

CITIZENS ADVISORY COMMITTEE

of the New York – New Jersey
Harbor & Estuary Program

To: Judith A. Enck, Regional Administrator, U.S. Environmental Protection Agency Region 2

Cc: Alice Yeh, U.S. Environmental Protection Agency Region 2
Management Committee and Policy Committee of the NY-NJ Harbor & Estuary Program.

From: Co-Chairs of the Citizens Advisory Committee of the New York-New Jersey Harbor & Estuary Program

Re: EPA proposed cleanup for the Passaic River Superfund site

Date: August 11th, 2014

Dear Administrator Enck,

We are writing on behalf of the Citizens Advisory Committee (CAC) of the New York-New Jersey Harbor & Estuary Program (HEP). The HEP CAC is an advisory committee established to support and advocate for the HEP, a national estuary program. The CAC is an official committee of the Management Committee first convened by the U.S. Environmental Protection Agency, Region 2; NY State Department of Environmental Conservation; and NJ Department of Environmental Protection for the HEP and Bight Restoration Programs.

The purpose of the CAC is to: 1) Provide guidance and advice to the Management Committee on Program decision-making on behalf of the diverse stakeholders in the NY-NJ Harbor Estuary and NY Bight; 2) Promote public awareness and understanding of the Program's issues, goals, and recommendations; 3) Assist the Management Committee in developing and implementing the Comprehensive Conservation and Management Plan (CCMP) as required by Section 320 of the Water Quality Act of 1987.

We lend our support to the comments submitted by the Passaic River Community Advisory Group (CAG) for the Lower Passaic River Restoration Project. In particular, we support the values on Environmental Protection and Restoration articulated by the CAG, specifically:

- Make all decisions in light of a long-term goal to eventually return the river to a fishable, swimmable condition
- Restore the Passaic to a living river and a viable natural resource, with coordinated short and long-term efforts to conduct wetlands, habitat, and wildlife restoration
- Place a high priority on locating natural resource restoration activities in the local communities that have been directly affected by the long-term pollution of the river
- Protect against cross contamination to air, groundwater, and other environmental media
- Clean sediments to a level that supports the above conditions and limits the potential for recontamination.

Citizens Advisory Committee Co-Chairs

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The HEP CAC agrees with the recommendation that these values be the bases of decision-making for not only the Passaic River but for other waterways around the region, regardless of superfund status.

While in an ideal world we will remove the contaminated sediment from, and restore the shoreline of, the entire stretch of the river, the HEP CAC is keenly aware that such an option is not feasible. Thus the *HEP CAC agrees with the EPA's proposed clean-up plan calling for Alternative #3 which includes dredging bank-to-bank for the lower eight miles with capping and off-site disposal of the dredged materials.* However, we understand that there remain numerous questions and concerns. For this historical clean up to be successful, we believe it is critical that EPA continue to commit to working with all communities along the River and that EPA fully appreciates the notion that a cleaned up river will return the investment in a multitude of ways: social, environmental, and economic.

The HEP CAC further recommends:

- Dredging of the navigational channel to the maximum extent so that future maritime activities are not compromised
- Removing sediments bank-to-bank, rather than hot spots
- Developing a plan for appropriate maintenance dredging, particularly a plan to ensure the cap will not be disturbed
- Considering natural resources restoration and future uses of the river during the design phase of the clean-up, so that future activities are not hindered by the clean-up (e.g., cap design and placement)
- Monitoring and maintaining long term so that we can ensure the clean-up is effective and remains protective
- Turning the clean-up into an economic growth opportunity for local workforce and businesses
- Clarifying how the adaptive management strategies will be implemented and respond to the needs of the communities along the River
- Ensuring continued recreational uses of the River during the construction
- Providing more information on the sediment processing facility and off-site incineration
- Ensuring the clean-up will not create new problems, such as flooding
- Engaging the communities on a regular basis on quality of life impacts during construction to ensure concerns and problems are adequately addressed
- Moving forward on the Phase 2 removal in a timely manner

Many of these points require open and transparent communication with the affected communities. Only through the commitment to collaboration with the affected communities, will we have a successful clean up that best addresses and balances the sometimes conflicting needs. The HEP CAC is hopeful that the EPA and the Passaic River Community Advisory Group will continue to engage in constructive dialog as the clean-up moves forward. We will continue to offer assistance in the area of communication and information dissemination to the wider region beyond the immediate river communities.

Thank you for the opportunity to submit these comments.

The Citizens Advisory Committee, New York-New Jersey Harbor & Estuary Program.

This letter has been adopted by the HEP CAC following procedures established in its bylaws (<http://www.harborestuary.org/pdf/CAC%20Bylaws-Revision-Jun-03-11-F.pdf>). CAC members who have voted in support of this letter include:

Meredith Comi, NY/NJ Baykeeper, NJ co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Rob Buchanan, Village Community Boathouse, NY co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Shino Tanikawa, New York City Soil and Water Conservation District, NY alternate co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Nellie Tsipoura, New Jersey Audubon, NJ alternate co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Manuel Russ, Concerned Citizens of Bensonhurst

Michelle Doran-McBean, Elizabeth River / Arthur Kill Watershed Association

Newtown Creek Alliance

In addition, this letter has been endorsed by several non-voting CAC members and non members, including:

Harry J. Bubbins, Friends of Brook Park

Hudson River Boat and Yacht Club Association

Law Office of Tirza S. Wahrman, LLC

Linda Mariano, Friends and Residents Of the Greater Gowanus (FROGG)

Morton Orentlicher

Protectors of Pine Oak Woods

NOTE: The New York-New Jersey Harbor & Estuary Program is a partner program and its members occasionally have conflicting positions on regulatory and management issues. One of the Program's roles is to facilitate the exchange of ideas and to work towards resolution of these issues. The opinions of individual agencies or committees do not necessarily reflect the opinion of the Program as a whole.

The Citizens Advisory Committee provides guidance and advice to the New York-New Jersey Harbor & Estuary Program Management Committee on Program decision making on behalf of the diverse stakeholders in the region. Its membership and meetings are open to all interested parties in the region that use, or have concerns about, the New York-New Jersey Harbor Estuary and New York Bight. The Citizens Advisory Committee is the only body in the New York-New Jersey Harbor & Estuary Program that can adopt official positions on issues and topics. These official Citizens Advisory Committee positions are adopted by a majority vote of Citizens Advisory Committee members. Citizens Advisory Committee positions do not necessarily reflect the opinion of the New York-New Jersey Harbor & Estuary Program or its members and partners.