a condition precedent to performing any work within the licensed area, the issuance of such permit being within the sole and absolute discretion of the State. I further understand that it is my responsibility to pay the annual fees on time and if these fees are not paid, the State may commence action to compel payment. The license has been recorded in the County Clerk’s Office in Deed Book _________ at page _________ and a copy of page one of that recorded license is attached.

[Signature]
Applicant's Signature

Notary: [Signature]
Applicant's Signature

DATE: March 17, 2005

(This form shall be properly notarized.)
JUL 26 2005

Richard L. Tomer  
Chief, Regulatory Branch  
United States Army Corps of Engineers  
New York District  
26 Federal Plaza  
New York, NY 10278-0090

Dear Mr. Tomer:

The Lower Passaic River Restoration Project is being conducted by the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, and the U.S. Army Corps of Engineers (USACE) under the Water Resources Development Act (WRDA), with the New Jersey Department of Transportation (NJDOT) as local sponsor. The other partner agencies involved in the Project are New Jersey Department of Environmental Protection, National Oceanic and Atmospheric Administration and U.S. Fish and Wildlife Service. The Environmental Dredging Pilot is one component of a comprehensive Study that will produce a watershed plan for remediation and restoration of the Lower Passaic River. For EPA, the Lower Passaic River Study Area (i.e., the 17-mile tidal stretch of the Passaic River, from Dundee Dam to Newark Bay) is part of the Diamond Alkali Superfund Site, as defined in a June 22, 2004 Administrative Order on Consent.

At this time, we request that you authorize the conduct of the Environmental Dredging Pilot, which is an integral part of the Lower Passaic River Restoration Study, under Nationwide Permit #38 of the Nationwide Permit Program.

This Pilot has been planned by the partner agencies to provide critical input for the Feasibility Study evaluation of alternatives required under CERCLA and WRDA (Section 312, Environmental Dredging). The primary purpose of the proposed activity is to collect data regarding dredging performance, productivity, resuspension rates, and contaminated sediment treatability. The Pilot is planned for October 2005 and will take place in the Harrison Reach of the Lower Passaic River. Detailed information on the Pilot, including maps showing the location of the Pilot study-area within the Diamond Alkali Superfund Site, is presented in the “Project Plans for Environmental Dredging Pilot Study” dated June 2005 that was delivered to Scott Nicholson, Project Manager at USACE, on June 20, 2005. A copy can be provided to you or your staff, if needed.

Your effort to accommodate this action is appreciated. Should you need additional technical information, please contact Lisa Baron of NJDOT at 690-530-4779 or me at 212-637-4427.

Sincerely yours,

Alice Yeh  
Project Manager  
Emergency and Remedial Response Division

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AUG - 4 2005

Suzanne Dietrick, Chief
Office of Dredging and Sediment Technology
New Jersey Department of Environmental Protection
401 East State Street
Trenton New Jersey 08625

Dear Ms. Dietrick:

This letter is to request that you issue a Federal Consistency Determination and Water Quality Certification (FCD/WQC) for the Lower Passaic River Restoration Project to allow for the implementation of the Environmental Dredging Pilot Study.

This request is being made on behalf of the partner agencies, including the U.S. Environmental Protection Agency (EPA) conducting the work under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended and the U.S. Corps of Engineers (USACE), with New Jersey Department of Transportation (NJDOT) as local sponsor, conducting the work under the Water Resources Development Act. As you may be aware, the other partner agencies who have reviewed the Dredging Pilot work plans include the New Jersey Department of Environmental Protection, National Oceanic and Atmospheric Administration and U.S. Fish and Wildlife Service. The Pilot is part of a comprehensive study that will produce a watershed plan for remediation and restoration of the Lower Passaic River. For EPA, the Lower Passaic River Study Area (i.e., the 17-mile tidal stretch of the Passaic River, from Dundee Dam to Newark Bay) is part of the Diamond Alkali Superfund Site, as defined in a June 22, 2004 Administrative Order on Consent.

This Pilot has been planned by the partner agencies to provide critical input for the Feasibility Study evaluation of alternatives required under CERCLA and WRDA (Section 312, Environmental Dredging). The primary purpose of the proposed activity is to collect data regarding dredging performance, productivity, resuspension rates, and contaminated sediment treatability. The Pilot is planned for October 2005 and will take place in the Harrison Reach of the Lower Passaic River. Detailed information on the Pilot, including maps showing the location of the Pilot study-area within the Diamond Alkali Superfund Site, is presented in the “Project Plans for Environmental Dredging Pilot Study” dated June 2005 that was delivered to David Risilia of your staff by Lisa Baron of NJDOT on July 11, 2005.

Should you have any questions on the Dredging Pilot, please call Lisa Baron of NJDOT at 690-530-4779 or me at 212-637-4427.

Sincerely yours,

Alice Yeh
Project Manager
Emergency and Remedial Response Division

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Ms. Jo Ann Cubberley, Manager  
Bureau of Tidelands Management  
Land Use Regulation Program  
New Jersey Department of Environmental Protection  
P.O. Box 439  
Trenton, New Jersey  08625-0439

Dear Ms. Cubberley:

This letter is to request that you issue a Tidelands License for the Lower Passaic River Restoration Project to allow for the implementation of the Environmental Dredging Pilot Study scheduled to take place over 5 days during the week of October 24, 2005.

This request is being made on behalf of the partner agencies, including the U.S. Environmental Protection Agency (EPA) conducting the work under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended and the U.S. Corps of Engineers (USACE), with New Jersey Department of Transportation (NJDOT) as local sponsor, conducting the work under the Water Resources Development Act. As you may be aware, the other partner agencies who have reviewed the Dredging Pilot work plans include the New Jersey Department of Environmental Protection, National Oceanic and Atmospheric Administration and U.S. Fish and Wildlife Service. The Pilot is part of a comprehensive study that will produce a watershed plan for remediation and restoration of the Lower Passaic River. For EPA, the Lower Passaic River Study Area (i.e., the 17-mile tidal stretch of the Passaic River, from Dundee Dam to Newark Bay) is part of the Diamond Alkali Superfund Site, as defined in a June 22, 2004 Administrative Order on Consent.

This Pilot has been planned by the partner agencies to provide critical input for the Feasibility Study evaluation of alternatives required under CERCLA and WRDA (Section 312, Environmental Dredging). The primary purpose of the proposed activity is to collect data regarding dredging performance, productivity, resuspension rates, and contaminated sediment treatability. The Pilot is planned for the week of October 24, 2005 and will take place in the Harrison Reach of the Lower Passaic River. Detailed information on the Pilot is presented in the “Project Plans for Environmental Dredging Pilot Study” dated June 2005 that was delivered to David Risilia and is posted on www.ourpassaic.org. A summary of the pilot, with location maps, is provided with the application.

Internet Address (URL) • http://www.epa.gov
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Should you have any questions on the Dredging Pilot, please call Lisa Baron of NJDOT at 690-530-4779 or me at 212-637-4427.

Sincerely yours,

Alice Yeh
Project Manager
Emergency and Remedial Response Division
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. Box 439
TRENTON, NEW JERSEY 08625-0439

APPLICATION FOR LICENSE OR EASEMENT

DATE 8/23/05

FILE #

Application is hereby made, in accordance with N.J.S.A. 13:1B-13 and N.J.S.A. 12:3-10 for a revocable license to use and occupy State's lands under water; subject to such terms and conditions contained therein or as may be imposed by law.

APPLICANT

1. NAME (Mr./Mrs./Ms.) Alice Yeh

2. ADDRESS USEPA, REGION 2, 290 Broadway, NY, NY 10007

3. BUSINESS

4. PHONE # 212-637-4427

WHERE LICENSE IS LOCATED

5. CITY OR MUNICIPALITY Newark

6. COUNTY Essex

7. NAME OF WATERWAY Passaic River

8. LOT & BLOCK NA

INTENDED USE

9. SEE ATTACHED - ENVIRONMENTAL DREDGING AND DECONTAMINATION PILOT FOR THE LOWER PASSAIC RIVER RESTORATION PROJECT: FEASIBILITY STUDY.

NAME AND ADDRESS OF THE UPLAND AND ADJOINING OWNERS

10. BENJAMIN MOORE & CO. 134 LISTER AVE., Newark City

Diamond Alkali Site (Tierra Solutions) 80 Lister Ave.

Newark City
PERMITS REQUIRED: (11)

TYPE: FEDERAL CONSISTENCY DETERMINATION and WATER QUALITY CERTIFICATE (FCD/ WQ) (ATTACHED)

DATE APPLIED: AUGUST 4, 2005

GENERAL REMARKS (12)

SEE ATTACHED

NOTICE: IN MAKING THIS APPLICATION, APPLICANT UNDERSTANDS THAT NO WORK SHALL BE PERFORMED BY THE APPLICANT UNLESS AND UNTIL THE LICENSE IS DELIVERED, AND ALSO ONLY IF THE APPLICANT HAS OBTAINED A PERMIT TO PERFORM SAID WORK. THE ISSUANCE OF A PERMIT IS SUBJECT TO AN INDEPENDENT DETERMINATION BY THE STATE.

(13) SIGNATURE Alice Yeh

PRINT NAME Alice Yeh

TITLE Project Manager

ATTEST (14)
The Environmental Dredging Demonstration and Sediment Decontamination Technology Demonstration is part of the Lower Passaic River Restoration Feasibility Study, a joint effort of Federal and State Agencies to remediate and restore the Lower Passaic River Basin. The purpose of the overall Feasibility Study is to develop a comprehensive watershed-based plan for the remediation and restoration of the Lower Passaic River. During this pilot-scale demonstration project, approximately 5,000 cubic yards of contaminated sediment will be dredged from a 1-acre area in the Harrison Reach of the Passaic River (Figures 1 and 2). It is anticipated that this dredging will be performed over a 5-day period beginning the week of October 24, 2005.

The objective of the dredging demonstration project is to study dredging productivity and sediment resuspension for the Lower Passaic River. Evaluating the feasibility of dredging requires the collection of data to determine the resuspension production rate, the resuspension release rate, and the resuspension export rate and to perform a mass balance. In addition, equipment performance, dredging production rates, turbidity levels, and engineering controls will be evaluated. The Institute of Marine and Coastal Sciences at Rutgers University, Water Resources Division of the United States Geological Survey, the USACE, USEPA, and NJDOT/OMR with the consulting team will conduct the sampling, monitoring, and other activities during the Environmental Dredging Pilot Study.

The 5,000 cyd of sediment will be transported to Bayshore Recycling in Keasby NJ for offloading and treatment. The objective of the sediment decontamination technology demonstration project is to show that Passaic River sediments, contaminated with dioxins, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), metals, pesticides, herbicides, and other contaminants can be treated to meet applicable criteria for the appropriate beneficial use end product (e.g., cement, light weight aggregate, manufactured soil, glass, etc.). The decontamination project will collect data to perform a contaminant mass balance and determine the economic viability of the treatment process for commercial scale applications. Sediment washing (BioGenesis) and thermal destruction technology (Endesco Clean Harbor) will be conducted to produce manufactured soil and cement products. The decontaminated material will likely be placed at a landfill for final disposition.

The critical timing of the pilot to be completed by November is a result of the availability of the decontamination vendors in the region, the occurrence of a neap tide to maximize the ability to detect resuspension due to dredging against ambient turbidity, and safety concerns due to weather.

To date, pilot planning activities consisted of the following components:

1. Data Collection and Background – In order to establish baseline conditions and evaluate applicable technologies, several data collection and background activities have been completed. These activities include both general and site specific studies. Project Plans for Geophysical Surveys and Sediment Coring (TAMS/ET and MPI,
June 2004a) and a Dredging Technology Review Report have been prepared by TAMS/ET and MPI (TAMS/ET and MPI, June 2004b). A detailed characterization of the Pilot Study Survey Area has been presented in the Final Data Evaluation and Summary Report (TAMS/ET and MPI, May 2005).

2. Hydrodynamic Modeling – A hydrodynamic model has been developed to provide an estimate of the amount of sediment leaving the study area and to aid in determining the placement of monitoring equipment. Modeling results are presented in the Environmental Dredging Pilot Study Hydrodynamic Modeling Report (ET, 2005).

3. Dredging Design – A design, including plans, specifications, and the NJDOT bid package (TAMS/ET and MPI May 2005), has been developed for the removal of approximately 5,000 cubic yards of contaminated river sediment from the Harrison Reach. NJDOT will use this design to procure the dredging contractor.

4. Monitoring Plan – A monitoring plan has been prepared to outline procedures for the collection of data related to resuspension. The details of the monitoring plan are presented in the Project Plans for Environmental Dredging Pilot Study (TAMS/ET and MPI, June 2005).

5. Decontamination – Two separate technologies, sediment washing (BioGenesis) and thermal treatment (Endesco Clean Harbors) will be employed to gather data regarding the effectiveness of decontamination. The work plans for the decontamination pilots are currently under preparation.

All of the above documents are posted on www.ourpassaic.org
U.S. Environmental Protection Agency  
Attn: Alice Yeh, Project Manager  
290 Broadway  
New York, NY 10007-1866

RE: U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 2, tidelands  
dredging license for Dredging Pilot Lower Passaic River project

FILE: #05-0395-T

Dear Ms. Yeh:

The application identified above is tentatively scheduled to be considered by the  
Tidelands Resource Council at its meeting on Wednesday, October 5, 2005. The meeting of the  
Council will be held at the offices of the Bureau of Tidelands Management, 9 Ewing Street, 1st  
Floor, Trenton, NJ. The meeting begins at 10:00 a.m.

You are not required to attend this meeting. However, if you want to attend the meeting,  
please call me before Thursday, September 29, 2005 at (609) 777-1944. I will set aside a specific  
time for this application to be heard by the Council, so that you do not have to attend the entire  
meeting.

If you have any other questions, please do not hesitate to contact me at the above-given  
telephone number.

Sincerely,

Mary Ann Herman  
Secretary  
Tidelands Resource Council

C: Lisa Baron, Office of Maritime Resources/NJ DOT
Ms. Alice Yeh  
United States Environmental Protection Agency Region 2  
290 Broadway New York, NY 10007-1866

Re: Federal Consistency Determination/Water Quality Certificate  
Lower Passaic River Restoration Project Pilot Study  
City of Newark, Essex County  
NJDEP File No. 0000-04-0020.1

Dear Ms. Yeh:

This letter is forwarded in response to your August 1, 2005 request for a Federal Consistency (FC), as required by Section 307 of the federal Coastal Zone Management Act (16 USC 1451 et seq.) and Water Quality Certification (WQC) as required by Section 401 of the federal Clean Water Act (33 USC 1251 et seq.) for the dredging of the Lower Passaic River Restoration Project. This FC/WQC serves to authorize a one-time environmental dredging event removing approximately 5,000 cubic yards of sediment from the Passaic River Harrison Reach identified as river mile 2.85.

The subject dredging activity encompasses approximately 1.5-acre area of river bottom or an area 300' in length by 225' in width. The maximum project depth is -15' below mean low water (MLW) plus 0.5 overdredge. The maximum volume of material to be removed (including overdredge) as part of this dredging pilot is approximately 5,000 cubic yards (cy) of material. The dredged material is to be mechanically dredged via an environmental clamshell bucket, loaded into watertight scows and transferred to the Bayshore Recycling Facility located in Keasbey, NJ. Subsequently, the dredged material will be divided into two quantities of 2,500 cy, respectively and sent to two decontamination technology vendors identified as BioGenesis and the Endesco/Clean Harbors facility.


Subsequent to treatment, and prior to final deposition, the treated dredged material is subject to the oversight of the Superfund Innovative Technology Evaluation (SITE) Program Quality Assurance Project Plan (QAPP). It is understood that the EPA and NJDOT will require the two decontamination vendors to apply for and obtain an Acceptable Use Determination (AUD) from the Department prior to final placement of the subject treated dredged material. The decontamination vendor will also be required to...
secure all necessary permits and approvals for the proposed upland placement site for the material. This information would then be submitted to NJDOT and USEPA as part of the contract procurement procedure for the treatability studies. The Department finds this process acceptable provided the EPA submits a request for an amendment to this federal consistency determination once an acceptable permitted upland site is identified.

The Rules on Coastal Zone Management (N.J.A.C. 7:7E et. Seq.) constitute New Jersey's enforceable policies under its federally approved Coastal Zone Management Program. The Lower Passaic River Restoration Project Pilot Study Dredging Project has been reviewed under the following Rules on Coastal Zone Management: Navigation Channels (7:7E-3.7), Ports (7:7E-3.11), Maintenance Dredging (7:7E-4.6), Dredged Material Disposal (7:7E-4.8), Dredged Material Disposal on Land (7:7E-7.12), Marine Fish and Fisheries (7:7E-8.2) and Water Quality (7:7-8.4). Based on the above summary of details of the project as presented in the August 1, 2005 request for a FC/WQC and supporting information, I have CONDITIONALLY determined that Lower Passaic River Restoration Project Study is consistent with the Rules on Coastal Zone Management and New Jersey's federally approved Coastal Management Program provided that all of the activities are performed as depicted on the referenced plans and that all specifications and conditions are adhered to by the applicant.

I have also reviewed this project for potential water quality impacts. Provided that the following conditions are met, I have determined that this project is not likely to cause a violation of New Jersey's Surface Water Quality Standards (N.J.A.C. 7:9B-1.1 et seq.). Therefore, this determination includes the State's Water Quality Certification pursuant to Section 401 of the federal Water Pollution Control Act (33 USC 1251 et seq.) subject to the following conditions:

1. Dredging is prohibited between November 15th and May 31st of any given year in order to protect the early life stages of winter flounder.

2. All material removed via this project shall only be dredged using a closed clamshell "environmental" bucket dredge.

3. Dredged material shall be placed deliberately in the barge in order to prevent spillage of material overboard.

4. No discharge of dredged material decant water is permitted.

5. The dredge shall be operated so as to maximize the bite of the clamshell bucket.

6. The clamshell bucket shall be lifted slowly through the water column, generally 2 feet per second or less.

7. All barges or scows used to transport sediment shall be of solid hull construction or be sealed with concrete.

8. The gunwales of the dredge scows shall not be rinsed or hosed during dredging.

9. Only bucket rinse water from this project may be discharged into the Passaic River and this shall be limited to conditional release only within the dredging contract area.

10. The bucket rinse water holding tank(s) shall be watertight.
11. The bucket rinse water shall be held in a tank a minimum of 24 hours after the last addition of water to the rinse water holding tank. Said water shall only be discharge after the mandatory 24-hour retention time.

Should the contractor wish to reduce the required holding time, the contractor shall demonstrate that the reduced holding time is sufficient to meet a total suspended solids (TSS) background value of 30 mg/L. The total suspended solids shall be determined through gravimetric analysis. No discharge shall be permitted from the rinse water holding tank until the results of the gravimetric analysis have confirmed that the 30-mg/L-background level has been achieved. No additional water shall be added to the rinse water holding tank between the time of sample acquisition and discharge. Upon successful demonstration that the reduced holding time is sufficient to meet the TSS background level of 30 mg/L, the monitoring of TSS may be suspended and the demonstrated settling time shall replace the 24 hour minimum. A successful demonstration of the reduced holding time efficiency shall be determined once three consecutive TSS analyses have confirmed that the 30 mg/L action level has been achieved by the reduced holding time.

Should the contractor wish to demonstrate this reduced holding time, all records including time of last addition of rinse water holding tank, time of TSS sampling and the results of TSS sampling shall be submitted to the NJDEP as soon as they become available, together with a request for a reduced holding time.

12. During pumping of the rinse water from the holding tank, care shall be taken to avoid resuspending or pumping sediment that has settled in the tank.

13. REPORTING REQUIREMENTS: At the completion of the environmental dredging pilot, the EPA shall submit the following information to the Department. This information shall be submitted within six months of contract completion.

- Start and finish date of contract
- Post-dredge hydrographic survey
- Completed "Notice of Completion of Work" attached.

14. EPA shall require the two decontamination vendors to apply for and obtain an Acceptable Use Determination (AUD) from the Department prior to final placement of the subject treated dredged material.

Should you have any questions regarding this determination and certification, please do not hesitate to contact me at (609) 292-9342.

Sincerely,

David Q. Risilia, Acting Chief
Office of Dredging and Sediment Technology
Federal Consistency Determination/Water Quality Certificate
Lower Passaic River Restoration Project Pilot Study
NJDEP File No. 0000-04-0020.1

C: Lisa Baron, NJDOT, Office of Maritime Resources
   Joanne Cubberley, Bureau of Tidelands Management

SUBJECT TO JOINT PROSECUTION
AND CONFIDENTIALITY AGREEMENT
NOT FOR PUBLIC RELEASE
FOIA/OPRA EXEMPT
November 14, 2005

Regulatory Branch

SUBJECT: Application Number 2005-00923-J2 for the United States Environmental Protection Agency

Ms. Alice Yeh
United States Environmental Protection Agency
Emergency and Remedial Response Division
290 Broadway
New York, New York 10007

Dear Ms. Yeh:

This is in response to your letter regarding the Environmental Dredging Pilot Project, which is an integral part of the Lower Passaic River Restoration Study. The Pilot Project is now scheduled to be conducted from December 5 - 9, 2005. You indicated that the project is being conducted in conjunction with the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended.

Your letter stated that the Environmental Dredging Pilot activities would be performed in a 17-mile tidal stretch of the lower Passaic River, which is part of the "Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site", as defined in a June 22, 2004 Administrative Order on Consent. Your letter requested a determination on the applicability of Nationwide Permit Number 38 for the project.

In accordance with Nationwide Permit Number 38, which can be found at Part II of the Federal Register dated January 15, 2002 (67 FR 2020-2095):

"Activities undertaken entirely on a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the CWA or section 10 of the Rivers and Harbors Act."

Pursuant to discussions between EPA Region 2 and the New York District of the U.S. Army Corps of Engineers concerning the subject activity, it is our understanding that the subject activities will be done in accordance with the Federal Register citation noted above.

Based upon the information provided, a Department of the Army permit is not required. You are to contact appropriate state and local
government officials to ensure that the subject work is performed in compliance with their requirements.

Your request was assigned Application Number 2005-00923-J2 for filing purposes. Please use that file number for any future correspondence on this matter.

If any questions should arise concerning this matter, please contact me at (917) 790-8510.

Sincerely,

[Signature]

Richard L. Tomer
Chief, Regulatory Branch

CC: Lisa Baron, NJOMR
    Suzanne Dietrick, NJDEP
    Scott Nicholson, USACE
    Ellen Simon, USACE