

DOCKET NO. D-2017-009-2

DELAWARE RIVER BASIN COMMISSION

**Delaware River Partners LLC
Gibbstown Logistics Center Dock 2
Greenwich Township, Gloucester County, New Jersey**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 12, 2019 (“Application”), requesting approval of a new Delaware River dredging and deep-water berth construction project (the “Project”) at the docket holder’s previously approved Gibbstown Logistics Center (GLC). The New Jersey Department of Environmental Protection (NJDEP) on May 20, 2019 issued its Waterfront Development Individual Permit for the Project (0807-16-0001.2 WFD190001), which includes the Water Quality Certificate required by Section 401 of the federal Clean Water Act. At the time of consideration of this Application, pending approvals for the Project include the NJDEP Tidelands Licenses required for a fixed structure and dredging; the United States Army Corps of Engineers (USACE) Section 10/404 Individual Permit; and other local government approvals.

The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Gloucester County Planning Board has been notified of pending action. A public hearing on the draft docket was held by the DRBC on June 6, 2019.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve an additional dredging and deep-water berth construction project, referred to as “Dock 2,” at the docket holder’s previously approved GLC on the Delaware River. The GLC, which is currently under construction, is a multi-use marine terminal and international logistics center located at the former Repauno site (also formerly known as the “Chemours Repauno industrial site” and “DuPont Repauno Works”) in Greenwich Township, Gloucester County, New Jersey. Previous DRBC, federal, state and local approvals for the GLC authorized Delaware River dredging and construction for the deep-water berth referred to as “Dock 1,” consisting of one-ship berth on a pile-supported wharf structure. Dock 2 will consist of an additional pile-supported wharf structure that accommodates two ship berths and associated infrastructure. The construction of Dock 2 involves dredging approximately 665,000 cubic yards (cy) of sediment from the Delaware River to a depth of 43 feet below (-43) mean lower low water (MLLW) to accommodate the two deep-water berths. The Project does not involve demolition of any existing in-water or landside structures.

2. Location. The Project is located at the former Chemours Repauno industrial site, 200 North Repauno Avenue in Greenwich Township, Gloucester County, New Jersey (also formerly

known as the “Chemours Repauno industrial site” and “DuPont Repauno Works”). The Project includes dredging and construction of deep-water berths at River Mile 86.5 in Water Quality Zone 4 of the Delaware River, as follows:

SITE	LATITUDE (N)	LONGITUDE (W)
Existing Dock 1	39° 50' 42”	75° 17' 45”
Proposed Dock 2	39° 50' 44”	75° 18' 29”

3. Project Area. The GLC marine terminal project, approved by DRBC Docket No. D-2017-009-1 on December 13, 2017, involves re-development of a 218-acre portion of the former 1630-acre Repauno industrial property in Greenwich Township, Gloucester County, New Jersey with a multi-use marine terminal and international logistics center. Docket No. D-2017-009-1 approved the construction of the marine terminal facilities and logistics center (under construction at the time of DRBC consideration of the Project) and the Dock 1 wharf, containing a one-ship deep-water berth (substantially complete). The instant Project consists of a second wharf (Dock 2), containing two deep-water ship berths, which will be located at Thompson’s Point, downriver (to the west) of Dock 1, at the location of a former barge pier.

For the purpose of defining the Project Area, the docket holder’s Application is incorporated herein by reference, consistent with conditions contained in the DECISION section of this docket.

4. Project Description. The previously approved GLC marine terminal project consists of Dock 1 and the adjacent landside logistics center and marine terminal facilities. Construction of Dock 1 was substantially completed in December 2018, and construction of the marine terminal facilities and logistics center is underway. Dock 1 is a multi-purpose one-ship deep-water berth capable of handling a variety of freight, including automobiles (roll-on/roll-off), non-containerized break bulk cargoes, bulk products, and liquids from either trucks or rail cars. The logistics center and marine terminal facilities include a parking lot for vehicles; facilities for processing, perishables handling, non-containerized break bulk cargo handling, and bulk-liquids and gases handling; two warehouse buildings; and a stormwater management system and associated infrastructure.

Dock 2 will consist of a wharf featuring two deep water berths to accommodate a range of ocean-going vessels of a maximum length of 966 feet and maximum draft of 39.7 feet. The project involves dredging of approximately 665,000 cy of Delaware River sediment (primarily silts and sands) in a 45-acre area to provide access to the Federal Navigation Channel of the Delaware River. Dock 2 is designed for the loading of bulk liquid products directly from railcar or truck onto ocean-going vessels for export and includes infrastructure for transloading operations. Dock 2 will support the transloading of a variety of bulk liquid products, including butane, isobutane, propane (collectively liquefied petroleum gas, or LPG), liquefied natural gas (LNG), and ethane. The products will arrive at the site via truck and/or railcar. Once at the site, the products will be transferred to vessels via on-site infrastructure. There will be no manufacturing of any bulk liquid products at the site. There will be no bulk storage of LNG at the site.

Additional details of the dredging and wharf/berth construction follow:

– **Dredging:** Approximately 665,000 cy of sediment over a 45-acre area will be dredged from the Delaware River in order to achieve a dredging depth of -43 feet MLLW, allowing and accounting for 2 feet of overdraft. The dredging will allow the new marine terminal to access the Federal Navigation Channel (“Channel”). Current water depth in the area of the proposed dredging varies between -3 feet MLLW nearshore and -40 feet MLLW towards the Channel. Sediment within the dredge area consists of silt, some fine sand and trace gravel. The depth of sediment to be dredged ranges from 20 feet nearest the berths and less than one foot nearest the Channel. A sampling program has been implemented, and the resulting data were submitted with the Dredged Material Management Plan dated March 2019.

– **Wharf/Berth Structure Construction:** The Dock 2 wharf containing 2 berths will be located 650 feet from and run parallel to the Channel, and will consist of a trestle pier, 2 loading platforms (one for each berth), 8 breasting dolphins, 11 mooring dolphins, and walkways between platforms and dolphins. Each of the two berths is approximately 1,300 feet long. Connection to and access from the landside GLC terminal to the wharf and loading platforms will be provided by an approximately 32-foot wide trestle pier that extends from shore approximately 665 feet to where it connects with the wharf. This access trestle is designed to accommodate a one-lane vehicular roadway with adjacent pedestrian access, piping for bulk liquids transfer, and mechanical and electrical support systems. The structural footprint over the water is approximately 139,127 square feet (sf) in area.

Construction of Dock 2 will entail the installation of 519 steel piles, consisting of 24-inch, 30-inch, and 48-inch diameter piles, as follows: Each loading platform will be constructed on sixty 30-inch diameter by 3/4-inch wall steel pipe piles (120 total piles). The trestle will be supported by pile bents with a total of 210 24-inch diameter by 5/8-inch wall steel pipe piles over 50 bents (210 total piles). A 50-foot wide abutment will support the landing of the trestle above the mean high water line. A 230-foot long retaining wall will be constructed on either side of the abutment to provide additional structural support. The typical mooring dolphins will be constructed on nine 48-inch diameter by one-inch wall steel pipe piles, while shared mooring dolphins will be constructed on fifteen 48-inch diameter by one-inch wall steel pipe piles (105 total piles). The breasting dolphins will be constructed on nine 48-inch diameter by one-inch wall steel pipe piles (72 total piles). Walkways between loading platforms, mooring dolphins, and breasting dolphins will be provided with four intermediate support systems; the foundation of each intermediate support will consist of three 24-inch diameter by 5/8-inch wall steel pipe piles (12 piles total).

– **Demolition:** Dock 2 will not involve demolition of any existing in-water structures, as no such structures have been identified.

5. Related Dockets. Docket No. D-2017-009-1, issued on December 13, 2017, approved the construction of the GLC’s marine terminal facilities and logistics center (under construction at the time of DRBC consideration of the Project) and the Dock 1 wharf, containing a one-ship deep-water berth (substantially complete). This Project consists of a second wharf (Dock 2),

containing two deep-water ship berths, which will be located at Thompson's Point, downriver (to the west) of Dock 1, at the location of a former barge pier. The former Dupont Repauno Works industrial facility included an industrial process wastewater treatment system, approved by DRBC Docket No. D-1973-150-1 on February 26, 1975, which was transferred to the Chemours Company on June 26, 2015. DRBC Docket No. D-1965-075-1, issued on September 13, 1965, approved the construction of an underground cavern for the storage of anhydrous ammonia at the former Dupont Repauno Works. The industrial operations, wastewater treatment facility, and storage of anhydrous ammonia at the Repauno site have been discontinued. Dupont's successor in interest, Chemours, currently operates a groundwater remediation withdrawal and treatment system on-site for the remediation of DuPont's former industrial operations. By letter dated September 27, 2016, DRBC's executive director approved the transfer of Docket No. D-1965-075-1 to DRP and authorized use of the existing underground cavern for the storage of liquified petroleum gas (LPG). Potable water supply for the GLC is to be provided by groundwater wells owned and operated by Greenwich Township in accordance with DRBC Docket No. D-1994-051 CP-2, issued on July 20, 2005. Sewage generated at the site will be directed to the Greenwich Township WWTP, which was approved by DRBC Docket No. D-1990-024 CP on January 16, 1991.

6. **Cost.** The total cost of the Dock 2 Project is estimated to be \$94,600,000.

B. FINDINGS

The docket holder applied for approval of its GLC Dock 2 Delaware River dredging and deep-water berth construction project, which involves dredging 665,000 cy of material from the Delaware River to a depth of 43 feet below (-43) MLLW to accommodate a new, pile-supported wharf structure and two new deep-water ship berths.

1. Dredging Procedures

- Approximately 665,000 cy of sediment (primarily silt, with some fine sand and trace gravel) will be dredged from the Delaware River over a 45-acre area to achieve a dredging depth of -43 feet MLLW, allowing and accounting for 2 feet of overdraft. All sediments will be mechanically dredged using a closed clamshell environmental bucket. According to the docket holder's "Dredged Material Management Plan," dredging activities will follow these general procedures: Project Drawings will be prepared to define coordinates, dredging grades, and dredging depths for the dredge area.
- The vertical limits of the dredging will be established by achieving the required template depths. Each dredge will be equipped with real-time positioning and computer guidance, allowing the operator to know the location of the dredge and the bucket relative to the dredge cut.
- Hydrographic surveys will be conducted behind the dredges to monitor the finished cut and confirm that the dredges are digging to the permitted lines and grades of the Project Drawings.

- Dredging will utilize the best management practices (BMPs) set forth below to limit the potential for sediment resuspension and associated impacts on water quality and aquatic biota. using a closed clamshell environmental bucket to remove fine-grained sediments;
 - o controlling the rate of descent of the bucket to maximize the vertical cut it makes, while not penetrating the sediment beyond the vertical dimension of the open bucket (i.e., not overfilling the bucket). The dredging contractor will use appropriate software and sensors to ensure consistent compliance with this condition;
 - o using an environmental clamshell equipped with sensors to ensure complete closure of the bucket before it is lifted through the water at a rate of two feet per second or less;
 - o controlling the “bite” of the bucket to: (a) minimize the total number of passes needed to dredge the required sediment volume and (b) minimize the loss of sediment due to extrusion through the bucket’s vents openings or hinge area;
 - o placing material deliberately in the barge to prevent spillage of material overboard;
 - o using barges or scows with solid hull construction or hulls sealed with concrete to transport sediments;
 - o discharging decant water only within the dredging area;
 - o holding decant water in the decant holding scow for a minimum of 24 hours after the last addition of water to the scow. This holding time may be reduced if it can be demonstrated that total suspended solids (TSS) meet the background concentrations of 30 parts per million based on three consecutive TSS analyses; and
 - o not dragging the dredge bucket along the sediment surface.

Sediments may be amended as necessary so that they can be transported by truck in compliance with Department of Transportation regulations and landfill requirements (e.g., soils must pass paint filter tests to demonstrate the absence of free liquids). Contaminated sediments will be disposed of at a permitted landfill or approved brownfield site. Uncontaminated sediment meeting the applicable acceptance criteria will be transported via barge to the White’s Basin permitted confined disposal facility (CDF) or Fort Mifflin CDF, or other approved location. The docket holder expects that the dredged material will be managed at one or more of the following locations for which preliminary acceptance approvals were provided by the docket holder:

- Fort Mifflin CDF, Philadelphia, Pennsylvania;
- White's Basin, Logan Township, New Jersey;

The following other sites were also provided as potential disposal locations for which no preliminary acceptance approvals were provided:

- The former National Park Landfill, National Park, New Jersey; and/or

- Stags Leap Ranch Development (SLRD), Mullica Hill, New Jersey.

After selection of the receiving site, the need for amendment with Portland cement and the means of transportation (barge or truck) of the material will be determined.

The 665,000 cubic yards of dredged material to be removed from the berthing facility was sampled in accordance with an NJDEP approved Sediment Sampling and Analysis Plan (SSAP) dated December 24, 2018. The analytical results of the sediment sampling were submitted with the "Dredged Material Management Plan, DRP Gibbstown Logistics Center, - Dock 2 Gibbstown, NJ "(DMMP) dated March 2019. Special Condition 23. a. through d. included in the NJDEP Waterfront Development Permit is the Acceptable Use Determination for the 665,000 cy of material to be managed from this project. Special Condition 23. Specifies the following:

a. Sixty days prior to the initiation of dredging as authorized in this permit, the permittee shall schedule an on-site meeting with the NJDEP and designated contractor (s) performing the dredging, processing and placement of the material to finalize the dredging schedule, disposal and beneficial use site options.

b. Fort Mifflin CDF - Placement of the dredged material or processed dredged material from this project at the identified out-of-state placement sites is addressed in separate authorizations and approvals issued by the Pennsylvania Department of Environmental Protection and the owner/operator of the site.

c. Whites Rehandling Basin — Placement of the dredged material from this project shall comply with the conditions specified in the Weeks Marine Waterfront Development Permit In-Water, Water Quality Certificate and Acceptable Use Determination (DEP File #0809-08-0010.1 LUP190001 and CDT180001)

d. If the permittee proposes to place the dredged material from this project at a location different from that approved in this permit, written authorization in the form of a minor or major technical modification must be obtained from the Department prior to the transport of any dredged material to the alternative placement location.

In accordance with Condition C.1, the docket holder shall provide to the DRBC the application to NJDEP for written authorization to place dredge material at any site other than Whites Rehandling Basin or the Fort Mifflin CDF prior to the transport of any dredged material to an alternative placement location. The docket holder shall also provide to the DRBC the written authorization from NJDEP approving the placement of dredge material at any alternate placement location not authorized in the Waterfront Development Permit.

2. Wharf/Berth Construction Procedures

As described above, the construction of Dock 2 will entail the installation of a total of 519 steel piles. The majority of the construction of Dock 2 will be performed using marine-based (in-water) equipment, including barge-mounted cranes, barge-based pile driving rigs, and

waterborne material deliveries. The proposed landside structures, including a 50-foot wide abutment and 230-foot long retaining wall) will be constructed using land-based equipment, with truck material deliveries. The steel piles are proposed to be installed by impact hammer driving through the river bottom strata (silts and sands) into the harder underlying weathered rock layer.

To protect water quality and aquatic life, measures to be employed for all construction activities shall include:

- use of in-place sediment control devices, turbidity curtains, booms, tarpaulins, floats, staging, and other devices as necessary to prevent materials from entering the water and leaving the immediate vicinity of the proposed construction;
- use of effluent discharge control to prevent entry into the Delaware River of any and all materials (e.g., oils, fluids, concrete, wash water, and other impurities) used on the construction site;
- minimal manipulation of piling, pile spuds, and other potential bottom disturbing activities; and
- deployment of a “bubble curtain” as needed during water-based pile driving activities.

The quality of Basin waters shall be maintained in a safe and satisfactory condition for wildlife, fish and other aquatic life. USACE is currently in consultation with the National Marine Fisheries Service (NMFS) concerning two threatened and endangered sturgeon species, and the critical habitat for the Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*). NMFS has yet to render its biological opinion of the project, but it is a prerequisite to the USACE’s issuance of a permit for the project.

3. Permits

The following table (**TABLE B-1**) lists the application submittal dates and the status of the permits and approvals required for the Project, including the NJDEP Waterfront Development Individual Permit and Water Quality Certificate, the USACE Section 10/404 Individual Permit, and other local, state and federal permits:

TABLE B-1: Project Permits/Approvals

PERMIT TYPE/NUMBER	APPLICATION SUBMISSION DATE	STATUS/ISSUANCE DATE
NJDEP Waterfront Development Individual Permit and Water Quality Certificate	3/1/2019	Suspended*
NJDEP Tidelands License (Dredging)	3/1/2019	Pending
NJDEP Tidelands License (Fixed Structure)	3/1/2019	Pending
USACE Jurisdictional Determination	2/18/16	7/5/16
USACE Section 10/404 Individual Permit	3/1/2019	Pending
Gloucester County Site Plan Approval	Pending	Pending

PERMIT TYPE/NUMBER	APPLICATION SUBMISSION DATE	STATUS/ISSUANCE DATE
Greenwich Township Site Plan Approval	Pending	Pending
Gloucester County Soil Conservation District Plan Certification	Pending	Pending
US Coast Guard Letter of Recommendation (for operations)	Future	Future

*The Waterfront Development Individual Permit issued for the Project by the New Jersey Department of Environmental Protection on May 20, 2019 was suspended on June 5, 2019, due to a procedural error. The permit may be reissued once the error is remedied.

C. DECISION

Effective on the approval date for Docket No. D-2017-009-2 below, the Project and facilities described in Section A “DESCRIPTION” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

Monitoring and Reporting

1. The docket holder shall provide to the DRBC the application to NJDEP for written authorization to place dredge material at any site other than Whites Rehandling Basin or the Fort Mifflin CDF prior to the transport of any dredged material to the alternative placement location. The docket holder shall also provide to the DRBC the written authorization from NJDEP approving the placement of dredge material at any alternate placement location not authorized in the Waterfront Development Permit.

Other Conditions

2. To minimize impacts to migration and spawning of anadromous fish, any and all in-water work or sediment generating disturbances are prohibited during the period commencing on March 15 and continuing through June 30 of each year.

3. Sound practices of excavation, backfill and re-seeding shall be followed to minimize erosion and deposition of sediment in streams.

4. Within 10 days of the date that construction of the Project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

5. Upon completion of construction of the approved Project, the docket holder shall submit a statement to the DRBC, signed by the docket holder's engineer or other responsible agent, advising the Commission that the construction has been completed in compliance with the approved plans, giving the final construction cost of the approved Project and the date the Project is placed into operation.

6. Dredging and dredge spoil management shall be conducted in accordance with the practices described in Section B.1 of this docket, and wharf/berth construction shall be performed in accordance with the practices described in Section B.2. If in the view of the Executive Director of the DRBC the dredging, dredge spoil management, and/or wharf/berth

construction operations are at any time being conducted in a manner contrary to that described in Sections B.1. and 2. of this approval, or such that these operations are otherwise adversely affecting water quality or impeding the passage of anadromous fish, the Executive Director may direct that these operations be suspended, and the docket holder may be subject to enforcement action.

7. Construction and operation of the facility shall be operated at all times to comply with the requirements of this docket approval and the Commission's WQR.

8. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

9. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

10. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (*see* 18 CFR 401.43).

11. This approval is transferable by request to the DRBC Executive Director, provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and accompanied by the appropriate fee (*see* 18 CFR 401.43).

12. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (*see* 18 CFR 401.43).

13. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

14. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

15. The Commission reserves the right to open this docket at any time, and to reconsider its decision and any and all conditions imposed hereunder in light of further information developed by, or decisions rendered in, pending or future proceedings conducted by DRBC member state and federal agencies concerning the development and operation of the GLC Dock 2 and related facilities.

BY THE COMMISSION

APPROVAL DATE: June 12, 2019