

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-2016-0181-39

April 4, 2019

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: Mr. Gary Lewis

Delaware River Partners LLC 200 North Repauno Avenue Gibbstown, New Jersey 08027

AGENT: Laura George

Ramboll Environ 1760 Market Street

Suite 1000

Philadelphia, PA 1910

WATERWAY: Delaware River

LOCATION: Block 8, Lots 2, 3, 4, 4.01 and 4.02, in the Gibbstown Section of Greenwich Township, Gloucester County, New Jersey. The site previously was known as the E.I. du Pont de Nemours & Company Repauno Works.

ACTIVITY: The applicant proposes to construct a second mooring structure, including an associated trestles, mooring dolphins, breasting dolphins, a shared dolphin, associated walkways and an internal pipe system for the transfer of product. Mechanical dredging would also be performed in the waterway. The proposed dock structure would allow for the mooring of 2 vessels at one time. Steel sheet piles would be installed landward of the existing timber cut-off wall that remains from the previous owner. From shore, a trestle would extend approximately 660' waterward of the mean high water line. From the waterward end of the land based structure, a 1611' long trestle will run parallel and downstream of the structure. These trestles would be 32' wide allowing for 1 lane of vehicular traffic and for a rack that would contain the proposed pipe system. These pipes would vary in size and contain multiple products, water, electricity and fire retardant. Two loading platforms, 138.5' by 85' would be constructed to allow for the loading/off-loading of product. The loading platforms would be connected to the trestle by an approximately 88.5' by 45' structure, supported by 14-24" piles. The pipelines

would go from the trestles to the loading platforms. Sixty 30" by 3/4" steel pipe piles would be required to install to support each loading platform. In order to secure the vessels at the site, 11 mooring dolphins 8 breasting dolphins and 1 shared dolphin would be installed at the site. The mooring dolphins would be 33' square and would be supported by 9-48" steel pipe piles; the breasting dolphins would also be 33' square and supported by 9-48" steel pipe piles; the shared dolphin would be 57' by 33' and supported by 15-48" steel pipe piles. Walkways would be installed between the dolphins to allow for securing of the vessels. Twelve 24" steel pipe piles would be installed to support all 1640 linear feet of the 7' wide walkways. The overall length of the structure would be 2550 linear feet. The waterward most structure would be located approximately 650' from the edge of the Federal Navigation Channel. Lighting fixtures on the structures would be installed as required by the US Coast Guard (shown on attached drawing).

An area approximately 45 acres in size would be dredged to a depth of -43 feet mean lower low water ± 1 foot overdraft. The material, compose primarily of a silt and clay, would be removed using mechanical excavation equipment. A closed environmental mechanical bucket would be used primarily to excavate the silt layer from the waterway. The bucket would remain closed over the water while the majority of the water drains from the material. The dredged material would then be placed in a hopper barge and allowed to decant, with the excess water returning to the waterway. Sediment testing confirms that the material meets the New Jersey Department of Environmental Protection's requirements with regard to contaminant levels. The material would then be taken directly to the Whites Basin Confined Disposal Facility (CDF) located in Logan Township, Gloucester County, New Jersey. A second option would be to load the material onto a barge and transported to the Fort Mifflin CDF, located in the City of Philadelphia, Philadelphia County, Pennsylvania. A separate permit would need to be obtained from the US Army Corps of Engineers, Operation Division before any material would be accepted at the Fort Mifflin CDF. For material destined for the Whites Basin facility, the dredged material will be placed directly into bottom-dump barges. These barges would then be transported by tugboat to the Whites Basin and discharged into the Basin in accordance with their operating permits. For material approved by the Corps for the Ft. Mifflin site, the dredged material would be mechanically dredged and placed directly into hopper barges. The hopper scows would then be transported by tugboat across the channel to a hydraulic unloader positioned on a spud barge located adjacent to the Ft. Mifflin CDF site. There, the material would be hydraulically unloaded from the hopper scows directly into one of the upland CDF cells at Ft. Mifflin. A total of approximately 665,000 cubic yards of material would be removed from the waterway. It is also noted that some of the materials dredged from the Delaware River may be used as fill for the development activities on the site.

Equipment to be used at the site for the proposed construction activities described herein would be located no closer than 50 feet from the edge of the Federal navigation channel. Remnants of an existing structure constructed approximately 100 years ago would remain in place and not be impacted by the work proposed at the site.

In addition to the proposed work along the Delaware River described in this public notice, other work is proposed on the subject property that would affect both upland and wetland areas on the former industrial property. However, those other portions of the subject property contain non-tidal waters and wetlands that are not within the regulatory jurisdiction of the U.S. Army Corps of Engineers pursuant to a decision by the U.S. Environmental Protection Agency on March 2, 1994 allowing the New Jersey Department of Environmental Protection to assume Section 404

permit authority for certain waters and wetlands within the State of New Jersey (Section 404(g)(1)). Under the provisions of this assumption by NJDEP, non-tidal tributaries of the Delaware River and their adjacent wetlands are not subject to the Corps of Engineers regulatory jurisdiction.

The site will be designed to handle a multitude of products including, butane, isobutane, propane, liquefied natural gas (LNG) and ethane, as well as a variety of other liquid products. The site will be designed to transload various liquid products from truck and railcar to vessels. As a transload facility, products will not be manufactured on site, but rather products will arrive on site in trucks or railcars and be transferred from those trucks and railcars through on-site infrastructure to vessels.

PURPOSE: The applicant's stated purpose is to redevelop a site and create a deep water marine terminal structure that can accommodate 2 vessels simultaneously. Each vessel would be a maximum length of 966 feet, a beam width of 155, with a maximum of a 42 foot draft.

A preliminary review of this application indicates that the proposed work may impact 2 fish species listed on the Endangered Species List pursuant to Section 7 of the Endangered Species Act as amended. The first would be the Short-nose Sturgeon (<u>Acipenser brevirostrum</u>) and the second would be Atlantic Sturgeon (<u>Acipenser oxyrhynchus</u>) and its proposed critical habitat. The applicant has stated that they are planning to perform the work using best management practices to minimizing impact to aquatic resources. As required under Section 7 of the Endangered Species Act, this office will coordinate with the National Marine Fisheries Service to ensure impacts to these species will be minimal.

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 30 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 has reviewed the report titled, Phase I Underwater Archaeological Investigations, Thompson Point, Repauno Site, Delaware River, Greenwich Township, Gloucester County, New Jersey prepared by Dolan Research, Inc. and dated February 2019. Analysis of fieldwork data confirms the presence of three magnetic targets and nine acoustic targets in the permit area; however, none of these targets are considered to be suggestive of potential submerged cultural resources and no further archaeological work is recommended.

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 on Essential Fish Habitat (EFH). Based on a review of the document entitled "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, the site is not located in an area designated as EFH. However, it is noted that prey species for the species of concern are present in the project site. This office will coordinate with the National Marine Fisheries Service to ensure impacts to aquatic resources will be minimal.

Compensatory mitigation: According to Federal regulation located at 33 CFR 325.1(d)(7) and 33 CFR 332.4 (b)(1), applicants wishing to discharge fill material into waters of the U.S. must include a statement on how they have avoided and minimized impacts as well as how they intend to compensate for unavoidable impacts. The applicant does not propose the placement of fill within areas of Federal jurisdiction. As such, compensatory mitigation is not warranted in this matter.

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. An application has been submitted to the New Jersey Department of Environmental Protection for the necessary State approvals, which would include the required CZM consistency concurrence.

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.

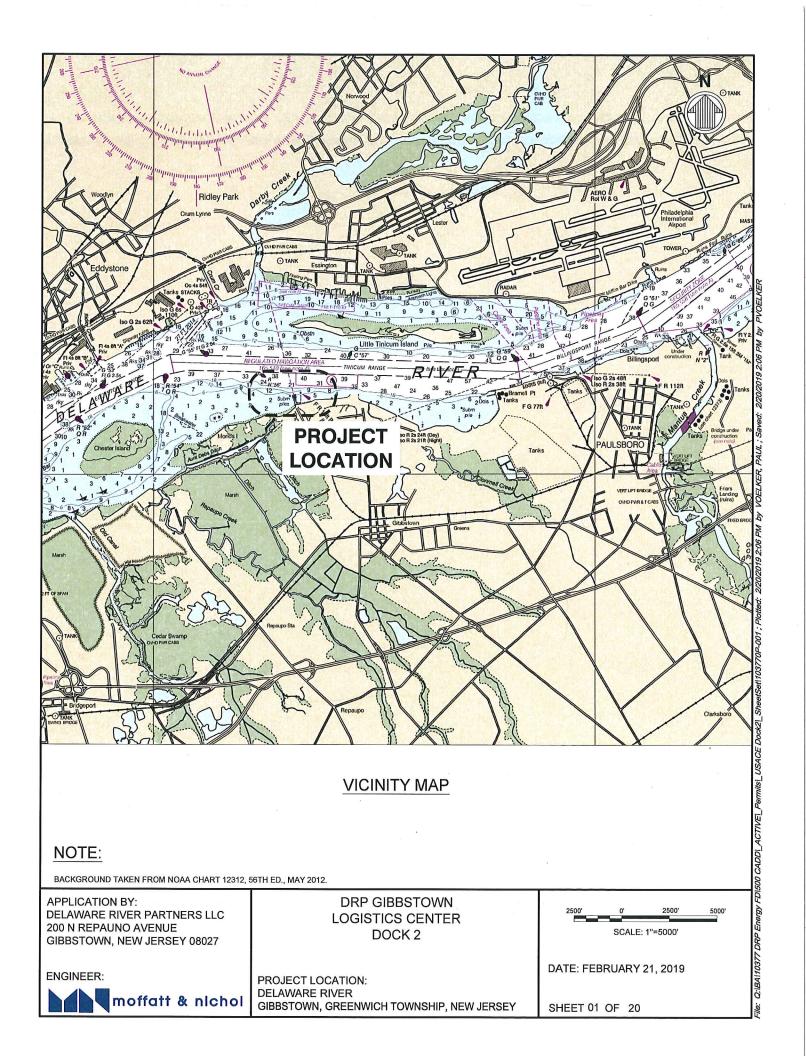
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

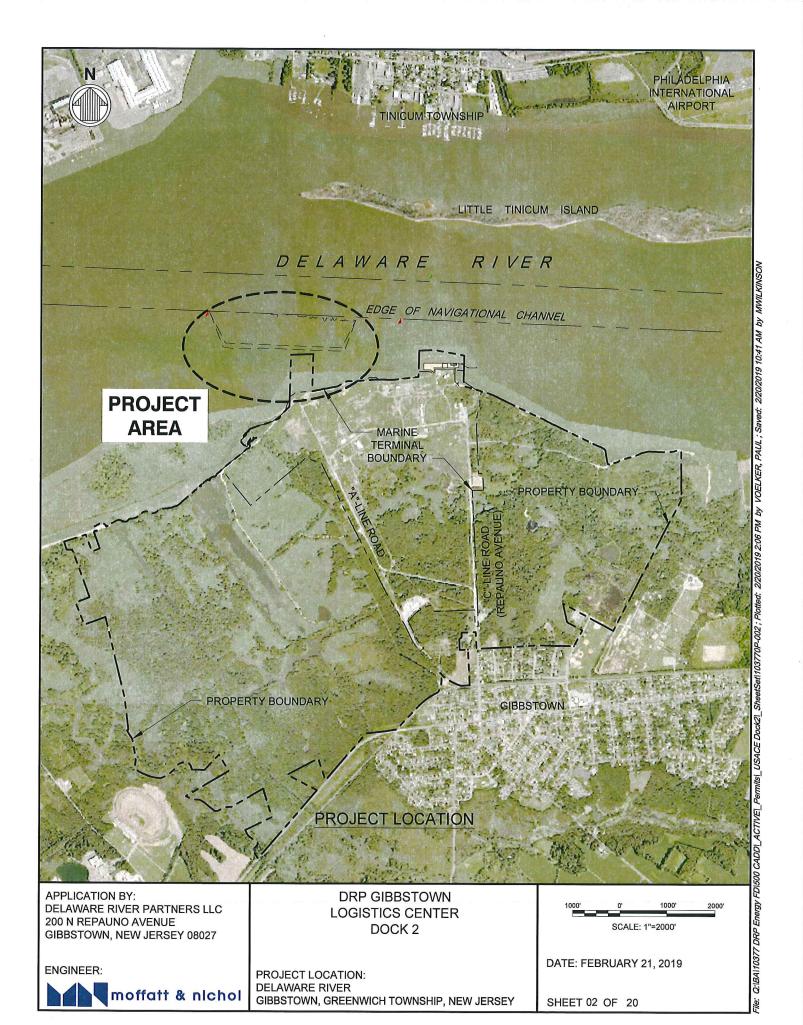
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Lawrence Slavitter at 215-656-6734, via email at: lawrence.m.slavitter@usace.army.mil, or writing this office at the above address.

Edward E. Bonner

Chief, Regulatory Branch





GENERAL NOTES

- NOTES BELOW ARE NOT INTENDED TO REPLACE SPECIFICATIONS. SEE SPECIFICATIONS FOR REQUIREMENTS IN ADDITION TO GENERAL NOTES.
- EXISTING CONDITIONS SURVEY SHOWN IS BASED ON A REPORT OF TITLE PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, TITLE NO. 2013-80667, REVISED TO FEBRUARY 13, 2015 AND IS SUBJECT TO THE CONDITIONS AND RESTRICTIONS LISTED THEREON THE TITLE REPORT AND SEVERAL NOTED UNRECORDED DOCUMENTS WERE SUPPLIED BY E.I. DU PONT DE NEMOURS AND COMPANY.
- EXISTING CONDITIONS ARE ALSO BASED IN PART ON A FORMER SURVEY OF THE ENTIRE TRACT PERFORMED FOR E.I. DU PONT DE NEMOURS AND COMPANY DATED 12/15/2000 PREPARED BY CONSULTING ENGINEERING SERVICES, FOUND MONUMENTATION, PHYSICAL EVIDENCE, DEEDS OF RECORD, AND TAX MAP INFORMATION.
- EXISTING BUILDINGS AT THE SITE NOT DESIGNATED "TO REMAIN" HAVE BEEN DEMOLISHED TO FOUNDATION LEVEL AFTER SITE SURVEY WAS PERFORMED.
- BUILDING SURFACE AND SUBSURFACE IMPROVEMENTS ON OR ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.
- 6. THE LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM THE LOCATIONS ILLUSTRATED. THE UTILITIES WERE MAPPED FROM RECORD PLANS PROVIDED BY DU PONT AND ORIENTED TO PHYSICAL FEATURES ILLUSTRATED ON THE RECORD PLANS. SITE IMPROVEMENTS/INFRASTRUCTURE MAY NOT BE SHOWN BECAUSE OF LACK OF DEFINED RECORDS. A DETAILED SUBSURFACE INVESTIGATION TO VERIFY PRESENCE OF UNDERGROUND STRUCTURES/UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
- THE VERTICAL DATUM IS BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). THE HIGH TIDE LINE (HTL) IS DEFINED AS MEAN HIGHER HIGH WATER WHICH IS ELEV +3.14 FT.

REPAUNO DESIGN DATUM - NAVD88	
HIGHEST OBSERVED WATER LEVEL *	7.14 FEET
HIGH TIDE LINE (HTL)	3.14 FEET -
MEAN HIGH WATER (MHW)	2.77 FEET
MEAN SEA LEVEL (MSL)	0.13 FEET
NORTH AMERICAN VERTICAL DATUM (NAVD88)	0.00 FEET
MEAN TIDE LEVEL (MTL)	-0.02 FEET
MEAN LOW WATER (MLW)	-2.82 FEET
MEAN LOWER LOW WATER (MLLW)	-3.00 FEET
LOWEST OBSERVED WATER LEVEL	-6.52 FEET

- * THE "HIGHEST OBSERVED WATER LEVEL" WAS RECORDED BY NOAA (NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION) ON OCTOBER 30, 2012 WHEN HURRICANE SANDY WAS CROSSING THE DELAWARE RIVER NEAR WILLININGTON, DE.
- 8. THE TOPOGRAPHIC SURVEY ILLUSTRATED IN THIS PLAN SET WAS PERFORMED DURING A TIME PERIOD WHERE THE GROUND WAS OBSCURED IN LARGE PART BY VEGETATIVE COVER. THE FINAL TOPOGRAPHY WAS DEVELOPED FROM A COMBINATION OF DATA SOURCES INCLUDING NEW LIDAR DATA ACQUIRED IN JULY, 2014; AERIAL PHOTOGRAPHY DATED JULY, 2014; NEW ORTHOPHOTOGRAPHY DATED JULY, 2014; N. STATE LIDAR DATA OBTAINED IN THE SPRING OF 2007; NJ STATE ORTHOPHOTOGRAPHY (2012); PLANIMETRIC DETAIL ON A SURVEY BY CONSULTING ENGINEERING SERVICES, DATED DECEMBER 15, 2000. THIS TOPOGRAPHIC SURVEY SHOULD NOT BE USED FOR FINAL DESIGN OR EARTHWORK CALCULATIONS WITHOUT FIELD VERIFICATION OF THE ELEVATIONS.
- THE HYDROGRAPHIC SURVEY ILLUSTRATED IN THIS PLAN SET WAS PERFORMED IN DECEMBER 2014 AND UPDATED IN NOVEMBER 2018 BY GAHAGAN & BRYANT ASSOCIATES, INC.
- HIGH TIDE LINE SHOWN ON PLANS IS ELEV +3.14 FT, EXCEPT WHERE THERE IS AN EXISTING BULKHEAD, PIER OR TIDE GATE. THIS LINE DEFINES THE MEAN HIGHER HIGH WATER LINE AND LIMIT OF WATERS OF THE U.S (WOTUS).
- 11. SURVEY BASED ON THE NEW JERSEY STATE PLANE COORDINATE SYSTEM NAD 1983. THE COORDINATES SHOWN HEREON WERE DERIVED FROM A VIRTUAL REFERENCE STATION (VRS) NETWORK (KEYNET GPS) USING TRIMBLE'S VRS NET APP SOFTWARE.

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APPLICATION BY: DELAWARE RIVER PARTNERS LLC 200 N REPAUNO AVENUE GIBBSTOWN, NEW JERSEY 08027

DRP GIBBSTOWN LOGISTICS CENTER DOCK 2

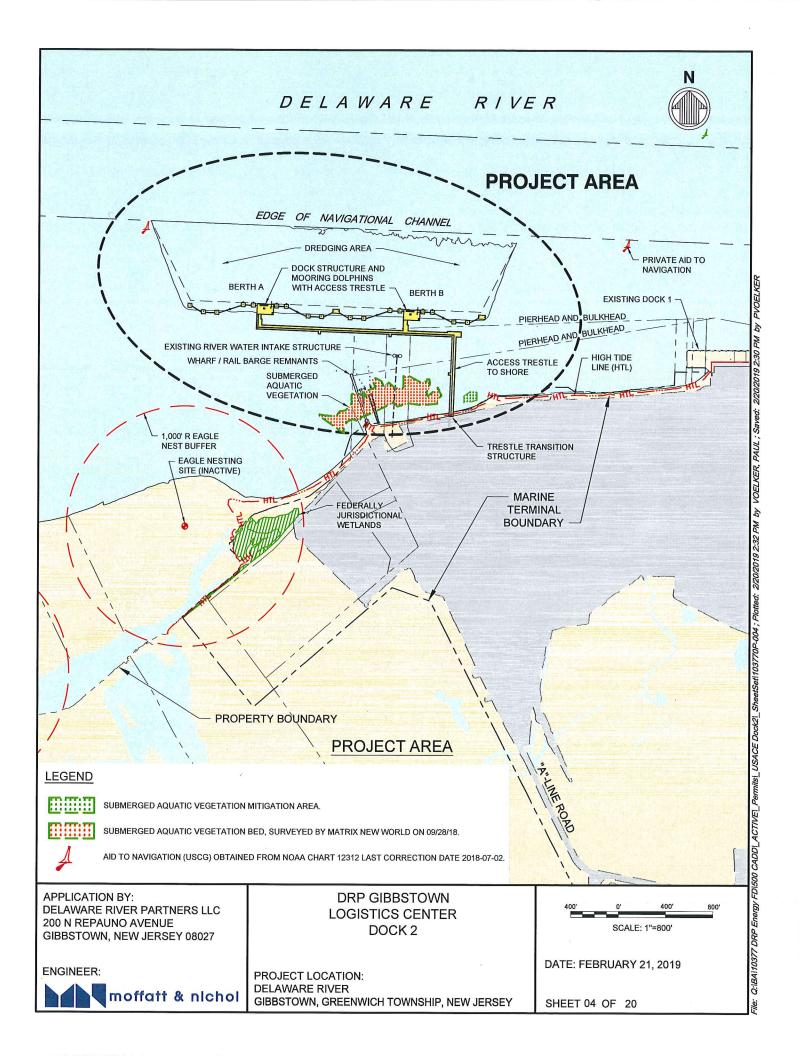
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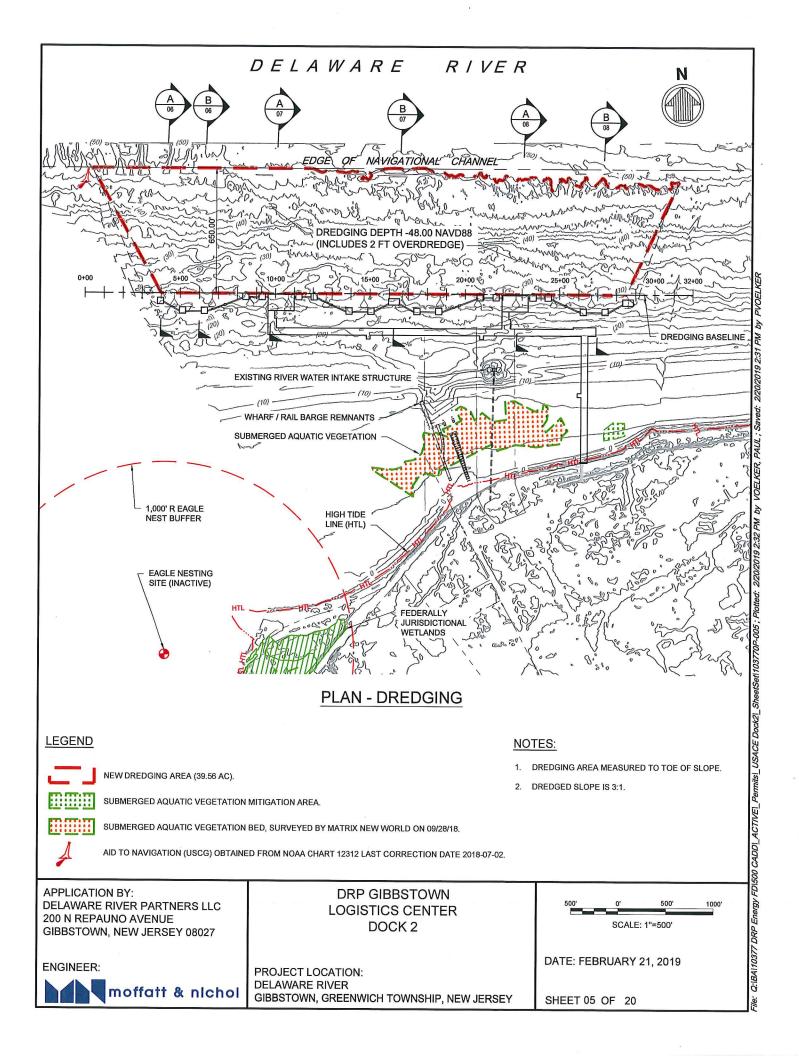


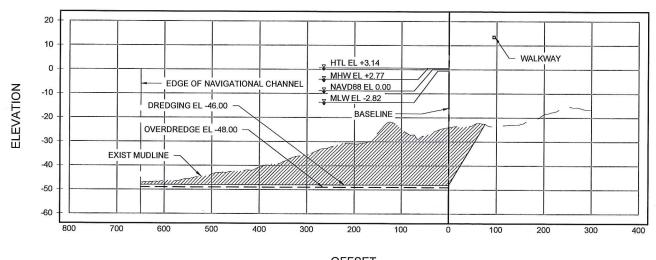
PROJECT LOCATION:
DELAWARE RIVER
GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY

DATE: FEBRUARY 21, 2019

SHEET 03 OF 20

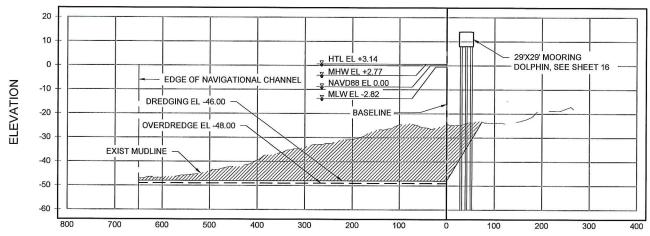






OFFSET

SECTION - DREDGING @ STA 6+00 SCALE: 1"=200' H / 1"=40' V



NOTE:

DREDGED SLOPE IS 3:1.

OFFSET

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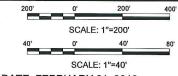
APPLICATION BY: DELAWARE RIVER PARTNERS LLC 200 N REPAUNO AVENUE GIBBSTOWN, NEW JERSEY 08027

ENGINEER:



DRP GIBBSTOWN LOGISTICS CENTER DOCK 2

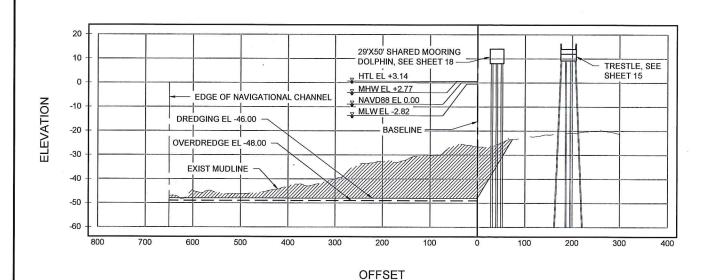
PROJECT LOCATION: **DELAWARE RIVER** GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY



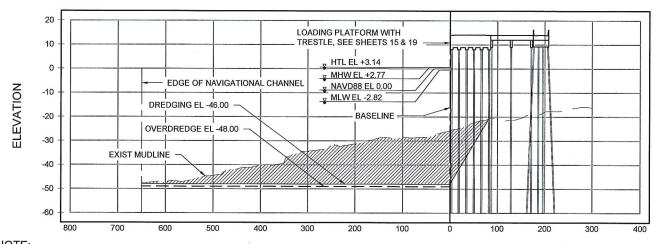
DATE: FEBRUARY 21, 2019

SHEET 06 OF 20

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NOTE:

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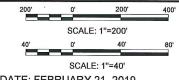
APPLICATION BY: DELAWARE RIVER PARTNERS LLC 200 N REPAUNO AVENUE GIBBSTOWN, NEW JERSEY 08027

ENGINEER:



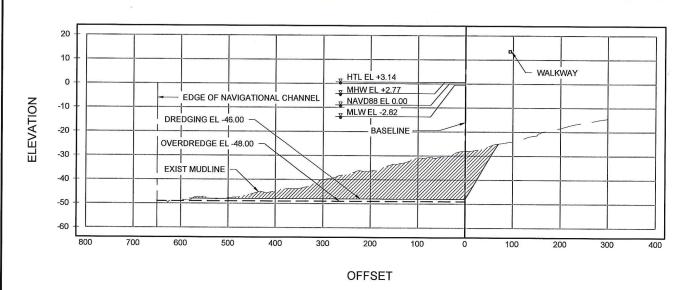
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PROJECT LOCATION: **DELAWARE RIVER** GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY

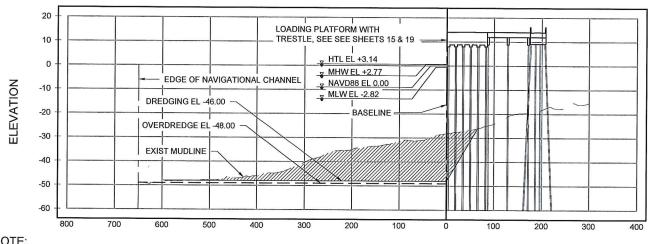


DATE: FEBRUARY 21, 2019

SHEET 07 OF 20



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NOTE:

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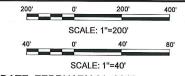
APPLICATION BY: DELAWARE RIVER PARTNERS LLC 200 N REPAUNO AVENUE GIBBSTOWN, NEW JERSEY 08027

ENGINEER:



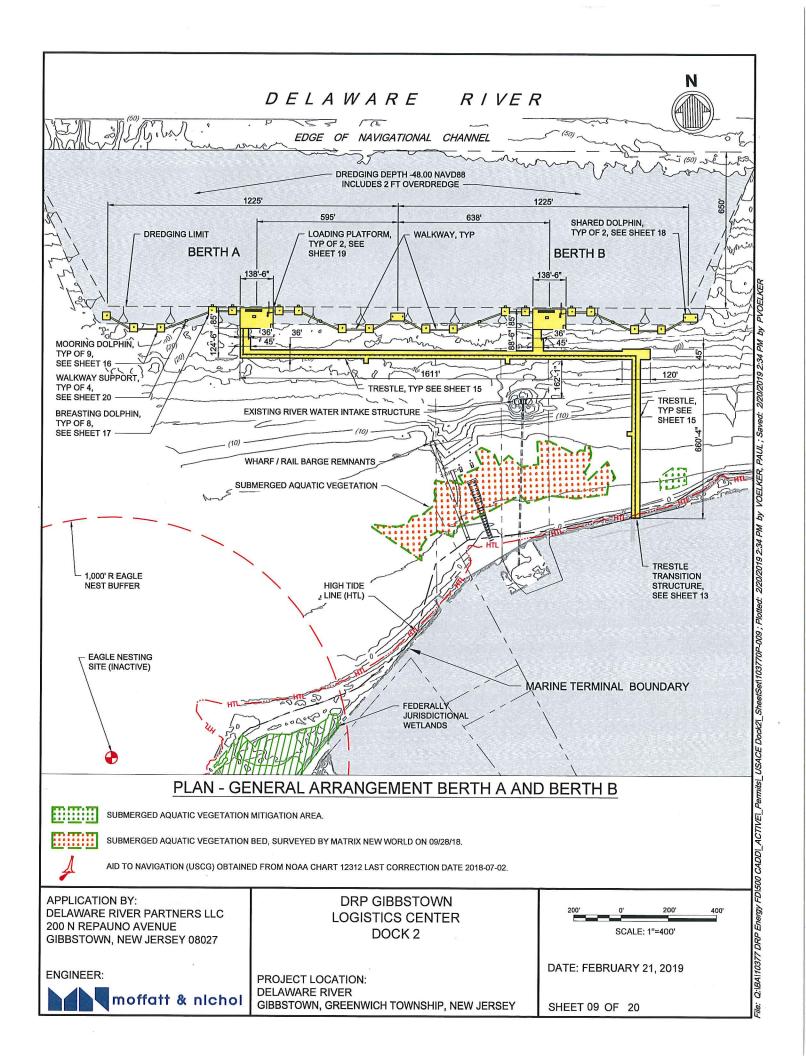
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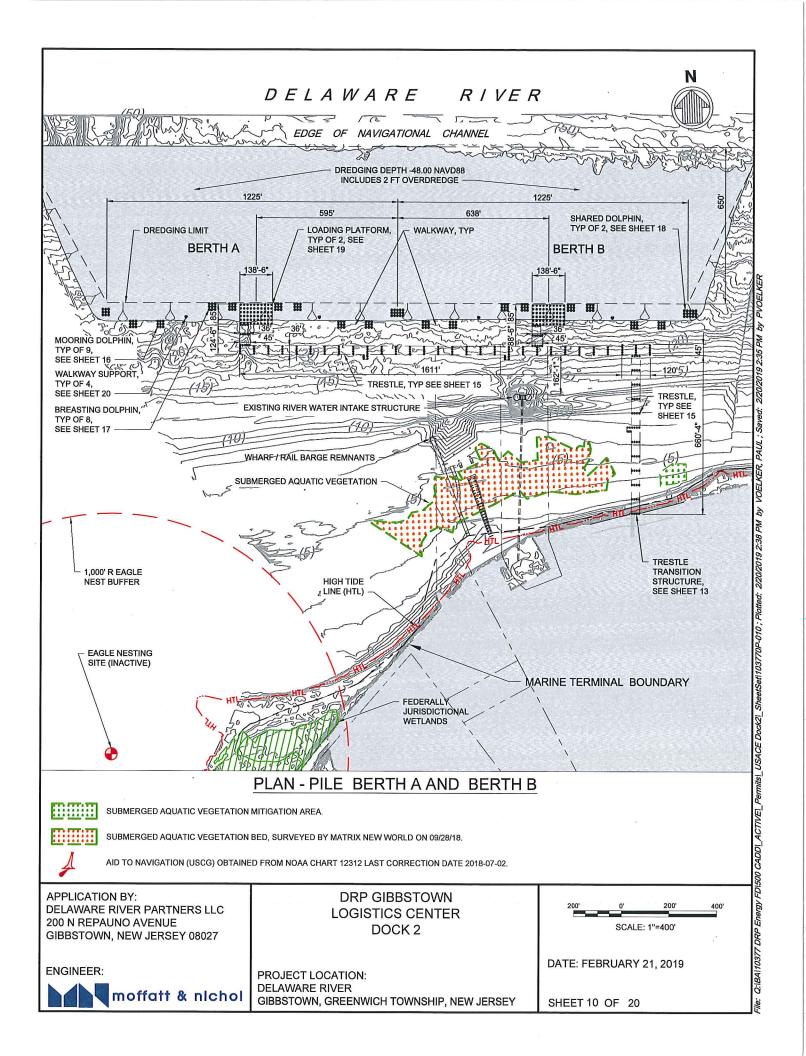
PROJECT LOCATION: **DELAWARE RIVER** GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY

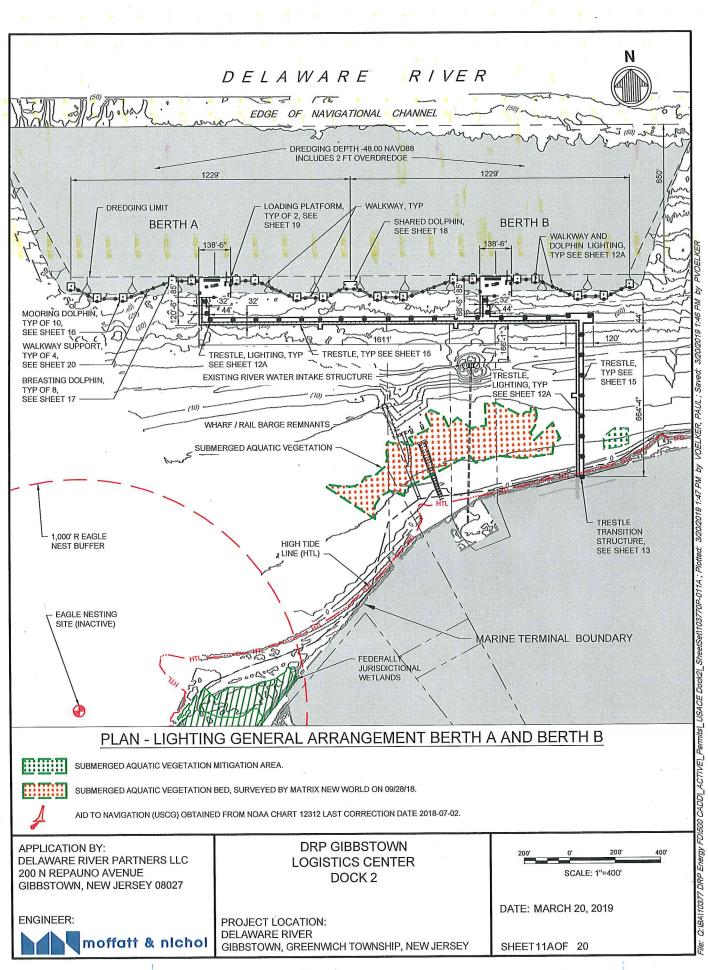


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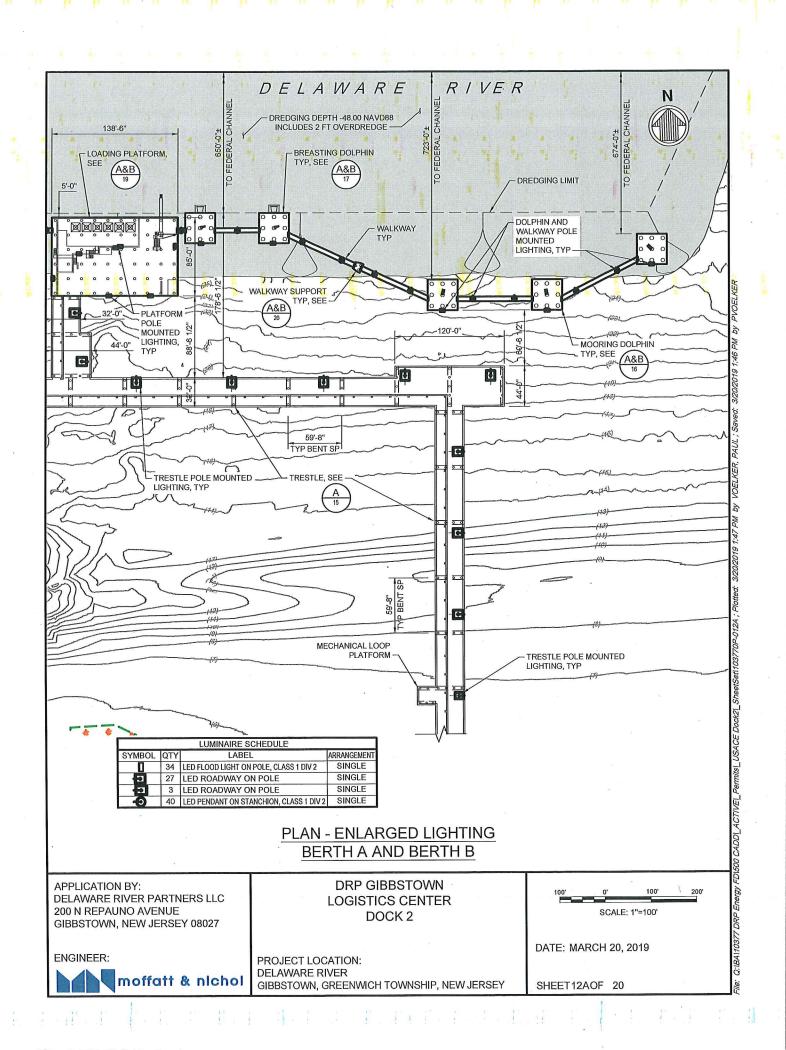
SHEET 08 OF 20

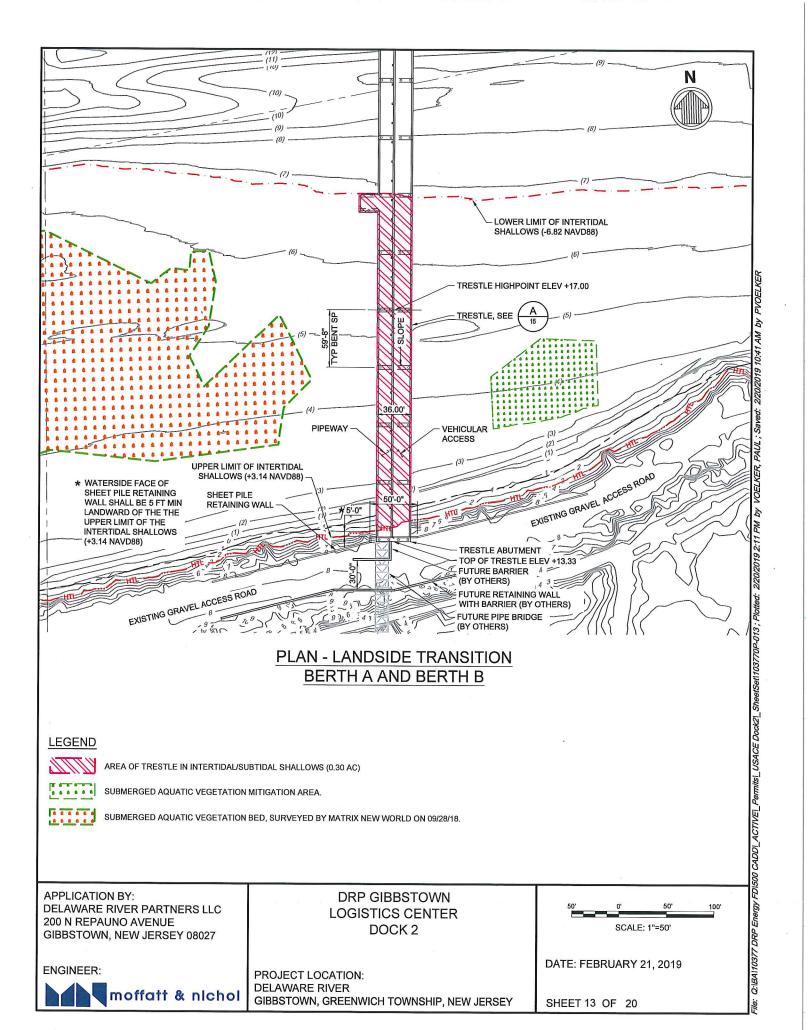






1.1





TOP OF TRESTLE ELEV + 17.00

TOP OF TRESTLE ELEV + 13.33

EXISTING GRAVEL ACCESS ROAD

MUDLINE VARIES

TOP OF TRESTLE ELEV + 13.33

EXISTING GRAVEL ACCESS ROAD

SHEET PILE RETAINING WALL

SECTION - LANDSIDE TRANSITION BERTH A AND BERTH B

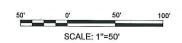
APPLICATION BY: DELAWARE RIVER PARTNERS LLC 200 N REPAUNO AVENUE GIBBSTOWN, NEW JERSEY 08027

ENGINEER:



DRP GIBBSTOWN LOGISTICS CENTER DOCK 2

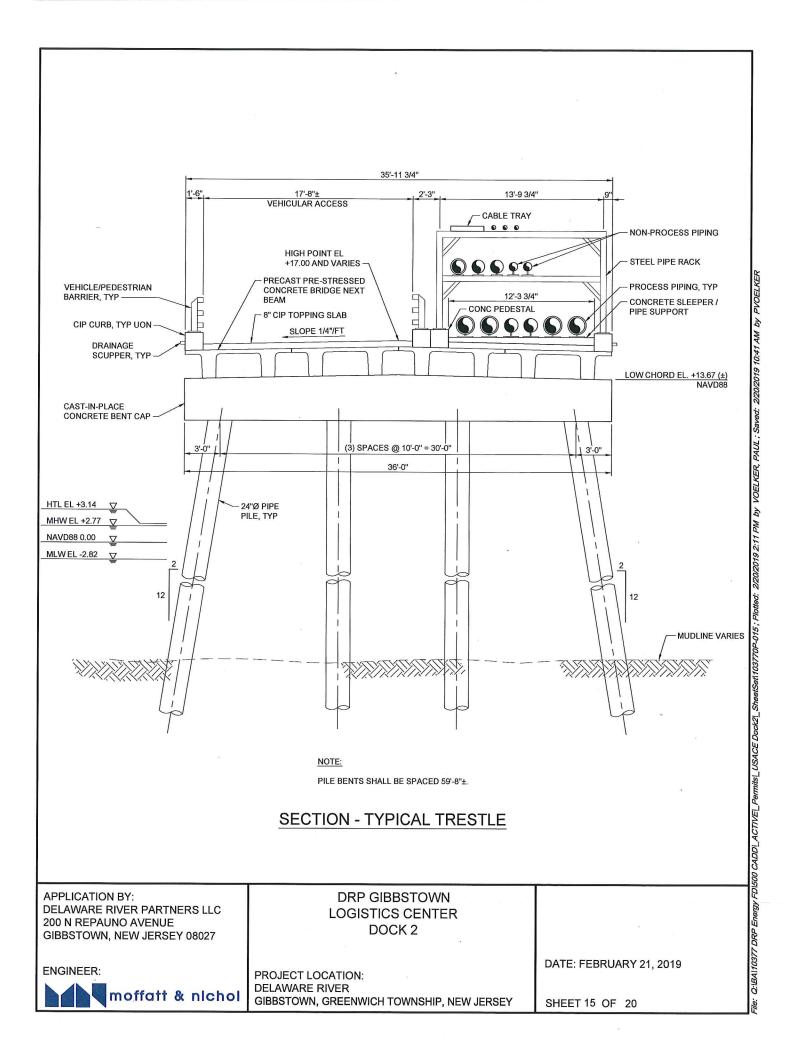
PROJECT LOCATION:
DELAWARE RIVER
GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY



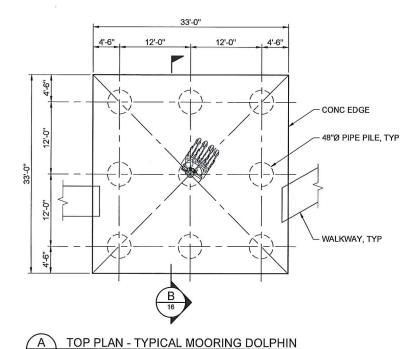
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DATE: FEBRUARY 21, 2019

SHEET 14 OF 20







T23'± TO FEDERAL CHANNEL

4'-6"

12'-0"

12'-0"

4'-6"

2%

SLOPE

NAVD88 0.00

MILW EL -2.82

MILW EL -2.82

MUDLINE EL VARIES

SCALE: 1/16"=1'-0"

APPLICATION BY: DELAWARE RIVER PARTNERS LLC 200 N REPAUNO AVENUE GIBBSTOWN, NEW JERSEY 08027

ENGINEER:



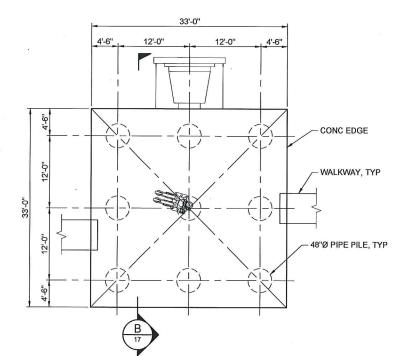
DRP GIBBSTOWN LOGISTICS CENTER DOCK 2

SECTION - TYPICAL MOORING DOLPHIN

PROJECT LOCATION:
DELAWARE RIVER
GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY

DATE: FEBRUARY 21, 2019

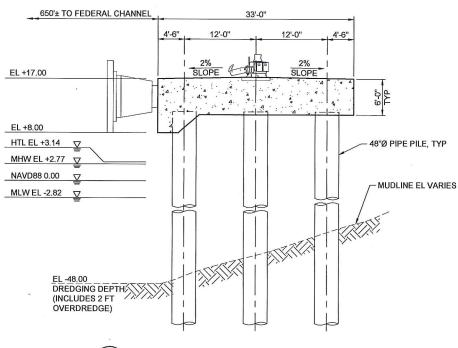
SHEET 16 OF 20





A TOP PLAN - TYPICAL BREASTING DOLPHIN

SCALE: 1/16"=1'-0"



B SECTION - TYPICAL BREASTING DOLPHIN SCALE: 1/16*=1-0*

APPLICATION BY: DELAWARE RIVER PARTNERS LLC 200 N REPAUNO AVENUE GIBBSTOWN, NEW JERSEY 08027 DRP GIBBSTOWN LOGISTICS CENTER DOCK 2

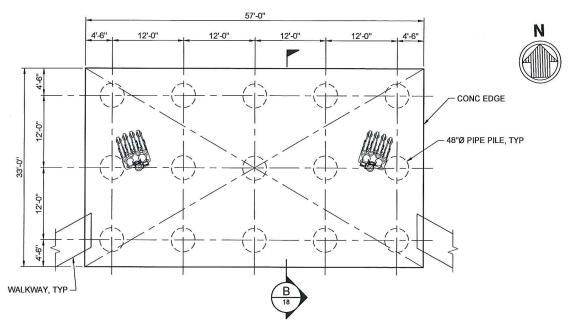
ENGINEER:



PROJECT LOCATION:
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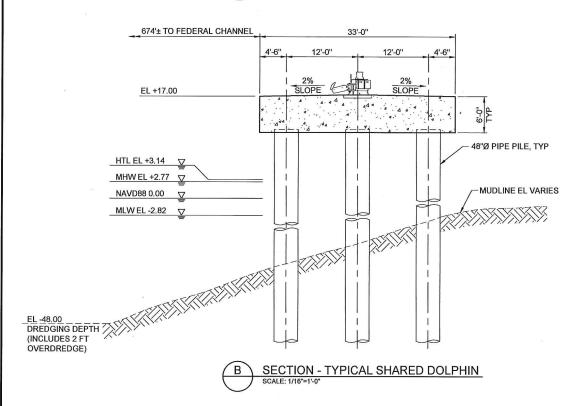
DATE: FEBRUARY 21, 2019

SHEET 17 OF 20



A TOP PLAN - TYPICAL SHARED DOLPHIN

SCALE: 1/16"=1'-0"



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ENGINEER:

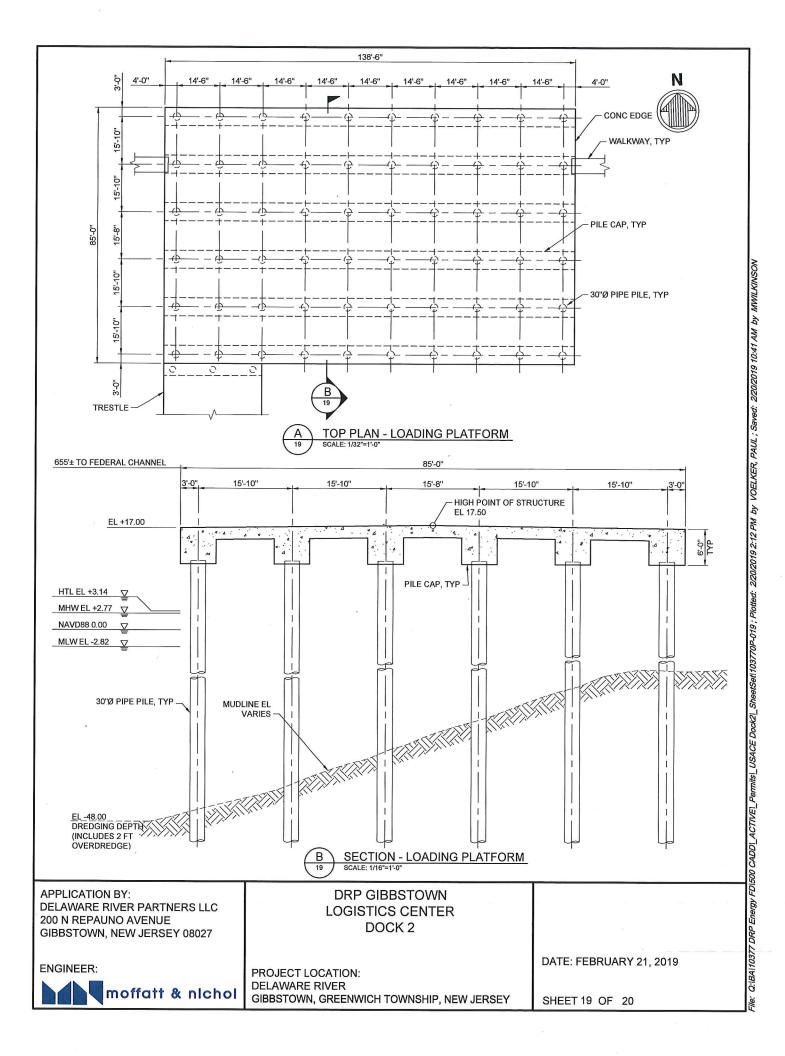


PROJECT LOCATION:
DELAWARE RIVER
GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY

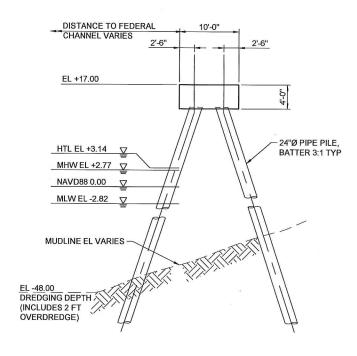
DATE: FEBRUARY 21, 2019

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SHEET 18 OF 20







B SECTION - TYPICAL WALKWAY SUPPORT

SCALE: 1/16"=1"-0"

APPLICATION BY: DELAWARE RIVER PARTNERS LLC 200 N REPAUNO AVENUE GIBBSTOWN, NEW JERSEY 08027 DRP GIBBSTOWN LOGISTICS CENTER DOCK 2

ENGINEER:



PROJECT LOCATION:
DELAWARE RIVER
GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY

DATE: FEBRUARY 21, 2019

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