



New Jersey Turnpike Authority

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August 3, 2023

Mr. David Pepe, P.G., Director
Office of Permitting & Project Navigation
New Jersey Department of Environmental Protection
401 East State Street, Mail code: 401-07J
Trenton, New Jersey 08625

RE: Executive Order No. 215 Environmental Impact Statement, Newark Bay Hudson County Extension Improvements – Interchanges 14 to 14A, City of Newark, Essex County and Cities of Bayonne and Jersey City, Hudson County

Dear Mr. Pepe:

The Authority thanks you and your colleagues at New Jersey Department of Environmental Protection for the Department's prompt review of the subject Draft Environmental Impact Statement (EIS). The Authority has reviewed the Department's comments contained in your letter dated May 22, 2023. The Authority also appreciates the identification of specific Department contacts cited in the letter for specific resource topics. While there are no questions at this time, note has been made of the contact information for any needed future reference.

Following are the Authority's responses to the comments by topic heading in the order listed in the comment letter.

State-Owned Lands:

Public Land Compliance and Public Land Administration: The Authority acknowledges receipt of the clarification regarding the City of Bayonne having received Green Acres funding for Rutkowski Park; the EIS will be revised to note this information. The Authority will coordinate with the City and the landowner, the NJ Department of Transportation, on the location of mapped boundary of the Park in the vicinity of the Project. Based on a comparison of the mapped Park boundary and the Project's limits during construction, the Authority will assess whether the Project could potentially result in a temporary or permanent diversion of Rutkowski Park land. The EIS will be revised to document the assessment, results, and any need for mitigation of any identified diversion. The boundaries of all other Green Acres-encumbered parks are well outside the Project's limits-of-disturbance for temporary uses and permanent footprint and right-of-way.

Watershed and Land Management:

Tidelands: The Authority acknowledges as noted in the letter that tidelands requirements apply to the Project. The Authority will coordinate with the Bureau of Tidelands Management on addressing all tidelands requirements that pertain to the Project prior to commencing construction. As the requirements are identified in the EIS, no revisions are necessary.

Coastal Permitting, Freshwater Wetlands, and Flood Hazard and Stormwater Engineering: The Authority is in the process of preparing applications for authorizations from the Department for replacement of the Vincent R. Casciano (Newark Bay) Bridge under the State's Freshwater Wetlands, Waterfront Development and Flood Hazard requirements. The Authority will continue to coordinate with the Division of Land Resource Protection, as well as with the Division of Water Quality for stormwater engineering/management, on the permit requirements needed for the Project. The EIS will be revised, as appropriate, to note the status of these and other permit applications.

New Jersey Fish and Wildlife:

Endangered Non-game Species Program (ENSP) and Marine Resource Administration (MRA): The Authority acknowledges as noted in the letter the timing restrictions to protect finfish migratory pathways and the spawning and vulnerable life history stages of winter flounder and is incorporating these restrictions into project scheduling and construction planning. As these restrictions are identified in the EIS, no revisions are necessary. The Authority will continue to coordinate with the ENSP and MRA as the Project advances on these restrictions and on other measures to protect endangered non-game species and marine resources during Project implementation.

Historic and Cultural Resources:

Historic Architecture: The Authority acknowledges as noted in the letter the opinion of the New Jersey Historic Preservation Office (HPO) 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, consistent with the conclusion of the EIS. The Authority will continue to coordinate with HPO during the various Project review processes to address applicable requirements.

Archaeology: The Authority acknowledges HPO's request as noted in the letter for an additional archeological survey in the Project area in Cities of Bayonne and Jersey City to enable the HPO to complete identification of historic resources. To this end, the Authority has authorized the Gannett Fleming Team, Richard Grubb & Associates, Inc. (RGA), to undertake the additional archaeological work items outlined in the comment letter, including the following:

1. A review of all acquired geotechnical boring data (n=24 borings) collected for the Project in the area of the Project in Bayonne and Jersey City (up to Linden Avenue), in addition to a comparison of that data with the proposed base excavation elevation data for the Project in Bayonne and Jersey City. Base excavation elevation data is to be in feet above mean sea level (amsl) and the geotechnical boring logs record data in feet amsl for identified stratigraphy and/or the surface elevation for the boring. RGA will review the relevant physical geotechnical boring cores and compare the stratigraphic observations with the prepared soil boring logs. RGA will make notations regarding depths of imported fill or historic fill (if apparent), buried topsoil (if apparent), and the depth of subsoil (if apparent). This information will be utilized to assess the depth of proposed infrastructure elements and determine if the Project will extend below intact buried historic topsoil layers.

The results of the boring core review will be detailed in an addendum Phase IA archaeological survey report that only covers the portions of the Project in Jersey City and Bayonne, given that the NJHPO concurred with the prior sensitivity assessment for Newark Bay and the City of Newark (i.e., assessed low archaeological sensitivity and an absence of archaeological historic properties). The geotechnical data will be incorporated into the addendum report as a new section. That data will inform recommendations of further archaeological survey or no further archaeological survey, as warranted. A map showing the location of the borings will be included, as well as a data table with the depth of potential buried topsoil compared to the proposed project excavation depth at that boring location. In addition, the survey report will include areas of archaeological sensitivity assessment mapped on preliminary substructure layout plan sets, the stormwater management plan sets, and the Highway Plan set for the City of Bayonne and Jersey City. Based on this data, a revised recommendation for Phase IB archaeological survey and sensitivity assessment will be made. An electronic copy of the report will be provided to the HPO for its review and comment.

2. RGA will prepare an archaeological avoidance and protection plan for the portion of Block 13, Lot 1 in the City of Bayonne that contained archaeological deposits in an area measuring 78 feet by 193 feet in plan where the NJHPO requested the completion of a Phase II archaeological survey to evaluate eligibility of the resource for listing in the National Register of Historic Places. The archaeological deposits were registered with the New Jersey State Museum as the Marist High School Site (28-Hd-55). Following the NJHPO's issuance of review comments on the

Phase I archaeological survey report, the Authority redesigned a portion of the project to avoid the site footprint and ensure its protection during construction through the preparation of a formal archaeological avoidance and protection plan that will be submitted to HPO for review and comment. If it is possible for the Authority to engage in a partial acquisition of Block 13, Lot 1, this archaeological site may not be within the property acquisition area nor in the project footprint. As the extent of acquisition is unknown at this time, preparation of the aforementioned plan will be conducted to ensure that the resource is avoided by the project and a Phase II archaeological survey at the site location is no longer required.

During the HPO's review of the submitted deliverables, the Authority requests to hold a conference call with the HPO prior to its issuance of a review letter to discuss the next steps that may be necessary for cultural resources compliance. Once the deliverables identified in #1 and #2 are accepted by HPO, the EIS will be revised/updated accordingly enabling HPO to continue the EO 215 review and the Division of Land Resource Protection review. The Authority acknowledges that because of the need for United States Coast Guard permits the HPO will also have a review of the Project under Section 106 of the National Historic Preservation Act. Also, because of Authority 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. There will be reference to HPO project number 21-1041 in any future calls, emails, submissions, or written correspondence to expedite HPO's review.

Bureau of Water Allocation and Well Permitting (BWAWP):

The Authority acknowledges that per BWAWP Construction Related Dewatering Guidance, since the Project will be covering multiple municipalities and counties, the Project will need to obtain one authorization per municipality where dewatering will occur and that, 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. The BWAWP will be contacted prior to Project construction to discuss this matter further since the application requirements and review time varies significantly for each authorization type. The EIS will be revised to note this clarifying information, as necessary.

The Authority acknowledges as noted in the letter that various permits and approvals may be required for Project construction related dewatering activities from the Well Permitting and Water Allocation Permitting sections in the Bureau of Water Allocation and Well Permitting. The Authority appreciates the details provided in the letter on the Well Permitting and Water Allocation permits and will review the information. The EIS will be revised to note this clarifying information and the Project will coordinate with the Bureau of Water Allocation and Well Permitting prior to construction, as necessary.

NJPDES Discharge to Surface Water:

The Authority acknowledges as noted in the letter that 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 and that 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 requirements will apply and that analytical lab data of all the parameters specified in Attachment 1 to the comment letter must be submitted and the results must demonstrate that they are below the effluent standards. The Authority further acknowledges that 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 and that 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. Finally, the Authority

acknowledges that a Treatment Works Approval from the Bureau of Environmental, Engineering and Permitting may be needed for the construction of the treatment system; coordination will occur with the Bureau prior to construction, as necessary. The EIS will be revised to note this clarifying information, as necessary.

Air:

Air Permitting: As recommended in the letter, the Authority will review the requirements of N.J.A.C. 7:27-8.2(c) 1-22 for stationary permitting requirements, including but not limited to construction equipment-stationary construction equipment or emergency generators that 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). The Authority acknowledges that there are general permits for boilers and emergency generators if the units can meet the prescribed requirement in the general permits. Further, the Authority acknowledges that any vehicles involved on the Project must adhere to the idling standards (less than 3 minutes) stipulated (N.J.A.C. 7:27-14 and 15), that 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) and that 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). The EIS will be revised to note this clarifying information, as necessary.

Bureau of Mobile Sources: The comments note that *"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."* First, it is noted that the emissions calculations in the EIS were conducted by a consultant team for the New Jersey Turnpike Authority and not NJTPA (the North Jersey Transportation Planning Authority, Inc.). As noted in the EIS, only NJTPA meteorological data was used in the emissions calculations. Second, as noted on EPA's website (epa.gov/moves), "EPA's Motor Vehicle Emission Simulator (MOVES) is a state-of-the-science emission modeling system that estimates emissions for mobile sources at the national, county, and project level for criteria air pollutants, greenhouse gases, and air toxics." Accordingly, the use of MOVES, specifically, the most recent MOVES3 version of the model, is the appropriate modeling tool to apply for emissions calculations related to the Project. Also, for clarification, and based on discussion with DEP air quality staff on March 7, 2023, future emissions estimated using the current version of the MOVES model, as was done in the EIS, are "conservative" in that the MOVES model has not yet been updated to account for the effects of electric vehicle adoption and other motor vehicle engine technological improvements on reducing vehicle emissions. In other words, and as noted in the EIS (pg. 114, par. 5), the actual air pollutant emissions and concentrations with adoption of the regulations are expected to be substantially lower than the air pollutant emission levels presented in the EIS.

The comments also note that *"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."* First, as noted in the EIS, the construction air quality analysis was conducted for the estimated peak construction years of the Project – 2028 and 2029 – and not 2050 (see pp. 117-121 of the EIS for the construction air quality analysis). As noted in the EIS, aggregate emissions from equipment used to construct the Project were found to be below EPA *de minimis* levels. Further, the impacts of vehicles using the NB-HCE during operation of the roadway were appropriately estimated separate from the construction air quality analysis. The operations effects of the Project are covered under the criteria pollutants, mobile source air toxics (MSATs), and greenhouse gases (GHG) headings for methodology (pp.117-121 of the EIS) and results (pp. 121-126 of the EIS). The analysis demonstrates that air pollutant concentrations near the NB-HCE following implementation of the Project will be well below the Standards for those pollutants for which standards have been established: carbon monoxide and fine particulate matter. Emissions of other air pollutants for which standards have not been established, MSATs and GHG, were also modeled. These pollutants were appropriately measured over a larger area encompassing the transportation network extending out to I-287 to capture the Project's effects. The analyses of MSAT and GHG pollutants demonstrate that the Project's effects on emissions of these pollutants will not be meaningfully different from emissions that would occur should the Project not

be implemented. For example, the Project could increase GHG emissions in the area by up to 0.17%. Accordingly, no Project-specific mitigation of these effects is necessary nor required. Also, qualitatively, emissions from vehicles and equipment used to maintain and repair the NB-HCE between Interchanges 14 and 14A with the Project will be lower than emissions under Existing and No Action conditions as the Project once constructed will reduce the need for maintenance and repair activities.

The comments also note that *"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."* First, the cited number of dwelling units impacted is for the without mitigation scenario. With mitigation through replacing and extending the existing noise barrier on the south side of the NB-HCE in Bayonne, 124 of those dwelling units would experience noise at a level below the impact criterion (pg. 136, par. 4 of the EIS). Mitigating noise impacts from the other impacted dwelling units was considered to not be cost effective per Authority and similar Federal Highway Administration and New Jersey Department of Transportation policy for abatement of traffic noise. Further, as an improvement to an existing highway, the location of the Project is fixed to the existing NB-HCE alignment between Interchanges 14 and 14A. That said, the Authority acknowledges the importance of maintaining its vehicles.

Finally, the Authority acknowledges as noted in the letter the various recommendations provided by the Bureau of Mobile Sources for reducing pollutant emissions during the construction process, including the idling limits of the applicable NJ Administrative Code requirements. The EIS will be revised to note this clarifying information, as necessary.

NJPDES Stormwater:

The Authority acknowledges as noted in the letter that the Project is required to obtain a NJPDES Stormwater Construction General Permit (5G3) authorization and that the Project must first submit and receive certification of a soil erosion and sediment control plan from the local soil conservation district office. These requirements are noted in Section 4.1.12 of the EIS (pg. 214). The Authority appreciates the details provided on the permitting process.

Contaminated Site Remediation and Redevelopment (CSRR):

No comments provided. The Authority will direct any related questions to the identified CSRR representative.

Office of Environmental Justice:

The Authority has recently become aware that the Diamond Alkali Superfund Site - Operable Unit 3 (Newark Bay) has entered into an Interim Remedy by the U.S. Environmental Protection Agency (USEPA) and supported by NJDEP's Contaminated Site Remediation & Redevelopment Program. The Authority acknowledges the related recommendations from the Office of Environmental Justice (OEJ). USEPA recently reached out to the Authority, and the two agencies had a conference call on July 12, 2023 on the potentially coinciding timelines for both the Newark Bay Bridge Replacement and the Newark Bay remediation, as well as on measures to minimize impacts from the projects on communities and the environment. USEPA and the Authority agreed to continue coordination on the respective projects. The EIS will be revised to document the current status of the Diamond Alkali Superfund Site - Operable Unit 3 (Newark Bay) remediation planning, the initiation of coordination between USEPA and the Authority on their respective projects, as well as the additional future interagency coordination on the projects.

The comments note that *"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."* First, the EIS (see pages 53-56) used EJMAP to correctly identify overburdened communities (EJ populations) based on the definition of an overburdened community under the

State's Environmental Justice Act. The EIS will be revised to note that based on EJMAP, the entire Project study area Census block groups are mapped with a Combined Stressor Summary of "Higher than 50th Percentile."

As noted on Page 41, Paragraph 3 of the EIS, New Jersey's Environmental Justice Law, N.J.S.A.13:1D-157 et seq, requires the NJDEP to evaluate the environmental and public health impacts of certain facilities on overburdened communities when reviewing certain permit applications. The eight specific types of facilities covered by the Act are: (1) major sources of air pollution; (2) incinerators and resource recovery facilities; (3) large sewage treatment plants that process more than 50 million gallons per day; (4) transfer stations and solid waste facilities; (5) recycling facilities that receive at least 100 tons of recyclable material per day; (6) scrap metal facilities; (7) landfills; and (8) medical waste incinerators, except those attendant to hospitals and universities. Highways such as the NB-HCE are not classified as facilities under the Environmental Justice Law. Nevertheless, the EIS includes an environmental justice impact assessment that focuses on the eight relevant stressors (from among the list of 26 stressors) for highway and roadway projects including the following: ground level ozone, air toxics, diesel particulate matter, contaminated sites, impervious surfaces, traffic congestion, flooding, and noise. Assessment of the project's effects on these stressors (pp. 58-62 of the EIS) provided a basis for assessing whether the project has the potential to create disproportionately high and adverse effects on minority populations and low-income populations. As noted on Page 61 of the EIS, the analyses of the relevant stressors demonstrate that the Project will not cause a disproportionately high and adverse effect on environmental justice populations nor deny, reduce, or delay benefits of the Project to environmental justice populations. Based on the foregoing, no further analysis is required or necessary.

The comments also note that "*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.*" As point of information, MOVES3 is a motor vehicle emissions factor model. The proximity to residences was factored into the dispersion modeling which used the MOVES3 emissions factors as inputs. As noted under the Authority's above-noted response to the Air Permitting and Bureau of Mobile Sources items, the Project will comply with applicable air quality regulations.

The Authority will revise and resubmit the final EIS to your office following incorporation of the above-noted revisions and clarifications. The Authority continues to appreciate your Office's coordination of the Department's reviews of this important project to date and we look forward to continued coordination. Please feel free to contact Lisa Navarro of my staff with any questions at navarro@njta.com or (732)-750-5300 extension 8273.

Sincerely,



Michael Garofalo, P.E.
Chief Engineer

MG/LKN/baw

cc: L. K. Navarro
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