

Participating Organizations

Alliance for a Living Ocean

American Littoral Society
Arthur Kill Coalition
Asbury Park Fishing Club
Bayberry Garden Club
Bayshore Saltwater Flyrodders
Belford Seafood Co-op
Belmar Fishing Club
Beneath The Sea
Bergen Save the Watershed Action Network
Berkeley Shores Homeowners Civic Association
Cape May Environmental Commission
Central Jersey Anglers
Citizens Conservation Council of Ocean County
Clean Air Campaign
Coalition Against Toxics
Coalition for Peace & Justice
Coastal Jersey Parrot Head Club
Coast Alliance
Communication Workers of America, Local 1054
Concerned Businesses of COA
Concerned Citizens of Bensonthurst
Concerned Citizens of COA
Concerned Citizens of Montauk
Dossil's Sea Roamers
Eastern Monmouth Chamber of Commerce
Environmental Response Network
Explorers Dive Club
Fisheries Defense Fund
Fishermen's Dock Cooperative
Fisher's Island Conservancy
Friends of Island Beach State Park
Friends of Liberty State Park
Friends of Long Island Sound
Friends of the Boardwalk
Garden Club of Englewood
Garden Club of Fair Haven
Garden Club of Long Beach Island
Garden Club of Morristown
Garden Club of Navesink
Garden Club of New Jersey
Garden Club of New Vernon
Garden Club of Oceanport
Garden Club of Princeton
Garden Club of Ridgewood
Garden Club of Rumson
Garden Club of Short Hills
Garden Club of Shrewsbury
Garden Club of Spring Lake
Garden Club of Washington Valley
Great Egg Harbor Watershed Association
Highlands Business Partnership
Highlands Chamber of Commerce
Hudson River Fishermen's Association/NJ
Interact Clubs of Rotary International
Jersey Coast Shark Anglers
Jersey Shore Audubon Society
Jersey Shore Captains Association
Jersey Shore Running Club
Junior League of Monmouth County
Junior League of Summit
Kiwans Club of Manasquan
Kiwans Club of Shadow Lake Village
Leonardo Party & Pleasure Boat Association
Leonardo Tax Payers Association
Main Street Wildwood
Marine Trades Association of NJ
Monmouth Conservation Foundation
Monmouth County Association of Realtors
Monmouth County Audubon Society
Monmouth County Friends of Clearwater
Montauk Fisherman's Emergency Fund
National Coalition for Marine Conservation
Natural Resources Protective Association
Navesink River Municipalities Committee
Newcomers Club of Monmouth County
NJ Beach Buggy Association
NJ Commercial Fishermen's Association
NJ Council of Dive Clubs
NJ Environmental Federation
NJ Environmental Lobby
NJ Marine Educators Association
NJ PIRG Citizen Lobby
NJ Sierra Club
NJ Windsurfing Association
Nottingham Hunting & Fishing Club
NYC Sea Gypsies
NY/NJ Baykeeper
NY Marine Educators Association
Ocean Advocates
Ocean Conservancy
Ocean County Citizens for Clean Water
Ocean Divas
Ocean Wreck Divers
Outreach/First Presbyterian Church of Rumson
Piscataway Saltwater Sportsmen Club
Raritan Riverkeeper
Riverside Drive Association
Rotary Club of Long Branch
Saint George's by the River Church, Rumson
Saltwater Anglers of Bergen County
Sandy Hook Bay Catamaran Club
Save Barnegat Bay
Save the Bay
SEAS Monmouth
Seaweeders Garden Club
Shark River Cleanup Coalition
Shark River Surf Anglers
Sheepshead Bay Fishing Fleet Association
Shore Adventure Club
Shore Surf Club
Sierra Club, Shore Chapter
Soroptimist Club of Cape May County
South Monmouth Board of Realtors
Staten Island Friends of Clearwater
Strathmere Fishing & Environmental Club
Surfers' Environmental Alliance
Surfrider Foundation, Jersey Shore Chapter
TACK I
Terra Nova Garden Club
Unitarian Universalist Congregation of Mon. County
United Boatmen of NY/NJ
United Bowhunters of NJ
Volunteer Friends of Boaters
Waterspirit
Women's Club of Brick Township
Women's Club of Keyport
Women's Club of Long Branch
Women's Club of Merchantville
Zen Society

Clean Ocean Action



*Ocean Advocacy
Since 1984*

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November 9, 2007

Mr. John Tavolaro
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Mr. Doug Pabst, Team Leader
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VIA ELECTRONIC MAIL

RE: Site Management and Monitoring Plan (SMMP) for the Historic Area Remediation Site (HARS) Revised Draft 2007

Dear Mr. Tavolaro and Mr. Pabst;

As you know, Clean Ocean Action has been actively involved in the establishment, management, and operation of the Historic Area Remediation Site (HARS). Our efforts are constructive and based on sound science, law, and good governance to ensure the HARS is remediated and restored. This role includes our dedicated and consistent participation in the Remediation Materials Workgroup (RSM), the Scientific Review Panel (SRP) and by provided extensive review and comments on all available public documents pertaining to the site, including the original Site Management and Monitoring Plan (SMMP). These committees were formed by the agencies many years ago and with a commitment to transparency and true public participation we agreed to participate. We find, and have proven, that collaborations are the most effective and efficient means of successful public policy and environmental success. Thus, it is a source of significant frustration that as the United States Environmental Protection Agency Region 2 (USEPA) and the United States Army Corps of Engineers (USACE) remediation efforts at HARS have been ongoing, all meaningful dialogue and participation by the public, as well as state and regional officials has been abandoned, including the failure to convene the RMW and SRP.



The request for comments on this report is yet another example. Over the last five years, studies, and annual internal reviews of operations and management at HARS have been occurring without participation and input by interested participants. The collaboration and dialogue over these years would have informed and led to productive discussion of the revised SMMP.

Thus, we have review the 2007 SMMP for the HARS Revised Draft in a vacuum and have determined there are a number of outstanding questions regarding the current state of the management effort, that must be answered before we can provide thorough and constructive comments on this draft plan. Therefore, we are requesting that USEPA Region 2 and the USACE convene a meeting of the SRP to include a comprehensive presentation that brings together the various research efforts of the past 10 years and provides a complete picture of the progress and effectiveness of the remediation effort to date, and how they relate to the objectives put forth in Section 5 of this SRRP. Clean Ocean Action has reviewed several research reports made available on the USACE website, but it is unclear how, or if, the individual data collection efforts and investigations conducted at HARS over the past 10 years have been compiled and analyzed to provide an overall assessment of the progress and success of the remediation effort. It is also important to understand how the remediation efforts to date have brought us closer to meeting the overall goal that HARS be managed to reduce impacts at the site to acceptable levels? (i.e., how do current sediment contaminant concentrations, amphipod toxicity and worm bioaccumulation values within HARS compare to background levels outside of HARS?)

We have provided a *preliminary* list of questions and concerns, based on our initial review of this draft revised SRRP. We urge that these issues be a part of the agenda for the SRP meeting that we have requested. We would like to emphasis that this is a preliminary list, and we will likely have additional comments on the draft revised SMMP for HARS following this SRP meeting.

Questions and concerns regarding the SRRP and ongoing HARS management activities.

Section 5 Objectives

After 10 years of management activity on the site, what progress has been made in meeting the Objectives of the HARS SMMP? An update of all objectives is in order, but Clean Ocean Action is particularly interested in information pertaining to Objectives B.3-6, H and I.

In addition, What efforts have been made to investigate the effectiveness of the different dredged materials used at HARS to determine their ability to meet the objectives stated in Section 5?

Section 9 Monitoring

9.2.5 Worm Body Burden Concentrations: Are there any additional data on worm body burden concentrations or other bioaccumulation results besides the 2002 data reported in this section. None of the 4 sampling stations used in this study (Stations 14, 15, 49, and 9) were located in areas that have received remediation material. How has progress at HARS been evaluated without bioaccumulation data, especially in PRA 1, 2, and 3, which have received significant volumes of dredged material?

9.4 Transportation and Placement Methods Utilized at the HARS

The SMMP states

“Each area’s [PRA] use may be discontinued upon completion of remedial activities and demonstration through bathymetry that at least a 1-meter cap (minimum required cap thickness) of Remediation Material has been placed over the entire area.”

The 2006 Multibeam Bathymetric and Backscattering Survey of HARS¹ was designed to provide information on *“the progress of on-going placement operations and the potential future capacity remaining.”* Please provide the SRP with an update on what the survey revealed regarding these two important issues. The 2006 Survey also reported

“Based on the depth difference grid, it appeared that most of PRA 2, about three-fourths of PRA 1, and about half of PRA 3 were covered with more than 3 ft of remediation material. The greatest deposits occurred in the western half of PRA 1 and in the eastern half of PRA 2, where deposits measured up to almost 19 ft thick.”²

What, if any, Priority Remediation Areas have been completed? (PRA 1 and 2?) If any of the PRAs have been deemed complete, what are the status and/or results of the additional data collection efforts listed in Table 4, which was to be *“expeditiously conducted”* upon completion of any area

“Table 4: Note #6: Upon satisfaction that any Remediation Area (1-9) has been completely covered with at least one meter of Remediation Material, through the use of precision bathymetry, cores SPI (Tier 1), Surficial Sediment Chemistry (Tier 2), Surficial Sediment Toxicity (Tier 2), and collection of Body Burden Level samples (Tier 2) will be expeditiously conducted.”

Section 10. Monitoring Programs

Under what circumstances does Tiered Monitoring occur? What initiates higher Tier monitoring? How many of these monitoring efforts have occurred over the past 10 years? Where? When? Why? How have the results been used to answer these 6 scientific questions? How have these results been used to better manage HARS?

Section 10.3 In the past 10 years, have any of these 6 scientific questions been answered? Or have any attempts been made to answer these questions? Are there any new questions that need to be answered as a result of the past 10 years of remediation activities at HARS? Who determines which questions are to be answered or how limited research dollars are distributed to address these 6 questions? Why hasn't the USEPA/USACE utilized the extensive scientific expertise available through the SRP to assist in the process of recommending or reviewing proposed research efforts?

Section 10.4 This section needs to either be updated or enacted, as there have not been annual meeting of the SRP.

Section 10.5 Please provide the SRP with specific information on the frequency and nature of any trigger level exceedances or actions that have occurred in the past 10 years, along with the

¹ RESULTS OF THE SUMMER 2006 MULTIBEAM BATHYMETRIC AND BACKSCATTER SURVEYS AT THE HISTORIC AREA REMEDIATION SITE, SHARK RIVER REEF, AXEL CARLSON REEF, AND SANDY HOOK REEF, FINAL REPORT, December 2006, Contract No. SAIC Project No. 01-0236-04-5000-300, SAIC Report No. 716

² Id

resulting field surveys, additional investigations, or management actions that were initiated as a result of exceeding these trigger levels/actions. Did they result in the implementation of an appropriate tiered action (or subset of actions) within the tiered HARSMP or require any mitigation? If so, please provide the SRP with information on these activities and results as well.

Trigger Level 3: What constitutes an increase in tissue chemical concentrations above HARS suitability levels? (i.e. What are HARS suitable tissue chemical concentrations?)

Section 13. Anticipated HARS Use and Quantity of Material for Remediation to be Placed at the HARS

This section is incomplete as it does not provide an anticipated long-term use of HARS (what are you striving to create) nor does it provide an updated volume of dredged material needed to remediate the site. These are very important to understand the future management action to be taken at the site. There are multiple references to the minimum 1 m cap requirement, but no discussion of current management actions that have created areas that contain up to 19 feet of remediation material. What is the current goal for an acceptable cap material depth? If this depth is dependent on the consistency of the dredged material, please provide separate depths for each material type currently being deposited at HARS.

As you can see, there are many basic, important, unanswered questions pertaining to the comprehensive review of management efforts at HARS. Clean Ocean Action looks forward to the opportunity to participate in an SRP review and strongly urge a meeting that will lead to meaningful discussion renewing the earlier commitment to public process. This will lead to a revised SMMP and achieve successful remediation of HARS.

Please provide a written response to these comments, along with a date for the SRP review meeting.

Sincerely,



Cindy Zipf
Executive Director



Jennifer Samson, Ph.D.
Principal Scientist

cc: Andrew J. Provence, Esq.
Walter Mugdan, USEPA
Thomas M. Creamer, USCOE