State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Permitting and Project Navigation
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SHEILA Y. OLIVER
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SHAWN M. LaTOURETTE
Commissioner

May 22, 2023

Michael Garofalo, P.E.
Chief Engineer
New Jersey Turnpike Authority
1 Turnpike Plaza – P.O. Box 5042
Woodbridge, NJ 07095

RE: Comments on the E.O. 215 Draft Environmental Impact Statement
Newark Bay – Hudson County Extension
Interchange 14 to Interchange 14A / Newark Bay Bridge and Associated Improvements
Newark, Essex County and Bayonne and Jersey City, Hudson County

Dear Mr. Garofalo,

The New Jersey Department of Environmental Protection's (Department) Office of Permitting and Project Navigation (OPPN) has distributed, for review and comment, the Executive Order #215 (E.O. 215) required Draft Environmental Impact Statement (EIS) for a proposed bridge and highway interchange infrastructure improvement project at the above location. The New Jersey Turnpike Authority (Authority) proposes a modernization of the Newark Bay – Hudson County Extension (NB-HCE) between Interchange 14 in Newark, Essex County, and Interchange 14A in Bayonne and Jersey City, Hudson County, to meet current and future needs of patrons of the NB-HCE, current design standards, and the Authority's operational and maintenance needs (the Proposed Project). A major element of the Proposed Project is the replacement of Newark Bay Bridge (NBB), officially, the Vincent R. Casciano Memorial Bridge, which comprises nearly half of the total length of the NB-HCE between Interchanges 14 and 14A. Proposed actions include replacement of all existing structures, increasing the number of travel lanes, increasing width of roadway shoulder, and improving ramp merges.

In response to your request for a determination as to whether the proposal will have any adverse impacts to land resources, historical or cultural resources, threatened and endangered species and migratory birds, contaminated sites, or whether there are any impacts to Green Acres encumbered parkland held by the State, local government units and/or nonprofit organizations, the Department offers the following comments for your consideration:

State-Owned Lands
Public Land Compliance (PLC)
Essex County
PLC confirms that there are no Green Acres encumbered parcels located within the Newark portion of the study area.

Hudson County
The following Green Acres encumbered parks were identified as being within or directly adjacent to the project's study area:

Bayonne: Mercer Park, Russell Golding Park, Rutkowski Park (The document states that the City "received funding for constructing wetland restoration, observation decks, bike trails and other amenities through NJDEP's settlement with a company over natural resources damages..." and, "is not listed on the Green Acres ROSI (NJDEP 2022)." However, it appears the City also received Green Acres funding for improvements at Rutkowski Park under Green Acres Project: 0901-00-067 resulting in the park being encumbered by Green Acres.)

Jersey City: Martiniak-Enright Park

Please note that under NJAC 7:36-25.14 any proposed temporary uses of Green Acres encumbered parkland for non-conservation/recreation use (i.e. temporary staging area) shall be no longer than two years with the possibility of a six month extension for good cause shown. Additionally, any trees removed from Green Acres encumbered parkland, even related to a temporary use, must be compensated for.

If you have any questions regarding this information, please contact Adam Taylor at Adam.Taylor@dep.nj.gov.

Public Land Administration (PLA)
If you have any questions regarding use of State-owned lands, please contact Louis Tallone at Louis.W.Tallone@dep.nj.gov.

Watershed and Land Management
Tidelands
If the proposed scope of work remains within the granted right-of-way (ROW) covered by the prior tidelands grants, then additional grants will not be required. If the proposed work/structures will extend beyond the current grant ROW boundaries, then a new grant for those portions that would extend beyond the grant boundaries will be required; an interim tidelands license would be required if work will start before the grant is delivered. If a grant is obtained prior to the start of work, however, then the license will not be required.

The mooring of a boat, barge, or raft for more than ten (10) consecutive days will require a tidelands license, unless the barge is within the grant boundary ROW.

If you have any questions regarding this information, please contact Randy Bearce at Randy.Bearce@dep.nj.gov.

Coastal Permitting
The New Jersey Turnpike Authority has initiated coordination with the Division of Land Resource Protection. The proposal will require Freshwater Wetlands, Waterfront Development and/or Flood Hazard authorizations.

If you have any questions regarding this information, please contact Matt Resnick at Matthew.Resnick@dep.nj.gov. Additionally, please include Jeff Thein at Jeff.Thein@dep.nj.gov in any correspondence involving Newark City, or Becky Mazzei at Becky.Mazzei@dep.nj.gov in any correspondence involving Bayonne City or Jersey City.

Freshwater Wetlands
If you have any questions regarding freshwater wetlands, please contact Cindy Rivera at Cindy.Rivera@dep.nj.gov involving Newark City, or Andrew Mazza at Andrew.Mazza@dep.nj.gov involving Bayonne City or Jersey City.

Flood Hazard and Stormwater Engineering
If you have any questions regarding flood hazard areas or stormwater management, please contact Dominick Cardella at Dominick.Cardella@dep.nj.gov.

New Jersey Fish and Wildlife (NJFW)
Endangered Non-game Species Program (ENSP)
The EIS addressed ENSP's main concerns to clear vegetation outside the breeding season, avoid work within a certain distance from active peregrine, osprey, and bald eagle nests, and to coordinate with ENSP when working on the bridge that contains a peregrine nest.

Marine Resource Administration (MRA)
MRA is comprised of the Bureau of Marine Fisheries and the Bureau of Marine Habitat & Shellfisheries. Both Bureaus are charged with reviewing permits within the context of the species they regulate, the habitat(s) of said species, and the user groups associated with those species and habitats. Based on the documentation that was provided, MRA recommends the following timing restrictions:

9.5 Finfish migratory pathways: Anadromous I (March 1 – June 30)

The MRA notes that the EIS for this project acknowledges the presence of various life stages of winter flounder and anadromous species in Newark Bay. Pursuant to Section 7:7-0.5 (Finfish migratory pathways), this project is a concern for fisheries resources because Newark Bay provides an important migratory pathway for several anadromous fish species that migrate towards river systems to spawn each Spring. The proposed project area is located in close proximity to confirmed American shad and river herring spawning locations. The Newark Bay drainage estuary is a vital ecosystem that provides a pathway to spawning grounds and essential nursery habitats for river herring and striped bass. Striped bass are one of the most economically and culturally important fishery resources in New Jersey, and the stock has recently been assessed as overfished and experiencing overfishing. River herring have significant ecological importance to coastal marine ecosystems coastwide, and populations are currently depleted. Any construction activities that may cause disturbance to habitats potentially used by these fish during spawning runs should be limited. Therefore, MRA recommends the Anadromous Time of Year Restriction on all proposed in-water project activities (March 1 – June 30) to avoid disruption of habitat and fish behavior during this Spring spawning migration period.

In addition, if there will be any dredging activity during this project, which would most likely occur during cofferdam installations, MRA recommends timing restrictions to protect winter flounder in the area. The Southern New England/Mid-Atlantic winter flounder stock is near historic lows and the proposed project is located within a region which has been determined to be Essential Fish Habitat for all life history stages of winter flounder. In New Jersey, winter flounder make an annual spawning migration into nearshore waters during the end of fall and beginning of winter, then return a few months later in late spring/summer to deeper cooler portions of estuaries and or offshore locations. Eggs, larvae, and juveniles are vulnerable to dredging activities during this time. Timing restrictions for winter flounder, which have been established to protect the spawning and vulnerable life history stages, in areas north of the Absecon Inlet and 20-feet or less MLLW bathymetric contour, are recommended from January 1 – May 31.

If you have any questions regarding this information, please contact Joe Corleto at Joseph.Corleto@dep.nj.gov.

Historic and Cultural Resources
The New Jersey Historic Preservation Office (HPO) concurs with the assessment of above ground resources and finds that the Newark Bay Bridge and the Port Authority Administration Building are eligible for inclusion in the New Jersey and National Registers of Historic Places.

An additional archeological survey is needed in the project area in Cities of Bayonne and Jersey City before the HPO can complete identification of historic resources. The HPO's review of this project cannot be completed until identification of historic resources is completed.

Identification of Historic Properties

Historic Architecture

The draft cultural resources report defines the area of potential effects (APE) for historic architecture as including all areas of direct construction impacts, as well as areas that may be impacted by visual changes, patterns of use, or may experience a change in historic character associated with the construction of the proposed project. The HPO concurs with the APE for historic architecture as delineated.

The APE for historic architecture includes the following properties previously listed on or determined eligible for the New Jersey and National Registers of Historic Places:

- Newark and Elizabeth Branch of the Central Railroad of New Jersey (SHPO Opinion 8/29/2000)
- Pennsylvania Railroad New York Bay Branch Historic District (SHPO Opinion 12/17/2019)
- Lehigh Valley Railroad Historic District (SHPO Opinion 3/14/2002)
- Morris Canal (SR 11/26/1973; NR 10/1/1974; SHPO Opinion 5/27/2004)

In addition to the above, 36 properties more than 50 years of age were identified within the APE for historic architecture. Five of these properties had been previously surveyed, and the remaining 31 were surveyed at the intensive level for this project. Of these, only two were recommended eligible for the New Jersey and National Registers: the Newark Bay Bridge, and the Port Authority Administration Building. *The HPO concurs with this recommendation.*

It is the opinion of the New Jersey State Historic Preservation Officer that the Newark Bay Bridge is eligible for listing on the New Jersey and National Registers of Historic Places. The Newark Bay Bridge was constructed in 1956 as a component of the New Jersey Turnpike Newark Bay-Hudson County Extension (Extension) to carry the Extension over Newark Bay between the cities of Newark and Bayonne. The main span consists of a three-part, cantilevered through-truss with east and west anchor arms and a central, shouldered tied-arch span, with a 43-span west approach and a 32-span east approach. The approaches are comprised of a combination of steel stringer beam spans and steel riveted girder spans, and the substructure includes two kinds of reinforced concrete piers. The bridge was designed by Charles M. Noble, Chief Engineer of the NJTA, with consulting engineers Howard Needles Tammen & Bergendoff.

The Newark Bay Bridge embodies the distinctive characteristics of a type, the cantilevered truss bridge. This type is no longer a favored bridge design among engineers and is an uncommon bridge type in New Jersey. The structure is one of four cantilevered truss bridges constructed in the state during the twentieth century. The other three have all been determined eligible for or listed on the New Jersey and National Registers of Historic Places: Goethals Bridge, built 1928 (SHPO Opinion 2/13/1995); Outerbridge Crossing, built 1928 (SHPO Opinion 2/20/2003); and U.S. Route 1 Extension [Pulaski Skyway], built 1931 (NR 8/11/2005; SR 6/12/2005). Of these, only the Outerbridge Crossing and Pulaski Skyway survive. The Newark Bay Bridge embodies all of the distinctive characteristics of a cantilevered through truss structure, including the cantilevered through truss span and anchor arms. The bridge also embodies the characteristics of other major bridges constructed during the development of the NJ Turnpike, including the concrete substructures, simple rolled steel girders on most spans, and built-up riveted deck plate girders on wider

spans. As such, the Newark Bay Bridge meets Criterion C as an example of a cantilevered truss bridge of the mid-twentieth century. Although the bridge has been modified in the decades since its construction, the changes have not impacted its character-defining features. The boundaries of the historic property are limited to the bridge itself, and the period of significance is limited to the year of its construction, 1956.

Additionally, **it is the opinion of the New Jersey State Historic Preservation Officer that the Port Authority Administration Building is eligible for listing on the New Jersey and National Registers of Historic Places.** Also known as Building 260, the Port Authority Administration Building was constructed in 1967. The property is eligible under Criterion C as a representative example of New Formalism Style, which characterized the architecture of many high-profile cultural, institutional and civic buildings during the 1960s. The Administration Building retains its form and many original materials, including its precast concrete vertical panels, glass and spandrel panels, glazed face brick, and the translucent, insulated fiberglass windows. The multi-story, multi-use, steel-framed building has a T-shaped footprint. The crossbar of the T-shaped building constitutes the three-story office area and is distinctive for its angular façade treatment. The combination of concrete and glass were thoughtfully positioned to provide views of the inner port area from the office area with the glass and spandrel panels facing south, and privacy from the public with the concrete panels mostly facing north. Extending from the office area's northeast elevation is the one-story garage and storage area, which features translucent insulated fiberglass windows.

John M. Kyle, the agency's chief engineer for 25 years, designed the Port Authority Administration Building and many other Port Authority facilities in New Jersey and New York. The Administration Building was part of the effort by the Port Authority to continuously invest in the expansion and improvement of its marine facilities in the Port of Newark. The interior of the building has been substantially altered, but the exterior retains a high level of integrity of location, design, materials, feeling and association. The period of significance for this property is 1967 (the date of construction). The boundaries of the Port Authority Administration Building include the entire footprint of the building and the rear parking lot and is bounded to the north by Distribution Street, to the east by industrial warehouses used by Port Newark (Compass Street), to the south by Kellogg Street, and to the west by Corbin Street. **These are new SHPO Opinions**.

<u>Archaeology</u>

The report provides information on the combined Phase IA and limited Phase IB archaeological surveys consisting of background research, a field reconnaissance survey, an archaeological sensitivity assessment, subsurface testing within a portion of the archaeological area of potential effects (APE), analysis, and reporting.

City of Newark

The report states that the Newark portion of the APE was historically salt marsh and subsequently filled during the mid-twentieth century thus possessing low archaeological sensitivity. No additional archaeological survey is recommended. *Upon review, the HPO concurs with this assessment.*

Newark Bay

The report states that the Newark Bay portion of the APE contains no known shipwrecks and that only one submerged target, likely a submerged historic piling marked the edge of the dredged navigation channel, is located within one of the temporary construction trestle pier footprint locations. The report recommends that the construction of the temporary construction trestle piers does not have the potential to affect any

maritime archaeological resources and that no further archaeological survey is recommended. *Upon review, the HPO concurs with this assessment.*

Cities of Bayonne and Jersey City

The report states that the APE is highly sensitive for intact buried structural elements for the Morris Canal (canal prism, towpath, and associated construction elements) which is listed on the New Jersey and National Registers of Historic Places (Block 30203, Lot 3; Block 30204, Lot 4; Block 30306, Lots 2 and 4; and Block 30303 TURN). The APE also contains the multi-component pre-Contact and historic-period Jersey Eagle Site (28-Hd-45) which is eligible for inclusion on the New Jersey and National Registers of Historic Places (SHPO Opinion 5/17/2013) with the general area of the site assessed with a high potential for deeply buried pre-Contact and historic archaeological resources. Finally, the report states one of the proposed basins is sensitive for a *circa* 1908 New York Bay Railroad Co. turntable and Morris Canal elements. The report recommends that the project as proposed will have an *adverse effect* on the listed Morris Canal and recommends archaeological monitoring, with an HPO-approved work plan, for the above referenced archaeological resources (Report Figures 4.1b-4.1c). The report assesses the remainder of the APE (excluding Block 13, Lot 1, see below) as low archaeological sensitivity based on filled salt marsh and/or ground disturbance from the 1953 construction of the NB-HCE, surrounding roads, former and extant rail lines, and the installation of underground utilities, and therefore, no further archaeological survey is recommended within the APE.

The report did assess a single parcel in Bayonne (Block 13, Lot 1) as holding a moderate- to high archaeological sensitivity for pre-Contact period Native American archaeological resources based on its location on former uplands bordering the Newark Bay prior to infilling of the adjacent salt marshes. The Phase IB archaeological survey effort included 13 shovel test pits (STPs) and observation of two separate construction trenches independently excavated on site. The report states that testing identified multiple historic period levels containing early to mid-nineteenth century artifacts above a truncated subsoil interpreted as modified and re-deposited soil levels developed during the property's development between 1909 and 1919. The report concludes that these soil levels lack integrity, do not represent potentially significant archaeological deposits, and no further archaeological survey of Block 13, Lot 1 is recommended.

Upon review, the HPO cannot concur with the assessment above based on the available information to date nor the recommendations for archaeological monitoring alone within the areas of known archaeological resources (Figures 4.1b-4.1c). The majority of the eastern APE is sensitive for both pre-Contact and historic period archaeological resources based on the detailed information provided within the above referenced report. While selective areas of sensitivity have been identified for monitoring based on existing, documented archaeological resources, the remainder of the APE equally holds archaeological sensitivity but the depths of historic filling and/or grading from highway construction remains unknown based on the current data in the above referenced report. Archaeological survey in urban areas confirms both deep disturbances but pockets of intact archaeological strata do survive requiring consideration as part of any undertaking. These intact deposits have the potential to provide important new information on the undocumented prehistory and early historic period development within Bayonne and Jersey City. **Therefore, Phase IB archaeological survey will be necessary for areas of ground disturbance within the APE with the potential to affect shallow and deeply buried archaeological resources. Archaeological monitoring is still necessary upon the completion of the phased archaeological surveys for this undertaking.** Machine-assisted Phase I testing methods will be required as part of the archaeological identification process. In addition, the report did not discuss if any program of geotechnical investigation has been, or will be, conducted for the undertaking and if that data can be used to identify areas of fill/disturbance within the project area that can be used to rule out areas requiring

survey. Therefore, the report's supposition that previous urbanization, road, and highway construction-related grading, filling, and utility work renders the majority of the archaeological APE as low archaeological sensitivity requires confirmation through either geotechnical evidence and/or physical archaeological testing.

In light of the information above and based on the lack of information regard depth(s) of disturbance/grading for the proposed project, a Phase IB archaeological survey is necessary within the APE, particularly all stormwater management basins unless subsequent documentation exists demonstrating the depth of disturbance within the APE and/or potential archaeological deposits are located beyond the depth of proposed ground disturbance for the project.

Regarding the Phase IB survey within Bayonne Block 13, Lot 1, a review of the shovel test logs (Appendix G) and artifact catalog (Appendix H) suggests a fairly intact soil stratigraphy was identified across the testing area typified in urban landscape development consisting of areas of disturbance but also areas of intact stratigraphy consisting of an upper twentieth century level followed by nineteenth (and possibly late eighteenth century) stratigraphy. Therefore, Block 13, Lot 1 appears to contain intact archaeological deposits developed during the historic period (possibly as early as the late eighteenth century) and developed by the early nineteenth century. In addition, STP 6 may contain an early nineteenth century feature based on the depth of the deposits identified. Based on the lack of twentieth century artifacts within the lower STP levels suggestive of post-depositional site activity, **Phase II archaeological survey within the APE for Bayonne Block 13, Lot 1 will be necessary. Phase II archaeological survey will assess the identified archaeological deposits for inclusion on the New Jersey and National Registers of Historic Places and will require an HPO-approved Phase II work plan.**

The HPO cannot fully assess the effects of this proposed project until identification of all potential historic properties is complete.

Additional Comments

The HPO looks forward to receiving the additional archeological survey in order to complete identification of historic properties within the area of potential effect and to continue the EO 215 review and DLRP review. Because of the need for United States Coast Guard permits the HPO will also have a review of this project under Section 106 of the National Historic Preservation Act. Because of the NJTA involvement and impacts to the Morris Canal, which is listed in the NJ Register of Historic Places, a review under the New Jersey Register of Historic Places Act (NJRHPA) will also be required. Please reference the HPO project number **21-1041** in any future calls, emails, submissions or written correspondence to expedite your review and response. If you have any questions, please contact Vincent Maresca regarding archaeology at Vincent.Maresca@dep.nj.gov, or Jennifer Leynes regarding historic architecture at Jennifer.Leynes@dep.nj.gov.

Bureau of Water Allocation and Well Permitting (BWAWP)

The EIS identified the need to perform construction related dewatering for this project – please see the attached copy of the BWAWP Construction Related Dewatering Guidance (Attachment A). Since the project will be covering multiple municipalities and counties, the project would need to obtain one authorization per municipality where dewatering will occur.

Depending on the quantity of water to be diverted and the duration of the activity within each municipality, either a Temporary Dewatering Permit or a Short-Term Water use Permit-by-Rule may be required. For areas where the contractor will be utilizing coffer dams, a Dewatering Permit-by-Rule should be sufficient. The applicant should contact BWAWP to discuss this matter further since the application requirements and review time varies significantly for each authorization type.

If you have any questions regarding this information, please contact Ken Komar at Ken.Komar@dep.nj.gov.

NJPDES Discharge to Surface Water

Based on a review of the EIS, a NJPDES Discharge to Surface Water General Permit will be needed for a surface water discharge from construction related dewatering.

If the discharge will be uncontaminated groundwater generated during construction activities, the appropriate NJPDES Discharge to Surface Water General Permit is the B7 - Short Term De Minimis General Permit (http://www.nj.gov/dep/dwq/gp-b7.htm). As per the B7 application checklist, analytical lab data of all the parameters specified in Attachment 1 must be submitted and the results must demonstrate that they are below the effluent standards.

If the discharge will be treated groundwater from remediations and dewaterings, the appropriate NJPDES Discharge to Surface Water General Permit is the BGR – General Groundwater Remediation Clean-up Permit (http://www.nj.gov/dep/dwq/gp_bgr.htm). As per the BGR permit application, a summary of the contaminants of concern must be submitted where the data was collected no more than 12 months prior to the submittal of the application. In addition, a Treatment Works Approval (TWA) from the Bureau of Environmental, Engineering and Permitting may be needed for the construction of the treatment system.

If you have any questions regarding this information, please contact Bennett Moss at Bennett.Moss@dep.nj.gov.

Air

Air Permitting

The applicant should review the requirements of N.J.A.C. 7:27-8.2(c) 1-22 for stationary permitting requirements. This includes but is not limited to, construction equipment-stationary construction equipment or emergency generators, may require air pollution permits if it is located on the site for longer than one year N.J.A.C. 7:27-8.2(d)15. There are general permits for boilers and emergency generators (https://www.state.nj.us/dep/aqpp/gp.html) if the units can meet the prescribed requirement in the general permits.

Idling Vehicles – any vehicles involved on the project must adhere to the idling standards (less than 3 minutes) in N.J.A.C. 7:27-14 and 15.

Air pollution, including odors that are detectable offsite that are injurious to human health or would result in citizen complaints are prohibited. N.J.A.C. 7:27-5.2.

Fugitive Dust – dust emissions either windblown or generated from construction activities should be controlled to prevent offsite impacts or material tracked onto the roadways. N.J.A.C. 7:27-5.2.

If you have any questions regarding this information, please contact Danny Wong at Danny.Wong@dep.nj.gov.

Bureau of Mobile Sources

NJTPA utilized EPA's Motor Vehicle Emission Simulator to calculate the emissions from motor vehicles used on the project. While the data computing system is outdated, the results are still an effective way of knowing how to maintain vehicle operations on-site. While the construction-related emissions were shown to have no long-term effects on air quality in the State through the year 2050, there can still be impacts of the vehicles used during the operation. It is important that all hydraulic hoses for medium and heavy-duty

construction vehicles are frequently checked for leaks, and that operators of these vehicles inspect their vehicles for oil and transmission leaks before, during, and after use of each vehicle. Considering the noise pollution would impact at minimum 181 homes in the area, it is imperative that there are minimal setbacks in this project caused by vehicle operations, so preventative checks and maintenance should be of primary concern.

To reduce pollutant emissions during the construction process, NJDEP recommends that all diesel-fueled construction equipment, vessels, and commercial vehicles involved in the process must monitor their idling in times of operation. This could include control strategies and training for equipment operators to ensure that vessel and equipment operating times are minimized and controlled. Project partners should focus on monitoring onshore construction sites and ports used for the offshore stations, as these are located within some nonattainment and maintenance areas.

Diesel exhaust contributes the highest cancer risk of all air toxics in New Jersey and is a major source of NOx within the state. Therefore, NJDEP recommends that construction projects involving non-road diesel construction equipment operating in a small geographic area over an extended period of time implement the following measures to minimize the impact of diesel exhaust:

All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three-minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15. Consider purchasing "No Idling" signs to post at the site to remind contractors to comply with the idling limits. Signs are available for purchase from the Bureau of Mobile Sources at 609/292-7953 or http://www.stopthesoot.org/sts-no-idle-sign.htm.

All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days should have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter and/or NOx emissions.

All on-road diesel vehicles used to haul materials or traveling to and from the construction site should use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

In accordance with N.J.A.C. 7:27-14 and 15, diesel vehicles should not idle for more than 15 consecutive minutes when the vehicle has been stopped for 3 or more hours and only if the temperature is <25 deg. F.

In accordance with N.J.A.C. 7:27-14 and 15, diesel vehicles can idle if the engine provides power for mechanical operations such as: refrigeration units for perishable goods, hydraulic lifts, "cherry pickers", or similar equipment.

If you have any questions regarding this information, please contact Kris Dahl at Kris.Dahl@dep.nj.gov.

NJPDES Stormwater

Any project which disturbs 1 or more acres of land, or less than 1 acre but is part of a larger common plan of development which is greater than 1 acre, is required to obtain a NJPDES Stormwater Construction General Permit (5G3) authorization. This authorization requires the applicant to first submit and receive certification of a soil erosion and sediment control plan from the local soil conservation district office. Once the plan has been certified the applicant must file for 5G3 permit coverage through the NJDEP online service. Once the applicant has registered for DEPonline they must navigate to the Stormwater construction general authorization service to complete and submit their application. The application requires the input

of two unique codes obtained from the soil conservation district office upon certification of their soil plan. Once the application is complete and submitted, a temporary authorization will be issued to the applicant, provided the system determines the application meets the eligibility requirements of the permit. Once the application information is migrated into our database system a final permit authorization, along with a summary of the application information submitted, will be emailed to the individual identified as the "permittee contact" during the application process.

For projects conducted by the NJDOT the online application process does not apply. NJDOT self certifies their soil erosion and sediment control plans and must file a paper permit application through standard mail.

If you have any questions regarding this information, please contact Dan Kuti at Daniel.Kuti@dep.nj.gov.

Contaminated Site Remediation and Redevelopment (CSRR)

If you have any questions regarding contaminated sites, please contact A.J. Joshi at Ashish.Joshi@dep.nj.gov.

Office of Environmental Justice

The Office of Environmental Justice is aware that the Diamond Alkali Superfund Site - Operable Unit 3 (Newark Bay) has entered into an Interim Remedy by USEPA and supported by the NJDEP's Contaminated Site Remediation & Redevelopment Program. Given the coinciding timelines for both the Newark Bay Bridge Replacement and the Newark Bay remediation, OEJ recommends that project managers consult one another to ensure that constructions do not significantly impact environmental justice communities and proper coordination occurs.

EJMAP is listed to have been reviewed, however, the report's analysis is limited to age, income, minority status, education level, and language in its identification of EJ populations. Globally, the report does not factor in any analysis of whether specific EJ/overburdened communities will be impacted from the proposed projects, or how the 26 stressors included in EJMAP will be impacted.

The former Marist High School property is identified under the proposed plan as a future stormwater treatment facility and will be a construction staging area, among the other planned project staging areas across Hudson and Essex Counties. The former Marist High School property is adjacent to residential neighborhoods. Please clarify if the MOVES3 analysis factors in proximity to residential exposures, including sensitive populations. If so, proper monitoring and engineering/institutional controls may be needed.

If you have any questions regarding this information, please contact Myla Ramirez at Myla.Ramirez@dep.nj.gov.

Thank you for giving the Department the opportunity to comment on the EIS for the Proposed Project. Please contact Elizabeth Lange at Elizabeth.Lange@dep.nj.gov or Ryan Carter at Ryan.Carter@dep.nj.gov, or contact OPPN at (609) 292-3600 if you have any questions.

Sincerely,

David Pepe, Director
Office of Permitting and Project Navigation

Attachment A

Bureau of Water Allocation and Well Permitting
Construction Related Dewatering Guidance

Revised 8/2015

Bureau of Water Allocation & Well Permitting
Construction Related Dewatering Guidance

Various permits and approvals may be required for construction related dewatering activities from the Well Permitting and Water Allocation Permitting sections in the Bureau of Water Allocation and Well Permitting. Permits required are site and project specific.

Well Permitting

An approved Well Permit is required for dewatering wells or dewatering well points which are 25 feet or more in total depth or are 6 inches or more in borehole diameter. All drilling activity shall be performed and completed by a New Jersey licensed well driller of the proper class. N.J.A.C. 7:9D – 1.11(g) 5.

Water Allocation

If construction related water use (including trench dewatering) is required at rates exceeding 70 gallons per minute or greater pumping capacity from a single source or combination of sources in the same municipality then that activity would be regulated. Potential regulatory mechanisms include:

Diversion of more than 100,000 gallons of water per day ($\geq$ 70 gpm) for less than 31 days in a consecutive 365 day period- Short Term Water Use Permit-by-Rule (BWA-003) /Short Term Water Use Report (BWA-004), N.J.A.C. 7:19 – 2.17(a).

Diversion of more than 100,000 gallons of water per day ($\geq$ 70 gpm) from a confined area/space (coffer dam) – Dewatering Permit-by-Rule (BWA-005), N.J.A.C. 7:19 – 2.17(b).

Diversion of more than 100,000 gallons of water per day ($\geq$ 70 gpm) for more than 30 days in a consecutive 365 day period – Temporary Dewatering Permit (BWA-002), N.J.A.C. 7:19 – 2.3.

Diversion of less than or equal to 100,000 gallons of water per day at pumping rates of more than 70 gpm or larger – Water Use Registration (DWR-188), N.J.A.C. 7:19 – 2.18.

In addition –

Horizontal directional drilling – as this is part of the pipeline construction it would be included within the scope of the applicable regulatory mechanism for the project.

Pipeline pressure testing – water used for pressure testing pipeline segments has historically been done under a Short Term Water Use Permit-by-Rule (BWA-003)/Short Term Water Use Report (BWA-004), N.J.A.C. 7:19 –2.17(a).

Applicability – If the project is located in close proximity to a salt water body (ocean, bay, coastal river, salt water marsh) the native ground water and water in the adjacent water body should be checked for: chlorides and salinity. Water Allocation Permitting does not apply to diversions of salt water except where the Department determines that the diversion and the resultant usage may affect utilization of fresh water in accordance with N.J.A.C. 7:19 –1.4(a)2. Salt water is defined as water containing a chloride concentration in excess of 10,000 mg/L. N.J.A.C. 7:19-1.3

For additional information see – www.nj.gov/dep/watersupply

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