ATTACHMENT A
APPLICATION FORM
ATTACHMENT B
CURRENT FHA/WD PERMIT
Mr. Gary Lewis  
Delaware River Partners, LLC  
1345 Avenue of the Americas  
New York, New York 10105

August 3, 2017

RE: MODIFICATION of Waterfront Development Permit
Application No(s): 0807-16-0001.2 WFD 170001 IP In-Water
Previous Permit No.: 0807-16-0001.2 WFD 160001, WFD 160002, FHA 160001, FHA160002, CSWI160001
Applicant: Delaware River Partners, LLC
Project: DRP Gibbstown Logistics Center (former EI Dupont Repauno site)  
Block: 8, Lot 2,3,4.01,4.02 and portions of 1 and 4

Dear Mr. Lewis:

The Division of Land Use Regulation, acting under the provisions of the Coastal Zone Management Rules (N.J.A.C. 7:7 et seq.) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) has modified the existing permit issued April 10, 2017 based on a submission of a major technical modification application submitted on June 6, 2017 to authorize:

1) The shifting of the proposed new wharf structure 50 feet channelward;
2) A revision to the pile design plan for the proposed wharf structure;
3) A reduction in the area of dredging from 29 acres to 27 acres;
4) A reduction in the volume of material to be dredged from 457,000 cubic yards to 371,000 cubic yards
5) A reduction in the permanent impacts to intertidal/subtidal shallows from the project from 1.9 acres to 1.4 acres.

The Department is also modifying the existing permit to incorporate an additional condition into the permit related to a public access plan previously proposed by the permittee to demonstrate compliance with the public access rule pursuant to N.J.A.C. 7:7-16.9. Please refer to Condition #40 of the modified permit attached.

The Department is removing Condition #3 in the existing permit related to the requirement that the permittee conduct an archaeological program to identify, evaluate, avoid and/or mitigate project impacts on archeological resources. Delaware River Partners performed the required studies and submitted a letter report entitled “Phase I and IB Underwater Archaeological Investigations, Repauno Site, Delaware River, Greenwich Township, Gloucester County County” dated May 31, 2017. Both the Army Corps of Engineers, Philadelphia District and the Department’s State Historic Preservation Officer have concurred with the findings of the report that no historic properties will be affected within the project area and no further Section 106 consultation is required.

All other conditions of the existing permit remain in full force and effect.
Please do not hesitate to contact the Office's project manager, listed on the first page of the permit, to discuss any concerns or questions you may have. Thank you for working with the staff of the Office to protect our state's natural resources.

Sincerely,

[Signature]

Suzanne U. Dietrick, Supervising Environmental Specialist
Office of Policy Implementation
Division of Land Use Management

Attachment
C: Michael Hayduk, Philadelphia District Army Corps of Engineers, Regulatory Branch (w/plans)
   Greenwich Township Municipal Official
In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, “permit” means “approval, certification, registration, authorization, waiver, etc.” Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.

<table>
<thead>
<tr>
<th>Permit Number(s):</th>
<th>Type of Approval(s):</th>
<th>Approval Date (MODIFICATION)</th>
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<tbody>
<tr>
<td>0807-16-0001.2</td>
<td>Waterfront Development IP In-Water</td>
<td>August 3, 2017</td>
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<tr>
<td>WFD170001 (Modification)</td>
<td>Waterfront Development IP Upland Flood Hazard IP</td>
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<td></td>
<td>Flood Hazard Verification Coastal Wetland Permit Water Quality Certificate</td>
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<tr>
<th>Permittee:</th>
<th>Enabling Statute(s):</th>
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<tr>
<td>Gary Lewis Delaware River Partners L.L.C</td>
<td>NJSA 12:5-3 et seq. WFD; NJSA 13:9A et seq. WA; NJSA 58:16A et seq. FHACA; NJSA 40:55D-93-99 et seq. WQPA; NJSA 58:10A-1 et seq. WPCA; NJSA 58:11A-1 et seq. WQPA; NJSA 13:1D-29 et seq. 90-D CPL;</td>
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<tr>
<th>Site Location:</th>
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<tr>
<td>Block(s) &amp; Lot(s): [8, 1] [8, 2] [8, 3] [8, 4] [8, 4.01] [8, 4.02]</td>
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<tr>
<td>Municipality: Gibbstown, Greenwich Township</td>
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<td>County: Gloucester</td>
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Description of Authorized Activities:
Flood Hazard Area/Upland Waterfront Development/Coastal Wetlands
This permit grants permission to construct a new multi-use, deep-water port and logistics center, including a marine terminal for automobile import (roll-on/roll-off), parking lot for vehicles, processing facilities, perishables, non-containerized break bulk cargo handling, bulk-liquid and handling, two warehouse buildings totaling 189,800 square feet, a stormwater management system and associated infrastructure.

The redevelopment of the upland portion of the site will result in permanent disturbance to 3.036 acres of vegetated riparian zone and 0.261 acres of temporary disturbance to vegetated riparian zone.

The redevelopment of the site will also result in the permanent disturbance of 0.186 acres and 0.076 acres of temporary disturbance to mapped coastal wetlands.

This permit verifies the flood elevation of 9.0' and 10' and confirms a 50' riparian zone width.

Waterfront Development In-Water
Rehabilitate the berthing facility at the site and consists of two pile-supported open deck platforms of dimensions of 200' and 100' long adjacent to a pile supported ballast deck, 450' long. A breasting dolphin and mooring dolphins will be constructed on the northern portion of the pier to allow for a berthing facility of 750' long.

Dredge no more than 371,000 cubic yards of sediment within a 27-acre area of the Delaware River. The depth of dredging shall be limited to 46 feet below mean low water (-40' MLW) plus one foot (1') of allowable overdraft. Dredging of the 3:1 side slope along the landward side of the dredge area will permanently disturb 1.4 acres (60,984 square feet) of intertidal shallows and 0.064 acres (2,788 square feet) of submerged aquatic vegetation for which mitigation will be required as a condition of the permit.

This authorization includes the issuance of a Water Quality Certificate.

Prepared by:
Suzanne U. Dietrick, Division of Land Use Regulation

If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permittee’s acceptance of the permit in its entirety as well as the permittee’s agreement to abide by the permit and all conditions therein.

This permit is not valid unless authorizing signature appears on the last page.
SPECIAL CONDITIONS

1. Prior to the start of any in-water site disturbance authorized in this permit, the permittee shall obtain the following:
   a. Valid Tidelands Instrument as applied for on December 12, 2016;
   b. United States Army Corps of Engineering authorization for the project

2. This permit does not include approval of disturbance of freshwater wetlands and transition areas regulated under the Freshwater Wetlands Protection Act. Prior to the start of any disturbance to freshwater wetlands and transition areas regulated under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), the permittee shall obtain a Freshwater Wetland Individual Permit from the Division of Land Use Regulation.

3. To minimize impacts to migrating and spawning of anadromous fish, any and all in-water work or sediment generating disturbances is prohibited from March 15 to June 30 of each year.

4. The depth of dredging shall be limited to -40 feet below mean low water (- MLW) plus 1 foot of allowable overdredge.

5. Dredging shall be restricted to the limits as depicted on the authorized plans. The volume of material to be dredged shall not exceed 371,000 cubic yards (cy) as shown on the approved plans.

6. A pre-construction dredging report shall be completed and sent to the Office of Dredging and Sediment Technology 14 days prior to construction. Please refer to the NJDEP, Land Use Regulation Program website.

7. The permittee shall employ the services of an independent dredging inspector to monitor dredging activities twice per week. The permittee shall submit the resume of the dredging inspector to the Department for review and receive written approval prior to the initiation of dredging. The independent dredging inspector shall perform inspections of the dredging contract a minimum of twice per week using the attached WQC Field Inspector form. The permittee shall submit the completed inspection forms to the NJDEP, ODST on at least a weekly basis.

8. Upon completion of dredging, a completion report shall be completed and sent to the Office of Dredging and Sediment Technology. The dredging contractor shall complete and submit the attached Dewatering Form to the independent dredging inspector on a weekly basis as part of the Quality Control Report provided to the permittee. Said Dewatering Form shall be certified by the independent dredging inspector that they have witnessed the dewatering process during the preceding week. The permittee shall submit the completed Dewatering Form with appropriate certifications by email to Mark.Davis@dep.nj.gov of the Office of Dredging and Sediment Technology for the preceding week.

9. REPORTING REQUIREMENTS: At the completion of the dredging project, the permittee shall submit the following information to the Office of Dredging and Sediment Technology. This information shall be submitted within three months of completion of dredging.
• Start and finish date of work order(s)
• Post-dredge hydrographic survey
• Completed "Notice of Completion of Work" attached for each work order(s)/completion of Project.

Closed Clamshell Environmental Bucket

10. Any fine-grained sediments dredged within the approved dredge area shall be removed using a closed clamshell environment bucket.

11. The dredge shall be control the rate of descent of the bucket to maximize the vertical cut of the clamshell bucket while not penetrating the sediment beyond the vertical dimension of the open bucket (i.e. overfilling the bucket). This will reduce the amount of free water in the dredged material, will avoid overfilling the bucket, and minimize the number of dredge bucket cycles needed to complete the dredging contract. The dredging contractor shall use appropriate software and sensors on the dredging equipment to ensure consistent compliance with this condition during the entire dredging operation. The independent dredging inspector shall monitor the operation of the software and sensors during the inspections as specified in the below conditions. Any malfunction of the software and sensors on the dredge at any time shall be immediately reported to the independent dredging inspector and the permittee by the dredging contractor and shall be immediately repaired to working order.

12. The closed clamshell environmental bucket shall be equipped with sensors to ensure complete closure of the bucket before lifting the bucket. Said sensors shall be operational during the entire dredging operation.

13. The closed clamshell environmental bucket shall be lifted slowly through the water, at a rate of 2 feet per second or less.

14. Dredged material shall be placed deliberately in the barge to prevent spillage of material overboard.

15. The discharge (i.e. "overflow") of water from the barge/scow into which dredged material is placed is prohibited.

16. All barges or scows used to transport sediment shall be of solid hull construction or be sealed with concrete.

17. The gunwales of the dredge scows shall not be rinsed or hosed during dredging except to the extent necessary to ensure the safety of workers maneuvering on the dredge scow.

18. All decant water holding scows shall be water tight and of solid hull construction.

19. Decant water from this project may only be discharged within the dredge area from where the sediments originated, in proximity to the dredging contract area. Discharge to another receiving waterbody requires prior approval from the Department, and may require a New Jersey Discharge Pollutant Elimination System/Discharge to Surface Water (NJDPS/DSW) permit.
20. All decant water shall be held in the decant holding scow a minimum of 24 hours after the last addition of water to the decant holding scow. Said water contained in the decant holding scow may only be discharge after this mandatory 24-hour retention time.

a. Should the contractor wish to reduce the required holding time, the contractor shall demonstrate that the reduced holding time is sufficient to meet a total suspended solids (TSS) background value of 30 mg/L. The total suspended solids shall be determined through gravimetric analysis. No discharge shall be permitted from the decant holding scow until the results of the gravimetric analysis have confirmed that the 30 mg/L background level has been achieved. No additional water shall be added to the decant holding scow between the time of sample acquisition and discharge. Upon successful demonstration that the reduced holding time is sufficient to meet the TSS background level of 30 mg/L, the monitoring of TSS may be suspended and the demonstrated settling time shall replace the 24-hour minimum. A successful demonstration of the reduced holding time efficiency shall be determined once three consecutive TSS analyses have confirmed that the 30 mg/L action level has been achieved by the reduced holding time.

b. Should the contractor wish to demonstrate this reduced holding time, all records including time of last addition of decant water into the scow, time of TSS sampling and the results of TSS sampling shall be submitted to the NJDEP as soon as they become available, together with a request for a reduced holding time.

21. During pumping of the decant water from the holding scow, great care shall be taken to avoid re-suspending or pumping sediment which has settled in the decant holding scow.

22. The dredging contractor shall complete and submit the attached Dewatering Form to the independent dredging inspector on a weekly basis as part of the Quality Control Report provided to the permittee. Said Dewatering Form shall be certified by the independent dredging inspector that they have witnessed the dewatering process during the preceding week. The permittee shall submit the completed Dewatering Form with appropriate certifications by email to the Office of Dredging and Sediment Technology for the preceding week.

Hydraulic Dredging

23. To ensure safe navigation, the dredge pipeline shall be marked along its length in accordance with U.S. Coast Guard regulations and specifications.

24. The following practices shall be met to the maximum extent practicable:

- Undercutting (vs. over-cutting) the sediment being dredged,
- Increasing the intake velocity of the cutterhead,
  Fully (but not over-) burying the cutterhead in the sediment being dredged.

25. Acceptable Use Determination for Dredged Material

The 371,000 cubic yards of dredged material to be removed from the berthing facility was sampled in accordance with a Sediment Sampling and Analysis Plan (SSAP) dated April 13, 2016 and April 21, 2016 addendum. The NJDEP approved the SSAP on April 26, 2016. The analytical results of the sediment sampling were submitted as Appendix F of the land use joint permit application on August 1, 2016. The NJDEP has reviewed the analytical results for the project and the document entitled

The following conditions are the Acceptable Use Determination for the 371,000 cy of material to be managed from this project:

- 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.

- As specified in Table 2 of the May 2017 DMMP, and Drawing 11 of the approved dredge plans, 181,000 cubic yards of fine-grained sediments (Category B-46,000 cubic yards and Category C-135,000 cy) is authorized to be disposed of at the Weeks Marine White’s Rehandling Basin Confined Disposal Facility in accordance the conditions specified for this facility (DEP File #0809-08-0010.1 WQC 130001 issued on November 25, 2013). Subsequently, the dredged material will be hydraulically pumped into one of the adjacent upland confined disposal facilities (Area I or Area II) for final placement. The analytical results for the 181,000 cubic yards of material from this portion of the dredge area has been reviewed and determined to meet the acceptance criteria for disposal at White’s Rehandling Basin CDF.

- As specified in Table 2 of the May 2017 DMMP, and Drawing 5 of the approved dredge plans, 118,000 cubic yards of sand that meets the Department’s Residential Direct Contact Soil Remediation Standards (RDCSRS), (Category D on Table 2) is authorized to be disposed of at Weeks Marine White’s Rehandling Basin Confined Disposal Facility in accordance the conditions specified for this facility (DEP File #0809-08-0010.1 WQC 130001 issued on November 25, 2013). Subsequently, the dredged material will be hydraulically pumped into one of the adjacent upland confined disposal facilities (Area I or Area II) for final placement. The sand from the dredge area is also acceptable for beneficial use on-site as structural fill in the redevelopment of the site.

- As specified in Table 2 of the May 2017 DMMP, and Drawing 11 and Drawing 12 of the approved dredge plans, the 72,000 cy of fine-grained material (Category A) shall be processed within the on-site dredge material processing facility or an off-site dredged material processing facility owned by Weeks Marine located in the City of Camden, Camden County and beneficially used at off-site locations. The NJDEP approves the processing, offloading, transport and placement of the 72,000 cy of material at the following upland placement site provided the following conditions are met:
  - The dredged material from this project shall be processed using a minimum of 8% Portland Cement at the designated processing facility. consistent with the testing of the material as provided in the application.
  - The permittee, or the designated contractor, shall obtain the necessary air permits for the on-site dredged material processing facility.
The following New Jersey upland placement site is acceptable for placement in accordance with the identified oversight documents issued by the NJDEP:

**Stags Leap Ranch Redevelopment, LLC**

The Material shall be placed at the site consistent with the Closure Plan Modification Approval dated April 5, 2016 that incorporated the Protocol For Review, Certification and Acceptance Of Off-Site Recyclable Fill Materials dated March 8, 2006, (Revised July 17, 2006) prepared by SLRD Company – Mullica Hill LLC, which allows for the acceptance of 2,000,000 cubic yards of material.

The permittee shall comply with the conditions and analytical testing requirements specified in the acceptance letter dated February 24, 2017 from Golder Associates, written on behalf of the site.

- Placement of the dredged material and/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. The permittee has identified Waste Management, Fairless Landfill located in Morrisville, PA and the Clean Earth Bethlehem Site as upland placement sites for the material from this project. The permittee has also identified the ACOE Fort Mifflin CDF located in Philadelphia County as a disposal site for the material from this project.

- 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.

26. To protect sensitive habitat for the State-listed Osprey, the permittee shall adhere to a seasonal restriction on the use of heavy construction equipment/machinery within 1000 feet (300 meters) of any active osprey nest along the project limit of disturbance from April 1 through August 31 of each calendar year. The initiation and implementation of work which generates disturbance (e.g., sound levels, visual interruption) that is out of character with what currently exists at or surrounding the anticipated work area during the restricted time-period recommended above may result in the permittee being in violation of the “take” clauses within State of New Jersey (Endangered and Nongame Species Conservation Act, NJSA 23:2A-1) and federal (Migratory Bird Treaty Act, 16 USC 703-712) statutes.

27. The permittee shall not disturb the nest of a State-listed or federally-protected species, whether it is actively being constructed or has already been built in preparation of the breeding season, from April 1 through August 31 of each calendar year. The permittee shall direct all inquiries with regard to the disturbance of a nest during the breeding season to the United States Fish and Wildlife Service Region 5 Migratory Bird Permit Office and/or the USDA Wildlife Services (NJ Office).

28. Prior to or concurrent with the onset of construction, the permittee and/or electrical power utility provider shall submit to the Department an Avian Protection Plan for the proposed utility lines that demonstrates that the potential for take of avian species from collision and electrocution has been minimized.

29. Prior to or concurrent with the onset of construction, the permittee shall install perch structures (e.g., repurposed telephone poles) along the Delaware River, close to the water and beyond the industrial
area (i.e., to the east and west of the main plant) to encourage safe foraging for State-listed and federally protected raptor species. The structures will encourage raptors away from the plant and gas flares identified by State and Federal biologists as a potential threat to resident and migratory avian species.

30. Prior to the onset of work and site preparation, the permittee shall submit a proposed structural design for each of the proposed gas flares onsite to the Department for review and approval. The proposal shall include the following information: site elevation mapping which illustrates the types and heights of structures relative to the proposed flares, shoreline, etc. (inclusive of heights, sizes of the tank(s) associated with “Phase 2”); detailed model of the anticipated plume generated by each flare (i.e., size, temperature, etc.); and, any details necessary for the Department to make the finding that the flares will in no way result in harm to avian species. Work may commence only after the Department has issued written approval to the permittee that the structural design of each flare is in accordance with State endangered and threatened species habitat protection directives.

31. Prior to the onset of work and site preparation, the permittee shall provide the Department with a protocol for the monitoring of avian risk due to flare operation on the subject site. Once finalized, the permittee shall abide by the conditions and reporting criteria of this plan.

32. This permit verifies the flood hazard area design flood elevations onsite at 9.0' and 10' feet NAVD. This permit also verifies that a 50' riparian zone exists on this site. This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter. NOTE: The following information is to be submitted to the clerk for all Flood Hazard Area Verifications:

   a. The Department file number for the verification;

   b. The approval and expiration dates of the verification;

   c. A metes and bounds description of any flood hazard area limit approved under the verification;

   d. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification; and

   e. The following statement: “The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Division of Land Use Regulation at (609) 777-0454 for more information prior to any construction onsite.”

33. The regulated activity shall not adversely affect low-flow aquatic passage in any regulated water.

34. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.

35. The applicant shall adhere to the maintenance plan for the stormwater management measures incorporated into the design of the major development in accordance with N.J.A.C. 7:8-5.8 and the guidelines of the New Jersey Stormwater Best Management Practices Manual.
36. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.

37. In accordance with N.J.A.C.7:13-12.6(g)4, the permittee must provide signs in the parking lot indicating that the lot will be subject to inundation during flood events.

38. The floor elevation of each proposed building on the approved plans shall have a lowest finished floor elevation of at least one foot above the respective flood hazard area elevation of 9.0' NAVD or 10.0' NAVD. The construction of any habitable area below this elevation, such as a basement, is prohibited.

39. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift, floatation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation of one foot above the flood hazard area design flood elevation. Furthermore, all structural components shall be designed to resist the same forces.

40. Within 60 days of the effective date of this permit modification, the permittee shall submit a public access plan and location map of the proposed off-site public access area on property owned by the permittee but outside of the active marine terminal area. Said public access plan shall include a schedule for construction of the public access area by the permittee.

RIPARIAN ZONE MITIGATION CONDITIONS:

1. The permittee shall compensate for the temporary disturbance to 0.261 acres of vegetated riparian zone through an on-site project as shown on the approved plans.

2. All mitigation shall be conducted immediately following completion of the activity that cause the disturbance, and shall be continued to completion within six months after the end of the activity that caused the disturbance.

3. If the permittee fails to perform mitigation within the applicable time period the activity shall be considered permanent and mitigation shall be required to replace the affected resource.

4. The permittee shall monitor the riparian project for at least 5 years beginning the year after the riparian zone mitigation project has been completed (N.J.A.C. 7:13-13.11(c)). The permittee shall submit monitoring reports to the Division of Land Use Regulation, no later than December 31st of each full monitoring year.

   a. All monitoring reports except the final one should include the requirements and goals of the mitigation proposal and a detailed explanation of the ways in which the mitigation has or has not achieved progress toward those goals. If mitigation has not achieved progress, the report shall also include a list of corrective actions to be implemented and a timeline for completion.

   b. The final monitoring report must include documentation and data demonstrating that:
i. The goals of the riparian zone mitigation as stated in the approved riparian zone mitigation proposal and the permit conditions have been satisfied.

ii. At least 85 percent of the mitigation plantings have survived. All plant species in the mitigation area must be healthy and thriving. All trees must be at least 5 feet in height; and

iii. The site is less than 10 percent occupied by invasive or noxious species; and

iv. The conservation restriction for the mitigation site has been executed and recorded.

5. If the riparian mitigation project does not meet the success criteria established above the project shall be considered a failure and the permittee shall submit a revised riparian mitigation plan. The revised plan shall be submitted within 60 days of receipt of notification from the Division indicating the riparian mitigation project was a failure.

6. If the Division determines that the riparian zone mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing by the Department and will have 60 days to submit a proposal to indicate how the project will be corrected.

COASTAL WETLAND MITIGATION PERMIT CONDITIONS:

1. The permittee shall compensate for the temporary disturbance to 0.076 acres of emergent coastal wetlands through an on-site project as shown on the approved plans.

2. All mitigation shall be conducted immediately following completion of the activity that cause the disturbance, and shall be continued to completion within six months after the end of the activity that caused the disturbance.

3. If the permittee fails to perform mitigation within the applicable time period the activity shall be considered permanent and mitigation shall be required to replace the affected resource.

4. At least 90 days prior to commencement of regulated activities, the permittee shall submit a proposal to mitigate for the permanent loss of 0.186 acres of emergent coastal wetlands. The proposal shall be designed in accordance with the standards at N.J.A.C. 7:7-17.13. Activities authorized by this permit shall not begin until the permittee has obtained written approval of a mitigation plan from the Department.

5. If the permittee is purchasing credits from a mitigation bank to satisfy a mitigation requirement, prior to the initiation of regulated activities authorized by this permit, the permittee shall submit proof of purchase for 0.186 mitigation credits from an approved wetland mitigation bank to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

At this time, the following bank is approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation unit for the most up to date service area information if you would like additional options.

- Abbot Creek—Contact Mark Renna, Evergreen Environmental, LLC, at 973-305-0643 or 973-356-7164 or by email at mrenna@evergreenenv.com.

6. Concurrent with the commencement of construction, the permittee shall submit proof of purchase for the amount of mitigation credits listed above to the attention of the Mitigation Unit Supervisor,
7. In the event that mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Land Use Regulation, Mitigation Unit to arrange for an alternative mitigation option prior to the initiation of regulated activities.

8. All mitigation shall be conducted prior to or concurrent with the construction of the approved project (N.J.A.C. 7:7-17.3). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.

9. If the permittee fails to perform mitigation within the applicable time period the acreage of mitigation required shall be increased by 20% each year after the date mitigation was to begin (N.J.A.C. 7:7A-15.3(b)).

10. If the applicant chooses to conduct a mitigation project, the following conditions shall apply:

a. Prior to the initiation of regulated activities authorized by this permit the permittee shall submit a final design of the mitigation project for approval and include all of the items listed on the checklists entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Coastal Wetland Mitigation Proposal located at http://www.nj.gov/dep/landuse/forms/index.html.

   a. The permittee shall obtain a secured bond or other financial surety acceptable to the Division from a firm licensed to provide such services in New Jersey. (N.J.A.C. 7:7-17.17)

   b. The permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing at least 30 days prior to the start of construction of the wetland mitigation project to arrange an on-site pre-construction meeting among the permittee, the contractor, the consultant and the Division.

   c. To ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape, the mitigation designer shall be present on-site during all critical stages of construction and during the restoration of any temporarily impacted areas. Critical stages of construction include but are not limited to herbicide applications, earthmoving activities, planting, and inspections.

   d. The permittee shall be responsible for ensuring that best management practices are used throughout construction to control the spread and colonization of highly invasive plants. Specifically, all equipment, especially tracks and tires, must be thoroughly cleaned every time equipment or vehicles move from an area containing invasive plants or from off-site to the mitigation area. In addition, soil containing root fragments and above-ground vegetative material from invasive plants shall be carefully managed during earthmoving activities and disposed of at a suitable off site location rather than mulched and reused or stockpiled elsewhere on the site. For information on the specific species that are considered to be invasive, please refer to the Invasive Plant Atlas at http://www.invasiveplantatlas.org/index.html.

   e. In the event that changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. Any modifications to the plan that are reviewed and approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plan required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.
f. Within 30 days of final grading of the mitigation site and prior to planting, the permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.

g. Within 30 days following the final planting of the mitigation project, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction (N.J.A.C. 7:7-17.13). The Construction Completion Report shall contain, at a minimum, the following information:

i. A completed Wetland Mitigation Project Completion of Construction Form. This form is located at http://www.nj.gov/dep/landuse/forms/index.html and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;

ii. As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes; and

iii. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983.

j. Within 30 days following final planting of the mitigation project, the permittee shall post the mitigation area with permanent signs which identify the site as a wetland mitigation project and that all-terrain vehicle use, motorbike use, moving, dumping, draining, cutting and/or removal of plant materials is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law. The signs must also state the name of the permittee, a contact name and phone number, and the Department’s permit number.

k. The permittee shall monitor emergent wetland mitigation projects for 3 full growing seasons beginning the year after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31st of each full monitoring year (N.J.A.C. 7:7-17.13(f)). All monitoring reports must include the standard items identified in the checklist entitled, “Wetland Mitigation Monitoring Project Checklist” and “Coastal Wetland Mitigation Monitoring Checklist”, which can be found at http://www.nj.gov/dep/landuse/forms/index.html.

l. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:

i. That the goals of the wetland mitigation project, including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit have been satisfied. The permittee shall submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area;

ii. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes, which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving and all trees must be at least five feet in height;

iii. The site has less than 10 percent coverage by invasive or noxious species.
iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,

v. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied.

m. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7-17.13 (h)). The Division will notify the permittee in writing if the mitigation project is considered to be a failure. Within 30 days of notification, the permittee shall submit a revised mitigation plan to meet the success criteria identified above for Division review and approval. The financial surety, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated above.

INTERTIDAL AND SUBTIDAL SHALLOW/SUBMERGED AQUATIC VEGETATION MITIGATION

1. In accordance with N.J.A.C. 7:7-17.7 (a), the permittee shall submit, for review and approval by the NJDEP, a complete mitigation proposal to offset permanent impacts to 1.4 acres (60,984 square feet) of intertidal/subtidal shallows and 0.064 acres (2,788 square feet) of submerged aquatic vegetation habitat. The mitigation proposal shall comply with the mitigation requirements of N.J.A.C. 7:7-17.10 (SAV habitat) and intertidal and subtidal shallows (N.J.A.C. 7:7-17.11).

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.

2. The issuance of a permit does not convey any property rights or any exclusive privilege.

3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.

4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.

5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.

6. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. If the noncompliance has not been corrected, the anticipated length of time it is expected
to continue; and

d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the
noncompliance.

7. It shall not be a defense for a permittee in an enforcement action that it would have been
necessary to halt or reduce the authorized activity in order to maintain compliance with the
conditions of the permit.

8. The permittee shall employ appropriate measures to minimize noise where necessary during
construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.

9. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any
portion of the subject property or adjacent properties.

10. The issuance of a permit does not relinquish public rights to access and use tidal waterways and
their shores.

11. The permittee shall allow an authorized representative of the Department, upon the presentation
of credentials, to:
   a. Enter upon the permittee's premises where a regulated activity is located or conducted, or
where records must be kept under the conditions of the permit;
   b. Have access to and copy, at reasonable times, any records that must be kept under the
conditions of the permit; and
   c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or
required under the permit. Failure to allow reasonable access under this paragraph shall
be considered a violation of this chapter and subject the permittee to enforcement action
under.

12. The permittee and its contractors and subcontractors shall comply with all conditions, site plans,
and supporting documents approved by the permit. Any noncompliance with a permit constitutes
a violation of this chapter and is grounds for enforcement action under, as well as, in the
appropriate case, suspension and/or termination of the permit.

13. All conditions, site plans, and supporting documents approved by a permit shall remain in full
force and effect so long as the regulated activity or project, or any portion thereof, is in existence,
unless the permit is modified.

14. For Coastal Permits, Flood Hazard Permits and Flood Hazard Verifications, the permittee shall
record the permit, including all conditions listed therein, with the Office of the County Clerk (the
Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The
permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit
authorizes activities within two or more counties, in which case the permit shall be recorded
within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded
permit shall be forwarded to the Division of Land Use Regulation at the address set forth in the
rules.
15. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.

16. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.

17. A permit shall be transferred to another person only in accordance with the regulations.

18. A permit can be suspended or terminated by the Department for cause.

19. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.

20. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.

21. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.

22. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.

23. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

APPROVED PLANS:


- The drawings hereby approved are five (5) sheets prepared by Langan Engineering & Environmental Services, Inc., dated 6/10/2016 unrevised unless noted otherwise and entitled “DRP GIBBSTOWN LOGISTICS CENTER, BLOCK NO.08, LOT NO.04, TOWNSHIP OF GREENWICH, GLOUCESTER COUNTY, NEW JERSEY”
"MARINE TERMINAL NORTHERN AREA PRE-DEVELOPMENT WATERSHED PLAN" sheet No. 1 of 9,

"MARINE TERMINAL NORTHERN AREA POST-DEVELOPMENT WATERSHED PLAN 1" sheet No. 2 of 9,

"MARINE TERMINAL NORTHERN AREA POST-DEVELOPMENT WATERSHED PLAN 2" sheet No. 4 of 9,

"MARINE TERMINAL SOUTHERN AREA PRE-DEVELOPMENT WATERSHED PLAN" sheet WB301, dated 12/9/16,

"MARINE TERMINAL SOUTHERN AREA POST-DEVELOPMENT WATERSHED PLAN" sheet WB302, dated 12/9/16,

- The drawings hereby approved consist of thirteen (13) sheets prepared by Nestor D. Soler, PE of Ramboll Environ, dated July 6, 2016, last revised May 4, 2017 and entitled "DREDGE MATERIAL MANAGEMENT PLAN, DRP GIBBSTOWN LOGISTICS CENTER, GIBBSTOWN, NEW JERSEY"


Approved By:

Suzanne Dietrick, Supervising Environmental Specialist
Division of Land Use Regulation

Date

Original sent to Agent to record

c: Permittee
Construction Official
Mr. Gary Lewis
Delaware River Partners, LLC
1345 Avenue of the Americas
New York, New York 10105

RE: MINOR TECHNICAL MODIFICATION of Freshwater Wetlands Individual Permit,
Freshwater Wetlands Transition Area, Flood Hazard Area Permit,
Waterfront Development Permit
Application No. 0807-16-0001.2 FHA180001, FWW180001, FWTW180002, WFD180002
Applicant: Delaware River Partners, LLC
Project: DRP Gibbstown Logistics Center (former E.I. DuPont Repauno site)
Block: 8, Lot 2,3,4.01,4.02 and portions of 1 and 4

Dear Mr. Lewis:

The Division of Land Use Regulation, acting under the provisions of the Coastal Zone Management Rules (N.J.A.C. 7:7 et seq.), the Freshwater Wetland Protection Act Rules (N.J.A.C. 7:7A et seq.) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) hereby modifies the existing permit issued April 10, 2017 (as modified on August 3, 2017, January 18, 2018, February 13, 2018 and March 9, 2018) based on a submission of a minor technical modification application submitted on August 24, 2018 to authorize:

1) A reconfiguration of the footprint of the marine terminal development and relocation or elimination of infrastructure associated with the bulk liquid and gas operations at the facility.

2) A realignment of the internal road system to provide for a more efficient movement of trucks into and out of the marine terminal. This realignment will result in the reduction of 0.03 acres of permanent transition area impact and an increase of 0.027 acres of temporary transition area impacts.

The Department approved revisions are shown on plans as follows:

MODIFIED APPROVED PLANS:

- The revised drawings hereby approved are entitled “DRP GIBBSTOWN LOGISTICS CENTER, DELAWARE RIVER PARTNERS, LLC, GIBBSTOWN, GREENWICH TOWNSHIP, NEW JERSEY” dated July 2016, revision dates December 9, 2018, with the following 25 sheets being revised on revised on August 24, 2018 as part of the minor technical modification application: G-002, G-101, G-102, G-103, C-001, C-002, C-003, C-100, C-101, C-102, C-102, C-103, C-104, C-106, C-107, C-108, C-109, C-111, C-112, C-113, C-114, C-115, C-120, C-305 and C-306.

The original permit is hereby modified to include the following condition:

41. The permittee shall comply with all Toxic Catastrophe Prevention Act (TCPA) Program rule requirements pursuant to N.J.A.C. 7:31 et seq.
All other conditions of the existing permit remain in full force and effect.

Please do not hesitate to contact the Suzanne Dietrick at (609) 984-6216 or at Suzanne.Dietrick@dep.nj.gov if you have questions concerning this letter.

Sincerely,

Christopher Jones, Manager
Bureau of Urban Growth and Redevelopment
Division of Land Use Management

Attachment
C: Michael Hayduk, Philadelphia District Army Corps of Engineers, Regulatory Branch (w/plans)
   Greenwich Township Municipal Official
Site Photographs:

Photo 1: View of the proposed storage tank area and the adjacent southern areas from east side of A-line road (facing west).

Photo 2: View of the proposed storage tank and adjacent southern areas from A-line road (facing southwest).
Photo 3: View of the proposed storage tank area from levee road (facing southeast).

Photo 4: Panoramic view of proposed storage tank area from the intersection of A-Line road and the levee road (facing southwest).
PROPOSED STORAGE TANK AREA
PHOTO LOCATIONS

FIGURE 01

DRP Gibbstown Logistics Center
200 North Repauno Avenue
Gibbstown, New Jersey

RAMBOLL US CORPORATION
A RAMBOLL COMPANY
COMPLIANCE/ENVIRONMENTAL IMPACT STATEMENT REVIEW FOR MINOR MODIFICATION TO FLOOD HAZARD AREA AND WATERFRONT DEVELOPMENT INDIVIDUAL PERMITS
DLUR FILE NO. 0807-16-0001.2, WFD180002, FHA180001

DRP GIBBSTOWN LOGISTICS CENTER
GIBBSTOWN, GLOUCESTER COUNTY, NJ
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FIGURES

Figure 1: Location of Bald Eagle and Osprey Nests
# Acronyms and Abbreviations

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<th>Acronym</th>
<th>Definition</th>
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<tr>
<td>CZM:</td>
<td>Coastal Zone Management</td>
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<tr>
<td>DRP:</td>
<td>Delaware River Partners LLC</td>
</tr>
<tr>
<td>NJDEP:</td>
<td>New Jersey Department of Environmental Protection</td>
</tr>
<tr>
<td>FHA:</td>
<td>Flood Hazard Area</td>
</tr>
<tr>
<td>FWW:</td>
<td>Freshwater Wetlands</td>
</tr>
<tr>
<td>WFD:</td>
<td>Waterfront Development</td>
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</table>
1. INTRODUCTION

The applicant, Delaware River Partners LLC (DRP), is requesting a minor technical modification to authorize proposed changes to the permitted site layout for the DRP Gibbstown Logistics Center (GLC or Facility) located at 200 North Repauno Avenue in Gibbstown, Gloucester County, New Jersey (Site). The construction of the GLC was authorized by multiple NJDEP permits including an In-Water and Upland Waterfront Development (WFD) Individual Permit (IP), Coastal Wetlands and Flood Hazard Area (FHA) IP for the project, issued on April 10, 2017, revised August 3, 2017 (Permit No. 0807-16-0001.2, WDP170001, WDP160002, FHA160001, FHA160002, CSW160001). A Freshwater Wetlands IP was also issued for the project on June 30, 2017, revised August 3, 2017. The Upland WFD, FHA IP and FWW IP were later modified November 29, 2018. These permits authorize construction of a multi-use deepwater seaport and international logistics center to support multiple anticipated uses and cargos.

1.1 Report Purpose

The purpose of this report is to describe the scope and purpose of the proposed change to the Facility as last approved by the November 2018 permit modifications and a review of the Compliance Statement/Environmental Impact Statement (EIS) originally submitted for the Facility and updated in 2018.

The original EIS was submitted to NJDEP on December 9, 2016 (December 2016 EIS) as part of a multi-permit application (Upland and In-Water WFD, FHA, Coastal Wetlands and FWW). The proposed change described herein only relates to the Upland WFD and the FHA IPs, so the applicable sections of the December 2016 EIS that address the Coastal Zone Management Rules (CZM Rules, N.J.A.C. 7:7) and Flood Hazard Area Control Act Rules (FHA Rules, N.J.A.C. 7:13) are reviewed in Section 3.

1.2 Background

The Site has been used for industrial purposes, including the manufacture of chemicals and explosives, for more than 100 years. Atlantic City Electric operated a power plant in the northwestern part of the Project Site from 1951 to 1986. The northern portion of the Project Site was historically filled to create uplands along the Delaware River and was extensively developed by E.I. du Pont de Nemours and Company (Dupont) for industrial purposes. Except for a leasehold where Cardox Corp./Air Liquide operated a dry ice production facility, all other manufacturing operations at the Site were discontinued by Dupont by December 2006. Cardox Corp./Air Liquide discontinued operations in 2019, leaving DRP with sole possession of the entire Site.

In 2017, NJDEP issued a WFD, FHA, Coastal Wetlands and FWW Permit for the construction of a multi-purpose dock (Dock 1) and supporting marine terminal at the Site.¹ A minor modification to this permit was obtained in 2018. In 2019, NJDEP issued a Waterfront Development Permit for a second dock (Dock 2).² Permits for these activities were also obtained from the U.S. Army Corps of Engineers and the Delaware River Basin Commission.

Construction of Dock 1 was substantially completed in December 2018 and was commissioned by the U.S. Coast Guard in January 2021. Construction of the rail transloading rack for Liquified Petroleum

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¹ NJDEP Permit Nos. 0807-16-0001.2, WFD160001, WFD160002, WFD170001, WFD180002, FHA160001, FHA160002, CSW160001, FHA180001.
² NJDEP Permit No. 0807-16-0001.2, WFD100001.
Gas was completed in October 2020 and additional landside development will occur in phases. As of the date of this report, the construction of Dock 2 has not started.

The DRP Gibbstown Logistics Center Project involves the development of a multi-use, deep-water seaport and industrial logistics center. The original approved plans included construction of the following:

- Multi-purpose berth;
- Auto terminal;
- Bulk liquid storage area;
- General cargo area;
- Logistics and value-added area; and
- Rail and truck transloading areas.

The minor modification included changes that support evolving market conditions, including relocation of the truck transloading facility to improve access to the wharf. As part of this reconfiguration, the number of tanks in the bulk liquid storage area was reduced.

In January 2022, NJDEP issued a FHA/WFD Permit for construction of additional rail infrastructure in the Site.
2. SCOPE AND PURPOSE OF PROPOSED CHANGE

The proposed modification of the Facility involves the reconfiguration of the aboveground bulk liquid storage area. The reconfiguration will include the construction of one (1) storage tank with a capacity of 629,000 barrels (bbls) and installation of six (6) bullet tanks, each with a capacity of 90,000 gallons (2,100 bbls). Each of the foregoing storage tanks will be designed and constructed for the storage of Liquified Petroleum Gas. The locations of these tanks are shown on Drawing C-106.

The 629,000-bbls tank will be constructed within the area previously identified for seven 100,000 bbls tanks that were originally intended for refined product storage and will be equipped with two chillers and an emergency flare. The bullet tanks will be installed in an area originally identified for crude oil storage tanks. These storage tanks will be connected to existing piping infrastructure that support the active transloading operations at the Facility, including the rail rack, track rack and the multipurpose dock. It is anticipated that the proposed storage tanks will be connected to Dock 2 when it becomes operational. The purpose of these tanks is to provide onsite storage of Liquified Petroleum Gas product to support customer demand and the transloading operations at the port. At the time of the original application for this Project in 2016, the anticipated need for aboveground storage to accommodate liquid energy products was approximately 2,750,000 bbls. Based on market conditions in 2018, six tanks identified for crude oil storage and five tanks identified for refined product storage were eliminated as part of the 2018 modification of the FHA/WD permits. Based on evolving market conditions, DRP has determined that the seven (7) tanks described above, all for the storage of LPG, will serve customer demand and optimize operations at the Facility. While no aboveground storage tanks have been installed at the Facility to date, the previously approved tanks shown on the revised plans will be needed in the future based on discussions with current customers. With this proposed modification, the total above-ground storage capacity of the Facility remains at approximately 1,000,000 bbls.
3. REVIEW OF WFD AND FHA RULES

The statement of compliance with the CZM Rules (N.J.A.C. 7:7) and FHA Rules (N.J.A.C. 7:13) was reviewed to demonstrate that the proposed modification continues to comply with applicable regulations. Only those rules which are applicable to or within the vicinity of the proposed modification are discussed below.

3.1 Review of Coastal Zone Management Rules

This section presents CZM Rules that require review as a result of the proposed minor technical modification. Specifically, compliance with the following sections of the CZM Rules is reviewed in this section.

- N.J.A.C.7:7-9.25 Flood hazard areas
- N.J.A.C.7:7-9.26 Riparian zone
- N.J.A.C.7:7-9.27 Wetlands
- N.J.A.C.7:7-9.28 Wetland buffers
- N.J.A.C.7:7-9.36 Endangered or threatened wildlife or plant species habitats
- N.J.A.C.7:7-9.39 Special hazard area

3.1.1 Flood Hazard Areas (N.J.A.C. 7:7-9.25)

The majority of the Site is located within a tidal flood hazard area and is therefore subject to the FHA Rules. Compliance with the FHA rules was demonstrated when the FHA permit was issued concurrently with the WFD Permit, originally in 2017, and modified in 2018. The proposed change described herein is within the original limit of disturbance. Further, a majority of the aboveground tank storage area is in a portion of the Site that is above the current FHA elevation. Compliance with N.J.A.C. 7:7-13 was reviewed as part of the 2016 EIS. The proposed modification is within the limits of the previously approved limit of disturbance and within an area where new gravel cover was planned. The proposed modification does not change the type of ground cover to be used. Therefore, there is no change to the impervious cover and the Project remains in compliance with this rule.

3.1.2 Riparian Zones (N.J.A.C. 7:7-9.26)

The proposed modification is within the limits of the previously approved marine terminal and is not within a riparian zone. Therefore, the Project does not impact a riparian zone and remains in compliance with this rule.

3.1.3 Wetlands & Wetlands Buffers (N.J.A.C. 7:7-9.27 and 9.28)

A FWW IP and Transition Area Waiver were issued in 2017 and modified in 2018 (File No. 0807-16-0001.2 FWW160001, FWW160002) which authorized the temporary and permanent disturbance of freshwater wetlands and associated transition areas. A Coastal Wetland permit was also issued in 2017 for the permanent disturbance of coastal wetlands (modification in 2018 was not necessary). Permanent impacts were mitigated through the purchase of credits from an approved wetland mitigation bank. No new wetland or transition area impacts are caused by the proposed modification.
3.1.4 Endangered or Threatened Wildlife or Plant Species Habitats (N.J.A.C. 7:7-9.36)

Bald eagle nests are known to be present on and near the Site. A single osprey nest is also located on the Site. These locations are shown on Figure 1. The proposed modification is within the limits of the previously approved marine terminal and no construction will occur within 1,000 feet of an active bald eagle nest or osprey nest. In accordance with Condition 28 of current FHA/WFD permits, an avian protection plan has been prepared and is in use by the Facility. Also, in accordance with Condition 30, additional information regarding the proposed flare will be submitted to NJDEP prior to installation of the flare. Therefore, the Project remains in compliance with this rule.

3.1.5 Special Hazard Areas (N.J.A.C. 7:7-9.39)

The proposed revisions to the Facility consist primarily of reconfigurations of the permitted improvements to meet current, market-driven customer demands. Importantly, the overall operations connected to the Project will not change. The proposed storage operations at the Facility as revised will be subject to several regulatory programs that require development of plans and implementation of measures to protect public health, safety and the environment. These plans must be approved by NJDEP and must be consistent with the requirements of N.J.A.C. 7:7-9.39 to employ mitigating measures to protect the public health and safety.

DRP has developed and implemented these plans for the existing operations at the Facility and will expand those plans to incorporate the operations that are the subject of this application. To date, DRP has undertaken the following efforts to ensure the facility meets the applicable health and safety standards:

- DPR has implemented a Risk Management Program pursuant to a June 9, 2017 Consent Agreement executed between DRP and the NJDEP Bureau of Release Prevention (see Appendix B), as authorized by the Toxic Catastrophe Prevention Act (N.J.S.A. 13:1K-19) and implementing regulations (N.J.A.C. 7:31 et seq.). To obtain this approval for the currently operating cavern transloading operation, DRP submitted the following:
  - Process Hazard Analysis: identifies and assesses potential hazards that could be associated with operations involving the storage or transfer of certain hazardous substances;
  - Inherently Safer Technology Report: examines the design alternatives considered and employed by DRP to minimize or eliminate the potential for a release;
  - Safety Review of Design: provides the details for the safety features involved in the design, construction, and operation of covered processes; and

- DRP submitted a detailed description of the covered processes and a NJDEP Chemical Safety Engineer reviewed and approved those covered processes in two phases:
  - Pre-construction Safety Review: NJDEP Chemical Safety Engineer reviewed design and planning documents to ensure that the system is designed in accordance with applicable codes and standards; and
  - Pre-startup Safety Review: before the covered processes came online, NJDEP reviewed any changes to the documentation and performed a detailed on-site audit of all risk management
4. SUMMARY/CONCLUSION

Based on a review of applicable CZM Rules (N.J.A.C. 7:7) and FHA Rules (N.J.A.C. 7:13), the Project, with the modification described herein, continues to comply with applicable regulations.
procedures. This includes the management system, prevention program and emergency response program.

measures to protect public health, safety and the environment consistent with the regulatory programs outlined above will be designed and implemented and the existing plans will be revised to include the storage tanks as required. Accordingly, the requirements of N.J.A.C. 7:7-9.39 will be satisfied by existing regulatory obligations applicable to the proposed operations as revised.

3.1.6 Requirements for impervious cover and vegetative cover (N.J.A.C. 7:7-13)
The proposed modification is within the limits of the previously approved limit of disturbance, within an area where new gravel cover was planned. The proposed modification does not change the type of ground cover to be used. Therefore, there is no change to the impervious cover and the Project remains in compliance with this rule.

3.2 Review of Flood Hazard Rules
The FHA Rules were reviewed to demonstrate that the proposed modification continues to comply with applicable regulations. The following rules were identified as applicable; however, no changes to the initial Statement of Compliance, as described in the December 2016 Compliance Statement, were identified.

- Threatened or Endangered Species (N.J.A.C. 7:13-11.6)

Refer also to section 3.1.4.
SOURCES:
1. Approximate location of Monds Island bald eagle nest (nes) #1 based on location indicated by Kathy Clark, endangered and nongame species program, NJ Division of Fish and Wildlife, on figure provided December 2, 2016. Location of nest 3 is based on visual sighting and GPS coordinates.

LOCATION OF BALD EAGLE AND OSPREY NESTS

Aboveground Storage Tank Area
Gibbstown Logistics Center
200 North Repauno Ave
Gibbstown, New Jersey