

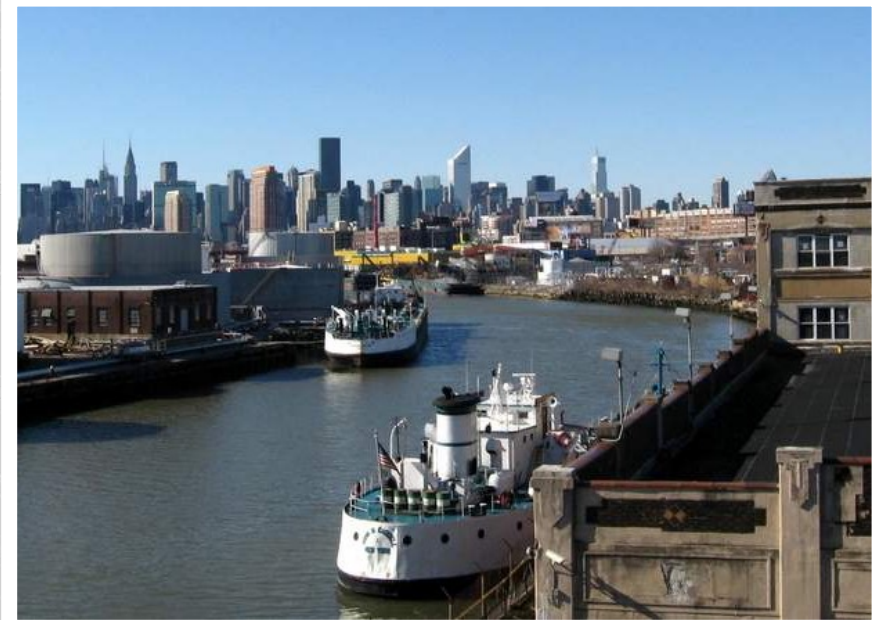
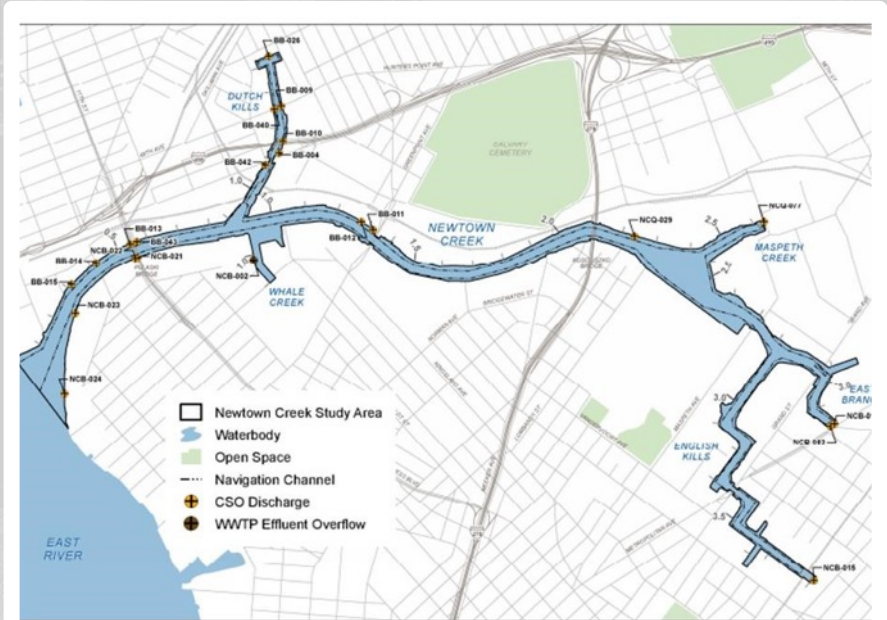
NEWTOWN CREEK COMMERCIAL NAVIGATION ANALYSIS

NEWTOWN CREEK
Community Advisory Group
July 15, 2020

Lisa Baron
Project Manager
U.S. Army Corps of Engineers



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U.S. ARMY CORPS OF ENGINEERS ROLE IN NEWTOWN CREEK



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- Newtown Creek is a Federally Authorized Navigation Channel
 - ✓ Authorized by the Rivers & Harbors Act of 1919 (P.L. 65-323) and the Rivers & Harbors Act of 26 August 1937, Public Law 392-75th Congress.
 - ✓ Divided into 13 reaches with authorized depths ranging from 23 feet at the confluence with East River to 12 feet in the English Kills
 - ✓ USACE is responsible for reporting the conditions of the navigation channel through surveys and Operation and Maintenance of the authorized channel depth
 - ✓ USACE has dredged the channel from 1922 to 1974 (followed by the last dredging by NYC in 2014).



U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM



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- Regulates activities in the Waters of the U.S. since 1890
 - ✓ Prior to 1960's primary purpose of regulatory program was to protect navigation.
 - ✓ New laws/court decisions resulted in expansion to consider the full public interest for both the protection and utilization of water resources including permitting activities in all surface waters such as all navigable waters and tributaries, all wetlands adjacent these waters and all impoundments of these waters.
- **Section 10** of Rivers and Harbors Act of 1899 prohibits the obstruction or alteration of navigable waters of the US without a permit. (such as construction of piers, wharves, bulkheads... or cannot lawfully excavate or fill in a manner to alter or modify the course, location, condition or capacity of any navigable water of the U.S.)
- **Section 14** of Rivers and Harbors Act of 1899 (Section 408) ensures that federal projects continue to provide their intended benefits to the public. Congress mandated that any use or alteration of a Civil Works project by another party is subject to the approval of the Corps. This Section prohibits anyone from taking an action that would impair the usefulness of any work built by the United States for the preservation and improvement of any of its navigable waters.



NAVIGATION ON NEWTOWN CREEK



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- Newtown Creek and its tributaries once constituted the busiest waterway of its size in the world and more than 50 industrial facilities with up to 75 business located along its banks.
- Most facilities are inactive; however, there are many commercial users throughout the creek that are water dependent.
- USEPA must consider the future navigational use of the creek while evaluating alternatives during the Remedial Investigation/Feasibility Study (RI/FS).
- USACE was contracted by USEPA through the International, Interagency and Environmental Services Program to conduct a Commercial Navigation Analysis in support of the RI/FS.



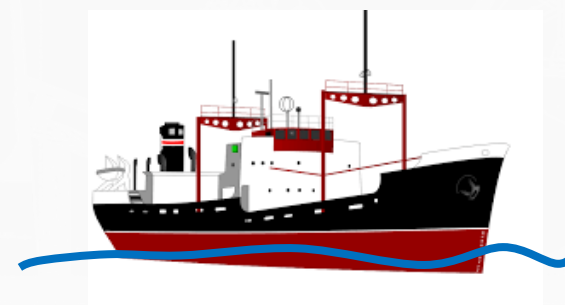


PURPOSE OF COMMERCIAL NAVIGATION ANALYSIS



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- Inform the Superfund investigation and support the remedial alternative development process.
- Outlines commercial users' past, current and future reasonably anticipated use of Newtown Creek's Authorized Channel
- Provide information that would influence the depth of a future dredging and capping remedial action.
- Identifies potential opportunities for deauthorization and/or modification to the authorization of the federal channel through future legislation.



**Authorized Federal Navigation
Channel Depth**

Creek Bottom



ACTIVITIES COMPLETED FOR COMMERCIAL NAVIGATION ANALYSIS



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1. Review of Construction and Maintenance Dredging History
2. Review Operational Information (inventory, commodities, vessels, trips/drafts)
3. Conduct Berth By Berth Analysis
 - Zenith Energy
 - Sims Metal
 - Allocco Recycling
 - United Metro Energy
 - Kinder Morgan
 - Empire Metal Trading
 - TNT Scrap
 - Bayside Fuel
 - NYCDEP Treatment Plant (and NYC) Pending
4. Determine Reasonably Anticipated Future Use and Recommendations

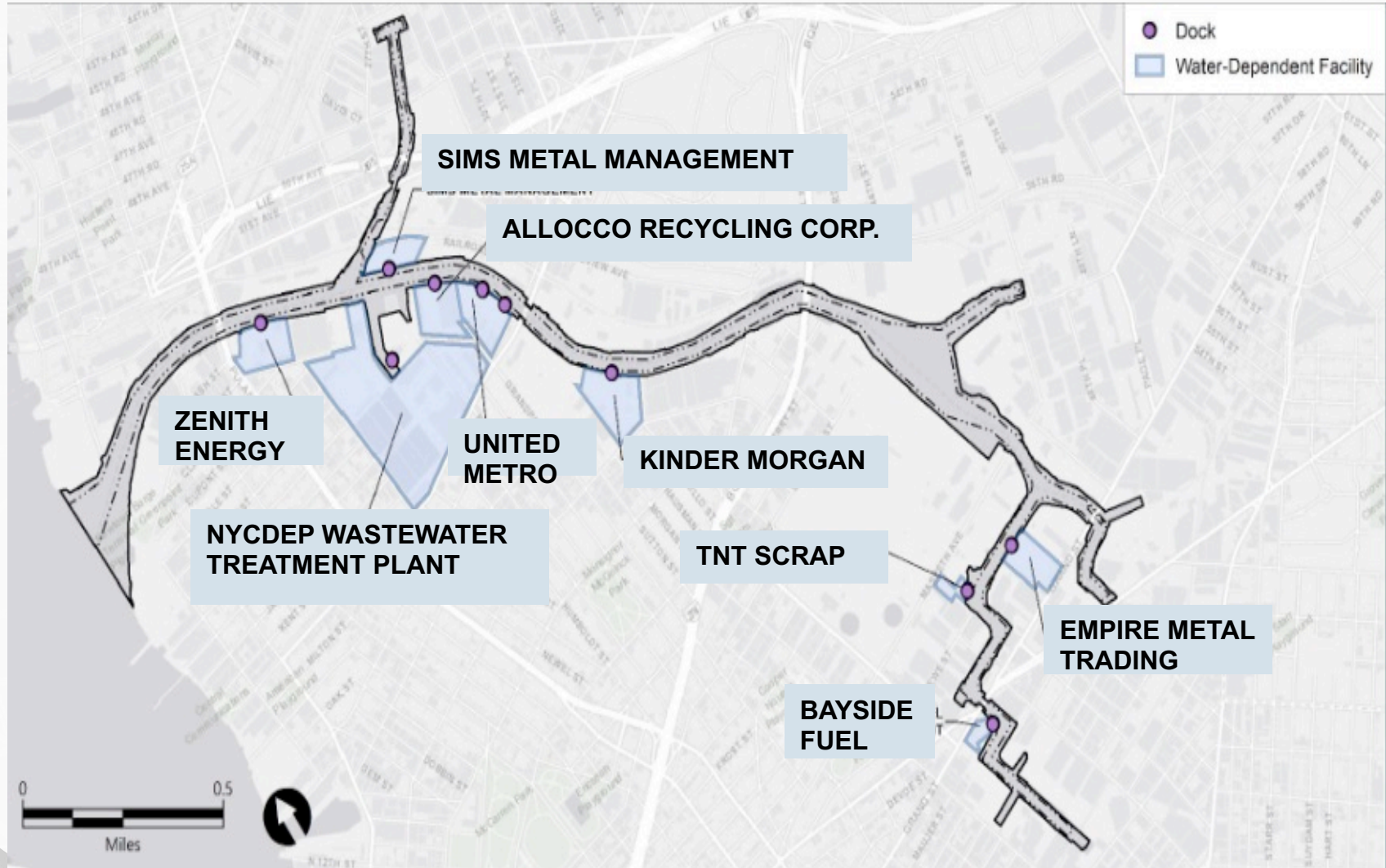




NEWTOWN CREEK ACTIVE COMMERCIAL USERS



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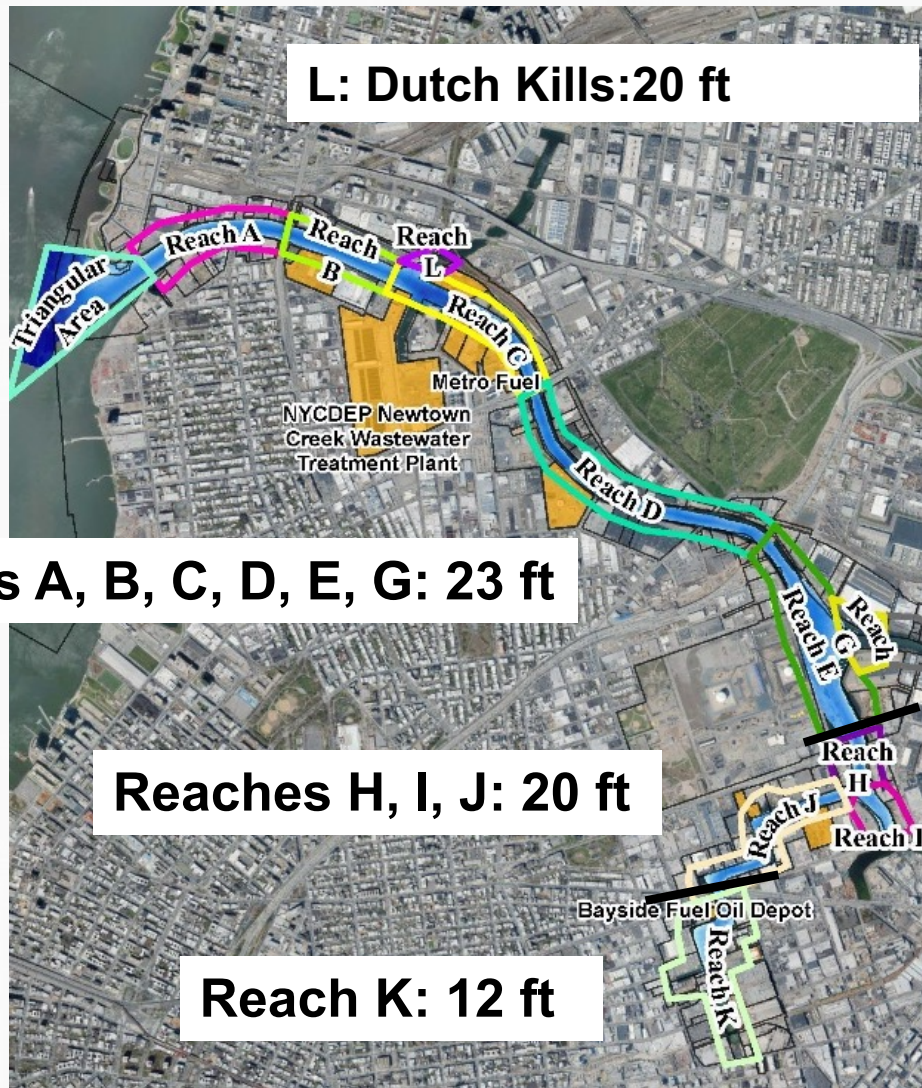




FEDERAL NAVIGATION CHANNEL REACHES AND AUTHORIZED DEPTH



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L: Dutch Kills: 20 ft

Reaches A, B, C, D, E, G: 23 ft

Reaches H, I, J: 20 ft

Reach K: 12 ft

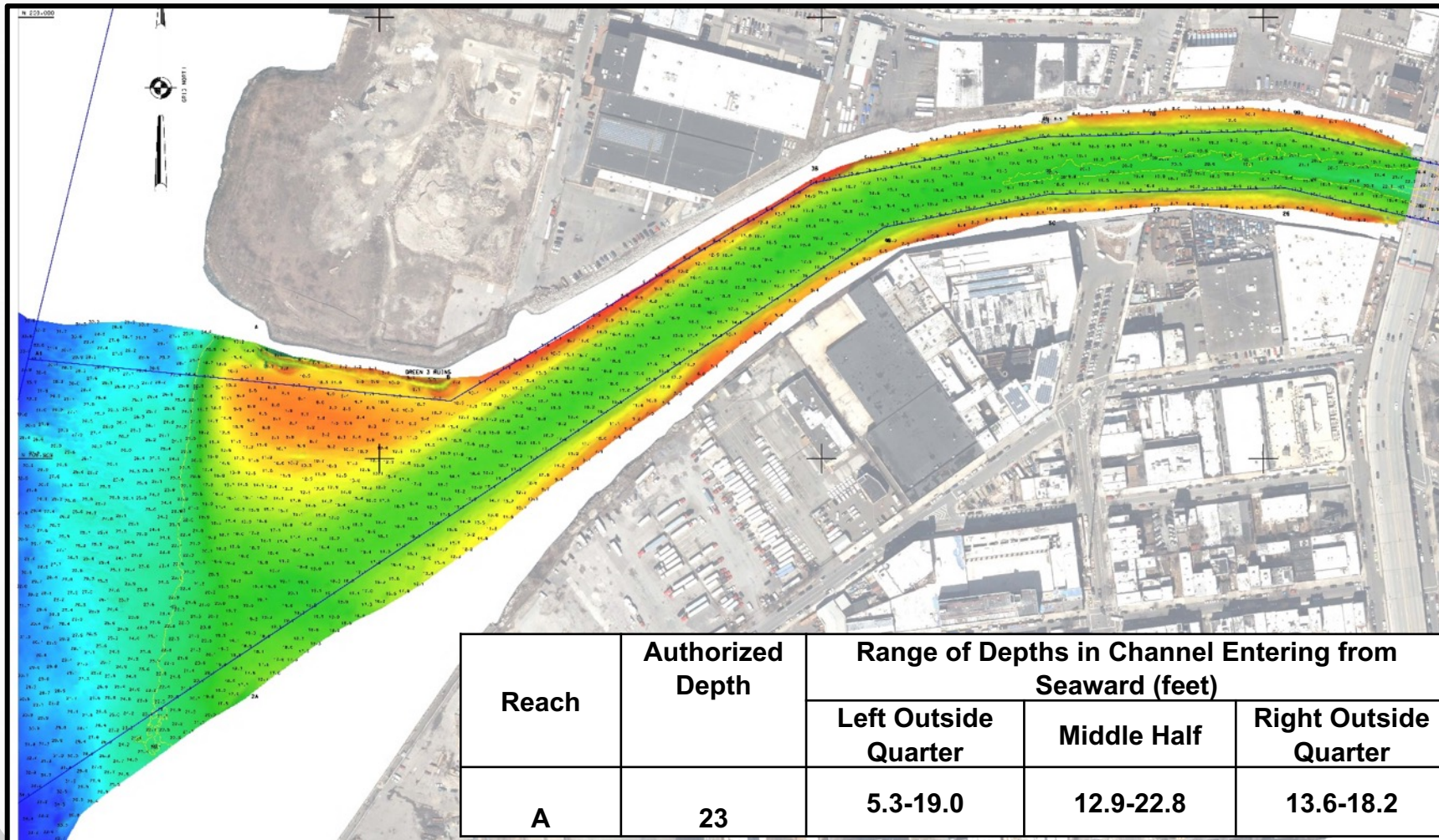


CURRENT BATHYMETRY (MAY 2019)

REACH A



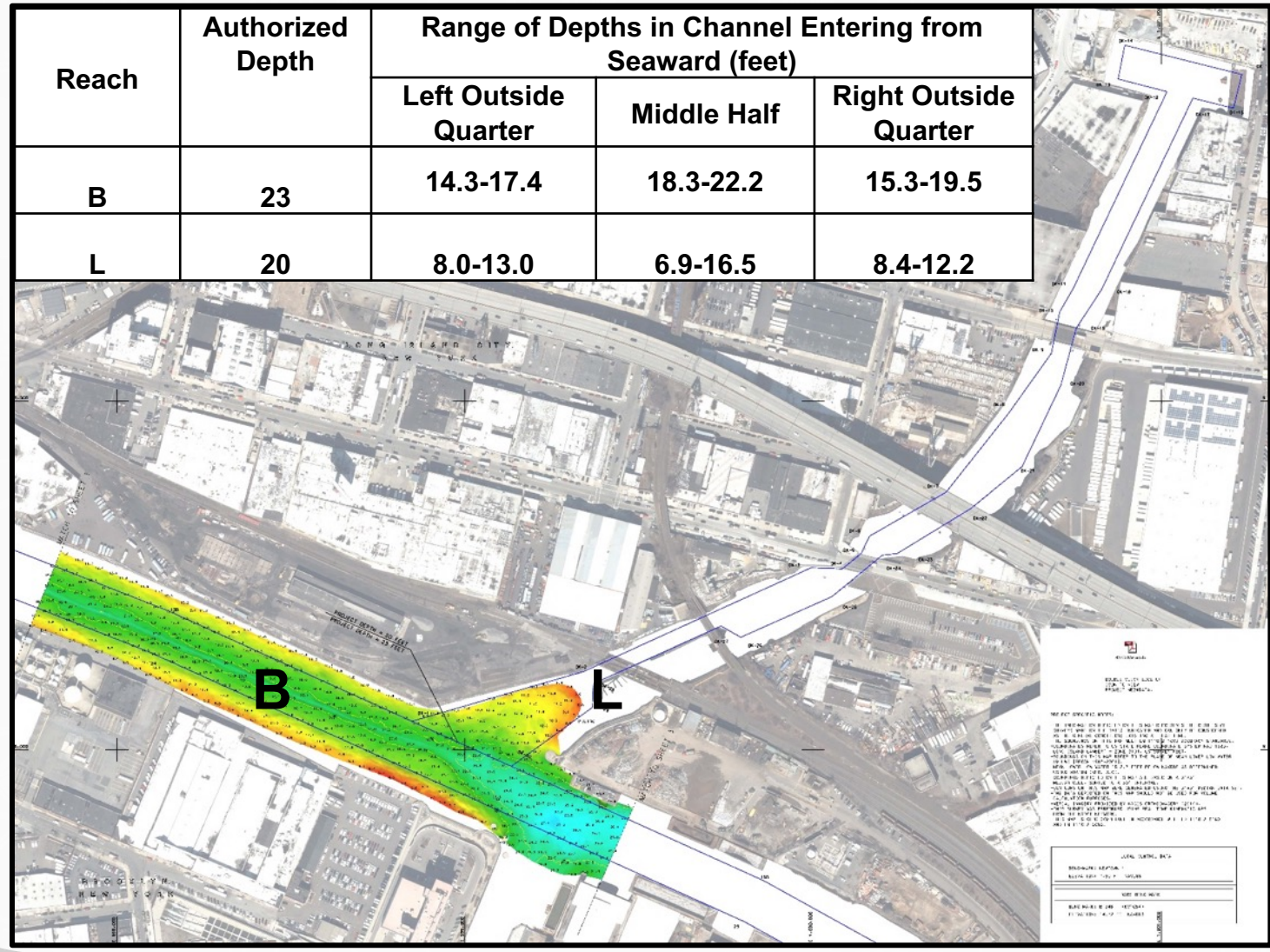
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CURRENT BATHYMETRY (MAY 2019)

REACHES B & L

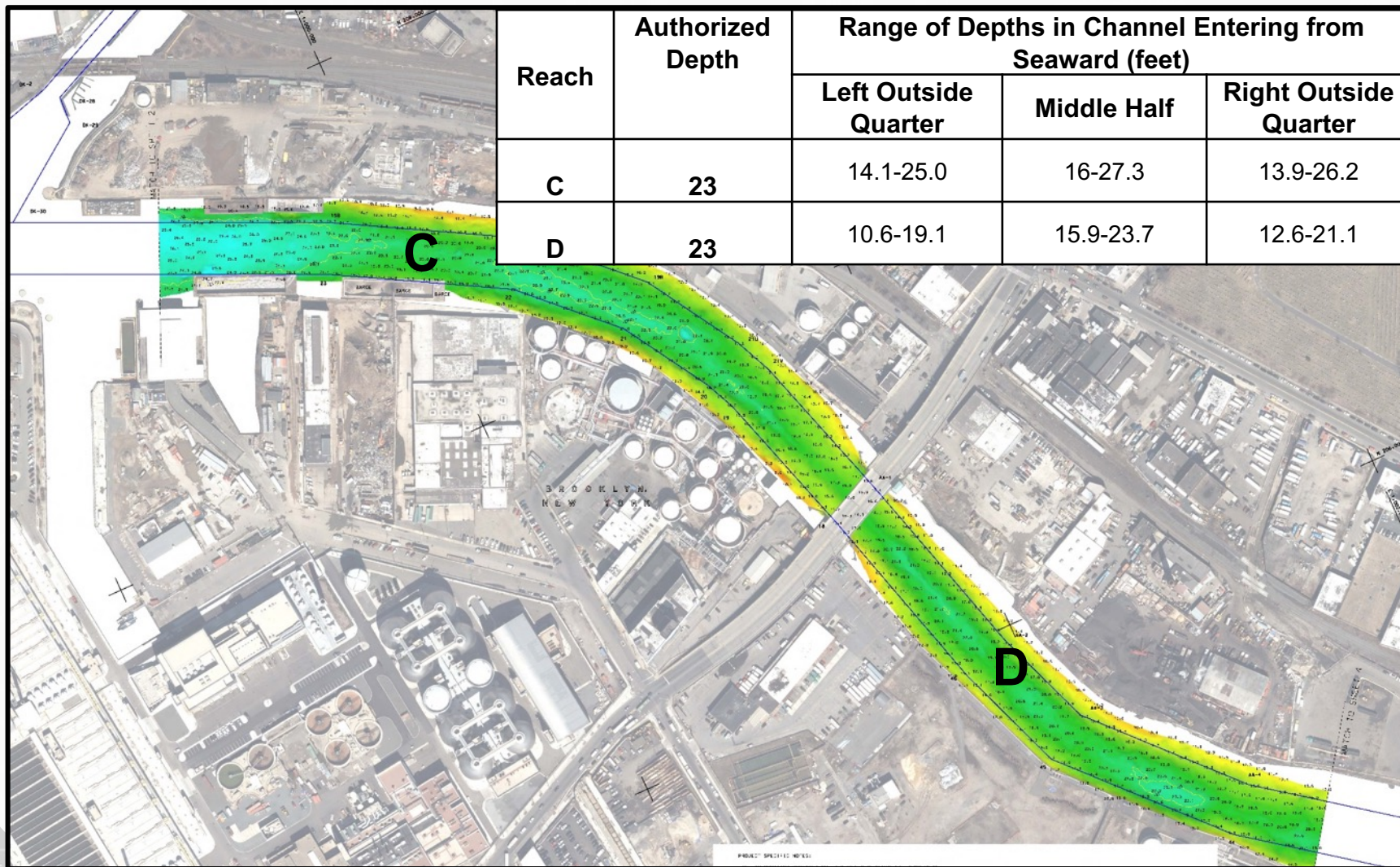




CURRENT BATHYMETRY (MAY 2019) REACHES C & D



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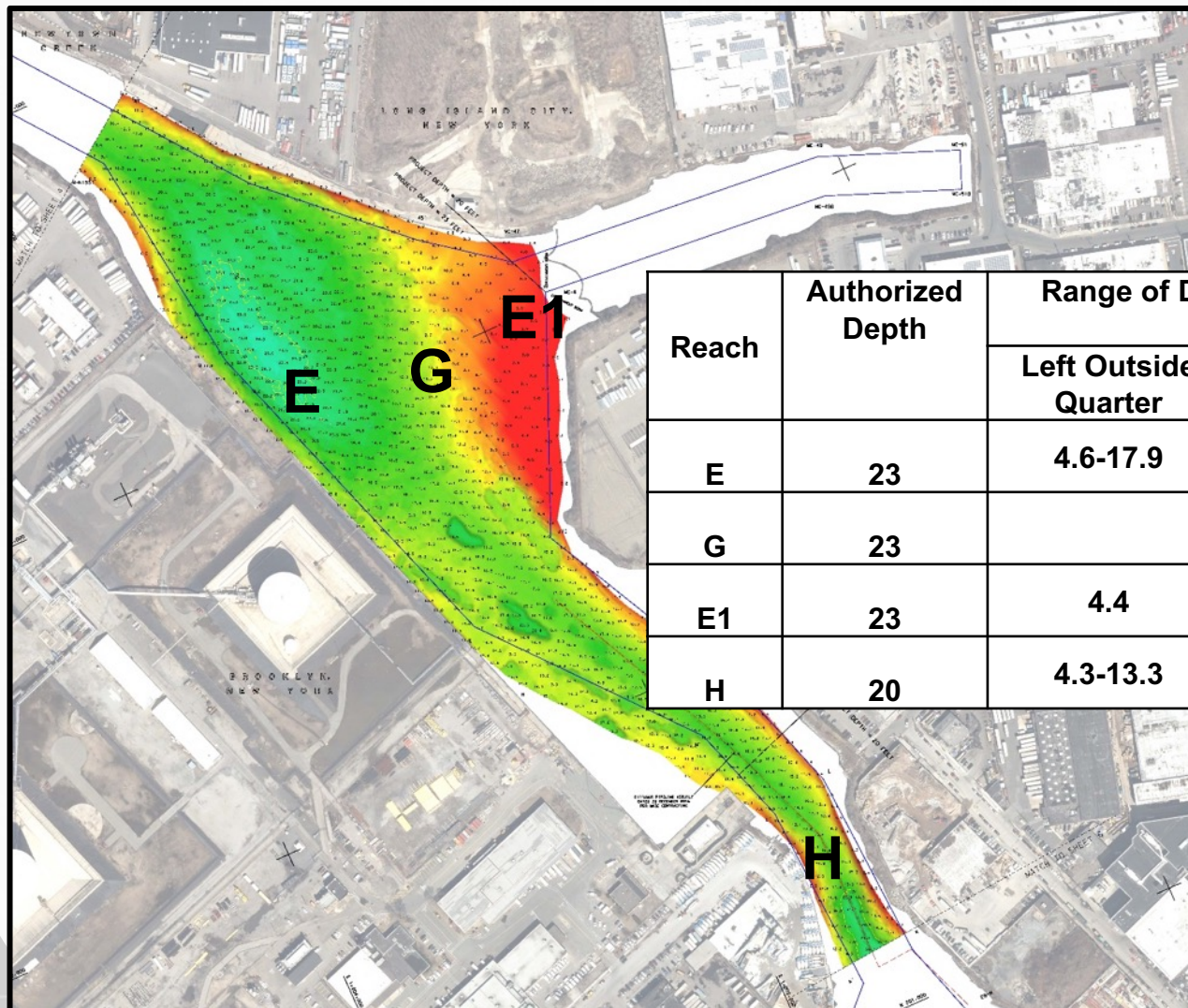


CURRENT BATHYMETRY (MAY 2019)

REACHES E, G, E1 & H



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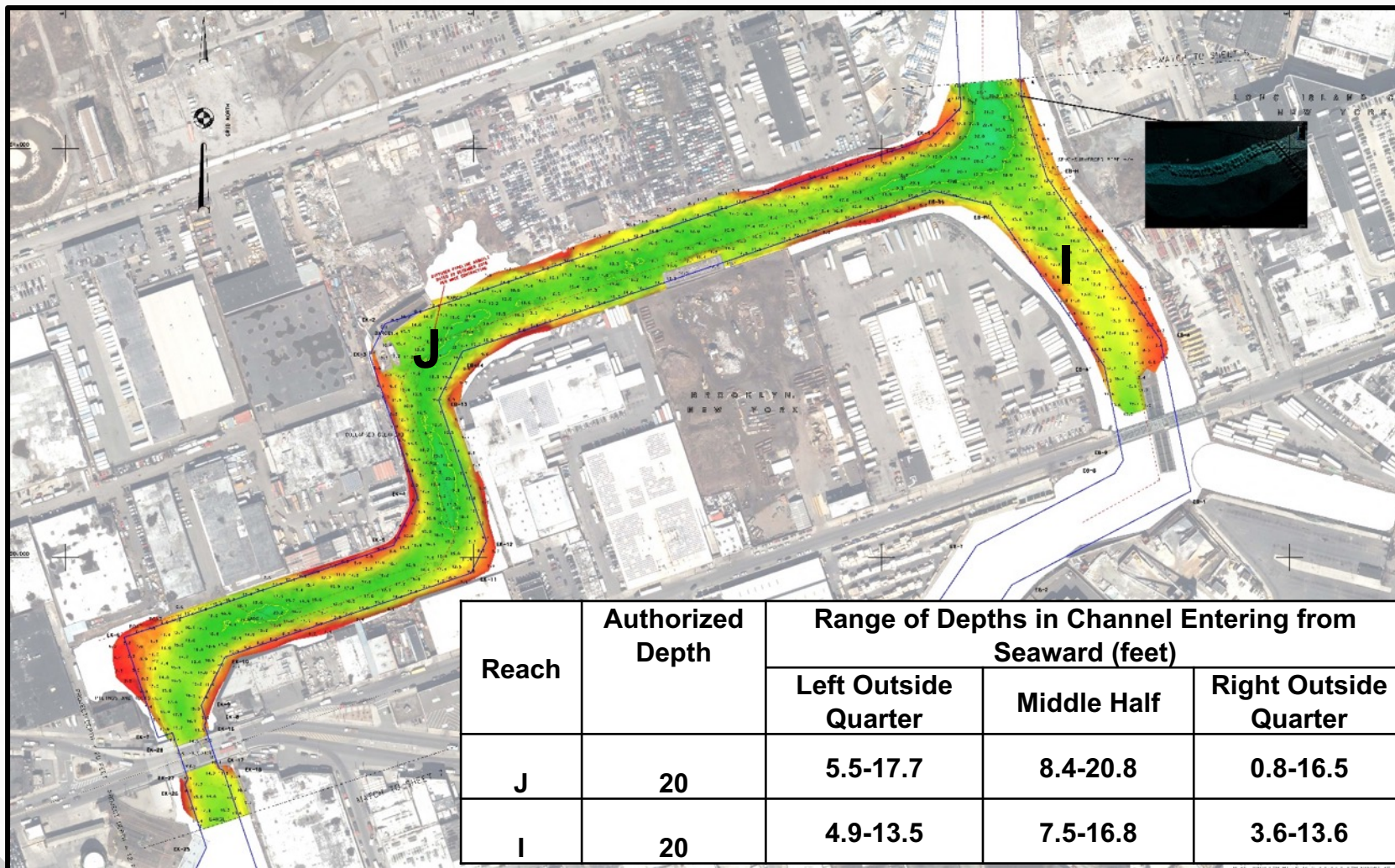
| Reach | Authorized Depth | Range of Depths in Channel Entering from Seaward (feet) | | |
|-------|------------------|---|-------------|-----------------------|
| | | Left Outside Quarter | Middle Half | Right Outside Quarter |
| E | 23 | 4.6-17.9 | 12.3-23.8 | 11.4-20.9 |
| G | 23 | 2.0-15.1 | | |
| E1 | 23 | 4.4 | 4.7 | 2.4 |
| H | 20 | 4.3-13.3 | 14.0-22.4 | 3.8-14.9 |



CURRENT BATHYMETRY (MAY 2019) REACHES J & I



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CURRENT BATHYMETRY (MAY 2019)

REACH K



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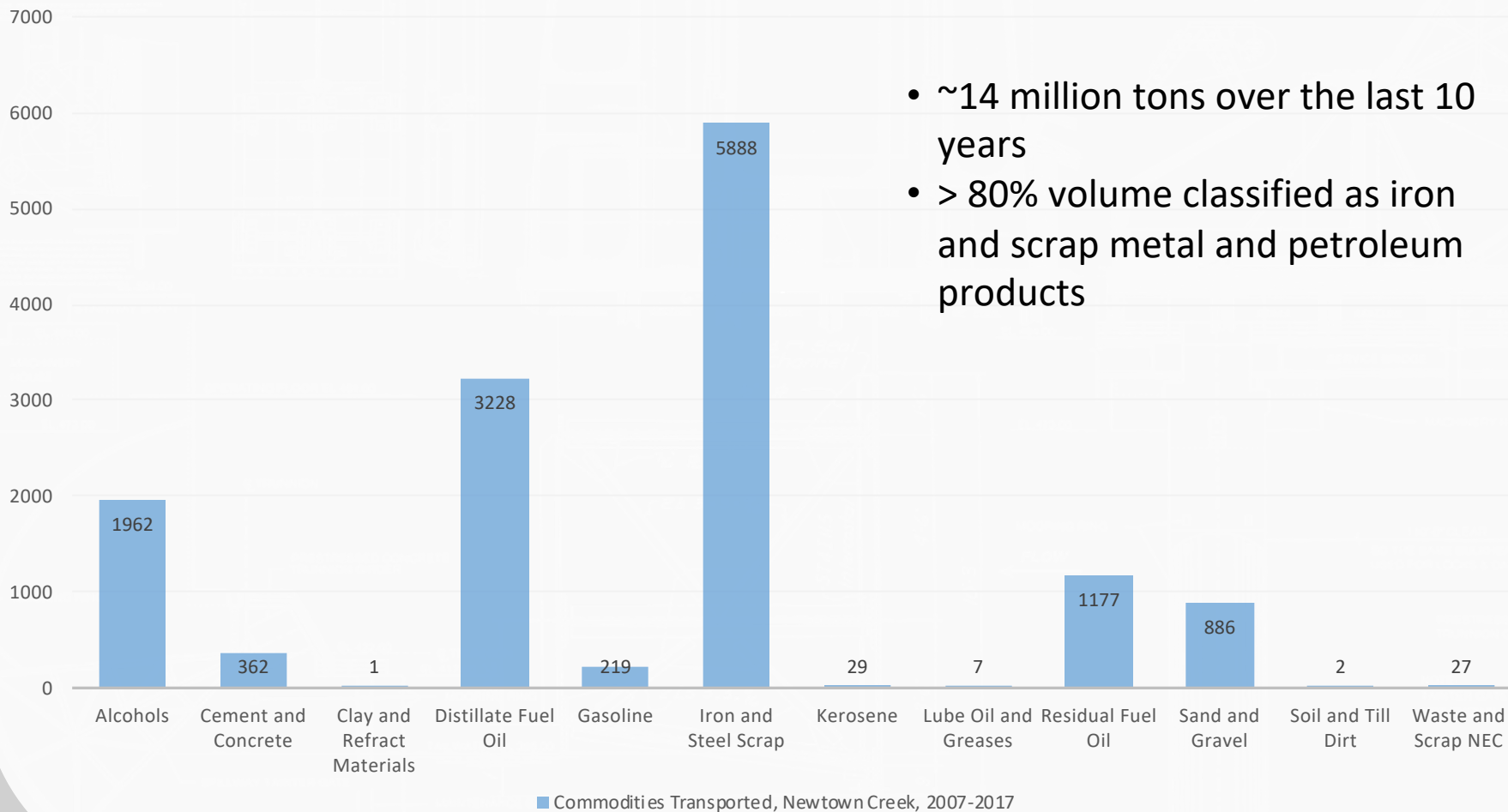
| Reach | Authorized Depth | Range of Depths in Channel Entering from Seaward (feet) | | |
|-------|------------------|---|-------------|-----------------------|
| | | Left Outside Quarter | Middle Half | Right Outside Quarter |
| K | 12 | 5.2-14.8 | 3.5-16.3 | 2.2-16.1 |



COMMODITIES TRANSPORTED NEWTOWN CREEK (2007-2017) (IN THOUSAND TONS)



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- ~14 million tons over the last 10 years
- > 80% volume classified as iron and scrap metal and petroleum products

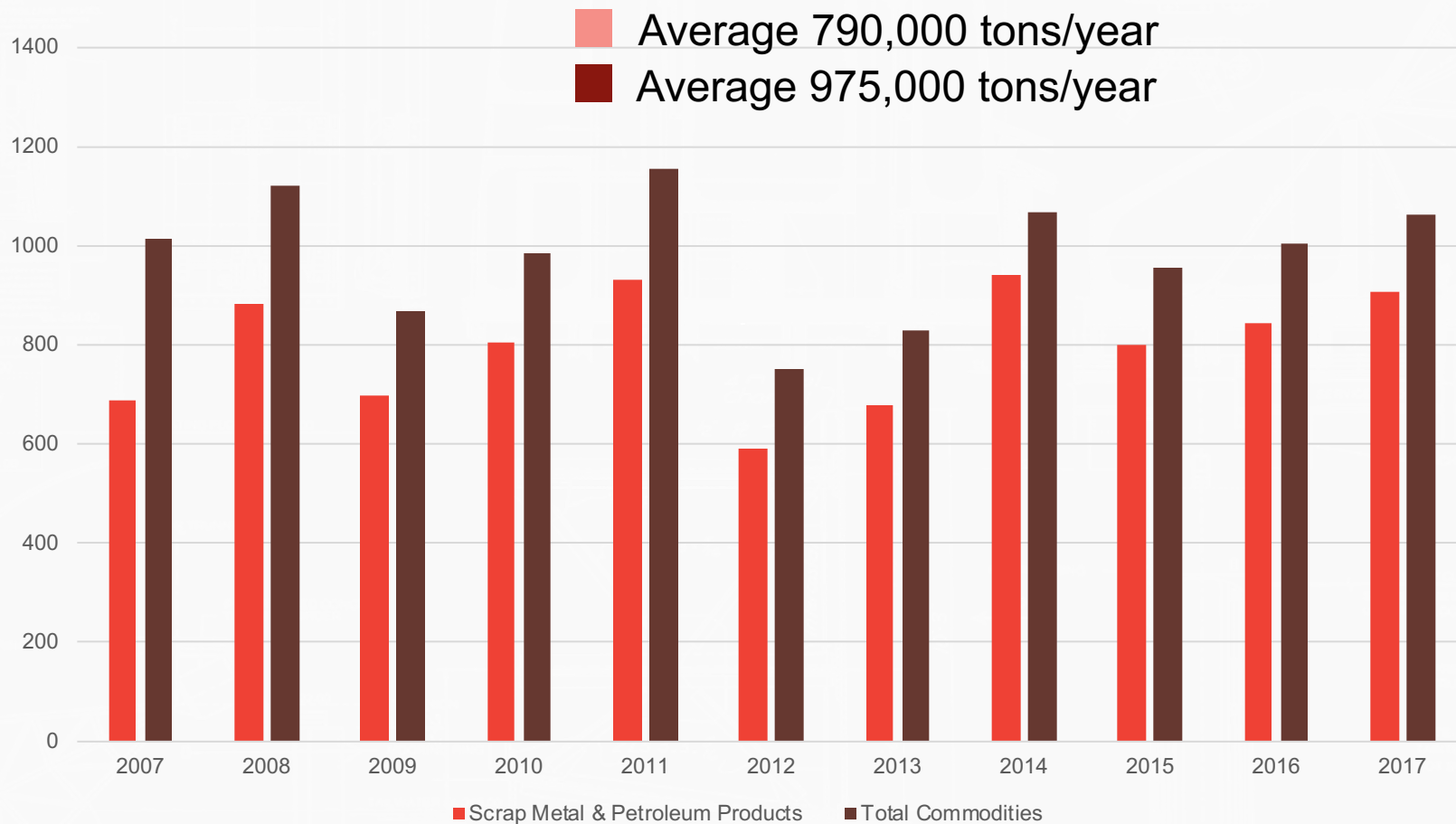
■ Commodities Transported, Newtown Creek, 2007-2017



SCRAP METAL & PETROLEUM PRODUCTS AS SEGMENT OF ALL COMMODITIES (2007-2017) (IN THOUSAND TONS)



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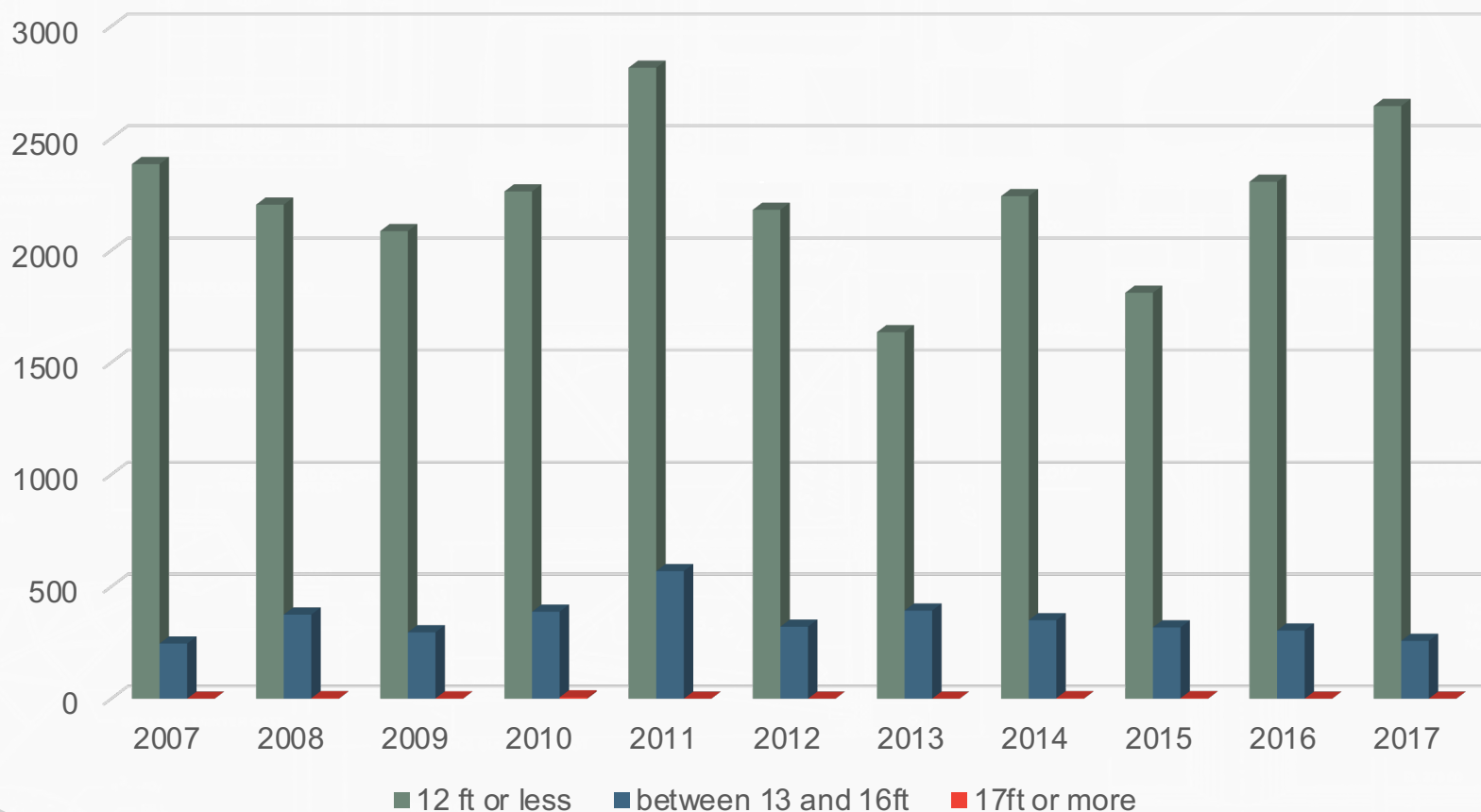


TOTAL TRIPS BY YEAR AND BARGE DRAFT SIZE



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■ ~86% commerce < 12 ft loaded draft
■ ~14% commerce > 12 ft up to 22 ft draft





BERTH BY BERTH ANALYSIS INTERVIEWS



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1. How are you currently using the Newtown Creek navigation channel? Obtain current vessel types, drafts, size.
2. Are there any physical constraints that limit how you are operating?
3. What are your future operation plans in regards to transportation in the channel?
4. How would you operate if the channel was shallower with no maintenance?
 - Would traffic be affected?
 - Is ground transportation an option?
5. How would you operate if conditions stayed the same as they are now with current bathymetry and no maintenance?
6. How would you operate if the channel were deeper?
7. Are there facility/infrastructure changes, operational modifications or other investments you would need to make in order to operate in a deeper channel? If so, how likely is it that you will be able to make these investments in the short-term (2 to 5 years)? In the longer term (greater than 5 years)?
8. What concerns do you have regarding future modifications to the authorized channel resulting from a potential remedial action? (Note: Information about the potential remedial action was not provided to any user by the USACE and if asked would state information would be provided by USEPA in the future).



NAVIGATION ANALYSIS NEXT STEPS



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- Input from New York City (as a User)
- Provide Recommendation of Future Authorized Channel Depths; Potential Areas of Deauthorization and Modification of Authorized Depths
- Finalize DRAFT Report
- Host commercial users meeting to discuss results in draft report and determine next steps



FUTURE ECOSYSTEM RESTORATION OF HUDSON RARITAN ESTUARY



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- Chief's Report approved May 26, 2020
- Recommended 20 Individual Restoration Projects and **Future Spin-Off Feasibility Studies**
- Included in WRDA 2020- House of Representatives released July 13, 2020

(5) ECOSYSTEM RESTORATION.—

| | | | |
|-----------|--|--------------|--|
| 9. NY, NJ | Hudson-Raritan Estuary Ecosystem Restoration | May 26, 2020 | Federal: \$265,320,000 Non-Federal: \$142,864,000 Total: \$408,184,000 |
|-----------|--|--------------|--|



RESTORATION OF NEWTOWN CREEK



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After Remediation.... Could use HRE Authorization with a non-federal sponsor for a future study in coordination with Trustee Restoration...





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QUESTIONS?



THANK YOU!