



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.	Date
CENAP-OP-R-2018-0567-46	September 20, 2018
Application No.	File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: European Metal Recycling (EMR) Eastern, LLC

AGENT: S. T. Hudson Engineers, Incorporated
900 Dudley Avenue
Cherry Hill, New Jersey 08031

WATERWAY: Delaware River

LOCATION: 1229 South Front Street, located between the waterward termini of Kaighn Avenue and Mechanic Street, City of Camden, Camden County, New Jersey

SITE HISTORY: On October 10, 1996, this office issued a permit (CENAP-OP-R-199602129) to the prior property owner (CRT, Incorporated) to redevelop an existing port facility. The regulated activities included the bulkheading (steel sheetpiles) of approximately 2 acres of open waters, dredging of adjacent berthing area to 35' below mean lower low water (MLLW), and discharge of dredged material behind the bulkhead to create 2 acres of fast land behind the bulkhead. The permit also required creation of 2 acres of shallow, intertidal open water habitat as well as submission of funding to the Delaware Raritan Greenway Association towards the restoration of 2 acres of emergent *Phragmites*-dominated wetlands at the Hamilton-Trenton Marsh. Aerial photography depicts the bulkhead completely constructed by 1999. However, aerial photography depicts approximately 15,000 square feet of bulkheaded waters left open to tidal flow behind the constructed bulkhead. The applicant's agent has stated that such area was originally filled but then removed due to bulkhead instability issues (i.e. approximately 1.65 acre of open waters was ultimately filled).

ACTIVITY: The applicant is proposing to make site improvements to their scrap metal recycling facility and perform maintenance dredging of their barge unloading area.

Maintenance dredging would involve the mechanical removal of 30,000 cubic yards of sediment within the approximate 33,320 square foot barge berthing area (dredge template) over a 10-year period and as frequently as once every other year to a design depth of 24 feet below MLLW water with allowance of 2 further feet of over-dredging. Sediment has been characterized as between approximately 83% and 95% silts/fines, approximately 5% to 13% sand, and approximately 0% to 2.8% gravel. Due to elevated levels of arsenic found within the sediments, all materials from the initial dredging event would be mixed with Portland cement and sent to Stagg's Leap Disposal Site in Mullica Hill, Gloucester County, New Jersey. Immediate dredging needs have been identified as the removal of 6,147 cubic yards of sediment within 17,892 square feet of template area. For later dredging events, sediments would be transported by barge to the White's Basin re-handling facility in Logan Township, Gloucester County, New Jersey for disposal unless determined to be unsuitable.

For site improvements, several regulated activities would occur.

A) Open Water Fill - The existing approximate 0.35-acre open water area below the high tide line referenced above is to be filled with approximately 5,000 cubic yards of clean fill for fast land creation. As well, a stormwater pipe is to be constructed within the fill in those open waters. Stormwater would be conveyed landward to an oil separator and holding tank for later use in on-site dust control.

B) Southern Bulkhead Support - A new reinforced concrete deadman to support the steel sheetpile bulkhead would be constructed within the fill described in Item A above. Further bulkhead support would be provided by the placement of 60 new 10 inch "H" pin piles which would be driven along the waterward bulkhead face.

C) Western Bulkhead/Waterfront Improvements - 20 new rubber fenders would be bolted to the existing sheetpile bulkhead extending waterward of the mean high waterline. Also, a railway would be constructed immediately upland of the mean high water line along the western-facing waterfront for a mobile un-loading crane that would, during usage, extend waterward of the mean high water line.

PURPOSE: The applicant's stated purpose for dredging is to maintain proper depth for the safe mooring of single 400' long x 100' wide barges. The stated purpose for open water fill is to construct a scrap metal containment area and stormwater system; the stated purpose for "H" pin piles is to repair the existing bulkhead.

A preliminary review of this application indicates that the proposed work may affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production,

mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The USACE Cultural Resource Specialist is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). This determination is based upon the project location which is within the mixing zone of the Delaware River.

Although no managed species have been identified in the subject waters, several prey species (anadromous fisheries) used by managed species would make use of this area. With the inclusion of a seasonal restriction prohibiting dredging between March 15 and June 30, inclusive, of any year, impacts to these prey species would not be more than minimal. Based on the above analysis, this District has determined that the proposed project would not have a direct, indirect, site-specific or habitat-wide impact on EFH, or upon the managed species and their life stages, either individually, cumulative or synergistically. The proposed project would not eliminate, diminish nor disrupt the functions of EFH, and no other conservation recommendations are proposed at this time.

Compensatory mitigation: Pursuant to 33 CFR 325.1d(7), the applicant has stated that avoidance and minimization is not feasible for this site. The fill had been authorized and the mitigation for the fill was completed in the past at Morgan Boulevard at Newton Creek by the Holt Corporation. Ultimately, the final completion of the project was deferred although the bulkhead was constructed and fill placed. Since the bulkhead was not sufficiently designed for the fill at that time, the fill was removed and the bulkhead remained. In its current configuration, it does not allow for fish to pass through. The area is required for the pier's proposed use as

scrap metal handling facility. This fill area is proposed to be utilized fully for scrap storage and the stormwater system to collect the runoff from the scrap pile.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

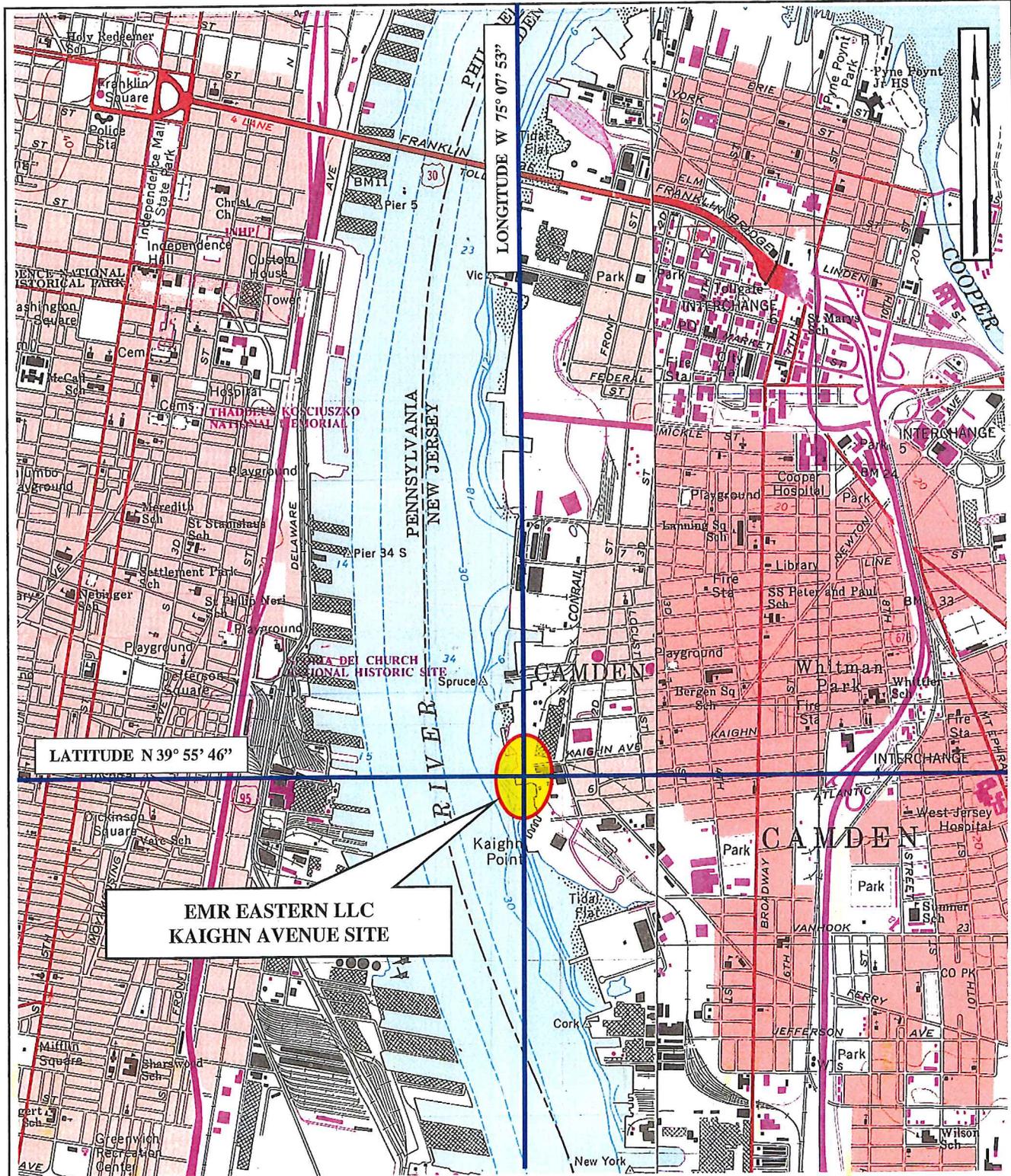
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling David J. Caplan at 215-656-6731 or via email at David.J.Caplan@usace.army.mil, or by writing to this office at the above address.

Edward E. Bonner
Chief, Regulatory Branch



LATITUDE N 39° 55' 46"

LONGITUDE W 75° 07' 53"

**EMR EASTERN LLC
KAIGHN AVENUE SITE**

PROJECT SITE LOCATION MAP

UNITED STATES GEOLOGIC SURVEY QUADRANGLE
PHILADELPHIA, PA-NJ & CAMDEN, NJ-PA

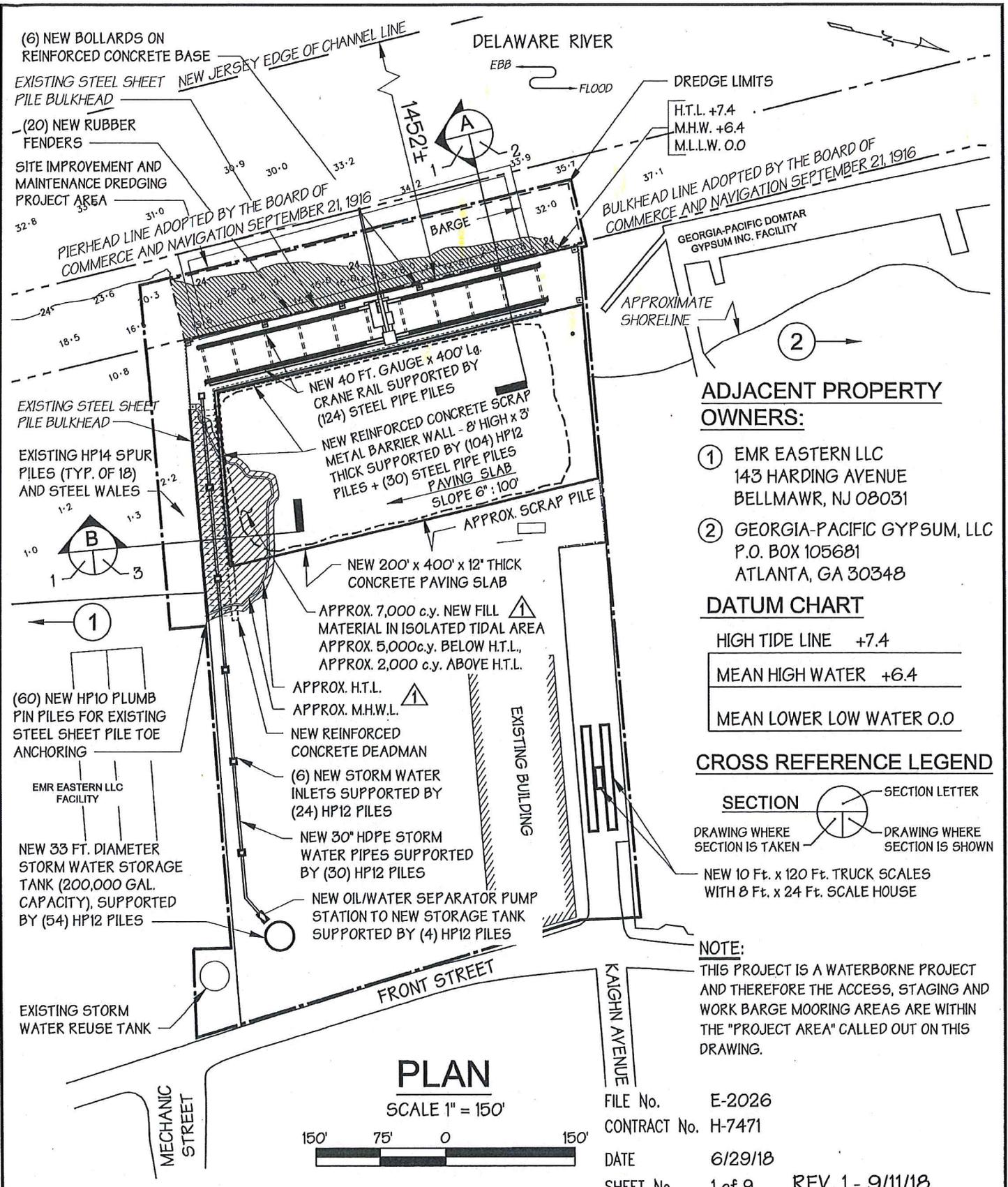
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USACE

H-7471-00



S. T. HUDSON ENGINEERS INC.



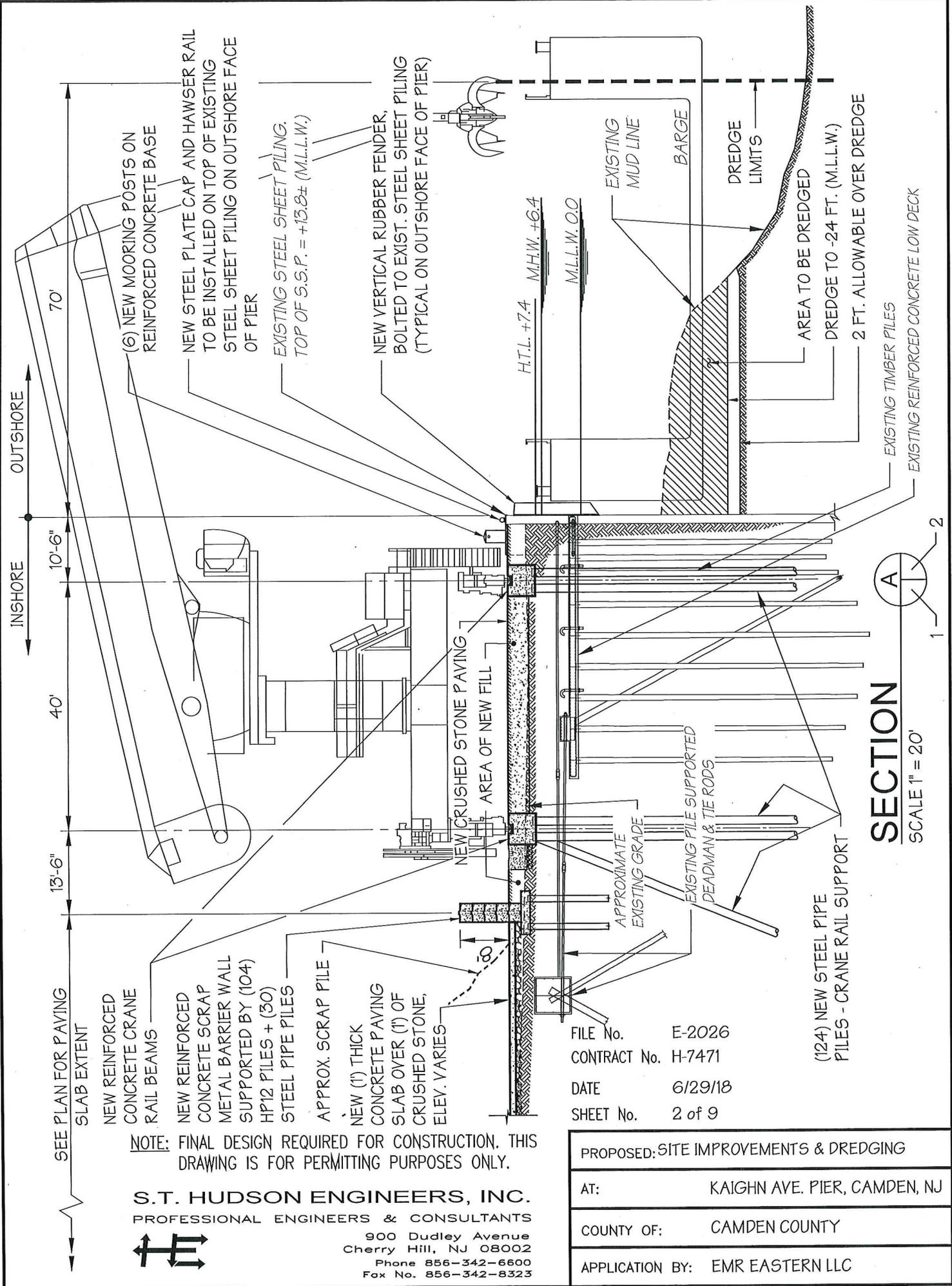
NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS DRAWING IS FOR PERMITTING PURPOSES ONLY.

S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS
900 Dudley Avenue
Cherry Hill, NJ 08002
Phone 856-342-6600
Fax No. 856-342-8323



FILE No. E-2026
CONTRACT No. H-7471
DATE 6/29/18
SHEET No. 1 of 9 REV. 1 - 9/11/18

PROPOSED:	SITE IMPROVEMENTS & DREDGING
AT:	KAIGHN AVE. PIER, CAMDEN, NJ
COUNTY OF:	CAMDEN COUNTY
APPLICATION BY:	EMR EASTERN LLC



INSHORE 10'-6"

OUTSHORE 70'

40'

13'-6"

SEE PLAN FOR PAVING SLAB EXTENT

(6) NEW MOORING POSTS ON REINFORCED CONCRETE BASE

NEW STEEL PLATE CAP AND HAWSER RAIL TO BE INSTALLED ON TOP OF EXISTING STEEL SHEET PILING ON OUTSHORE FACE OF PIER

EXISTING STEEL SHEET PILING. TOP OF S.S.P. = +13.8± (M.L.L.W.)

NEW VERTICAL RUBBER FENDER, BOLTED TO EXIST. STEEL SHEET PILING (TYPICAL ON OUTSHORE FACE OF PIER)

NEW REINFORCED CONCRETE CRANE RAIL BEAMS

NEW REINFORCED CONCRETE SCRAP METAL BARRIER WALL SUPPORTED BY (104) HP12 PILES + (30) STEEL PIPE PILES

APPROX. SCRAP PILE - NEW (1") THICK CONCRETE PAVING SLAB OVER (1") OF CRUSHED STONE, ELEV. VARIES

NEW CRUSHED STONE PAVING AREA OF NEW FILL

APPROXIMATE EXISTING GRADE

EXISTING PILE SUPPORTED DEADMAN & TIE RODS

EXISTING TIMBER PILES

EXISTING REINFORCED CONCRETE LOW DECK

H.T.L. +7.4

M.H.W. +6.4

M.L.L.W. 0.0

EXISTING MUD LINE

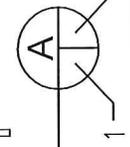
BARGE

DREDGE LIMITS

AREA TO BE DREDGED

DREDGE TO -24 FT. (M.L.L.W.)

2 FT. ALLOWABLE OVER DREDGE



SECTION

SCALE 1" = 20'

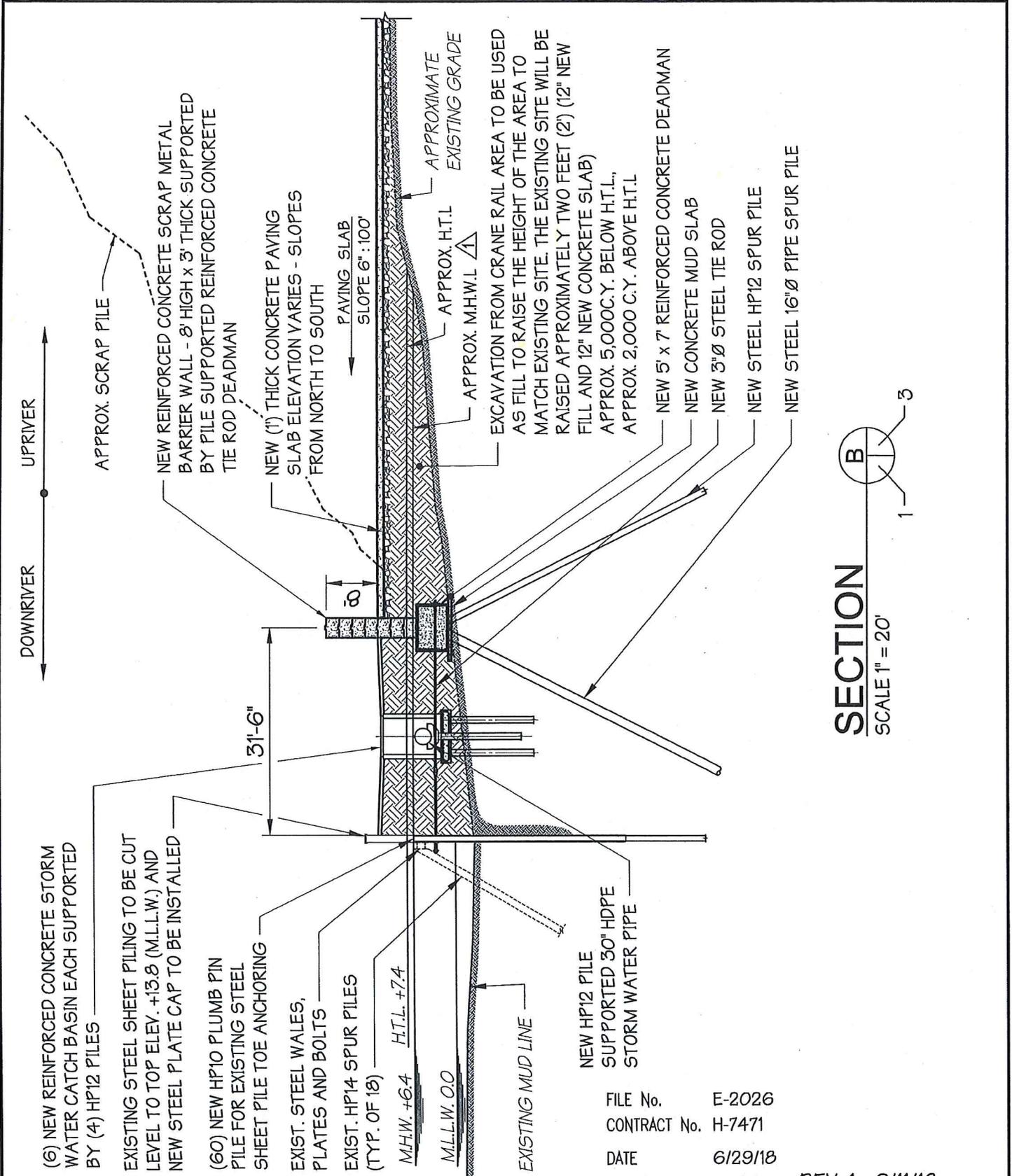
FILE No. E-2026
 CONTRACT No. H-74-71
 DATE 6/29/18
 SHEET No. 2 of 9

(124) NEW STEEL PIPE PILES - CRANE RAIL SUPPORT

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SECTION
SCALE 1" = 20'

(6) NEW REINFORCED CONCRETE STORM WATER CATCH BASIN EACH SUPPORTED BY (4) HP12 PILES

EXISTING STEEL SHEET PILING TO BE CUT LEVEL TO TOP ELEV. +13.8 (M.L.L.W.) AND NEW STEEL PLATE CAP TO BE INSTALLED

(60) NEW HP10 PLUMB PIN PILE FOR EXISTING STEEL SHEET PILE TOE ANCHORING

EXIST. STEEL WALES, PLATES AND BOLTS

EXIST. HP14 SPUR PILES (TYP. OF 18)

M.H.W. +6.4 H.T.L. +7.4

M.L.L.W. 0.0

EXISTING MUD LINE

NEW HP12 PILE SUPPORTED 30" HDPE STORM WATER PIPE

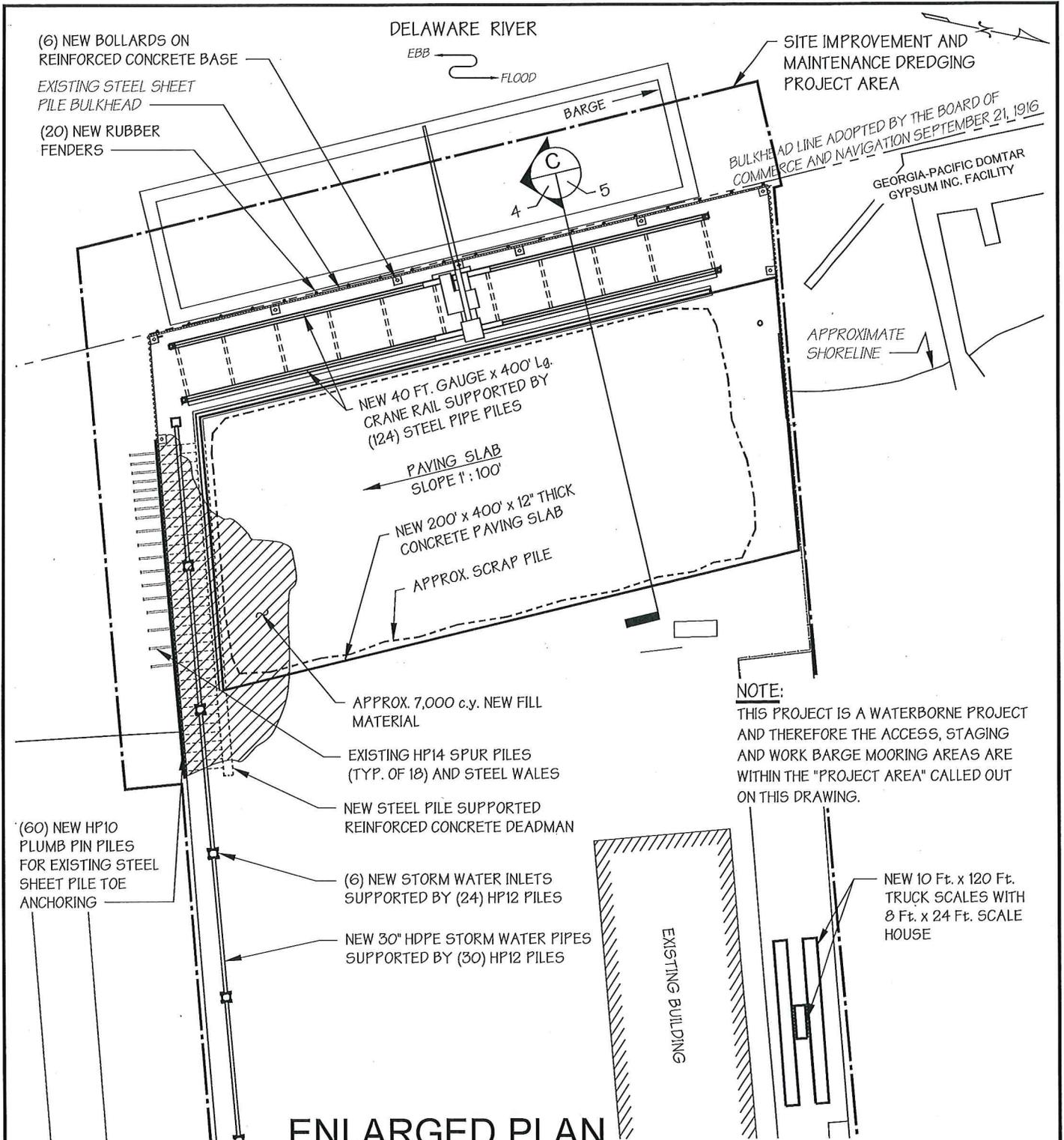
FILE No. E-2026
CONTRACT No. H-7471
DATE 6/29/18
SHEET No. 3 of 9

REV. 1 - 9/11/18

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NOTE:
 THIS PROJECT IS A WATERBORNE PROJECT AND THEREFORE THE ACCESS, STAGING AND WORK BARGE MOORING AREAS ARE WITHIN THE "PROJECT AREA" CALLED OUT ON THIS DRAWING.

ENLARGED PLAN

SCALE 1" = 100'



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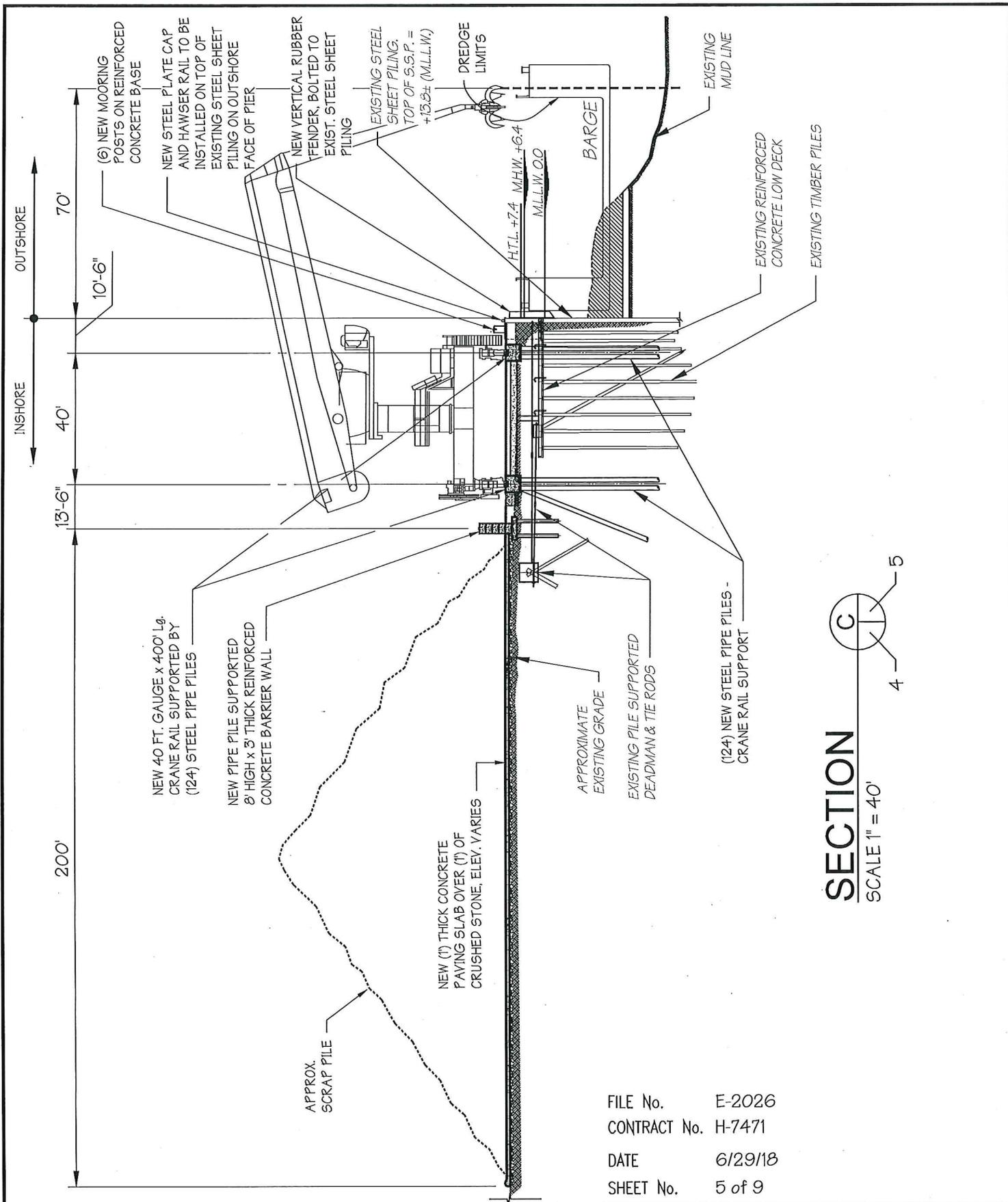
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 SHEET No. 4 of 9

PROPOSED:	SITE IMPROVEMENTS & DREDGING
AT:	KAIGHN AVE. PIER, CAMDEN, NJ
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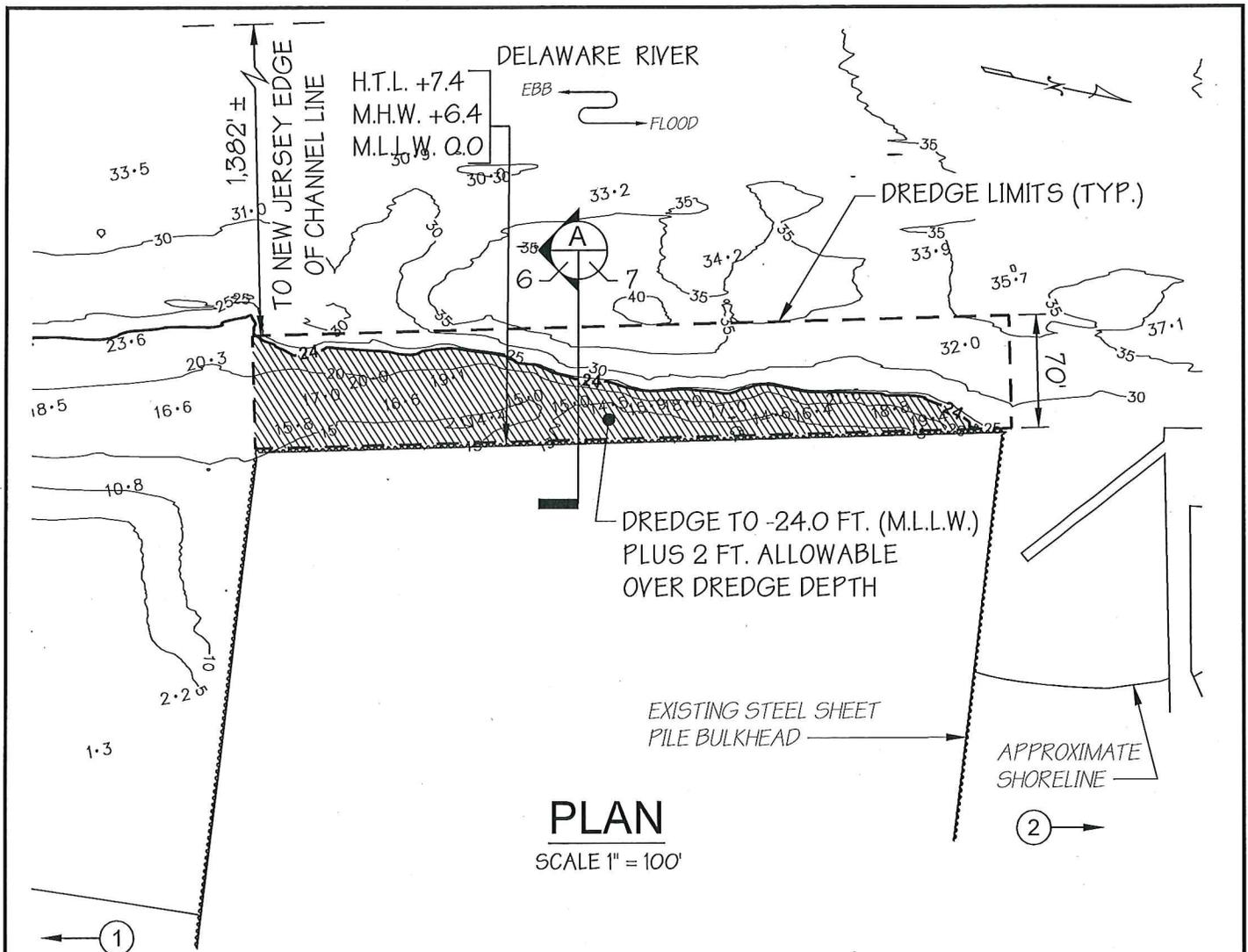
SECTION C
 SCALE 1" = 40'

FILE No. E-2026
 CONTRACT No. H-7471
 DATE 6/29/18
 SHEET No. 5 of 9

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APPLICATION BY:	EMR EASTERN LLC



PLAN
SCALE 1" = 100'

BLOCK 217, LOTS 8.02, 9, 10.01 & 11
 PROPOSED AREA TO BE DREDGED = 17,892 SQUARE FEET
 PROPOSED VOLUME OF DREDGE MATERIAL = 6,147 CUBIC YARDS

NOTES:

- SOUNDINGS ARE REFERENCED TO MEAN LOWER LOW WATER (M.L.L.W.) AND ARE EXPRESSED IN FEET AND TENTHS OF A FOOT.
- CROSS HATCHING INDICATES AREAS OF PROPOSED DREDGING.

FILE No. E-2026
 CONTRACT No. H-7471
 DATE 6/29/18
 SHEET No. 6 of 9

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EXIST. STEEL SHEET
PILING.
TOP OF S.S.P. = +13.8±

APPROXIMATE
GRADE

70'-0"

DREDGE LIMITS

H.T.L. +7.4

M.H.W. +6.4

M.L.L.W. 0.0

AREA TO BE DREDGED

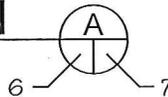
EXIST. MUDLINE
(TYP.)

DREDGE TO -24 FT. (M.L.L.W.)

2 FT. ALLOWABLE OVER-DREDGE
DEPTH

SECTION

SCALE 1" = 20'



FILE No. E-2026
CONTRACT No. H-7471
DATE 6/29/18
SHEET No. 7 of 9

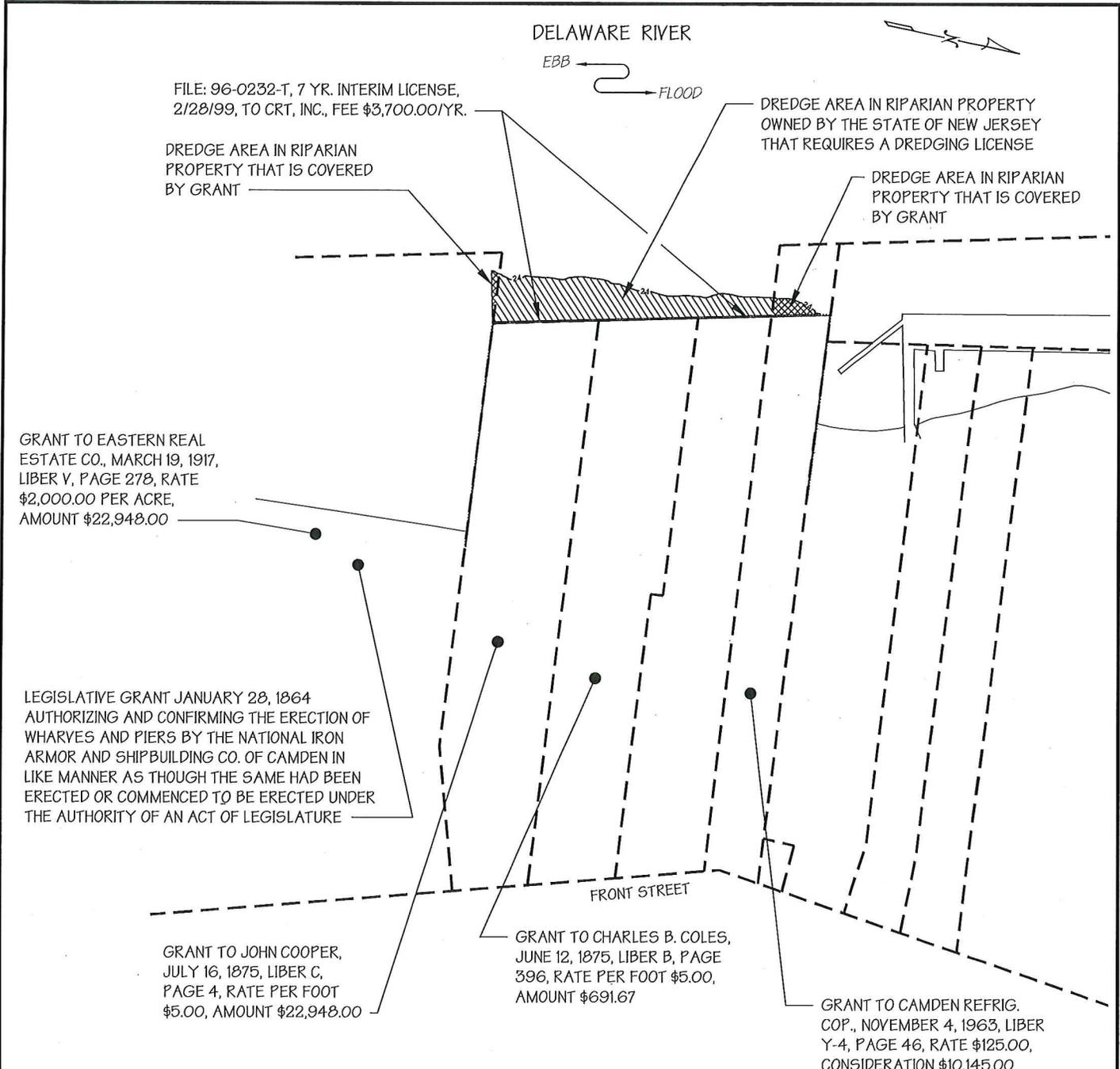
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LICENSES & GRANTS PLAN
SCALE: 1" = 200'

REFERENCE DRAWING:

1. RIPARIAN LINES, GRANTS AND LICENSE INFORMATION SHOWN ON THIS PLAN TAKEN FROM: "STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF TIDELANDS MANAGEMENT, MAP SHOWING CONVEYANCES ON DELAWARE RIVER, CAMDEN CITY, CAMDEN COUNTY", ATLAS SHEET NO. 399-1866

FILE No. E-2026
 CONTRACT No. H-7471
 DATE 6/29/18
 SHEET No. 8 of 9

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LEGEND:

		<u>DREDGE AREA</u>	<u>DREDGE VOLUME</u>
	DREDGE AREA IN STATE OF NJ OWNED RIPARIAN PROPERTY	16,428 Sq. Ft.	5,829 Cu. Yds.
	DREDGE AREA COVERED BY EXISTING GRANTS	1,466 Sq. Ft.	318 Cu. Yds.
<u>TOTAL:</u>		17,894 Sq. Ft.	6,147 Cu. Yds.

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