



For Immediate Release  
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## ***More Science, this time from NJDEP, Further Questions, Challenges, Damns the Deepening***

*Trenton, NJ:* In a direct and detailed letter dated April 11, 2011 from the New Jersey Department of Environmental Protection to the Army Corps, the State of New Jersey questions the accuracy of Army Corps water quality data and findings related to the proposed Delaware River Deepening Project. The NJ DEP letter and supporting report challenges the potential affects on the Delaware River from spoil disposal at the Killcohook Upland Confined Disposal Facility.

“Time and again independent analysis by agencies and experts document the increasing level of harm the deepening project would inflict on our environment and the misrepresentations by the Army Corps in their efforts to sell this project to an increasingly skeptical, and budget-strapped, public. This report is just the most recent objective analysis demonstrating that deepening does an unacceptable level of

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harm while failing to provide benefits necessary to justify its \$300 million pricetag.” says Maya van Rossum, the Delaware Riverkeeper.

The New Jersey analysis is the second to come out this year challenging Army Corps data and claims for the project. On January 31, 2011, the Delaware Riverkeeper Network, through public document requests, obtained copies of a new Investigation and Review report prepared for the Delaware Department of Natural Resources and Environmental Control that challenged claims by the U.S. Army Corps of Engineers regarding the restoration benefits of two key spoil disposal plans associated with the Deepening project.

The NJDEP, in their letter and supporting analysis, identified numerous contaminants for which DRBC or NJ Water Quality Standards were in fact exceeded/violated. As a result of the analysis NJDEP concluded:

- “Despite the limitations of the available data, analyses have identified potential adverse impacts to water quality resulting from the discharge of dredged material dewatering effluent from the Killcohook Upland CDF with elevated concentrations of selenium, copper (dissolved), mercury, aluminum and cyanide.”

The NJDEP analysis also identified multiple problems with the data collection performed by the Army Corps regarding spoil disposal at Killcohook which impeded their ability to determine if there were pollution violations, including:

- “In order for the sample data to be usable, the reporting and analytical detection limits for non-detected (“ND”) sample concentrations must be less than the applicable DRBC or NJ” Water Quality Standards. The Army Corps reporting limits were greater than the applicable standards for at least 8 contaminants including cadmium, cyanide, PCB Aroclors, Pesticides (such as chlordane, dieldrin, endosulfan, endrin and heptachlor), toxaphene, PAHs, parathion, and chloropyrifos.
- Sample collection and preservation did not follow proper procedure.

- Background samples collected were collected at times and locations when the effluent of concern from the CDF may have been present, rendering the sampling inaccurate for comparison purposes.

The Killcohook Upland Confined Disposal Facility is located in Pennsville, NJ, downstream of the Delaware Memorial Bridge, and is where the Army Corps has disposed of dredge spoils from Reach C of the deepening project, the one 12 mile stretch of the project to have been implemented to date.

The State of Delaware report obtained earlier this year focused on the disposal of dredge spoils at Kelly Island and Broadkill Beach where the Army Corps has long asserted the spoils will be used in projects beneficial to natural resources, particularly horseshoe crabs. Among the findings of the Delaware report, titled “Investigation and Review of the Surface and Sub-Surface Sediment Distribution of Reach E for the Delaware River and Bay Main Channel Deepening Project,” were:

- ✓ “...**numerous discrepancies and sampling errors** were found. The existing data collected by the PD-ACOE is therefore considered inadequate ...”
- ✓ “An **artificial skewing** of the grain size results occurred due to the **inappropriate sampling** scheme.”
- ✓ “The **sediment sampling errors, discrepancies in grain size descriptions, and gaps** in core locations reduce the validity of the PD-ACOE’s efforts to accurately characterize the sub-surface sediments for Reach E.”
- ✓ “The discrepancy between grain sizes means that **the requirements set by the ASMFC Fishery Management Plan for Horseshoe Crab** that placed sediment matches existing conditions **would not be met.**”
- ✓ “...these beneficial use sediments would be inadequate for horseshoe crab habitat.”
- ✓ “... the proposed beach to be constructed **would likely have a detrimental effect on horseshoe crab spawning habitat.**”
- ✓ “The potential Broadkill Beach nourishment by the PD-ACOE does not meet the beneficial use requirements for this project, **if anything it would negatively**

**impact the prevalence of horseshoe crab spawning habitat and impede horseshoe crab egg development.”**

- ✓ Regarding Kelly Island the report finds “...it is **doubtful** that a CDF design could **pass a rigorously engineering and geological review.**”
- ✓ “...it is essential that information be provided to the State of Delaware indicating that the beneficial use projects will be able to achieve their proposed purpose and **not become a financial burden and/or ecological catastrophe.**”

“Whenever someone objectively looks, they find harm and problems” concludes van Rossum.

### end ###