

PUBLIC HEARING

On the Proposed Amendments to the
Site Designation Rule for the Central and
Western Long Island Sound Dredged Material
Disposal Sites.

MARCH 2, 2016

A P P E A R A N C E S:

JEAN BROCHI, Moderator

Also Present:

Mel Cote, EPA, Region I

Mark Habel, U.S. Army Corps of Engineers

Steven Wolf, U.S. Army Corps of Engineers

Stephen Perkins, EPA Region I

2	<p>1 . . . Public Hearing held at the</p> <p>2 University of Connecticut, One University Place,</p> <p>3 Stamford, Connecticut on March 2, 2016.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4	<p>1 I am going to introduce Mel Cote. He's</p> <p>2 our first speaker.</p> <p>3 MR. COTE: Good afternoon. Is that</p> <p>4 working? My name is Mel Cote as she</p> <p>5 mentioned. Thanks, Jean.</p> <p>6 I want to thank all of you for coming to</p> <p>7 today's public hearing on the proposed</p> <p>8 Amendments to the Site Designation Rule for</p> <p>9 the Central and Western Long Island Sound</p> <p>10 Dredged Material Disposal Sites.</p> <p>11 As Jeannie mentioned, my name is Mel</p> <p>12 Cote. I am the Chief of the Surface Water</p> <p>13 Branch at EPA Region One of the New England</p> <p>14 Regional Office. We cover all the New</p> <p>15 England states.</p> <p>16 The Surface Water Branch administers the</p> <p>17 Ocean and Coastal Protection and Watersheds</p> <p>18 and Nonpoint Source programs for the six New</p> <p>19 England states.</p> <p>20 Thank you for coming to this public</p> <p>21 hearing. We really appreciate you coming to</p> <p>22 learn more about this process, the rulemaking</p> <p>23 process and to provide comments on our</p> <p>24 proposed amendments to the 2005 rule that</p> <p>25 designated the Central and Western Long</p>
3	<p>1 MS. BROCHI: Good evening. Thank you</p> <p>2 for coming. Can you hear me okay back there?</p> <p>3 Thank you for coming. You're at the EPA</p> <p>4 public hearing on the Central and Western -- on</p> <p>5 the revised amendments to the Central and</p> <p>6 Western Dredged Material Disposal Sites, our</p> <p>7 rulemaking.</p> <p>8 And just a few logistics. If you need a</p> <p>9 restroom, down the hall, take three lefts and</p> <p>10 you will find them.</p> <p>11 Tonight we are going have some</p> <p>12 presentations and then a half an hour of</p> <p>13 questions and answering. And we need to be out</p> <p>14 of the room by six. So, we will move swiftly</p> <p>15 through the presentation.</p> <p>16 If you haven't filled out a public</p> <p>17 speaker card and you wish to speak tonight,</p> <p>18 please do so. Also if you came in that door and</p> <p>19 have not signed in, please go back to the</p> <p>20 registration desk and sign in.</p> <p>21 Whenever any events happen on this</p> <p>22 project, if you sign in and you notify us that</p> <p>23 you would like to be on our email distribution</p> <p>24 list, we'll make sure you're aware of any</p> <p>25 changes, any updates to the website.</p>	5	<p>1 Island Sound dredged material disposal sites.</p> <p>2 I am now going to describe what EPA's</p> <p>3 role is with respect to dredged material</p> <p>4 management and designation of disposal sites.</p> <p>5 I will take a step back to provide some</p> <p>6 background on the designation of the Central</p> <p>7 and Western Long Island Sound disposal sites,</p> <p>8 which was completed in July 2005.</p> <p>9 We published the rule in June, 30 days to</p> <p>10 become effective, that is why I said July</p> <p>11 2005. And then I'm going to turn it over to</p> <p>12 Mark Habel of the U.S. Army Corps of</p> <p>13 Engineers, New England District Office, who</p> <p>14 is going to talk about the Corps' role in</p> <p>15 dredged material management as well as their</p> <p>16 recently completed Dredged Material Plan for</p> <p>17 the Long Island Sound Plan.</p> <p>18 Steve Wolf is going to follow Mark. He</p> <p>19 is also with the Corps' New England District,</p> <p>20 and he is going to give an overview of</p> <p>21 sediment testing and how we manage and</p> <p>22 monitor disposal sites.</p> <p>23 And following Steve, Stephen Perkins from</p> <p>24 our EPA Regional Office I will explain EPA's</p> <p>25 proposed amendments to the site designation</p>

<p style="text-align: right;">6</p> <p>1 rule for the Central and Western disposal 2 sites.</p> <p>3 So EPA and the U.S. Army Corps of 4 Engineers jointly regulate dredging and 5 dredged material disposal under federal 6 authorities provided by Section 404 of the 7 Clean Water Act and Sections 102 and 103 of 8 the Marine Protection Research and 9 Sanctuaries Act (MPRSA), which also is known 10 as the Ocean Dumping Act.</p> <p>11 In administering these programs, we work 12 closely with other federal resource 13 management agencies like the National Marine 14 Fisheries Service and the U.S. Fish and 15 Wildlife Service and state environmental 16 agencies and coastal zone management agencies 17 to ensure proper coordination and consistency 18 with statutory and regulatory requirements 19 and as well with environmental standards.</p> <p>20 In 1980, Congressman Jerome Ambro from 21 Long Island succeeded in passing an 22 amendment to the Ocean Dumping Act, making 23 Long Island Sound the only estuary in the 24 United States that is subject to the more 25 stringent testing requirements of that law.</p>	<p style="text-align: right;">8</p> <p>1 time, established a time limit on the 2 availability of the Corps-selected sites for 3 disposal activity. The provision allows the 4 selected site to be used for a five-year 5 period beginning with the first disposal 6 activity after the effective date of the 7 provision which was October 31, 1992. It 8 also provides for an additional five-year 9 period beginning with the first disposal 10 activity commencing after completion of the 11 first five-year period.</p> <p>12 That's not necessarily consecutive five 13 years. That could be a period in activity 14 between the five years.</p> <p>15 Use of the site can be extended, however, 16 if the site is designated by EPA for 17 long-term use. Thus, the Corps can select 18 disposal sites only for short-term, limited 19 use, whereas Congress authorized EPA to 20 undertake long-term site designations, 21 subject to ongoing monitoring requirements to 22 ensure the sites remain environmentally 23 sound.</p> <p>24 To summarize, EPA's responsibilities 25 related to dredging and dredged material</p>
<p style="text-align: right;">7</p> <p>1 Since then, EPA and the Corps have been 2 applying the stringent testing requirements 3 of the Ocean Dumping Act to all federal 4 dredging projects and to private projects 5 generating more than 25,000 cubic yards of 6 dredged material.</p> <p>7 Dredged material that meets these 8 criteria and is determined to be suitable, 9 meaning clean enough for ocean disposal, may 10 be disposed of at one of the four sites in 11 Long Island Sound known as the Western Long 12 Island Sound, Central Long Island Sound, 13 Cornfield Shoals and New London disposal 14 sites.</p> <p>15 The Western and Central Long Island Sound 16 sites were designated by EPA in 2005 and the 17 Cornfield Shoals and New London sites were 18 selected by the U.S. Army Corps of Engineers 19 pursuant to programmatic and site-specific 20 environmental impact statements that were 21 prepared by the Corps most recently in 1991. 22 And that is an important distinction. And I 23 will get to that.</p> <p>24 In 1992, Congress added a new provision 25 to the Ocean Dumping Act that, for the first</p>	<p style="text-align: right;">9</p> <p>1 disposal include:</p> <p>2 . Designating disposal sites for 3 long-term use.</p> <p>4 . Promulgating regulations and criteria 5 for disposal site selection and permitting 6 discharges.</p> <p>7 . Reviewing Corps dredging projects and 8 permits.</p> <p>9 . Developing site monitoring and 10 management plans for designated sites, and 11 . Monitoring disposal sites jointly with 12 the Corps.</p> <p>13 Now, I'm going to provide some background 14 on the designation of the Central and Western 15 Long Island Sound Disposal sites which I said 16 was completed in July 2005.</p> <p>17 The process began in 1998 when EPA and 18 the Corps agreed to conduct a formal site 19 designation process following the criteria 20 established in the Ocean Dumping Act. We 21 also agreed that, consistent with past 22 practice in designating dredged material 23 disposal sites, we would follow EPA's 24 Statement of Policy for Voluntary Preparation 25 of National Environmental Policy Act, or NEPA</p>

<p style="text-align: right;">10</p> <p>1 documents and would prepare an environmental 2 impact statement to evaluate different 3 dredged material disposal options. 4 In June 1999, EPA published a Notice of 5 Intent in the Federal Register announcing our 6 plans to prepare, in cooperation with the 7 Corps and other federal and state agencies, 8 an Environmental Impact Statement to evaluate 9 and potentially designate dredged material 10 disposal sites for the entire Long Island 11 Sound region. 12 We began the Sound-wide field data 13 collection effort in 1999, but were slowed by 14 both the technical complexities and financial 15 constraints associated with a large-scale, 16 multiple-site project. 17 In March 2002, with the Central Long 18 Island Sound Site scheduled to close in 19 February 2004, when the second of two 20 five-year periods of use of that 21 Corps-selected site were due to expire, EPA 22 and the Corps announced their intent to 23 develop the EIS in two stages, Western and 24 Central Long Island Sound first, followed by 25 the Eastern Sound once a site or sites had</p>	<p style="text-align: right;">12</p> <p>1 Act to object to the site designations on the 2 basis that this federal action was not 3 consistent with the enforceable policies of 4 their program. 5 In June 2005, now a year later, EPA 6 published the final rule designating the 7 Central and Western disposal sites. To 8 address concerns raised by the State of New 9 York, and some sectors of the general public 10 about the potential impact of dredged 11 material disposal on Long Island Sound water 12 quality and fisheries habitat, these site 13 designations are subject to restrictions on 14 their use. These restrictions were intended 15 to reduce or eliminate the disposal of 16 dredged material in Long Island Sound, and 17 include: 18 1. The Corps completing a Dredged Material 19 Management Plan for the entire Long Island 20 Sound region with a goal of reducing or 21 eliminating open water disposal of dredged 22 material by identifying alternatives to open 23 water disposal. 24 2. Establishing an interagency Long Island 25 Sound Regional Dredging Team to review</p>
<p style="text-align: right;">11</p> <p>1 been designated to serve the western and 2 central regions. It was felt this approach 3 would yield a schedule to meet the important 4 public need to consider disposal sites in 5 this region more expeditiously without 6 compromising the continued objectivity of the 7 decision-making process for each region of 8 the Sound. 9 So, in September 2003, EPA issued the 10 draft EIS recommending designation of the 11 Central and Western Long Island Sound 12 Disposal Sites and held public hearings in 13 Connecticut and New York during late 14 September and again in December. 15 EPA released the final EIS and response 16 to comments on the draft in April 2004, with 17 the recommended action or preferred 18 alternative, the designation of the Central 19 and Western sites. Because the EIS is not a 20 decision document, EPA also began the 21 rulemaking process to formally designate the 22 two sites by regulation. At this point, the 23 State of New York's Coastal Zone Management 24 Program exercised its federal consistency 25 authority under the Coastal Zone Management</p>	<p style="text-align: right;">13</p> <p>1 alternative analyses for federal and large 2 private dredging projects. And, 3 3. EPA conducting an annual review of 4 progress toward completion of the DMMP. 5 To address that last requirement, what 6 EPA did in 2006 -- we did the rule in 2005, 7 the next dredging season started in October, 8 so the dredging history report each year in 9 the summer on the previous year's dredging 10 season which typically runs from October to 11 the following March to Aril, depending where 12 you are. But we basically did this annual 13 report to the public, not only on prior 14 historic completion the DMMP, but also the 15 disposition of the dredged materials from all 16 projects each year, including open water and 17 beneficial use. 18 If anything, the beneficial use numbers 19 are undercounted and conservative because 20 those are harder to track. The process often 21 doesn't get tracked, therefore, those numbers 22 may be lower than they really are. But 23 what's important to note here is that in the 24 nine dredging seasons -- we don't have the 25 last couple of dredging seasons in there, but</p>

<p style="text-align: right;">14</p> <p>1 the nine years subsequent to the rulemaking, 2 we saw, bottom line, a 35 percent reduction 3 in open water disposal. 4 Clearly, the federal budget is part of 5 that issue, but at the end of the day, if you 6 look at the previous 30 years, that the 7 average annual disposal is this amount. And 8 in the last nine years, it is this amount, 9 that is why we see about a third reduction. 10 So, in ten years, we will be able to say 11 there's another 25 or 35. 12 We will hear more about how we are going 13 to make that happen. 14 At this time I am going to turn it over 15 to Mark Habel of the U.S. Army Corps of 16 Engineers to talk about the Long Island Sound 17 Dredged Material Management Plan and the 18 Corps' role in dredged material management in 19 general. 20 One thing I forgot. When we close after 21 the public testimony, when we're done with 22 the presentations, we will have up to an hour 23 for public comment. When that is finished, 24 we are going to close the public hearing, 25 turn off the transcription and have informal</p>	<p style="text-align: right;">16</p> <p>1 In order to make the analysis easier, we 2 broke the Sound down into 27 geographical 3 areas and we analyzed the non-federal 4 dredging needs and opportunities for disposal 5 in each of those areas. 6 The dark blue represents federal 7 maintenance dredging and federal improvement 8 dredging. And the light blue represents 9 non-federal dredging in each of those 27 10 centers. As you can see, and everybody 11 understands at this point, the majority of 12 dredged material generated in the region 13 comes from the State of Connecticut. And the 14 majority of that material comes from federal 15 navigation projects. 16 The DMMP contains a number of 17 recommendations if you get all the way 18 through the 6- to 700 pages of it. We analyzed 19 each of the federal navigation projects 20 around the Sound. And there's 52 of them 21 that require maintenance dredging at some 22 frequency. And part of our charge is to 23 develop plans for dealing with each of those 24 federal projects individually. 25 We also looked at on a dredging center</p>
<p style="text-align: right;">15</p> <p>1 questions and answers. Agency staff will be 2 on hand. No later than 6 o'clock, there is a 3 class coming in here a little after six, but 4 we will probably have at least a half an hour 5 for Q&A. 6 MR. HABEL: Thank you, Mel. As Mel 7 said, my name is Mark Habel. I am with the 8 New England Army Corps of Engineers, New 9 England District. And I was the principal 10 author of the DMMP. 11 Tonight I'm going to run through a brief 12 presentation that was given to the Interstate 13 Interagency Steering Committee for the DMMP 14 back in January to talk about how the Corps 15 sees implementation of the DMMP's 16 recommendations going forward. In other 17 words, how can we under existing law and 18 regulation move towards the goal of reducing 19 reliance on open water placement of dredged 20 material in the Sound. 21 I believe everyone is familiar with 22 this. It's been in every report and 23 newsletter and everything else that we have 24 for years now. This shows where the dredged 25 material comes from in Long Island Sound.</p>	<p style="text-align: right;">17</p> <p>1 basis, all of the non-federal dredging needs 2 as were projected by surveys and by our own 3 research and the permit records. 4 Our recommendations include how we are 5 going to analyze projects going forward, 6 continuation of the Regional Dredging Team 7 and its role in considering and providing 8 advice on dredging alternatives. 9 We have also recommended a number of 10 different avenues where the states and 11 agencies can undertake further study to 12 develop additional beneficial uses in the 13 Sound and to look at other non-open water 14 alternatives for placement of dredged 15 material. 16 We also make recommendations on 17 continuing ongoing monitoring and management 18 of dredged material placement in the Sound, 19 the use of alternative beneficial uses going 20 forward and to take a look back at historic 21 disposal practices and material that's 22 already out in the Sound that dates to prior 23 to the Ocean Dumping Act and its testing 24 regime. 25 A lot has been said in the press and</p>

<p style="text-align: right;">18</p> <p>1 elsewhere about the volume projections in the 2 DMMP. The Corps was charged with looking at 3 all federal harbors and all potential sources 4 of dredged material. When you sum up that 5 total of everything that has a maintenance 6 requirement over the next 30 years, you get 7 that 53 million cubic yard number there that 8 people have talked about.</p> <p>9 However, looking at budget realities on 10 the state, federal and the local level, it is 11 highly unlikely that 53 million cubic yards 12 of material would ever be dredged in 13 30 years. It is unlikely that anything more 14 than a third of that would be budgeted in 15 that time frame. So, although our actual 16 number may be far less than 53 million yards, 17 we had to look at all of those potential 18 sources because we could never determine from 19 year to year which of those projects is going 20 to be supported in the budget at the state or 21 federal level. In a large sense, this 22 becomes a political decision more than a 23 technical decision as to what gets funded. 24 So we had to look at everything. 25 In order to understand placement</p>	<p style="text-align: right;">20</p> <p>1 alternatives for.</p> <p>2 And here's some of the alternatives in a 3 generic sense for each of those three 4 classifications of material. As you can see, 5 sand has lot of uses, from beach placement, 6 feeder bar placement, capping CAD cells and 7 CDF and landfills and other coastal 8 resiliency applications.</p> <p>9 Down at the bottom, the unsuitable 10 material, the only thing you can really do is 11 refine it or treat it to keep it away from 12 the environment.</p> <p>13 In the middle, that 34 million cubic 14 yards of fine grain material, that we have to 15 do a much better job of finding alternatives 16 for.</p> <p>17 Some of the more obvious ones, beyond 18 open water, are creation of marshes, use of 19 the material to increase the elevation of 20 marsh lands and other tide lands in response 21 to sea level change. Use in ground fills or 22 landfill capping, although every year when we 23 survey those, there are less and less 24 opportunities for that. 25 The Corps, when they do their evaluations</p>
<p style="text-align: right;">19</p> <p>1 alternatives for dredged material, we have to 2 understand sediment classification.</p> <p>3 Steve is going to talk a little bit more 4 about that later. But we broke down that 5 total dredged material volume into three 6 sediment types. Clean sand, which should be 7 easy to get rid of. And it's becoming easier 8 every year.</p> <p>9 Unsuitable material, material that when 10 you do the sediment testing that is required 11 to look at open water placement, you find it 12 cannot be placed in open water. And that is 13 about 3 million cubic yards out of that 53 or 14 about 6 percent of the total burden. And 15 material that is fine grained, but does test 16 as suitable for open water placement, but its 17 fine grain nature makes it unsuitable for 18 uses on beaches or near shore bars or 19 construction projects. And that is the 20 majority of the material that we have to deal 21 with, some 34 million cubic yards. And that 22 becomes the most problematic type of 23 material. It has limited beneficial use and 24 it is suitable to go to open water. So that 25 is the key thing we have to look at</p>	<p style="text-align: right;">21</p> <p>1 for the federal project, talks about the 2 federal standard. The federal standard comes 3 from the Clean Water Act. It's how the Corps 4 must look at the expenditure of federal tax 5 revenue in these projects. We must identify 6 the least costly environmentally acceptable 7 placement alternative for the dredged 8 material. That doesn't mean that that is the 9 one that is going to be recommended for any 10 particular project, but that is the 11 evaluation we have to go through to determine 12 what money the federal government is going to 13 put against that project going forward.</p> <p>14 That leads us to the base plan. The 15 least costly environmentally acceptable 16 alternative under the federal standard for 17 any particular project is the federal base 18 plan. This establishes our limit of 19 financial responsibility for the project. If 20 another party, a state agency or a 21 municipality wants to see something done with 22 it that goes beyond the base plan, then we 23 need a non-federal partner to sponsor that 24 use, to participate in its study and its 25 design and implementation. We will go</p>

22	<p>1 through the various federal authorities that</p> <p>2 can be brought to bear on that problem to look</p> <p>3 at different options.</p> <p>4 Sometimes even under the base plan,</p> <p>5 there's going to be non-federal cost sharing</p> <p>6 required. This will happen where the base</p> <p>7 plan includes construction of a new facility</p> <p>8 whether that is a CDF or a CAD cell that is</p> <p>9 built under the bottom of the harbor to take</p> <p>10 the material, those things in the Corps' view</p> <p>11 are considered improvement and they require</p> <p>12 cost-sharing. And in navigation, under the</p> <p>13 1986 Water Resources Development Act,</p> <p>14 Congress has set out the requirements for</p> <p>15 cost sharing. And that is based on the</p> <p>16 project depth.</p> <p>17 So, as you can see, there's three</p> <p>18 different project depths in that act.</p> <p>19 Everything up to 20 feet and then from 20 to</p> <p>20 45 feet. There's nothing in the Sound that</p> <p>21 is now or would be in the foreseeable future</p> <p>22 beyond 45 feet.</p> <p>23 Beyond the base plan, as I said, we need</p> <p>24 a sponsor. If a state agency or community,</p> <p>25 let's say, wants to see even sand from a</p>	24
23	<p>1 particular project put on a beach that is ten</p> <p>2 miles further away than the nearest beach to</p> <p>3 that project, then we would determine what</p> <p>4 the difference in cost is between the close</p> <p>5 beach and the far beach, that would become</p> <p>6 the cost of the beneficial use. If we</p> <p>7 determine that placing that material at that</p> <p>8 far beach had an economic or environmental</p> <p>9 benefit that offsets that additional cost,</p> <p>10 then the Corps could participate in that</p> <p>11 additional cost beyond the base plan. And</p> <p>12 there is a program to do that. It's called</p> <p>13 Section 204. There's also Section 103</p> <p>14 authority for beach projects. And typically</p> <p>15 for that the Corps will pay half of the study</p> <p>16 costs and 65 percent of the costs for design</p> <p>17 and construction. But a non-federal sponsor</p> <p>18 must partner with the Corps and provide those</p> <p>19 additional costs.</p> <p>20 Larger scale projects, mainly when you're</p> <p>21 building a large scale CDF that is going to</p> <p>22 handle multiple projects, anything in general</p> <p>23 that is going to cost more than 10 million</p> <p>24 dollars is going to require direct</p> <p>25 Congressional action to authorize the study</p>	25

<p style="text-align: right;">26</p> <p>1 under Section 204.</p> <p>2 The other type of material that is a</p> <p>3 problem is the unsuitable material. And</p> <p>4 because it is unsuitable, it's not really a</p> <p>5 problem from a dredged material management</p> <p>6 viewpoint because you can only do two things</p> <p>7 with it, contain it or treat it.</p> <p>8 In New England, most of what we do with</p> <p>9 this is dredging CAD cells underneath the</p> <p>10 harbors that are being dredged. That is</p> <p>11 dredging a big pit in the harbor, down below</p> <p>12 the channel depth, and putting the unsuitable</p> <p>13 material in it and capping it over with</p> <p>14 several feet of clean material to isolate it</p> <p>15 from the environment.</p> <p>16 And here's some of the locations in the</p> <p>17 DMMP. If you read the DMMP, it talks about</p> <p>18 each of these sites in the appendices, who</p> <p>19 owns them, how big they are, what their</p> <p>20 capacity is to accept dredged material.</p> <p>21 These are sites for CAD cells, CDFs. These</p> <p>22 have been studied in Long Island Sound, going</p> <p>23 back before I began my career with the Corps</p> <p>24 in the seventies. There's been numerous</p> <p>25 reports and large scale studies on</p>	<p style="text-align: right;">28</p> <p>1 couple of these: One in Little Narragansett</p> <p>2 Bay on the border of Connecticut and Rhode</p> <p>3 Island, there's a need for silty dredged</p> <p>4 material to be dredged from the Pawcatuck</p> <p>5 River, from the Little Narragansett Bay, from</p> <p>6 Mystic, from Stonington, from New London.</p> <p>7 This is an opportunity to use that material,</p> <p>8 it's not unsuitable material, to build a</p> <p>9 marsh in the lee of the Sandy Point barrier</p> <p>10 island and to manage that as a marsh</p> <p>11 creation opportunity. This is a suggestion</p> <p>12 we are making to both Connecticut and Rhode</p> <p>13 Island and potentially New York as well since</p> <p>14 this could receive material from Fisher's</p> <p>15 Island if it needed to.</p> <p>16 Another one of these in the DMMP was in</p> <p>17 New Haven harbor, in the lee of Sandy Point.</p> <p>18 We could certainly build a marsh here. It is</p> <p>19 already a well-protected area. The area it</p> <p>20 would sit on top of is problematic currently,</p> <p>21 chemically. So, putting clean, fine grained</p> <p>22 dredged material on top of this area would</p> <p>23 actually be a benefit to it. And building a</p> <p>24 marsh on top of that would be an even farther</p> <p>25 benefit. Again, something for the State of</p>
<p style="text-align: right;">27</p> <p>1 development, container facilities in Long</p> <p>2 Island Sound.</p> <p>3 The DMMP tried to capture all of those</p> <p>4 different alternatives that have been brought</p> <p>5 up over the years.</p> <p>6 Just one as an example, in Stamford harbor</p> <p>7 the area behind the breakwater, you could</p> <p>8 easily build a CDF or you could even use this</p> <p>9 location to build a regional CAD cell. And</p> <p>10 towards the end of the DMMP, the Corps makes a</p> <p>11 number of recommendations for the states to</p> <p>12 cooperate and participate in these things.</p> <p>13 And this is one of them that could be used as</p> <p>14 a regional cell for what we know is</p> <p>15 unsuitable material, mainly coming out of</p> <p>16 Greenwich, coming out of Port Chester, and</p> <p>17 East Chester Creek in both Connecticut and</p> <p>18 New York. So an opportunity for two states</p> <p>19 to collaborate and partner with the Corps</p> <p>20 going forward.</p> <p>21 Marshes creation, I mentioned earlier.</p> <p>22 The DMMP goes through a number of different</p> <p>23 marshes creation possibilities. And at the</p> <p>24 end of the DMMP we actually make some</p> <p>25 suggestions for the states to look at. A</p>	<p style="text-align: right;">29</p> <p>1 Connecticut to consider.</p> <p>2 Beyond that, we have the situation in the</p> <p>3 Sound where open water placement has been</p> <p>4 going on probably for well more than a</p> <p>5 century. We can trace some of the use at the</p> <p>6 Central Long Island Sound site back well</p> <p>7 before World War II, even as far back as</p> <p>8 World War I. Some of the references in the</p> <p>9 text refer to that.</p> <p>10 Steve will talk about some 21 or more</p> <p>11 different sites that have been used for</p> <p>12 dredged material placement in the Sound over</p> <p>13 the decades. Many of those precede the</p> <p>14 advent of the Ocean Dump Act testing</p> <p>15 requirements. We can only guess what went</p> <p>16 out there, what its chemical composition is,</p> <p>17 whether or not it is exposed to the</p> <p>18 environment today. But one of the things we</p> <p>19 would like the states to think about since we</p> <p>20 have potentially one large scale federal</p> <p>21 improvement project coming up, the deepening</p> <p>22 of New Haven which will generate some five</p> <p>23 million cubic yards of material. It doesn't</p> <p>24 come along very often, maybe once in a</p> <p>25 generation you get one of those opportunities</p>

<p style="text-align: right;">30</p> <p>1 where you have that much clean dredged 2 material and you can use it to cap or 3 remediate some of these older contaminated 4 sites. And we would ask the states to 5 consider whether they want to partner with 6 the Corps in looking at what sites might be 7 candidates for that kind of useful material. 8 What is required to implement any of 9 these beneficial use alternatives that are 10 not the base plan, sponsorship. We need 11 state agencies or county agencies or 12 municipalities including port authorities and 13 occasionally there's a couple of 14 environmental NGOs that have been certified 15 to be non-federal sponsors like the Nature 16 Conservancy. We need sponsors that are 17 capable and willing to share the cost of 18 studies, design and construction and to serve 19 as the champion for these projects, both 20 publicly and with the politicians. The Corps 21 can't do that work. So, in order for any of 22 this to happen, we need sponsors. 23 Now, I would like to turn this over to 24 Steve Wolf who's going to talk briefly about 25 the DAMOS program and how we monitor dredged</p>	<p style="text-align: right;">32</p> <p>1 the questions and concerns that folks have 2 here tonight as to why you're here. And it 3 was really a common theme and a lot of the 4 comments that we received on the DMMP and 5 Programatic EIS. So they all fell within 6 those categories. 7 So, we thought it made sense just to take 8 a few minutes to walk through how our program 9 has been trying to address those over the 10 years. 11 I will start off with one of the general 12 comments we got in the hearings for the DMMP 13 in the fall, sort of directed towards the 14 Corps, which was when the Corps places 15 material, just like this last one, it isn't 16 just out of sight, out of mind. You don't 17 really think about it anymore, worry about 18 it. 19 To talk about that, I will go back to a 20 little bit of history. If we go back to the 21 early stages of the New England ports, the 22 late 1800s, you had some issues with material 23 building up in your slip. It really 24 was you push it or drag it. Just get it 25 outside of your slip. And it was truly out</p>
<p style="text-align: right;">31</p> <p>1 material placement and how we manage the 2 sites. Steve, 3 MR. WOLF: The hat that I wear at 4 the Corps is working with a program that 5 tracks the placement at the offshore 6 placement sites as well as monitoring those 7 to make sure there isn't any unacceptable 8 impacts as well as long-term management, 9 working with the EPA. 10 It seemed like it made sense if some of 11 you haven't seen an actual placement event. 12 This is 3,000 plus cubic yards of dredged 13 material which is in a very large scow. Once 14 the scow is over its target site, the 15 hydraulics are engaged and opens up right 16 along its center line. And literally within 17 a matter of a few -- ten to 15 seconds, the 18 material is all out of there. It is a 19 relatively fast process. Then the doors 20 start to close. It is a fast process, but we 21 realize that it raises a number of questions 22 and concerns about where the material is 23 placed. Does it stay on the bottom? What 24 about the impacts to the water columns, to 25 the venting system underneath? Maybe some of</p>	<p style="text-align: right;">33</p> <p>1 of sight, out of mind. There really wasn't a 2 concern as to where that stuff went. But as 3 our harbors got a little more crowded and it 4 became clear you just couldn't keep moving it 5 around in the harbor, it started to be moved 6 outside of the mouths of those harbors. If 7 you look today, just about anywhere outside 8 of one of our larger ports or harbors in New 9 England, you're generally going to see some 10 remnant of dredged material which was placed 11 out there, again very much out of sight, out 12 of mind. 13 As we moved into the early and mid 1900s, 14 as Mark mentioned, we started to have records 15 about where that material was placed. So all 16 of those lighter green boxes on here on the 17 Sound are locations where either on a chart 18 or through some town records or our own Corps 19 records, we have something that says, yes, 20 material was placed out there. We don't 21 always know how much. And we clearly don't 22 have indications of sort of everything that 23 went out there. So, I would say we are 24 starting to transition here, where it wasn't 25 totally out of sight, out of mind. There</p>

<p style="text-align: right;">34</p> <p>1 really wasn't a lot of concern for the 2 material that went out. It really wasn't 3 until we get to the 1970s with the passage of 4 the Clean Water Act, the Research Protection 5 Sanctuaries Act, that now we have got a much 6 more stringent process in determining where 7 you put that material and then what type of 8 material could go out there. So, that's 9 clearly the end of out of sight, out of mind. 10 And we moved into the era of we've got to 11 keep track of this stuff, even after we 12 placed it. And that is what gave birth to 13 the program that I work with here at the 14 Corps, DAMOS, Disposal Area Monitoring System 15 program. And it was really formed back in 16 the late '70s to address a lot of those same 17 questions about placing material and sort of 18 the longer term impacts. So, that means that 19 this program has almost a 40-year record in 20 going out to these sites. And I brought just 21 a sampling. These are all reports that were 22 done at both the central and the western 23 sites, where we are tracking to look at 24 exactly those sort of questions. I didn't 25 dig all the ones out of the archives.</p>	<p style="text-align: right;">36</p> <p>1 sometimes alluding to it, sometimes direct 2 texts talking about dumping of toxic material 3 on the Sound. Let's get that on the table. 4 That is just not the case. It may have been 5 the case one hundred years ago or even 50 6 plus years ago when there was very little 7 controls. But after the passage of those 8 regulations in the '70s, that is just not 9 the case anymore. 10 As Mel mentioned, we do a fair amount of 11 testing. There are rules that talk about, as 12 administered by both the states and the EPA, 13 about what type of material can go out there. 14 So, we do physical testing, as Mark 15 mentioned, the silty material, we do chemical 16 testing to see are there elevated levels of 17 contaminants in that material. Then we do 18 what's called biological testing where we 19 take samples and we put in aquaria or other 20 test chambers and we see how the critters 21 react to it. Is it toxic? By that I mean 22 sort of two categories. Acutely toxic where 23 things turn belly up. But also chronic 24 toxicity where an organism just doesn't 25 thrive, maybe doesn't reproduce as well. And</p>
<p style="text-align: right;">35</p> <p>1 I have been with the program long enough 2 to say I think we do a really good job at 3 addressing those, information and reports and 4 on the website. But I think where we may 5 have fallen down some is getting that 6 information out to the general public. And 7 we certainly hear some of that, especially 8 when we are on the other side of the Sound in 9 New York where that word isn't getting out to 10 sort of general folks. So we are working 11 that way, maybe through some short video 12 clips, maybe for one-page fact sheets. 13 Something that gets that word out there a 14 little bit more. So, it's really not out of 15 sight, out of mind. It is something we have 16 been very focused on over the years. 17 I will try to just address each one of 18 those concerns. Start with the type of 19 material that goes out to these sites. If 20 anybody has been tracking this whole DMMP and 21 the rulemaking issues in the press, they will 22 see there's certainly been a lot of interest 23 in it, sort of interspersed with all the 24 political election articles. But we have 25 seen some misleading texts in there,</p>	<p style="text-align: right;">37</p> <p>1 so those are triggers that would say, if that 2 is the case, this material is not suitable to 3 be placed out in the Sound and so it isn't 4 going to happen. 5 Just as a note, sometimes appearances can 6 be misleading. That is some typical harbor 7 sediment up in the upper corner there. If 8 you have been in a marsh or mud flat, even in 9 a very remote area down East Maine, you know 10 that some of the sediments, they all have 11 sort of a common look. And it isn't until 12 you actually get through the testing that you 13 know specifically if it is suitable or not 14 for placement in an open water site. 15 So if you determine some material is 16 suitable, then what happens? How accurately 17 can we place it? In the early days of the 18 program, we were putting marker buoys out. 19 The tug boat operators could direct the 20 placement of where they are going to trigger 21 the scow to open and drop the material. In 22 this day and age we are relying on 23 electronics which are even more accurate. 24 So, now there's a requirement for every scow 25 that goes out in the Sound is going to be</p>

<p style="text-align: right;">38</p> <p>1 outfitted with a series of electronics, GPS 2 sensors so we know exactly where it is at any 3 point in time. A hull sensor that tells us 4 when the hull is open or closed. There's 5 draft sensors in the forward part and aft 6 part of the scow which tell us is it fully 7 loaded or has it released its material and 8 there's a light. Then there's a data logger 9 which keeps track of all that information and 10 transmits it back to shore and we can really 11 track these in almost real time. 12 What that gives us is a record. Over here 13 on the left, this is one I pulled from the 14 work done in New Haven harbor a couple of 15 years ago. And you see there is a trail of 16 bread crumbs. If you are boaters you are 17 very familiar with this on your GPS unit. 18 So, we see the track that the scow took on 19 the way out and then we see it on the way 20 back. And if we were to zoom in at the 21 placement site, which is the central site 22 here, and we look at its draft center and its 23 hull open sensor, we can see that exact point 24 when it went through that operation and the 25 doors open and that material fell out. It</p>	<p style="text-align: right;">40</p> <p>1 these numbers, named little spots, that has 2 some topography associated with it. It is a 3 particular project or maybe a placement year 4 where material was directed. So, it isn't 5 helter skelter and just go to the site and 6 drop it. Every year we are saying, go to a 7 particular place and we really want to focus 8 that material right there. So, we can track 9 it and we can limit the area of the bottom 10 that's actually being affected. So, what 11 this allows us to do is do one of these 12 surveys in one year, then another year or two 13 years later, compare those and we can see is 14 this stuff stable or is it moving around. 15 And you will see the numbers on here 16 which coordinate to the actual year a lot of 17 this was done, and you see some of them go 18 back to the '70s, '80s there. So that we 19 are talking about many Nor'easter events 20 including the perfect storm. A number of 21 hurricane events, Sandy, Irene. Some of 22 them go back to Hurricane Bob. Some them 23 even all the way back to Hurricane Gloria. 24 And so we see why a site like this was 25 selected, it's location. Once that material</p>
<p style="text-align: right;">39</p> <p>1 happens over such a short period of time, we 2 can put a dot on the map and say this is 3 where that stuff ended up. And what that 4 allows is the tug operator who may have a 5 quarter mile tow with the scow way behind 6 him, he's looking at a screen, he sees 7 exactly where his scow is in relationship to 8 the target. So, again that is all done 9 remotely from the tug boat. They have a 10 clear picture as to where they are going to 11 place the material. 12 So then we determine that we placed it 13 correctly, how do we know it actually stays 14 there? And we do that through a series of 15 repetitive measurements, that's where he's 16 going back to the same site over and over 17 again comes in. This is a map of the central 18 Long Island Sound site. So, it is a 19 rectangle. It is one mile by two miles. And 20 this is what we call a bathymetric map. It 21 is basically topography of the bottom. We 22 have accentuated it some to make it a little 23 more visible because if you were out there 24 diving, it's really fairly flat. 25 And what we see on here, each one of</p>	<p style="text-align: right;">41</p> <p>1 is down there, it's stable on the sea floor. 2 We see very, very minimal changes even after 3 some of these major events. 4 So, we are comfortable that we are 5 getting it in the right place and it's stable 6 on the sea floor. 7 What about what happens to the material 8 as it falls through the water column? And 9 when I first started working with the 10 program, this was sort of the image that I 11 had in my mind. Probably a fairly common 12 one. You got your scow or hopper dredge up 13 at the surface. And then the material 14 falling, falling, falling through the water 15 column. Some of it coming straight down, 16 some of it being stripped out on the trip 17 down. But in reality if you do the math, 18 that is probably a several hundred foot long 19 ship or scow up there. That would mean this 20 is easily a water column that is a thousand 21 feet. And that might be the case. The Corps 22 has some sites like that on the west coast, 23 but there's really nothing like that on the 24 east coast. So, if we try to look at this in 25 a little bit sort of better scale for Long</p>

<p style="text-align: right;">42</p> <p>1 Island, here is a typical scow which is maybe 2 300 feet long, which might go out to the 3 central or western site and drawing about 4 20 feet of draft. So, that means there's 5 about 20 feet not showing in this figure 6 which is below the waterline there when it's 7 fully loaded. And that means for the central 8 site, that the bottom is really only like 40 9 or 50 feet below the bottom of that scow to 10 get down to the sea floor. At western, it is 11 maybe a little deeper than that, maybe 60 12 to 80 feet. What that means is that there's 13 just a short piece of the water column that 14 the material falls through. 15 And we do the math, it will tell us that 16 that stuff is going to hit the bottom, 17 probably by the time the doors are fully 18 open, this stuff is already down at the 19 bottom. So, that gives us very little time 20 to be interactive with the currents and have 21 the materials drift out, and so that is what 22 the math is telling us, predictions are 23 telling us. But again, I know what your 24 intuition says, it's hard to imagine. So, we 25 do a lot of studies to verify that. We have</p>	<p style="text-align: right;">44</p> <p>1 Massachusetts. And the reality is this stuff 2 falls pretty much like a rock to the bottom. 3 And it leaves a very limited signature in the 4 water column. And we see very minimal impact 5 for both immediate and long-term. 6 But then you would ask, what about the 7 actual impact of where this material hits the 8 bottom? And that's where I totally agree. 9 If you're in the footprint of where that 10 falls, clearly it's impacted. And I would 11 liken it to placing -- you had a field or 12 something, if you want to build the elevation 13 up, you call for some clean fill and it 14 comes in. It is suitable for your site. 15 They place the material there. They dump the 16 dump truck. You leave a fairly thick lift of 17 it. Clearly the grass, worms, the insects, 18 everything underneath that is smothered, but 19 the goal is to limit the actual impact where 20 that takes place. Then as you know, if you 21 put material out on a field, in a short 22 period of time you got things that are 23 starting to recolonize. You got the insects, 24 the birds are back into it. Things start to 25 sprout, so it recovers. That is what we look</p>
<p style="text-align: right;">43</p> <p>1 done a lot over the years. And for those of 2 you who are boaters, and you have fish 3 finders, you can see fairly small fish and 4 schools of fish in the water column. Well, 5 we have got instrumentation which is several 6 notches more sensitive than that. So, we can 7 see really particles as fine as this dredged 8 material in the water column. So, after a 9 scow has released its load, we can run a 10 transect across here and literally just take 11 a couple of minutes and just as with your 12 pedometer, we paint a picture of the water 13 column and can color code it. So, this one, 14 the red areas, the yellow areas are 15 indicating more suspended solids, the 16 turbulence or bubbles in the water column. 17 The blue is clear water. We can turn around 18 and get right back to the center of that one, 19 collect a water sample, send it off to the 20 lab and find out exactly what is in it. And 21 then we can track this plume over time to see 22 does it persist in the water a long time. 23 And so again we have done this in a 24 number of sites in Long Island Sound as well 25 as deeper sites in Rhode Island and</p>	<p style="text-align: right;">45</p> <p>1 for at our sites. One, we try to minimize 2 the actual footprint in a given year. So, we 3 got target coordinates and we are really on 4 top of the dredges to make sure they are in 5 the right spot. And then too we go back and 6 we look to see is this recovering as we 7 expected. We've got a number of tools for 8 that. We do a lot of image work. The upper one 9 is a sediment profile on this camera. It is, 10 basically, straddling the settlement water 11 interface. So, up above is water and below 12 is sediment. We can see who is colonizing. 13 Are there worms that are burrowing deeper 14 down? We see things up along the surface. 15 Is it well oxygenated? We can tell that by 16 the color. Then we have a downward-looking 17 camera which gives us -- we can actually 18 quantify how many burrows or critters are 19 there per square unit of area on the sea 20 floor. 21 And again, what we see, particularly on 22 Long Island Sound, warm water environment, 23 typically within one to two seasons after you 24 stop placing material on a site, it recovers. 25 It comes back to sort of normal, to what we</p>

<p style="text-align: right;">46</p> <p>1 would expect. It is still an impact. So, is 2 that a significant impact? And one of the 3 things that we struggle with as environmental 4 scientists is how do we quantify that. How 5 do we convey to the public that we don't 6 really believe that is a long-term, 7 significant effect? You can look at the 8 area. In a given year the Sound is somewhere 9 over 1,300 square miles in area. We generally 10 hit for Western and Central sites less than a 11 tenth of a square mile in terms of the direct 12 impact as to where the material is covered. 13 That seems like a really big difference. If 14 you do it in percentages, it is well less 15 than a tenth of a percent.</p> <p>16 If you try to do some scaling which 17 sometimes helps us out in conveying these 18 things, if you said if I take the size, the 19 area of Long Island Sound and I scale it to a 20 football field which we all have some concept 21 of in our mind, how big is the impact that we 22 inflict on the Sound on an annual basis? 23 Does it come out to the ten yard line, the 20 24 yard line? In reality it is really, really 25 small. We look over here in the corner, the</p>	<p style="text-align: right;">48</p> <p>1 are not significant in the big picture of 2 things.</p> <p>3 But we do know there's a small impact and 4 we would like to deal with that. We also 5 know that the sediment is a resource as 6 Mark pointed out. It's got some value to it. 7 Especially as we look forward to the fact 8 that we have rising sea levels, we are going 9 to have to deal with protecting our shore 10 line, marsh areas, that are not going to 11 be able to keep up with the rising sea level. 12 So we definitely address that. When I say 13 "we" I am talking about a group in New 14 England, called the New England Regional 15 Dredge Team.</p> <p>16 Now, Cote from the EPA who gave the 17 lead-in remarks and myself are co-chairs of 18 that. It includes the federal agencies as 19 well as representatives from each of the New 20 England states. And we talk, basically 21 dredging. But we've got a standard agenda. 22 And one of the agenda items is beneficial 23 use. How can we make better use out of the 24 material, keep on the track that Mel pointed 25 out where we are spending less and less in</p>
<p style="text-align: right;">47</p> <p>1 little white dot, and we zoom in, and you do 2 the math, the areas that we're impacting on 3 an annual basis for the central site, it's 4 that little bit larger circle on the left, 5 about the size of that five-gallon bucket lid, 6 and for Western smaller amounts at the site, 7 about the size of a dinner plate. So, 8 relatively we are comfortable. Yes, there's 9 an impact, but it is a very small one, 10 especially when you look at it in the scale 11 of all the other things that have happened in 12 the Sound.</p> <p>13 I like to use this one as to why we need 14 to dredge on a regular basis. This is the 15 Connecticut River discharging in the Long 16 Island Sound after the passage of Hurricane 17 Irene back in 2011. A tremendous amount of 18 sediment load in a very short period of time. 19 That was easy to measure and see over what 20 would be a significant percentage of this 21 portion of the Sound. The Sound is a water 22 body that is capable of recovering from 23 things like that. So, again, that puts us in 24 the scale that says the very, very small 25 impact that we do on an annual basis, we know</p>	<p style="text-align: right;">49</p> <p>1 the open water sites and more of it we are 2 finding a good practical home for it.</p> <p>3 For example, our fall meeting we had a 4 representative from Long Island who presented 5 on a pilot study that they had done at 6 putting sandy material, material that 7 couldn't come from a dredge site -- I think 8 it did locally -- on a marsh. What are the 9 practical ways that you can get material out 10 on the marshes, not smoother it, but enough 11 as sea levels start to come up a bit, it's 12 more resilient. And I believe 13 Massachusetts is looking to do a similar 14 demonstration.</p> <p>15 Then at the meeting we had just a few 16 weeks ago, our winter meeting, EPA presented 17 on a tracking tool that they have as to who 18 is doing beneficial use in each one of the 19 states. As Mel mentioned previously, we 20 haven't been doing such a good job of 21 accounting for it. And now we're aware 22 that it's important. And one state can learn 23 from another as to what worked and what 24 didn't work. And so that tool is going to be 25 available to all the states so we can kind of</p>

<p style="text-align: right;">50</p> <p>1 see and keep track on everything that's out 2 there. 3 So with that, I would close. I have got 4 some contact information here. I think this 5 is going to be made available to everybody, 6 this presentation. But I certainly encourage 7 you, if you've got questions or comments, we 8 will be around for a bit at the end of the 9 meeting. We welcome, we encourage folks to 10 take a hard look at the work we are doing. 11 If you've got ideas as to how to improve it, 12 we would certainly want to hear it. 13 As well as if you have ideas as to better 14 ways for us to do some outreach, to kind of 15 get the word out there better. 16 Finally, I would even offer, if folks are 17 interested in getting it out on a survey. 18 And after we had some fairly contentious 19 hearings back in the fall for the DMMP, we 20 put out an offer to the Citizen Campaign for 21 the Environment, and one of their 22 representatives actually came out on a survey 23 with us. And it was actually very 24 informative for both of us. I think in terms 25 of their seeing some of the level of detail</p>	<p style="text-align: right;">52</p> <p>1 the proposed amendment before we move into 2 the actual published hearing part of today's 3 session. 4 As you've seen in previous presentations, 5 EPA and the Corps have shared responsibility 6 in this area. And our focus today is on 7 EPA's responsibility under Section 102 to 8 designate sites. 9 As you heard earlier, in June of 2005, 10 EPA published the final rule that designated 11 the Central and Western disposal sites and to 12 address concerns raised by the State of New 13 York and others, the site designations were 14 subject to restrictions on their use. And 15 these restrictions are aimed at reducing or 16 eliminating the disposal of dredged material 17 in Long Island Sound. And they included 18 requirements for the Corps to complete the 19 DMMP which they have done and Mark has now 20 given you an overview of. They established 21 an Interagency Long Island Sound Regional 22 Dredging Team which looked at projects that 23 were being proposed for use in the Sound 24 during the time that the DMMP was being 25 developed.</p>
<p style="text-align: right;">51</p> <p>1 with which we are actually doing these 2 surveys and then from our point of view sort 3 of the various things they are concerned 4 about, and how they are not connecting with 5 the information. We have been doing these 6 studies all along, but they are not 7 necessarily aware of them. 8 So, with that, I will close. I will turn 9 it over to Stephen Perkins who is a Director 10 of Ocean Coastal Policy in EPA Region I, 11 who's going to give you an overview of the 12 actual rulemaking for Central and Western. 13 MR. PERKINS: Thank you, everyone. 14 Good afternoon. My name is Stephen Perkins. 15 I am a member of the dredging team at EPA's 16 Regional I Office in Boston. And I was the 17 primary author of the proposed amendment to 18 the site dredging rule. That is why I came 19 here today. 20 So, you heard a lot about the history of 21 dredged material disposal in Long Island 22 Sound, about the Dredged Management Plan 23 itself, how we monitor the activity that 24 goes on out there. 25 Now, my job is to get us all focused on</p>	<p style="text-align: right;">53</p> <p>1 And the other thing I included was the 2 requirement for EPA to do some rulemaking. 3 Within 120 days of completion of the DMMP, 4 EPA is to propose and finalize amendments to 5 the 2005 rule that describes standards and 6 procedures that must be complied with in the 7 future with the goal of reducing or 8 eliminating open water disposal, and the 9 standards that we are to propose and the 10 procedures are to be consistent with the 11 recommendations of the DMMP. 12 So on February 10th, EPA took the first 13 step in meeting our obligations by publishing 14 proposed amendments to the 2005 rule in the 15 Federal Register. And EPA is seeking public 16 comments on those proposed amendments, both 17 here today and we did last night at the 18 public hearing in Port Jefferson and in 19 writing through March 25th. 20 Although the 2005 rule provided EPA with 21 60 days to publish the proposed amendments, 22 we have accelerated the process for the 23 public to provide input on our proposal and 24 for the states to conduct their reviews under 25 the Coastal Zone Management Act. There would</p>

<p style="text-align: right;">54</p> <p>1 be a 120-day deadline to finalize the rule, 2 gives us a drop dead date of May 10th. And 3 EPA split that time between the proposed and 4 final action so there would be 45 days for 5 public comment and an equal amount of time 6 for us to review and respond to the comments 7 and make any proposed revision. Because of 8 this tight time frame, EPA will not be able 9 to extend the comment period.</p> <p>10 The proposed amendments are intended to 11 support the overarching goal of reducing or 12 eliminating open water disposal. This is by 13 establishing the standards and procedures. 14 And they are meant to encourage the 15 identification and development and the use of 16 practical alternatives to open water disposal 17 and to require large dredging projects to 18 thoroughly evaluate these alternatives. So, 19 this applies to all federal dredging projects 20 and private projects of 25,000 cubic yards or 21 greater.</p> <p>22 So, here are the standards that are 23 included in the proposed amendments, and they 24 echo the standards that were recommended in 25 the Corps' DMMP. Unsuitable material will</p>	<p style="text-align: right;">56</p> <p>1 the flow of sediments and contaminants into 2 waterways. The proposal does not create any 3 new obligations, but instead focuses 4 attention on existing programs, such as those 5 that address storm water and non-point 6 sources of pollution in coastal communities 7 and their tributaries to the Sound.</p> <p>8 Finally, the proposed standards to retain 9 the 2005 restriction that require that 10 practicable alternatives be used if they are 11 available. EPA acknowledges that there may 12 be additional cost burden associated with 13 these alternatives and Mark has given us a 14 very good description of the formulas that 15 are used to figure that out.</p> <p>16 The procedures part of the proposed 17 amendment are built around making the 18 interagency Long Island Sound Regional 19 Dredging team a permanent body and enhancing 20 its role. The team's goal would be reduce 21 or eliminate the use of open water disposal 22 wherever practicable. The team's primary 23 purpose will be to ensure that all large 24 dredging projects conduct a thorough analysis 25 of alternatives to open water disposal and</p>
<p style="text-align: right;">55</p> <p>1 not be disposed of at these sites. Sandy 2 material should be used beneficially wherever 3 it is practicable. These materials, as you 4 have heard, have high value for use in such 5 as beach nourishment, or near shore or 6 offshore bars' nourishment. And as long as 7 there's a practical alternative, project 8 proponents will need to identify and secure 9 the funding that is needed to provide the 10 non-federal cost share that Mark described 11 earlier.</p> <p>12 For fine grain material, proponents must 13 thoroughly evaluate practicable alternatives 14 and use them if they are available. This 15 material is not typically considered 16 appropriate for beach or near shore 17 nourishment. But in the future, as you've 18 heard, marsh creation or marsh restoration 19 may become practicable. If no other 20 alternative is determined to be practicable, 21 then suitable fine grain material may be 22 disposed of at the designated sites.</p> <p>23 The proposed amendments expect that all 24 levels of government will continue to 25 exercise their existing authority to reduce</p>	<p style="text-align: right;">57</p> <p>1 then the team will make recommendations to 2 the Corps on each individual project.</p> <p>3 Of equal importance, the team will 4 provide a forum for continued exploration of 5 beneficial use alternatives for promoting the 6 use of the alternatives and to try and find 7 approaches for cost-sharing opportunities.</p> <p>8 This proactive role for the team is a new 9 one. The team will also be expected to 10 assist EPA and Corps in long-term activities 11 intended to track the disposal of dredged 12 material and to monitor impacts to the 13 Sound. That's exactly the type of thing that 14 Steve has just presented to you.</p> <p>15 The geographic scope of the Long Island 16 Sound Regional Dredging Team will include all 17 of Long Island Sound so that it looks at 18 the opportunities for alternatives broadly.</p> <p>19 The team will consist of representatives 20 from federal and state government agencies or 21 authorities with experience in dredging and 22 dredged material management. EPA expects 23 that the team will include federal 24 representatives from EPA's Region I and 25 Region II offices, the New England and New</p>

<p style="text-align: right;">58</p> <p>1 York districts, and the North Atlantic 2 Division of the Corps, and the National 3 Oceanic and Atmospheric Administration, 4 better known to some of you as NOAA. 5 EPA will also encourage the participation 6 of other federal agencies such as the Navy 7 and the Coast Guard, and the Fish and 8 Wildlife Service. EPA expects the states of 9 New York, Connecticut and Rhode Island would 10 also participate through their environmental 11 agencies, their coast zone programs, and 12 relevant port authorities. EPA proposes that 13 the specific details of the structure and 14 process that the regional dredging team will 15 use will be left for them to determine 16 and allowed to evolve as best establishes 17 their purpose. 18 Finally, EPA encourages the regional 19 dredging team to maintain cooperative working 20 relationships with other Long Island Sound- 21 based organizations such as Long Island Sound 22 studies, scientific, technical and advisory 23 committee. 24 There's two other important parts of the 25 proposed amendments that I want you to be</p>	<p style="text-align: right;">60</p> <p>1 As Stephen said, the public commentary is 2 open through March 25th. So, if you have 3 written comments tonight, please provide 4 them at the registration desk. And please 5 announce that you will be providing written 6 comments. 7 We have a stenographer who is recording 8 the public hearing. That report will be 9 available in a few weeks. And if you signed 10 in and asked to be added the mailing list, we 11 will notify you when that report is 12 available. And we will also make available 13 the presentations. 14 Before we get into any more details on 15 speaking, I would just like to take a moment 16 to acknowledge our colleagues who are in the 17 room, and to thank Colonel Barron from the 18 Army Corps of Engineers, New England District 19 for coming. We have got five representatives 20 from the Corps of Engineers. Several from 21 EPA Region 2 and Region 1. So, thank you all 22 for taking the time to join us. 23 For the speakers, if you filled out 24 a card, I have it. If you still would like 25 to speak -- there's some people who hadn't</p>
<p style="text-align: right;">59</p> <p>1 aware of. EPA has retained a restriction in 2 the 2005 rule that provides for a party to 3 petition EPA if they are not satisfied that 4 the final amended rule adopts standards and 5 procedures to reduce or eliminate disposal of 6 dredged material in Long Island Sound. EPA 7 at the same time proposed to eliminate the 8 restrictions from the 2005 rule that were 9 connected to the creation and completion of 10 the DMMP itself. 11 So I will conclude my presentation by 12 reminding you of the opportunity to provide 13 comments to the EPA. 14 In just a few moments you will have the 15 opportunity to provide oral comments. For 16 the record, you can also provide comments in 17 writing through March 25th. 18 The best way is to send them to either 19 one of the e-mail addresses there on the 20 screen and they will get to me. 21 Thank you for your attention and 22 patience. I will now turn the proceedings 23 over to Jean Brochi. 24 MS. BROCHI: Thank you, Stephen. I 25 will go over a few logistics for speaking.</p>	<p style="text-align: right;">61</p> <p>1 decided. If you would like to speak, please 2 raise your hand and I will come and collect 3 your card. 4 We have -- speakers, we are going to ask 5 that when you speak, you stand up and speak 6 loudly, state your affiliation so the 7 stenographer can record it and try to keep it 8 to three minutes. If you go over, we do have 9 a half an hour that we have allotted for 10 questions and answers at the end of the 11 speaking time frame. And we will just 12 shorten that. So, please try to stay to 13 three minutes if you can. And I am going 14 to call out the speakers as you arrived. 15 So, Frank Mazza from Greenwich Harbor. 16 Welcome. 17 MR. MAZZA: Good afternoon. My name 18 is Frank Mazza and I am the Chairman of the 19 Harbor Management Commission of Greenwich. 20 I rise to speak in support of the EPA 21 draft rules to keep the Western and Central 22 Long Island Sound dump site open. 23 The Corps of Engineers has presented a 24 very thoughtful and long-range plan for the 25 disposal of dredged material. The moving</p>

<p style="text-align: right;">62</p> <p>1 away from open water dumping is feasible in 2 the long run, but it will take large amounts 3 of money from many sources and that money is 4 not on the horizon at this time. 5 In Greenwich we have three Federal 6 Navigation Channels and the one on the Mianus 7 River is typical of the problems faced by all 8 communities. We are ready to dredge the 9 Mianus River this fall. The state has funded 10 3 million dollars for the project. The Corps 11 of Engineers has issued a Notice of Permit 12 Application and the only thing left is the 13 dumping permit in the Western Long Island 14 Sound dump site to be issued by the 15 Connecticut DEEP. The river is scheduled to 16 be dredged between October 1, 2016 and 17 January 31, 2017. It has been a long seven- 18 year process to get to this point. The fact 19 of the matter is, if the Western Long Island 20 Sound dump site is not kept open, this 21 project will not continue. 22 We have given analysis of other options 23 and the costs are far above the money that is 24 available. We have shown that there is no 25 available site for dewatering the dredged</p>	<p style="text-align: right;">64</p> <p>1 share our collective support of the USEPA's 2 Proposed Rulemaking in regards to the 3 referenced rule and all the efforts of the 4 Army Corps of Engineers over the last ten 5 years and the years before that working on 6 establishing a fair, sustainable and 7 well-researched Dredged Material Management 8 Plan for Long Island Sound. 9 The total impact of just the Connecticut 10 Recreational Boating is 1.3 billion dollars 11 and coupled with the commercial aspect of 12 ports and harbors, it is over 7 billion 13 dollars. But without the ability to dredge, 14 to maintain access to our facilities, ports 15 and harbors, to efficiently and affordably 16 dispose of such material and to maintain a 17 healthy ecosystem while doing so, our 18 industry is nothing. Those economic impact 19 numbers are shattered. Businesses shuttered, 20 employees laid off and working waterfront 21 towns losing essential tourism dollars that 22 sustain a service industry are gone. 23 It is important to note that the Coastal 24 Zone Management Program is designed to 25 retain, promote and enhance access to and</p>
<p style="text-align: right;">63</p> <p>1 material and shipping it to a land dump site. 2 In fact, the cost is estimated, if was 3 possible, to be 10 million dollars and it 4 would add 3,000 dump truck trips both ways to 5 already congested I-95. 6 We urge you to approve the draft 7 regulations to keep the dump sites open while 8 looking for other long-term solutions for 9 open dumping. 10 Thank you. 11 MS. BROCHI: Thank you. Kathleen 12 Burns, Connecticut Marine Trade Association. 13 MS. BURNS: Good afternoon. I have 14 also submitted this in writing as well. 15 I am Kathleen Burns, Executive Director 16 of the Connecticut Marine Trades Association, 17 representing over 500 marine businesses and 18 7,000 employees of the marine industry who 19 make up the working waterfront of the State 20 of Connecticut, a waterfront that can only 21 work if access is maintained by an affordable 22 and environmentally sustainable method of 23 dredged material removal and disposal. 24 On behalf of my Board of Directors and 25 members of the Association, I am here to</p>	<p style="text-align: right;">65</p> <p>1 into our waterways. Providing access, 2 especially in certain geographic locations, 3 requires periodic dredging in order to 4 maintain navigable access. With that access, 5 CZM also limits future property uses, 6 forever altering a dynamic and important 7 coastline. 8 Like many of our members, I have been 9 part of a dredging project. Those who 10 say we're moving toxic material and randomly 11 dumping it, are simply wrong. It's clearly 12 shown in this presentations today. They are 13 misleading others and falsely condemning a 14 practice because they simply don't know the 15 extent to which rigorous testing and 16 determinations are made on that material well 17 ahead of any planned disposal activity. The 18 process is already lengthy, costly and truly 19 thorough. 20 Again, the open water disposal is not a 21 random act, as you know, but opponents don't 22 necessarily understand the process. All Long 23 Island Sound locations, not just those within 24 this piece of the DMMP, have been tested and 25 monitored for over 40 years. They have been</p>

<p style="text-align: right;">66</p> <p>1 found environmentally safe and a meaningful 2 option to material that cannot be reused in 3 other forms. 4 We applaud the EPA for recognizing that 5 significant process exists and supports the 6 recommendations in the DMMP and Rule. 7 We believe that the efforts that have 8 been put forth do, indeed, protect that 9 economy, the environment and the working 10 waterfront way of life. We urge you to 11 accept the DMMP and official Rulemaking, 12 effectively maintaining open water disposal 13 in the existing Long Island Sound locations 14 based on the guidelines and procedures in 15 place to do so. 16 Thank you. 17 MS. BROCHI: Thank you. Ray 18 Redniss, Connecticut Harbor Management 19 Association. 20 MR. REDNISS: Thank you very much. 21 My name is Ray Redniss. I am Vice Chairman 22 of Stamford's Harbor Management Commission 23 and a member of the Board of Connecticut 24 Harbor Management Association. 25 We would just like to say we are in full</p>	<p style="text-align: right;">68</p> <p>1 there's any harmful aspect to what has been 2 done. 3 Other than that, I would echo the 4 statements that were preceding and what was 5 presented as part of the presentation. Thank 6 you. 7 By the way, the CHMA will be submitting 8 written comments. 9 MS. BROCHI: John Craine, Fairfield 10 County Commodores Association. 11 MR. CRAINE: Yes. Good afternoon. 12 I am here representing the Fairfield 13 County Commodores Association. I am chairman 14 of that group. I am also a member of the 15 State DEEP Boating Advisory Council. 16 This afternoon I am here speaking on 17 behalf of the Fairfield County Commodores 18 Association. 19 We submitted this information on-line to 20 you previously. 21 Our organization was founded in 1993, and 22 represents 16 boating and yacht clubs with 23 over 5,000 members including more than 24 1,500 junior sailors and 3,000 adult boaters. 25 We support USEPA's proposed rules</p>
<p style="text-align: right;">67</p> <p>1 support of the proposed amendments here and 2 we would like to thank the EPA for this 3 opportunity. 4 And the members of our association were 5 involved in the DMMP working group and are 6 very pleased with the results that have come 7 out of that. And we believe that the basic 8 summary statement as published in the Federal 9 Register just sums it up quite nicely, that 10 the amended regulation incorporates standards 11 and procedures in the use of disposal sites 12 as recommended in the Long Island Sound DMMP 13 and it identifies a wide range of 14 alternatives to open water disposal, 15 recommends standards and procedures for 16 determining which alternatives to pursue for 17 different dredging projects so as to reduce 18 or eliminate wherever practicable the open 19 water disposal of dredged material. And the 20 key words there are wherever practicable. 21 While the CHMA board supports this goal 22 of reducing it all, we do recognize that 23 eliminating it is not feasible at this time 24 either environmentally or economically. And 25 there doesn't seem to be any evidence that</p>	<p style="text-align: right;">69</p> <p>1 to continue to allow relocation of dredged 2 materials from Western and Central Long 3 Island Sound sites in an environmentally, 4 friendly and safe basis. 5 Based on feedback from our member clubs, 6 present and past commodores, we wish to 7 express the following additional 8 considerations. 9 One, boater safety. Any delay in current 10 and future dredging projects will 11 significantly increase the likelihood of 12 marine accidents due to reductions in 13 maneuverability during collision avoidance 14 operations caused by excessive weather 15 conditions or operational errors. 16 Secondly, environmental degradation. 17 Alternative transportation of dredged 18 materials to any of the extremely limited 19 upland disposal sites will cause a 20 significant increase in vehicle carbon 21 emissions and degradation of roads and 22 bridges from the hundreds, or in Frank's case, 23 thousands of required trucks. 24 Cost benefit analysis. And increase in 25 dredging projects costs of approximately</p>

<p style="text-align: right;">70</p> <p>1 300 percent is anticipated if the current 2 open water sites are closed. 3 And finally, DEEP commissioner Robert 4 Klee has stated, "In all these years, there 5 is no evidence linking the open water 6 disposal of dredged materials to diminished 7 water quality or damage to natural resources, 8 aquatic life or public health in Long Island 9 Sound." 10 Thank you for the opportunity. 11 MS. BROCHI: Thank you. Bill 12 Gardella, Rex Marine Center. 13 MR. GARDELLA: Good afternoon. 14 Thank you for hosting this. 15 Well, April 7, 1936 would be our 80th 16 anniversary. My grandfather started the 17 company. 18 I am the general manager at Rex Marine. 19 Right after World War II Grandpa started 20 Norwalk Cove Marina, so our family runs both 21 those facilities. 22 We provide summer access to 600 boats. 23 And we have 60 full-time jobs and another 24 25 part-time jobs that rely on our companies. 25 If there was a desire to devise a scheme</p>	<p style="text-align: right;">72</p> <p>1 deeply in debt for the foreseeable future. 2 Why do these facts matter? Because even 3 with open water disposal, the periodic 4 maintenance dredging required to allow safe 5 navigation of Connecticut and Long Island 6 Sound harbors and channels is so expensive 7 that many harbors are already overdue on 8 maintenance dredging due to, in many cases, 9 insurmountable regulatory hurdles as well as 10 lack of funding. 11 If open water disposal is effectively 12 banned due to even more restrictive laws that 13 effectively prevent open water placement of 14 dredged materials, it is hard to imagine our 15 harbors, access channels and our marinas ever 16 being able to perform maintenance dredging 17 again. Dredging will be prohibitively 18 expensive. Our coastal waterways will simply 19 fill in and be rendered non-navigable. 20 Therefore, Rex Marine Center and Norwalk 21 Cove Marina, our family businesses in 22 Norwalk, Connecticut support USEPA's Proposed 23 Rulemaking to continue to allow relocation 24 of dredged materials at the Western Long 25 Island Sound, Central Long Island Sound and</p>
<p style="text-align: right;">71</p> <p>1 to kill the recreational boating industry in 2 Connecticut and the better part of 7,000 plus 3 jobs, as well as to devastate the coastal 4 Connecticut economy, the easy way would be to 5 simply pass laws that effectively prevent the 6 open water placement of dredged materials. 7 I expect many people hearing this know 8 why preserving open water disposal of dredged 9 materials is essential. Without the access 10 to open water disposal for clean and 11 reasonably clean dredged materials, the great 12 majority, if not 100 percent of Connecticut 13 marinas with access to Long Island Sound will 14 eventually be forced out of business due to 15 unsafe, insufficient water depths, not only 16 with these marinas, but even more 17 importantly, for harbors and channels needed 18 to access these marinas. 19 As of 2016, the Connecticut boating 20 industry, it's sad to report, which provides 21 public Long Island Sound access to well over 22 100,000 Connecticut residents each year, is 23 in the aggregate marginally profitable at 24 best. And the State of Connecticut and the 25 federal government are forecasted to remain</p>	<p style="text-align: right;">73</p> <p>1 other Long Island Sound relocation sites on 2 an environmentally sound basis. 3 Thank you. 4 MS. BROCHI: Thank you. Lou Burch, 5 Citizens Campaign for the Environment. 6 MR. BURCH: Thank you for the 7 opportunity to comment today. 8 For the record, my name is Lou Burch. I 9 am Connecticut Program Director for Citizens 10 Campaign for the Environment. We are 11 supported by over 80,000 members in 12 Connecticut and New York State. We 13 appreciate the opportunity to comment today, 14 but decline to submit written comments on 15 this particular process. 16 It needs to be said that CCE submitted 17 nine pages of technical comments and 18 environmental concerns about the draft DMMP 19 in October. None of them were addressed by 20 the final DMMP in a meaningful way. 21 Additionally, the U.S. Army Corps of 22 Engineers received more than 7,250 comments 23 from Connecticut residents who simply said 24 that they supported a path towards ending 25 open water disposal and implementing</p>

<p style="text-align: right;">74</p> <p>1 beneficial reuse practices for dredged 2 material. They were clearly ignored as well. 3 For a brief history lesson, in 2005, the 4 governors and attorneys general of New York 5 and Connecticut agreed to phase out the 6 outdated practice of open water disposal in 7 favor of more sustainable, more 8 environmentally acceptable beneficial reuse 9 practices. The Army Corps of Engineers and 10 the EPA were both parties to that agreement. 11 The purpose of that DMMP was not to simply 12 evaluate and list those alternatives without 13 actively working to implement them, but the 14 DMMP was intended to actually facilitate 15 beneficial reuse and to actively phase out 16 open water disposal. 17 We have said before and we will continue 18 to say that the DMMP proposed by the U.S. 19 Corps of Engineers is a business as usual 20 plan to continue dumping millions of cubic 21 yards of dredged waste into Long Island Sound 22 for the foreseeable future and yet it does 23 not meet the mandates set out by that 2005 24 agreement. 25 Repeatedly the U.S. Army Corps of Engineers</p>	<p style="text-align: right;">76</p> <p>1 alternatives for disposing of these materials 2 without dumping it in the Sound, and there 3 are ways to achieve all of these goals if we 4 have the political will to do it. 5 But by failing to set in motion a meaningful 6 process to phase out open water dumping, 7 the Army Corps and the State of Connecticut 8 have reneged on their agreement, and broken 9 their promise, not only to the State of 10 New York, but also to the people of Connecticut 11 and the Long Island Sound community. 12 Before beneficial reuse options were 13 described as something for the State of 14 Connecticut to consider, but we must also 15 consider that Connecticut is facing a looming 16 budget crisis, something on the order of 200 17 million this calendar year and estimated to 18 be about 900 million next year. It is 19 unrealistic to expect the state to use 20 beneficial use techniques when they are free 21 to dump unrestricted. 22 Furthermore, we do not need -- the Army 23 Corps should not be advocating for the states 24 and municipalities of Connecticut to go out 25 looking for sponsors. What we need is</p>
<p style="text-align: right;">75</p> <p>1 and the State of Connecticut have said it is 2 too expensive to dispose of this material in 3 any way outside of dumping in the Sound, but 4 doing the right thing often comes at a higher 5 price. Extending the useful life of these 6 dump sites will prolong this practice for the 7 foreseeable future. 8 And furthermore, the U.S. Army Corps of 9 Engineers' plan fails to evaluate ways in 10 which beneficial reuse can actually provide 11 economic benefits to our region the way that 12 it does in the Great Lakes region where the 13 US Army Corps of Engineers is actively 14 involved in reusing dredged materials in a 15 variety of beneficial ways. 16 It's not sufficient to list existing 17 beneficial reuse options that are available 18 for different dredging projects. The 2005 19 agreement called for a plan and a framework 20 to implement these alternatives. 21 And also it's not accurate that dredging 22 without open space disposal is not possible 23 if the existing dump sites are not 24 maintained. We must marry these two issues. 25 They are not inextricably linked. There are</p>	<p style="text-align: right;">77</p> <p>1 action. And if additional financial sponsors 2 are needed to make this happen, then they 3 should have been part of the original DMMP 4 process. 5 Regarding the DAMOS project, we 6 appreciate the Army Corps' willingness to 7 monitor these sites as well as their 8 transparency in including us and letting CCE 9 and other groups gain access to that 10 information. But that said, there are many 11 questions that remain unanswered. The DAMOS 12 project does not require routine testing of 13 sediment cores for chemical testing for 14 vertical or horizontal contamination 15 migration. It does not require evaluating of 16 legacy contaminants at historic sites or 17 ambient sediments. And according to the DMMP, 18 we know that there are measurable quantities 19 of copper, mercury and other heavy metals in 20 and around those dump sites. 21 The DAMOS project does not require tissue 22 sampling of recolonized invertebrates or PT- 23 specific studies to test for bioaccumulation. 24 The definition of bioaccumulation is that 25 when you put a small amount of mercury or</p>

<p style="text-align: right;">78</p> <p>1 other contaminants into an environment, they 2 will remain there, they will accumulate and 3 they will work their way up the food chain. 4 So, in conclusion, we remain opposed to 5 open water disposal on Long Island Sound. 6 And we urge the EPA to send the Army Corps of 7 Engineers back to the drawing board and to do 8 the right thing. 9 We too call upon you to do what's 10 necessary to find the funding, to work 11 towards creating a sustainable dredging 12 industry in Long Island Sound because we 13 cannot claim to protect Long Island Sound 14 while simultaneously allowing the process of 15 dumping to continue unchecked. This is the 16 promise that Connecticut has made and the 17 Army Corps of Engineers was charged with 18 carrying out. Now it's time for the Army 19 Corps of Engineers, the EPA and the State of 20 Connecticut to deliver on those commitments. 21 Thank you. 22 MS. BROCHI: Jeff Gray, Derektor 23 Shipyard. 24 MR. GRAY: My name is Jeff Gray. I 25 am a Business Director at Derektor Shipyard</p>	<p style="text-align: right;">80</p> <p>1 MS. BROCHI: Thank you. Dan 2 Natchez. 3 MR. NATCHEZ: Before I give my 4 remarks, I have some housekeeping that I 5 would like to put on the record. 6 It's pretty hard to find this location 7 when the signs say U.S. Army Corps and the 8 public notice says EPA. 9 You have one out there, but going in any 10 entrance to the building that is normally 11 accessed without finding somebody who 12 actually knows, I asked six people before I 13 actually got somebody who actually knew where 14 the EPA was. The only way I found that, I 15 said, oh, maybe it's the Corps. They said, 16 oh, we know where the Corps is. 17 The second is, if you are going to 18 advertise a public hearing and you have 19 50 percent of the time for presentation and a 20 limitation on what the public could say, you 21 should advertise that in advance so people 22 have some idea what's going on and can 23 schedule their time accordingly. 24 That said, I represent Revitalize Our 25 Waterways as well as an environmental</p>
<p style="text-align: right;">79</p> <p>1 in Mamaroneck, New York. 2 I would just like to add and agree with 3 our Connecticut partners. We are actually 4 not only a recreational shipyard, but we 5 actually service a large portion of the 6 commercial industry in the Western Sound and 7 in New York harbor. 8 I am sure you're aware of some of the new 9 plans for water taxis in New York harbor. 10 Well, we service those water taxis. If we 11 can't service those water taxis, our 12 business is going to be significantly 13 impacted. 14 This is not something that is beneficial 15 to us, it is required for us to have deep 16 water access into the Mamaroneck harbor. 17 I think the catch phrase here -- and I 18 have not heard a definition, it would be 19 interesting to know if there is one for 20 practicable alternative. I think we all 21 agree that it would be nice, but the question 22 is what is practicable. If it is an economic 23 situation that puts businesses like ours out 24 of business, then maybe it's not practicable. 25 So, that is our side of it from New York.</p>	<p style="text-align: right;">81</p> <p>1 waterfront and design consulting company 2 which I am president of. We represent over 3 700 marine facilities, businesses including 4 marinas, boatyards, bulk cargo facilities, 5 sports and commercial fishermen, baymen, 6 yacht clubs and a variety of other waterfront 7 interests along Long Island Sound. 8 We do support and commend EPA for the 9 courage to antiseptically propose the 10 scientifically determined rulemaking 11 identified in the public notice. 12 We would be remiss, however, if we did 13 not point out and we are somewhat 14 disappointed in the times and locations 15 chosen for these hearings as you did not make 16 it particularly practical for many of the 17 entities that would be adversely impacted by 18 the failure to implement this rulemaking to 19 attend. 20 And I would like to add, in the past you 21 started with four hearings and then you went 22 to three hearings. One on the Long Island 23 and Connecticut side, one in the eastern 24 end, one in the western end. Then you had 25 the same on the Long Island side. Then you</p>

<p style="text-align: right;">82</p> <p>1 went to three with only one in Long Island. 2 And now we are down to two. And the fact 3 that the timetable for this is 3:30 to 5:30 4 and the one yesterday was in the evening, 5 does sort of slant things a little bit, 6 although it seems to be a bigger attendance 7 here than there. If it had been in the 8 evening, I think you would have had a lot 9 more people be able to come. 10 The rulemaking would allow the continued 11 use of relocating dredged material. The 12 emphasis here is relocating at the Western 13 and Central Long Island Sound relocation 14 sites on an environmentally safe basis. 15 Further additional safeguards have been 16 incorporated as recommended in the final 17 DMMP. 18 Since 1977 DAMOS has found dredged 19 material relocation in Long Island Sound 20 relocation sites to be environmentally safe 21 and a meaningful option. 22 The DMMP and the associated PEIS costing 23 millions of dollars over multiple years have 24 determined that open water relocation of 25 dredged materials is an environmentally safe</p>	<p style="text-align: right;">84</p> <p>1 Anyone who has ever been masochistic 2 enough to seek a dredging permit understands 3 the numerous regulatory hurdles, rigorous 4 testing and time-consuming, not to mention 5 expensive process. Most every area within 6 Long Island Sound, and particularly in the 7 western end of the Sound, does not have any 8 logistical as well as economically feasible 9 option other than relocation off Long Island 10 Sound. 11 And yes, logistics and economics are an 12 important aspect of the equation for small 13 recreational establishments to continue to 14 exist. 15 The current average all-in cost for 16 dredging and relocation of dredged materials 17 within the western end of the Sound for 18 projects up to 24,500 cubic yards has been 19 generically estimated at \$90 per cubic yard. 20 These are current figures. 21 To try to relocate these materials upland 22 to a site that would accept the materials, 23 assuming one can find one, is generically 24 estimated to be around \$500 per cubic yard. 25 Most establishments do not have the</p>
<p style="text-align: right;">83</p> <p>1 and prudent option and should be retained and 2 used under strict protocols. The amendment 3 contained within the proposed rulemaking 4 should further allay any fears for those who 5 have expressed concerns over the continued 6 use of these sites. Without these relocation 7 sites, both the recreational and commercial 8 marine industries will end access by the 9 public, will be curtailed and eliminated, and 10 the entire foundation of the federal, New 11 York State Coastal Zone Management Program 12 will be significantly and unalterably 13 crippled. 14 The essence of the Coastal Zone 15 Management Programs is to retain, promote and 16 enhance the resources and access to and into 17 the waterways. The recreational marinas, 18 boatyards, clubs and other similar facilities 19 provide that access. They are most of all at 20 the bottom of the upland watersheds and have 21 the dubious honor of being the recipients of 22 the upland runoff. To continue to provide 23 access, almost every facility is required to 24 establish navigable water depths on a 25 periodic basis.</p>	<p style="text-align: right;">85</p> <p>1 upland to dry the dredged material, but if 2 they did, using it would close their 3 facilities or nearby parks, if they could be 4 used, for close to a year or longer to allow 5 the material to dry so it could then be 6 loaded and transported by truck to New Jersey 7 or more likely to Pennsylvania. It is almost 8 impossible to find a site in New York State 9 due to regulations and logistics. And yes, 10 there's alternative means available to drying 11 the dredged materials more quickly, but again 12 these add greatly to the already exorbitant 13 cost. 14 Recreational marine facilities are 15 typically only marginally profitable. Such 16 an economic burden would mean that the 17 facilities could not be able to dredge. The 18 existing economic burdens on the marine 19 facilities have already resulted in the loss 20 of thousands of slips in Long Island Sound 21 with many facilities replaced with shoreline 22 walls of residential or office developments, 23 diminishing and/or eliminating the public's 24 scenic vistas of the water as well as the 25 elimination of the access by the public.</p>

<p style="text-align: right;">86</p> <p>1 Yet another negative impact of not 2 dredging is that the fine grain materials 3 with potential upland runoff contaminants 4 will remain in our shallow intertidal areas 5 and harbors. Every time there is a nominal 6 rain or windstorm, these sediments are 7 typically resuspended within these shallowest 8 portions of the Long Island Sound estuary 9 with their associated fish habitats. And 10 where people swim, fish and otherwise are 11 using the water. It is significant to major 12 episodic storms, these issues are magnified 13 dramatically.</p> <p>14 In effect, the relocation site takes 15 these materials from more fragile and 16 shallower waters and relocates them to deeper 17 potholes within the Sound. And if there are 18 contaminants, the relocated materials are 19 capped with clean materials.</p> <p>20 Throughout the country, but not in New 21 York and only minimally in Connecticut, great 22 success has been realized in using dredged 23 material to create in-water relocation 24 projects for habitat restoration and marsh 25 creation as well as other similar projects.</p>	<p style="text-align: right;">88</p> <p>1 MS. BROCHI: I will invite Mel up 2 for the informal Q&A discussion.</p> <p>3 MR. COTE: Thank you, Jeannie. And 4 I want to thank everybody who took the time 5 to come here and listen to the presentations 6 and especially thank those of you who took 7 the time to provide public comment for our 8 record. I wish we could do more hearings. 9 We have tight budgets like everybody else. 10 We also have a really tight time line as you 11 have heard as a result of our past ruling.</p> <p>12 We are at the end of the public hearing. 13 Last chance. Does anyone want to say 14 anything else for the public record?</p> <p>15 Okay. I am going to close the public 16 hearing. We will shut down the 17 transcription. And we are going to open an 18 informal question and answer session. 19 (At 5:05 p.m. the hearing was closed.) 20 21 22 23 24 25</p>
<p style="text-align: right;">87</p> <p>1 It's our belief that these types of 2 projects should be embraced and allowed in 3 New York and Connecticut, as additional 4 in-water alternatives for relocation of 5 dredged materials.</p> <p>6 While there are ardent cries from some 7 about the dumping of toxic materials into 8 Long Island Sound, the scientific evidence 9 does not support the baseless hysteria.</p> <p>10 But the threat to the commercial and 11 recreational marine facilities is real. If 12 the Western and Central sites does not remain 13 as a viable option for relocation of dredged 14 materials, then the results will be 15 catastrophic.</p> <p>16 It should also be noted that the New York 17 State, Long Island Sound region recreational 18 boating industry creates over 6,000 jobs and 19 generates over 4.5 billion dollars to the 20 economy.</p> <p>21 The Connecticut industry generates 7 22 billion. These benefits will eventually be 23 lost if the relocation options within the 24 Long Island Sound are eliminated. 25 We thank you.</p>	

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