



Policy Committee Meeting Minutes
New York-New Jersey Harbor Estuary Program
June 19, 2001
Meeting Location: 26 Federal Plaza
(draft June 21, 2001)

Bill Muszynski convened the meeting at 10:20 am.

Mr. Muszynski then sought approval of the minutes from the November 2, 2000 Policy Committee meeting. Bernie Blum asked that his comments in the minutes be modified to reflect that his concern with mosquito control is tied to wetland restoration. The minutes were approved with that modification.

Mr. Muszynski commented that he learned a lot at the June 14th conference. He was impressed with the turnout and the level of expertise and discussion that took place. He said that HEP needs to look at the total budget and that we need to capture the totality of the efforts, similar to the Delaware Estuary Program's three-year plan. Visibility of the program is important and HEP should work to increase it among all the other competing issues in the metropolitan area.. Mr. Muszynski continued that, after hearing the Chesapeake Bay presentation by Bill Matusetski, it will be important for HEP to set goals that the public can relate to. Chuck Warren added that we need to focus more on obtaining funding and setting concrete goals.

Tom Wakeman provided a handout summarizing some of the outcomes from the June 14th conference. He suggested that we consider adopting the "World Class Estuary" campaign slogan that Joe Seebode had presented. He continued that we have begun to develop a roadmap for a political strategy to get the resources in place. Mr. Wakeman added that Mr. Muszynski captured the intent of the conference, indicating that the CCMP is our manifesto.

Gene Flatow said that we should follow the Chesapeakes suggestion and tie goals to a date, anniversary, or event, such as Henry Hudson sailing up the river in 2009. She said we should develop some good fundable projects. Dennis Suszkowski added that the major accomplishments of the program are done by many people.

Kevin Bricke said that now that HEP had gotten all the feedback and suggestions from the CAC/STAC Successes and Challenges document, public meetings, and the conference, we needed to respond as a management Conference as to what we are going to do in the future. Chuck Warren said we need to elevate some concrete recommendations. Mr. Bricke suggested that we utilize the MC Work Group to develop

a response. Commissioner Shinn suggested that there also needed to be a critical path developed to achieve the goals. Tom Creamer said we should follow the lead of other successful plans and develop a 1, 2 and 8 year plan. He also added that HEP should settle on a feedback/report card system. Mr. Creamer continued that our challenge is to make the Harbor on par with Rotterdam. He also said he was impressed with how much is known about the harbor. Sam Tossi was at the conference and was the one who figured out the political mechanism for including oyster restoration as part of the Corps mission.

Mr. Shinn said we need a coordinated effort on dredging with an upland disposal focus. He said it is very frustrating not to be able to make the capacity available to keep appropriate dredging projects moving. He said NJ has new potential placement sites, but we need to work fast.

Chuck Warren said we need to identify what funding is necessary and where it could come from. The Hudson River, Chesapeake and Long Island Sound have substantial monies by planning out what is needed and then allowing the non-government entities to work with the legislators to put the funds in place.

Mr. Shinn said he would like to see Harbor Estuary signs used to raise the visibility of the Estuary and HEP. Issues such as color of the sign may be restricted, but we can work with the DOTs. He said that, in NJ, they could be coupled with the watershed signs that are being put up. N.G. Kaul said that it would be difficult to get NYC to agree to put them up. There is an art commission that must approve all outdoor signs, etc. Ms. Flatow said that in NYC, it would also be important to identify the local waterbody (East River, Bronx River, etc) as that is what the locals identify with. The signs should also help show people how to get to the estuary.

The Policy Committee adopted the year 2009 as the year to tie some of its goals to. HEP would also use “World Class Estuary” as a slogan, as appropriate. The PC said we should also consider holding an annual event.

Tom Creamer said that the Management Committee should be doing needs assessments and the Program Office should be working with non-government entities to secure resources. He also added that every Harbor sign that goes up is a potential photo-op for the local politicians.

Mr. Muszynski said we should develop two budgets, an unconstrained budget and another one for what we actually have. He suggested we should also consider how to get some items funded with Supplemental Environmental Projects (SEPs).

The next Policy Committee meeting is set as October 30th. The Management Committee was charged with developing draft goals by that meeting. The MC will provide the PC with a one page status report by August 1.

Bob Nyman gave an overview of the Management Committee recommended budget and the alternate budget that NYSDEC supported. The alternate budget contained \$105,000

for personal and non-personal services for DEC staff to participate in HEP meetings. He said the program had gone through a process to develop the budget, but that the Policy Committee now needed to make a decision as to what it wanted to do. Mr. Bricke added that the MC had nearly unanimously approved the recommended budget, with EPA abstaining and NYSDEC voting for the alternate budget.

N.G. Kaul said that after the conference last week where he read a letter from the Governor expressing support for the HEP Program, it would be disingenuous to cause a rift in the program over the budget disagreement. He said that the amount of funds in question (\$105,000) was not key, as that makes up a tiny portion of the Department of Waters budget. However, he said that every other estuary program that DEC participated in received some federal funding and that it was pathetic that the federal government could not provide more than the approximately \$300,000 it now gets. Mr. Kaul then said that DEC would not request the funds, but that they had suggestions as to how to reallocate the budget. Bob Nyman said that the final amount that HEP was to receive was reduced by \$10,000 so that the total amount available was \$329,274. Mr. Nyman said that the NY Sea Grant allocation could be reduced by that \$10,000 because the grant from last year had carryover. The \$50k for the bi-state fish advisory was not needed until next year, so that was removed from the budget. The \$79k for the SWEM modifications was fully funded. After the reallocations, there was a deficit of approximately \$8k that Mr. Muszynski said he would find a way to cover with other funds. The final approved budget is attached.

Karen Chytalo gave Powerpoint presentation on a study NYSDEC conducted on the loss of wetland islands in Jamaica Bay. Rates of loss have increased dramatically in the past 20 years and it is projected that most of the island wetlands will be gone by 2024. DEC is developing a strategy to address it, including possible pilot projects to demonstrate restoration. John Tanacredi of NPS gave an overview of the outcomes from a recent Blue Ribbon Panel that was convened to discuss the Jamaica Bay wetland loss issue. He said that many of the losses are near disturbed areas and that lateral erosion is occurring along island edges. There is also interior ponding and submergence that is not consistent with a healthy wetland system. The report from the Blue Ribbon Panel will be out in July and recommendations will be made in September. Tom Creamer said that there has been years of study on habitat restoration in the area, yet no dirt has been moved. Mr. Creamer asked what could be done now. Dr. Tanacredi responded that it is a very complex system, that there is no "smoking gun," and that they wanted to make sure good science was used. Mr. Creamer said he was concerned that the agencies need to act on the issue and that a synergy with dredged material placement should be utilized. Chuck Warren added that restoration funds are available now. Marc Matsil added that we shouldn't overstudy the issue and that we need to act because we are losing the battle. Mr. Blum added that an old bulkhead in Dubos Point was offering some protection and that restoration in that area could also take into account the mosquito issue in blocked creeks. Mr. Muszynski suggested that one of HEPs goals could be to reverse the loss of Jamaica Bay wetlands by 2009.

Lenny Houston from the Corps gave a presentation on the Hudson-Raritan Estuary restoration project. The study area for the project is the Port District, but that it could be

expanded. He said one of the roadblocks is that neither state has a habitat restoration program on par with their flood control programs. Mr. Houston said that he wants HEP as part of the decision making process. He said the Habitat Work Group has worked well in providing technical support and that for policy decisions, he will look to the Management and Policy Committee.

Jim Tripp provided a handout (attached) on the activities of the Dredged Materials Management Integration Work Group. On the issue of trying to find a mine disposal site in Pennsylvania closer to the Port, Mr. Shinn said that there seems to be a political rebellion against accepting NY/NJ "waste," including dredged material. He added that the port should focus on upland disposal sites and on ensuring that scheduling of projects can support the companies that are set up to handle the material. Mr. Creamer added that material from upland disposal sites was being utilized to complete the Bar Camp demonstration project.

Mr. Creamer said the General Rhodes, Mr. Muszynski and others met last week to review progress on the HARS criterial issue. He said that the group would reconvene no later than the last week of August. He said that a proposal for the peer reviewers on the human health portion will be sent out in early August. The ecological portion still needs to be worked on. They also need to make a decision on the probabilistic versus deterministic approach. A letter will be out within 10 days inviting the stakeholders to the meeting. White papers will also be produced. The new PCB number will not be changed. Everyone will get to meet with the peer group and they will shoot for consensus.

Howard Golub of IEC gave an overview of the recent Beach Criteria Conference held on Staten Island.

Marc Matsils Powerpoint habitat presentation was be put off until next time because of problems with the computer. He said that he was still short \$2,800 for printing the Status Report. Mr. Blum said that it didn't include lot cleaning and he submitted a letter with his concerns.

The meeting was then adjourned.

Approved HEP Budget

#	Priority Issue or Action	Amount
2	NEP Habitat Conference	\$15,000
4	SWEM Simulations and Modifications	\$79,000
19	Toxicity Identification Evaluations (TIEs) workshop	\$15,000
20	HEP Mini-Grant Program	\$25,000
22	Contractor support for website maintenance	\$16,000
23	Technical Support Position (Salary, Fringe, Overhead)	\$55,000
24	Outreach Coordinator Position (Salary, fringe, overhead)	\$45,000
25	Outreach materials (including overhead	\$27,500
26	Web Content and Education Position	\$50,000
27	Travel	\$10,000
	Total Allocated	\$337,500
	Total Available from Section 320	\$329,274
	Remainder to be funded by other EPA sources	\$8,226
	Match Required for Section 320	\$329,274

**REPORT ON DMMIWG ACTIVITIES TO THE
HARBOR ESTUARY PROGRAM POLICY COMMITTEE**

James T. B. Tripp, Co-Chair

June 19, 2001

The DMMIWG continues to meet once a month. While its central focus relates to all aspects of dredging relating to maintenance and expansion of navigation channels in the Harbor, including treatment of dredged material, disposal and end use options, mitigation and sediment contaminant reduction, the DMMIWG has also had presentations and discussions concerning habitat protection and restoration and on-land transportation. In other words, the DMMIWG has been exploring the major navigation, transportation and environmental restoration investment policy choices that constitute the five-to-ten year, \$5 to \$6 billion capital program for the Port-Estuary. Some of us envision various linkages among these various investments as part of a comprehensive program. Here we highlight some of the major issues that currently confront us.

HARS Criteria. One of the scientifically complex and politically contentious challenges that we have all faced since the mid-1990's is establishing credible criteria that govern the placement of dredged material at the HARS. Such criteria should satisfy the EPA ocean dumping regulatory requirements. They should also, ideally, lead to gradual capping of contaminated sediments and improvement in the quality of the sediments at the HARS. Last fall, EPA and the Corps agreed to adopt an interim PCB matrix number of 113 ppb, considerably lower than the earlier number, and to convene a Remedial Material Work Group (RMWG). The RMWG has met at least three times, including a three-day technical meeting the end of January. It has been evident that EPA and the Corps have significant technical differences. This is almost inevitable given the nature of the science, the amount of judgment involved, the different approaches to methodology and the practical consequences of new HARS criteria for the cost of dredging and the fate of the HARS. As tough a task as EPA and the Corps face, their responsibility is to work through these tough issues and their differences in a timely manner and to present the RMWG and the scientific peer review panel with a proposal and options.

We are aware of the fact that U.S. Gypsum has instituted a lawsuit against the EPA and the Corps over the adoption of the interim PCB number that has resulted in a decision to deny U.S.Gypsum a permit to dispose of its dredged material at the HARS. We would hope that the States of New York and New Jersey, the Port Authority and others could assist this company in finding an ultimate site for disposal and financing the incremental cost with the hope that the lawsuit could be resolved.

Pennsylvania mineland reclamation demonstration project. We have heard many presentations on upland disposal options, including beneficial reuse options and decontamination technologies. Since many of these involve private capital, we have discussed whether the Corps, the Port Authority and other agencies could find ways of assuring some level of throughput. While many of these option have limited capacity, the reclamation of Pennsylvania abandoned strip-mined lands could absorb potentially tens of millions, and perhaps hundreds of millions, of cubic yards of dredged material. Thus, it would appear that expeditious completion of the demonstration project should be a priority. We have still to be 125,000 to 150,000 cubic yards short of the amount necessary to complete the demonstration project. Once the demonstration project is

completed, Pennsylvania DEP may approve reclamation of minelands in eastern Pennsylvania, a location that would significantly reduce transportation costs. On the New York side of the Hudson, EDC has been moving ahead with the Penn & Fountain landfill closure demonstration project. We support this project and urge its expeditious completion with careful scientific monitoring.

Passaic River reclamation. The CARP, as Dennis Suszkowski will report, with the two States has been engaged in a comprehensive and rigorous sediment contaminant sampling and source identification or trackdown effort. Ultimately significant public and private funds may have to be invested to reduce current sources of heavy metal and organic contamination. However, it is reasonable to assume that a significant source of contaminants is the historic legacy of sediment contamination, particularly in Harbor tributaries, that occurred before the era of modern environmental regulation.

A prime example of this is the Lower Passaic River, a six-mile stretch of which has been a designated Superfund site for almost 20 years. Devising a physical remediation solution that makes engineering and environmental sense is a huge task. We support efforts by the EPA, the Corps, NJ Maritime Resources or others to find common approaches to studying and resolving this problem. At the same time, we would urge them, while feasibility studies continue, to consider instituting demonstration projects that would allow private sector firms to test out different dredging, decontamination treatment and processing and disposal techniques that would provide real world information about engineering choices and cost.

Channel expansion mitigation. Environmental organizations are very skeptical about the mitigation methodology that the Corps of Engineers has been using in assessing the impacts of channel expansion projects. This includes the proposed expansion of the Arthur Kill to 41/40 feet. We intend to set up a work group to investigate the full range of impacts of enlargement of channels and navigational operations, including erosion caused by wave wash.

Habitat protection and restoration. From an environmental point of view, the Hudson-Raritan Estuary has suffered both from continuing deepening of navigation channels that has dramatically altered the Estuary's bathymetric contours and from filling of coastal and tributary riverine wetland and shallow water habitat. If we are going to continue to countenance the expansion of navigation channels, we must become that much more aggressive in protecting all wetland habitat that benefits the biological resources of the Estuary and restoring degraded habitat. As the Habitat Work Group has pointed out, the three major ecosystems of concern are Jamaica Bay, the Arthur Kill and the Hackensack Meadowlands. The protection of these wetland resources will take regulatory vigilance and acquisition funding. We need the support of all of the HEP Policy Committee agencies, as well as the Port Authority, to find these resources. At the same time, we should look at opportunities to accelerate the restoration program so that at least one major restoration project can proceed concurrently with the first 50 foot navigation project.

Freight rail. As the amount of cargo throughput expands in our Port, we must make sure that these goods move in a manner that assures attainment of air quality and improved mobility in a heavily congested, densely populated region. EDC, the Port Authority and NJ Maritime Resources/NJDOT have all, to their credit, been looking at ways of taking advantage of the region's existing, but underutilized, freight rail system and the region's extensive waterways to move goods by rail and barge rather than by truck. Both States have identified or are in the process of identifying \$1 billion or more of capital investments necessary to modernize and eliminate bottlenecks in the freight rail system on both sides of the River. The biggest challenge on the New York side is identifying and securing additional freight rail yard capacity. The HEP policy committee agencies should assume responsibility for facilitating the acquisition of land in NYC and beyond in the region for this purpose and supporting investments in making the region's freight rail and barge systems efficient.