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PUBLIC HEARING
ON
PROPOSED AMENDMENTS TO RESTRICTIONS ON USE
OF THE CENTRAL and WESTERN LONG ISLAND
SOUND DREDGED MATERIAL DISPOSAL SITES

MARCH 1, 2016
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MINUTES OF PROCEEDINGS

BEFORE :

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Coastal Protection Unit, EPA Region 1

Mel Cote, Chief, Surface Water Branch EPA
Region 1

Mark Habel, Chief Navigation and Environmental
Resources Section U.S. Army Corps of
Engineers, New England District

Steve Wolf, Environmental Resources Section,
U.S. Army Corps of Engineers, New England
District

Stephen Perkins, Director, Ocean and Coastal
Policy, EPA Region 1

Susan Crane
Court Reporter

<p>1 2</p> <p>2 MS. BROCHI: Good evening.</p> <p>3 Thank you for joining us. My name is</p> <p>4 Jean Brochi. I'm with EPA in Boston.</p> <p>5 I just want to go over a few</p> <p>6 logistics before we kick off the</p> <p>7 meeting.</p> <p>8 If you need to use a bathroom</p> <p>9 they are over here behind this wall;</p> <p>10 take a right. If you would like to</p> <p>11 speak tonight, this is a meeting to</p> <p>12 accept public comment, so if you</p> <p>13 would like to speak we ask that you</p> <p>14 fill out a speaker card, and either</p> <p>15 hold it and I will come by and</p> <p>16 collect it during the meeting.</p> <p>17 We are going to ask that you</p> <p>18 walk up to the front and use the</p> <p>19 microphone when speaking. We are</p> <p>20 also going to ask that you speak very</p> <p>21 clearly; state your name and spell</p> <p>22 your name. We have a</p> <p>23 transcriptionist off to my left and</p> <p>24 she will be recording the meeting,</p> <p>25 and the report will be available on</p>	<p>1 4</p> <p>2 rulemaking designated Central Western</p> <p>3 Long Island Sound Dredged Material</p> <p>4 Disposal Sites.</p> <p>5 I'm now going to describe what</p> <p>6 EPA's role is with respect to this.</p> <p>7 I'm going to take a step back to</p> <p>8 provide background on the designation</p> <p>9 for Central and Western Long Island</p> <p>10 Sound disposal sites, which was</p> <p>11 completed in July of 2005.</p> <p>12 Then I will turn it over to</p> <p>13 Habel of the U.S. Army Corps of</p> <p>14 Engineers in connection with their</p> <p>15 role, as well as their recently</p> <p>16 completed Dredged Material Management</p> <p>17 Plan. Following Mark will be Steve</p> <p>18 Wolf, also with the Corps' New</p> <p>19 England district. He is going to</p> <p>20 give you an overview and how we</p> <p>21 manage and monitor disposal sites.</p> <p>22 And following Steve, Stephen</p> <p>23 Perkins, also of EP Region 1, will</p> <p>24 explain EPA proposed amendments for</p> <p>25 the Central and Western sites.</p>
<p>1 3</p> <p>2 the EPA Website a few weeks after the</p> <p>3 meeting.</p> <p>4 Thank you for coming. You are</p> <p>5 here for the public hearing to make</p> <p>6 comments on the rulemaking, the EPA</p> <p>7 rulemaking amendments for Central and</p> <p>8 Western dredged material disposal</p> <p>9 sites. And our first speaker is Mel</p> <p>10 Cote from EPA.</p> <p>11 MR. COTE: Thank you, Jean.</p> <p>12 Good afternoon. Thank you, Jean, for</p> <p>13 welcoming everyone and good</p> <p>14 afternoon. As she mentioned, my name</p> <p>15 is Mel Cote, and I'm the Chief of the</p> <p>16 Surface Water Branch at EPA Region 1</p> <p>17 in Boston.</p> <p>18 The Surface Water Branch is</p> <p>19 the ocean, the coastal protection and</p> <p>20 watershed programs for the 16 states.</p> <p>21 Thank you for coming to this public</p> <p>22 hearing. I really appreciate you</p> <p>23 coming to learn more about this</p> <p>24 process and to provide comments on</p> <p>25 the proposed amendments to the 2005</p>	<p>1 5</p> <p>2 As you probably know, EPA and</p> <p>3 U.S. Army Corps of Engineers jointly</p> <p>4 regulate under federal authorities</p> <p>5 provided by Section 404 of the Clean</p> <p>6 Water Act, the Marine Protection,</p> <p>7 Research, and Sanctuaries Act, also</p> <p>8 known as the Ocean Dumping Act.</p> <p>9 In these programs we work</p> <p>10 closely with other federal agencies,</p> <p>11 The National Fishermen Service, U.S.</p> <p>12 Fish and Wildlife Service, and state</p> <p>13 environmental agencies to enhance</p> <p>14 this program to ensure proper</p> <p>15 coordination and consistency with</p> <p>16 statutory and regulatory requirements</p> <p>17 and environmental standards.</p> <p>18 In 1980 Congressman Jerome</p> <p>19 Ambro from Long Island succeeded in</p> <p>20 passing the Ocean Dumping Act, which</p> <p>21 Long Island Sound is the only estuary</p> <p>22 in the United States that is subject</p> <p>23 to the more stringent testing</p> <p>24 requirements of that law.</p> <p>25 Since then EPA and the Corps</p>

<p>1 6</p> <p>2 have been applying the stringent</p> <p>3 sediment tests on all federal</p> <p>4 dredging projects and the private</p> <p>5 dredging projects.</p> <p>6 Dredged material that meets</p> <p>7 these criteria and is determined</p> <p>8 suitable and clean enough for ocean</p> <p>9 disposal may be disposed at one of</p> <p>10 the four sites in the Long Island</p> <p>11 Sound known as the Western Central</p> <p>12 Long Island site, Cornfield Shoals,</p> <p>13 and New London serving the Eastern</p> <p>14 region.</p> <p>15 The Western and Central Long</p> <p>16 Island Sound sites were designated by</p> <p>17 EPA, as I mentioned earlier, in 2005.</p> <p>18 Cornfield Shoals and the New London</p> <p>19 sites were evaluated and selected and</p> <p>20 designated as disposal sites pursuant</p> <p>21 to programmatic environmental impact</p> <p>22 statement, and prepared by the Corps</p> <p>23 most recently in 1991.</p> <p>24 In 1992, Congress added a new</p> <p>25 provision to the Ocean Dumping Act</p>	<p>1 8</p> <p>2 designation subject to ongoing</p> <p>3 monitoring requirements to ensure</p> <p>4 that the sites remain environmentally</p> <p>5 sound.</p> <p>6 To summarize, EPA's</p> <p>7 responsibility related to dredging</p> <p>8 and dredged material disposal include</p> <p>9 designating disposal sites for long</p> <p>10 term use, promulgating regulations</p> <p>11 and criteria for disposal site</p> <p>12 selection and permitting discharges,</p> <p>13 and reviewing Corps dredging projects</p> <p>14 and permits, developing site</p> <p>15 monitoring and management plans for</p> <p>16 Corps sites, and monitoring disposal</p> <p>17 sites jointly with the Corps.</p> <p>18 Now I'm going to provide some</p> <p>19 background and definitions into EPA</p> <p>20 dredged material disposal sites which</p> <p>21 was completed in July of 2005. The</p> <p>22 process began in 1998 when EPA and</p> <p>23 the Corps agreed to conduct a formal</p> <p>24 site designation process following</p> <p>25 the criteria distributed by the EPA.</p>
<p>1 7</p> <p>2 that for the first time established a</p> <p>3 time limit on the availability of</p> <p>4 core selected sites for disposal</p> <p>5 activity. The provision allowed the</p> <p>6 selective sites to be used for a</p> <p>7 five-year period beginning with the</p> <p>8 first disposal activity after the</p> <p>9 effective date of the provision,</p> <p>10 which was October 31, 1992.</p> <p>11 It also provides an additional</p> <p>12 five-year period beginning first</p> <p>13 disposal activity commencing after</p> <p>14 completion of the first five-year</p> <p>15 period. What that means is they</p> <p>16 don't have to be consecutive five</p> <p>17 plus five. The next disposal</p> <p>18 activity triggers the last five</p> <p>19 years.</p> <p>20 And also, use of the site can</p> <p>21 be extended if that site is</p> <p>22 designated by EPA for long term use.</p> <p>23 The selected disposal sites for short</p> <p>24 term limited use while authorized by</p> <p>25 EPA undertakes long term site</p>	<p>1 9</p> <p>2 We also agreed that consistent</p> <p>3 with past practices of the designated</p> <p>4 dredged material disposal sites, we</p> <p>5 would follow the EPA's safest policy</p> <p>6 for Voluntary Recreation Act and</p> <p>7 National Environmental Policy Act,</p> <p>8 the NEPA Act. They were prepared for</p> <p>9 EIS to evaluate the dredged material</p> <p>10 disposal options.</p> <p>11 In June 1999 we published a</p> <p>12 notice of intent to prepare, in</p> <p>13 cooperation with the Corps and other</p> <p>14 federal and state agencies, an EIS to</p> <p>15 evaluate and potentially designate</p> <p>16 dredged material disposal sites for</p> <p>17 the entire Long Island Sound region.</p> <p>18 We began the Soundwide field</p> <p>19 data collection in 1999, but we have</p> <p>20 been slowed by both the technical</p> <p>21 complexity and the associated large</p> <p>22 scale multisite project.</p> <p>23 In March of 2002, the</p> <p>24 potential Long Island Sound disposal</p> <p>25 sites scheduled to close in February</p>

<p>1 10 2 of 2004, that is when the last five 3 year was going to end, we and the 4 Corps announced our intent to develop 5 EIS in two stages; Western and 6 Central Long Island Sound first, 7 followed by the Eastern Sound once 8 the sites had been designated to 9 serve the Western and Central 10 regions. 11 We felt this was scheduled to 12 meet the important public meeting in 13 this region more expeditiously 14 without compromise in the 15 decision-making process. 16 In September of 2003, EPA 17 issued the draft EIS recommended 18 designation for Central and Western 19 disposal sites. We held public 20 hearings in Connecticut and New York 21 during late September and in 22 December. 23 EPA released the final EIS in 24 response to comments on the draft in 25 April of 2004 with the recommended</p>	<p>1 12 2 subject to restrictions. These 3 restrictions were intended to reduce 4 or eliminate disposal of dredged 5 material in Long Island Sound and 6 include the Corps completed Dredged 7 Material Management Plan for the 8 entire region with the goal of 9 reducing or eliminating open water 10 disposal by identifying alternatives. 11 Two, establishing interagency 12 formation of a Long Island Sound 13 Regional Dredging Team to review the 14 analyses for federal and large 15 private dredging projects. 16 Three, EPA conducting its 17 annual review of progress to address 18 the completion of the DMMP. To 19 address that last requirement since 20 2006, EPA published an annual report 21 for the public, not only on the 22 progress of completion of the DMMP, 23 but on the disposition of dredged 24 material from all projects each year 25 including open water disposal for</p>
<p>1 11 2 action for alternative disposal site 3 designations of Central and Western 4 sites. 5 Because the EIS is not a 6 decision document, the EPA also began 7 the rulemaking process formally 8 designated two sites by regulation. 9 At this point the State of New York 10 exercised its federal opposition 11 under the Coastal Zone Management Act 12 to object to the site expedition on 13 the basis that this federal action 14 was not consistent with the 15 enforcement of policies of their 16 program. 17 So in June of 2005 EPA 18 published the Final Rule designating 19 Central and Western disposal sites to 20 address concerns raised by the State 21 of New York and some sectors of the 22 general public about the potential 23 impact on the Long Island Sound water 24 quality. 25 These site designations are</p>	<p>1 13 2 beneficial use. 3 As an example of the kind of 4 information contained in the report, 5 this is the data on the amount of 6 dredged material disposed of at each 7 of the individual four Long Island 8 Sound disposal sites over the past 9 nine years. 10 The number I think is most 11 important to point out is the lower 12 right where what you see is compared 13 to the average amount of materials 14 disposed of between 1982 and 2004. 15 It's an average; in the nine years 16 there is a 35 percent reduction, the 17 total amount being 402,458. 18 So we have made some good 19 progress and we hope with the amended 20 rule we are going to continue to see 21 continued progress in reducing water 22 disposal. 23 So right now I'm going to turn 24 it over to Mark Habel from the U.S. 25 Army Corps of Engineers to talk about</p>

<p>1 14</p> <p>2 the Long Island Sound Dredged</p> <p>3 Material Management Plan.</p> <p>4 MR. HABEL: Thank you, Mel.</p> <p>5 As Mel said, my name is Mark Habel</p> <p>6 from the New England District of the</p> <p>7 U.S. Army Corps of Engineers. I was</p> <p>8 also the principal author in the DMMP</p> <p>9 that the Corps published as final on</p> <p>10 the 11th of January of this year.</p> <p>11 Tonight I'm going to give a</p> <p>12 presentation that I gave back in</p> <p>13 January to the interstate,</p> <p>14 interagency steering committee for</p> <p>15 the DMMP to talk about how to</p> <p>16 implement the DMMP's regulations, a</p> <p>17 slide most of you have seen before.</p> <p>18 This is where the dredged</p> <p>19 material in Long Island Sound comes</p> <p>20 from. The circles that are on the</p> <p>21 map are scaled to represent the share</p> <p>22 of the overall dredged material</p> <p>23 burden. The darker blue is federal</p> <p>24 navigation projects and the lighter</p> <p>25 blue is everything else.</p>	<p>1 16</p> <p>2 also can look at other things which</p> <p>3 may or may not involve the Corps'</p> <p>4 financials. The recommendations also</p> <p>5 were given to the states and agencies</p> <p>6 on further study to develop more</p> <p>7 beneficial use alternatives, to get</p> <p>8 more of the dredged material stream</p> <p>9 out of the open "water disposal</p> <p>10 realm."</p> <p>11 We also recommended a number</p> <p>12 of items for continuing management</p> <p>13 and monitoring of the Sound of</p> <p>14 dredged material disposal impacts,</p> <p>15 and of the health of the Sound,</p> <p>16 itself. The DMMP contained dredging</p> <p>17 volume projections.</p> <p>18 Back to dredging volumes. We</p> <p>19 looked at a 30-year period, what were</p> <p>20 all of the needs for dredging in the</p> <p>21 Sound from federal sources and from</p> <p>22 non-Federal sources. Over 30 years</p> <p>23 that was quite a large number, some</p> <p>24 53 million cubic yards.</p> <p>25 However, it is unlikely that</p>
<p>1 15</p> <p>2 So as you can see, it is</p> <p>3 obvious that the majority of the</p> <p>4 dredged material in the Sound comes</p> <p>5 from Connecticut, and the majority of</p> <p>6 that material comes from the</p> <p>7 maintenance of federal navigation</p> <p>8 projects.</p> <p>9 In the DMMP we examined all of</p> <p>10 the various harbors in Long Island</p> <p>11 Sound, the federal projects</p> <p>12 individually, and all of the</p> <p>13 non-Federal work by regional dredging</p> <p>14 centers. We broke the Long Island</p> <p>15 Sound region down into about 27</p> <p>16 dredging sites.</p> <p>17 The DMMP contained a number of</p> <p>18 recommendations by law and regulation</p> <p>19 that the Corps must identify what it</p> <p>20 believes is the federal base plan for</p> <p>21 every federal project that is the</p> <p>22 least costly environmentally</p> <p>23 acceptable alternative for</p> <p>24 constructing that project.</p> <p>25 Beyond the base plan the Corps</p>	<p>1 17</p> <p>2 all of that would ever be dredged.</p> <p>3 You know, the situation with the</p> <p>4 federal budget and the local budgets</p> <p>5 and state budgets, it's highly</p> <p>6 unlikely that more than a third of</p> <p>7 these projects would be dredged in</p> <p>8 that period.</p> <p>9 We had to look at each harbor</p> <p>10 and identify alternatives for each</p> <p>11 harbor as it came up for work because</p> <p>12 we can never predict which harbors</p> <p>13 are going to be funded at what times.</p> <p>14 That is almost a political decision</p> <p>15 more than an agency decision. So we</p> <p>16 had to look at them all, and that's</p> <p>17 where there is a 53 million cubic</p> <p>18 yard number out there.</p> <p>19 We had to identify places that</p> <p>20 that material might go. A lot of</p> <p>21 this depends on sediment</p> <p>22 classification. There's different</p> <p>23 types of dredged material and where</p> <p>24 they can be put depends on what it</p> <p>25 is. Is it sandy material; is it</p>

<p>1 18</p> <p>2 material that is contaminated; or is</p> <p>3 it fine grain material that is</p> <p>4 uncontaminated.</p> <p>5 So that 53 million cubic yards</p> <p>6 breaks down by state and by those</p> <p>7 three material classes as you can see</p> <p>8 here. Out of that 53 million yards,</p> <p>9 some 15-and-a-half million yards is</p> <p>10 sand. We shouldn't be putting clean</p> <p>11 sand out in the open water. We</p> <p>12 should be finding ways to use that,</p> <p>13 whether it is beach nourishment or</p> <p>14 flood protection or storm protection</p> <p>15 or whatever.</p> <p>16 Over three million yards of</p> <p>17 that material we know from past</p> <p>18 testing is likely to be too</p> <p>19 contaminated to ever be approved to</p> <p>20 go into the open water sites in the</p> <p>21 Sound, so we need to find ways to</p> <p>22 contain that or treat that.</p> <p>23 But in the middle is some 34</p> <p>24 million cubic yards of fine grain</p> <p>25 dredged material -- it doesn't all</p>	<p>1 20</p> <p>2 put it in the near shore or open</p> <p>3 water sites. You can cap other sites</p> <p>4 with it. You can bring it upland for</p> <p>5 landfill capping or brown field</p> <p>6 remediation.</p> <p>7 There are things that can be</p> <p>8 done with that. When we talk about</p> <p>9 the federal base plan, the least cost</p> <p>10 environmentally-acceptable</p> <p>11 alternative under the federal</p> <p>12 viewpoint all goes back to the Clean</p> <p>13 Water Act and how it defines the</p> <p>14 federal standard.</p> <p>15 The Corps of Engineers is a</p> <p>16 federal agency. It has a mission to</p> <p>17 establish to maintain and approve our</p> <p>18 nation's waterways. It has to do so</p> <p>19 in an environmentally-acceptable</p> <p>20 manner and in a</p> <p>21 financially-responsible manner, so we</p> <p>22 have to identify the least cost means</p> <p>23 of constructing each of those</p> <p>24 projects.</p> <p>25 Here is the definition of</p>
<p>1 19</p> <p>2 come out of Connecticut -- that when</p> <p>3 it's tested, it is found suitable for</p> <p>4 open water placement. The challenge</p> <p>5 is to find other things to do with</p> <p>6 that besides putting it in open</p> <p>7 water.</p> <p>8 A number of items that we</p> <p>9 looked at for each of those three</p> <p>10 classes are up here; beach placement,</p> <p>11 near shore placement for sand,</p> <p>12 capping older materials and CAD cells</p> <p>13 out in the Sound, construction fill</p> <p>14 and other coastal resiliency or sea</p> <p>15 level change applications.</p> <p>16 As I said for the unsuitable</p> <p>17 material, you really can't do</p> <p>18 anything with it other than to</p> <p>19 confine it or treat it. There are,</p> <p>20 however, alternatives for that 34</p> <p>21 million cubic yards of fine grain</p> <p>22 material that is in the middle.</p> <p>23 You can build marshes with it;</p> <p>24 you can raise land elevations in</p> <p>25 response to sea level rise; you can</p>	<p>1 21</p> <p>2 that. I talked a little bit about</p> <p>3 the base plan earlier. A plan other</p> <p>4 than the federal base plan can be</p> <p>5 implemented by the Corps of Engineers</p> <p>6 if there is a non-federal sponsor</p> <p>7 whether that is a state, county, or a</p> <p>8 local municipality that is willing to</p> <p>9 help share the financial cost of that</p> <p>10 alternative.</p> <p>11 So the base plan is what the</p> <p>12 federal government will pay for on</p> <p>13 its own. Other plans can be</p> <p>14 implemented. Some of them the Corps</p> <p>15 of Engineers has the authority to</p> <p>16 share in that additional cost, some</p> <p>17 of them it does not. It is Congress</p> <p>18 that determines this.</p> <p>19 There are laws passed</p> <p>20 specifically that say that the Corps</p> <p>21 can pay 65 percent of the cost of</p> <p>22 building a marsh or building a beach</p> <p>23 if that is not the base plan. Even</p> <p>24 under the base plan some things like</p> <p>25 constructing disposal facilities; if</p>

<p>1 22</p> <p>2 we have contaminated material or fine</p> <p>3 grain material and we want to build a</p> <p>4 containment facility for that, that's</p> <p>5 considered an improvement and it</p> <p>6 requires cost sharing in the same</p> <p>7 manner a core deepening project</p> <p>8 requires cost sharing.</p> <p>9 And that cost sharing goes by</p> <p>10 the depth of the harbor by law.</p> <p>11 Congress in 1986 came up with this</p> <p>12 under the Water Resources Act of</p> <p>13 1986, and it has stayed the same ever</p> <p>14 since generally.</p> <p>15 The projects of up to 20 feet</p> <p>16 require a 20 percent match. Projects</p> <p>17 from 20 to 45 feet require a 35</p> <p>18 percent match. There aren't any</p> <p>19 projects over 45 feet in Long Island</p> <p>20 Sound, nor will I expect there will</p> <p>21 be.</p> <p>22 I talked a little bit about</p> <p>23 beneficial uses. Most of these</p> <p>24 require a sponsor to either pay a</p> <p>25 hundred percent, or if there is a</p>	<p>1 24</p> <p>2 restoration projects. These are</p> <p>3 marsh creations or marsh elevation</p> <p>4 placement to keep ahead of sea level</p> <p>5 rise and land subsidence. A number</p> <p>6 of these have been built all over the</p> <p>7 country.</p> <p>8 Section 1135 is more where we</p> <p>9 go in and restore environmental</p> <p>10 systems by removing material or</p> <p>11 adding material. There's more of</p> <p>12 these authorities than I have shown</p> <p>13 up there, but individual sponsors and</p> <p>14 towns can come to us and ask with an</p> <p>15 idea: Here is something we may want</p> <p>16 to do with the dredged material in</p> <p>17 the harbor or the project, and we</p> <p>18 will identify the best way to help</p> <p>19 them to get them options on how to</p> <p>20 proceed.</p> <p>21 I just spoke before about</p> <p>22 sandy material. The DMMP looked at</p> <p>23 all of the state and county and many</p> <p>24 of the municipal public beaches</p> <p>25 around the Sound. We talked to those</p>
<p>1 23</p> <p>2 federal authority for assistance, to</p> <p>3 pay 25 or 35 percent of the cost.</p> <p>4 Each of these authorities Congress</p> <p>5 has addressed separately, so they all</p> <p>6 have different rules; they all have</p> <p>7 slightly different cost sharing</p> <p>8 requirements, different requirements</p> <p>9 with the local sponsor to provide</p> <p>10 real estate if anything is needed.</p> <p>11 These all go back to</p> <p>12 individual public laws. These are</p> <p>13 some of those authorities that the</p> <p>14 Corps has that can be used to help</p> <p>15 share the difference in cost between</p> <p>16 the base plan and something above the</p> <p>17 base plan.</p> <p>18 We have small stream bank</p> <p>19 protection projects; sometimes they</p> <p>20 require material. Certainly</p> <p>21 hurricane and storm damage reduction</p> <p>22 projects, a number of which are built</p> <p>23 on Long Island, beach fill and near</p> <p>24 shore placement projects.</p> <p>25 We have aquatic ecosystem</p>	<p>1 25</p> <p>2 who manage them about their needs to</p> <p>3 have sand placement over the next 30</p> <p>4 years either directly on the beach or</p> <p>5 near shore in the bar systems off the</p> <p>6 beach that feed the beach.</p> <p>7 We went through and we</p> <p>8 identified all of these as placement</p> <p>9 sites potentially, and those harbors</p> <p>10 closest to those areas that produce</p> <p>11 sand in the DMMP had these beaches as</p> <p>12 potential alternatives.</p> <p>13 Unsuitable material, as I said</p> <p>14 before, does not and will not go in</p> <p>15 the Sound. Since the advent of</p> <p>16 sediment sampling testing procedures</p> <p>17 in 1972, The Ocean Dumping Act, we</p> <p>18 tested all material that is going</p> <p>19 into open water.</p> <p>20 Those tests and those</p> <p>21 procedures and requirements get</p> <p>22 refined over the years, and now we</p> <p>23 have a projection of some I think</p> <p>24 around six and a half percent of all</p> <p>25 of the dredged material projected to</p>

<p>1 26</p> <p>2 be generated in Long Island Sound</p> <p>3 region over the next 30 years would</p> <p>4 likely be classified as unsuitable</p> <p>5 for open water placement.</p> <p>6 These are some of the</p> <p>7 locations that we looked at for</p> <p>8 creating confined disposal</p> <p>9 facilities, whether these are CAD</p> <p>10 cells which are confined aquatic</p> <p>11 disposal sites, which we have built</p> <p>12 all over New England since 1980 to</p> <p>13 confine and isolate these materials,</p> <p>14 or whether they are actual confined</p> <p>15 disposal facilities above the water.</p> <p>16 There have been studies for</p> <p>17 these facilities in Long Island Sound</p> <p>18 that go back to the 1970s. So there</p> <p>19 is a large body of information out</p> <p>20 there on sites that have been</p> <p>21 proposed for developing these over</p> <p>22 the years, and the DMMP tried to</p> <p>23 capture all of that information.</p> <p>24 I talked before about the fine</p> <p>25 grain dredged material, that large</p>	<p>1 28</p> <p>2 Little Narragansett Bay where there</p> <p>3 is dredging needs for the Pawcatuck</p> <p>4 River, the Mystic River, Stonington</p> <p>5 Harbor, Watch Hill Cove, and places</p> <p>6 like that which could be put together</p> <p>7 if the states could cooperate on</p> <p>8 championing a marsh creation project</p> <p>9 in Little Narragansett Bay.</p> <p>10 Potentially the Corps could</p> <p>11 assist with this if there were</p> <p>12 sufficient environmental benefits to</p> <p>13 do so. We could pay for up to 65</p> <p>14 percent of the cost for something</p> <p>15 like this.</p> <p>16 Another example here in New</p> <p>17 Haven behind Sandy Point where there</p> <p>18 is a significant capacity for a marsh</p> <p>19 fill project; New Haven had most of</p> <p>20 its marshes filled for core</p> <p>21 development over the past two</p> <p>22 centuries. There is a chance to get</p> <p>23 some of that environmental benefit</p> <p>24 back using dredged material to</p> <p>25 construct the marsh.</p>
<p>1 27</p> <p>2 chunk of 34 million cubic yards, what</p> <p>3 to do with it. The DMMP has a lot of</p> <p>4 different suggestions on what</p> <p>5 individual projects going forward we</p> <p>6 need to look at. There is a couple</p> <p>7 of them here I will go through.</p> <p>8 Sites like in Stamford Harbor,</p> <p>9 New Haven Harbor, Norwalk Harbor, New</p> <p>10 London where you could develop a CDF</p> <p>11 facility or CAD cell that could take</p> <p>12 care of these.</p> <p>13 Beneficial uses; there were a</p> <p>14 couple of recommendations in the DMMP</p> <p>15 for potential pilot projects</p> <p>16 involving interstate cooperation</p> <p>17 between Connecticut and New York, or</p> <p>18 between Connecticut and Rhode Island</p> <p>19 and potentially New York for doing</p> <p>20 marsh creation projects using fine</p> <p>21 grain material in the Sound.</p> <p>22 There's a couple of examples</p> <p>23 in the DMMP near or on the state</p> <p>24 boundaries in order for the states to</p> <p>25 cooperate. There is one here in</p>	<p>1 29</p> <p>2 Again, these are suggestions</p> <p>3 that the Corps has made to the states</p> <p>4 to consider moving forward. Another</p> <p>5 thing we can do is -- it rarely comes</p> <p>6 along but occasionally you get a</p> <p>7 large scale dredging project for</p> <p>8 Corps deepening.</p> <p>9 We are looking at one right</p> <p>10 now in Boston Harbor that is going to</p> <p>11 be from construction later this year</p> <p>12 and will take four years or more to</p> <p>13 build, and we are looking at using 12</p> <p>14 million cubic yards out of Boston</p> <p>15 Harbor to cap an old industry waste</p> <p>16 site out in Massachusetts Bay in</p> <p>17 about 300 feet of water.</p> <p>18 That opportunity, 12 million</p> <p>19 cubic yards, is not going to come</p> <p>20 along for another generation, so it</p> <p>21 is an opportunity to use that dredged</p> <p>22 material beneficially to remedy some</p> <p>23 past contamination.</p> <p>24 Similar opportunities may</p> <p>25 exist here in the Sound, particularly</p>

<p>1 30</p> <p>2 when the New Haven deepening project</p> <p>3 study gets underway later this year.</p> <p>4 They are going to start looking at</p> <p>5 what you can do potentially for five</p> <p>6 million cubic yards of fill and</p> <p>7 natural parent material coming out of</p> <p>8 New Haven.</p> <p>9 That material can be used to</p> <p>10 remedy some of the historic pre-Ocean</p> <p>11 Dumping Act activities in the Sound.</p> <p>12 There are some 11 or more disposal</p> <p>13 sites in the Sound beyond the four</p> <p>14 that are currently used. Some of</p> <p>15 those have disposal bounds from back</p> <p>16 in the '60s, '50s, '40s and even</p> <p>17 earlier.</p> <p>18 We can identify where those</p> <p>19 are, where the most contaminated</p> <p>20 materials are, and we can cap them.</p> <p>21 But again, a four million cubic yard</p> <p>22 parent material dredging project in</p> <p>23 Long Island Sound is not going to</p> <p>24 come around more than once a</p> <p>25 generation. So there are things to</p>	<p>1 32</p> <p>2 way and supported and budgeted. And</p> <p>3 now I would like to introduce Steve</p> <p>4 Wolf, who will give a short</p> <p>5 presentation on how we do sampling</p> <p>6 and testing and how we monitor the</p> <p>7 disposal sites.</p> <p>8 MR. WOLF: Thank you, Mark.</p> <p>9 Can you hear me all right if I don't</p> <p>10 use a mic? It will give me a chance</p> <p>11 to move around a little bit.</p> <p>12 I thought it might make sense</p> <p>13 since we are talking about placement</p> <p>14 in open water sites to actually show</p> <p>15 you what one of those look like for</p> <p>16 those of you who may not have been</p> <p>17 out there.</p> <p>18 This is about 3,000 plus cubic</p> <p>19 yards of dredged material on the</p> <p>20 scow. The scow is over its target</p> <p>21 location. The hydraulics are engaged</p> <p>22 and the scow begins to open up along</p> <p>23 the center line, and you see that</p> <p>24 material falling out. It is a</p> <p>25 relatively quick process; ten to 15</p>
<p>1 31</p> <p>2 think about going forward on this.</p> <p>3 What is required to implement</p> <p>4 these alternatives to implement the</p> <p>5 DMMP? Anything beyond the federal</p> <p>6 base plan, again, requires a</p> <p>7 non-federal public sponsor, the</p> <p>8 state, county, or municipal</p> <p>9 authority. They have to be willing</p> <p>10 to share in the cost of the studies</p> <p>11 for those beneficial uses and in the</p> <p>12 cost of designing construction for</p> <p>13 those beneficial uses.</p> <p>14 Not all of them will qualify.</p> <p>15 Congress hasn't covered every</p> <p>16 opportunity so what we have is we</p> <p>17 have a large number of authorities</p> <p>18 that we can look at and try to tailor</p> <p>19 to situations. It is unlikely that</p> <p>20 all of the ideas we come up with will</p> <p>21 be things that we can assist.</p> <p>22 The Corps again strongly</p> <p>23 recommends that the three states</p> <p>24 cooperate with each other and try to</p> <p>25 get some of these alternatives under</p>	<p>1 33</p> <p>2 seconds and 3,000 plus cubic yards of</p> <p>3 dredged material is gone.</p> <p>4 And then the scow begins to</p> <p>5 close and have the trip back to port.</p> <p>6 It is a quick process, but we</p> <p>7 understand that it raises questions</p> <p>8 and concerns. I'm going to guess</p> <p>9 that's why some of you are here</p> <p>10 tonight; things like can you place it</p> <p>11 accurately; when you do put it there,</p> <p>12 is that material going to stay there.</p> <p>13 Is it going to cause an issue</p> <p>14 to the water column, and what does it</p> <p>15 do to the sea floor. These were</p> <p>16 questions and comments we got on the</p> <p>17 DMMP that Mark mentioned over a</p> <p>18 common theme related to those.</p> <p>19 And the program that I worked</p> <p>20 with does a lot of monitoring so I</p> <p>21 was involved in trying to answer</p> <p>22 those, and we thought it might make</p> <p>23 sense to give you a quick overview of</p> <p>24 how we addressed those going forward.</p> <p>25 I would start off with one of</p>

<p>1 34</p> <p>2 the comments we got at the last</p> <p>3 hearing for the DMMP and a gentleman</p> <p>4 said, "When you make a placement like</p> <p>5 this, isn't it just out of sight out</p> <p>6 of mind, for the Corps of Engineers,</p> <p>7 and you are not concerned about the</p> <p>8 dredged material any longer?"</p> <p>9 And the answer to that is I</p> <p>10 will go back in time. Go back to the</p> <p>11 late 1800s, where dredging was</p> <p>12 pushing or dragging sediment out of</p> <p>13 the area; it was clearly out of sight</p> <p>14 and out of mind. Just get it outside</p> <p>15 of the area that I'm worried about</p> <p>16 and let someone else deal with it.</p> <p>17 As time rolled on and we got</p> <p>18 to the early 1900s, and the ports and</p> <p>19 harbors got a little more crowded, we</p> <p>20 began to see the dredged material</p> <p>21 taken outside of the harbors. If you</p> <p>22 look up and down the New England</p> <p>23 coastline outside of a lot of the</p> <p>24 harbors you can still see remnants</p> <p>25 today. So we are still an era of out</p>	<p>1 36</p> <p>2 type of material could go out there.</p> <p>3 So now we move into the era of</p> <p>4 the '70s where it is no longer out of</p> <p>5 sight out of mind, and that's really</p> <p>6 the program that I work with, the</p> <p>7 DAMOS, or the Disposal Area</p> <p>8 Monitoring Program, got its work back</p> <p>9 from those two pieces of legislation</p> <p>10 back in the '70s.</p> <p>11 This program was really formed</p> <p>12 to help answer those same questions</p> <p>13 that people are still raising today.</p> <p>14 What we have done is drawn on almost</p> <p>15 40 years of investigation. If I go</p> <p>16 back and I empty some of the</p> <p>17 archives, this is just a portion of</p> <p>18 the various studies and reports that</p> <p>19 we have done on just these two sites</p> <p>20 that we are talking about today</p> <p>21 Central and Western.</p> <p>22 I didn't get into the</p> <p>23 archives; it would easily be double</p> <p>24 this. So it is clearly on the part</p> <p>25 of the states, on the part of EPA and</p>
<p>1 35</p> <p>2 of sight and out of mind; just get it</p> <p>3 out of the harbor.</p> <p>4 As we moved into the 1900s, we</p> <p>5 began to see sites more formalized</p> <p>6 that showed up on charts, that began</p> <p>7 to show up in the Corps of Engineers'</p> <p>8 records and state records, and so for</p> <p>9 this image of Long Island Sound each</p> <p>10 one of the light-colored blocks is an</p> <p>11 area where there is some record that</p> <p>12 dredged material was placed there.</p> <p>13 Still there was not a lot of</p> <p>14 control as to what type of material</p> <p>15 would go out there. I would qualify</p> <p>16 this as the beginning of not totally</p> <p>17 out of sight out of mind but still</p> <p>18 somewhat in that category.</p> <p>19 It wasn't until you get to the</p> <p>20 1970s with the passage of the Clean</p> <p>21 Water Act and Marine Protection</p> <p>22 Research and Sanctuary Act that was</p> <p>23 passed that we began to see a more</p> <p>24 rigorous process for where we can</p> <p>25 place the material as well as what</p>	<p>1 37</p> <p>2 the Corps which is no longer out of</p> <p>3 sight out of mind. We have a good</p> <p>4 body of information to draw on to try</p> <p>5 to answer the questions.</p> <p>6 Especially having been to some</p> <p>7 of these hearings where I think we</p> <p>8 fall down, we have not done a very</p> <p>9 good job of communicating that to</p> <p>10 folks like yourselves, so we are</p> <p>11 starting to turn the wheel. We</p> <p>12 produced the report. We have a</p> <p>13 Website.</p> <p>14 You can download any of those</p> <p>15 reports. We have symposia; we go to</p> <p>16 conferences, but we don't do as much</p> <p>17 in terms of general outreach. So we</p> <p>18 are starting to think about how can</p> <p>19 we get the word out about the work</p> <p>20 that has been done.</p> <p>21 Before I get into the specific</p> <p>22 questions, I want to touch on what I</p> <p>23 think Mark said and Mel mentioned in</p> <p>24 his opening remarks; there has been a</p> <p>25 lot of press related to the DMMP as</p>

<p>1 38</p> <p>2 well as this rulemaking.</p> <p>3 There has been some</p> <p>4 misinformation out there and we would</p> <p>5 certainly like to clear one thing up.</p> <p>6 There have been direct statements</p> <p>7 about toxic material being placed in</p> <p>8 the Sound. We just want to</p> <p>9 emphatically say that based on states</p> <p>10 and EPA's rule, that is not the case.</p> <p>11 As Mel mentioned, there's very</p> <p>12 rigorous testing which is associated</p> <p>13 with that. So we are going to have a</p> <p>14 dredging project and we want to</p> <p>15 decide what to do with the material.</p> <p>16 There's three types of testing;</p> <p>17 physical testing for determining how</p> <p>18 much is coarse grain, how much is</p> <p>19 fine grain as Mark was mentioning.</p> <p>20 So it gives us some idea as to</p> <p>21 physically what we can we do with it.</p> <p>22 Material goes off to the lab. We</p> <p>23 test it for chemistry so we see what</p> <p>24 levels of contaminants are in it.</p> <p>25 And then we take that material</p>	<p>1 40</p> <p>2 there.</p> <p>3 So then moving on you have</p> <p>4 sediment determined to be suitable.</p> <p>5 We are going to take it to one of</p> <p>6 these offshore sites. How do we know</p> <p>7 we get it in the right place? In the</p> <p>8 early days of the DAMOS program we</p> <p>9 put out marker buoys, and that gave</p> <p>10 the tugboat operators something to</p> <p>11 shoot as to where to place the</p> <p>12 material.</p> <p>13 In this day and age of</p> <p>14 electronics we are more accurate.</p> <p>15 Every scow has a set of sensors.</p> <p>16 There is a GPS sensor back on the</p> <p>17 stern which gives a record as to</p> <p>18 where the scow is. There are hull</p> <p>19 sensors which tell whether the hull</p> <p>20 is open or closed. We have got draft</p> <p>21 sensors fore and aft so we know if</p> <p>22 the scow is loaded, whether it is</p> <p>23 heavy or whether it released the load</p> <p>24 and it is light.</p> <p>25 We have a data logger that</p>
<p>1 39</p> <p>2 if we are proposing to put it</p> <p>3 offshore, and we do what is called</p> <p>4 biological testing where it gets</p> <p>5 placed in sampling chambers with the</p> <p>6 types of critters that we see out in</p> <p>7 the Long Island Sound and we see does</p> <p>8 it have an effect on them.</p> <p>9 Is it toxic, do they</p> <p>10 bioaccumulate to materials that are</p> <p>11 out there? And that has to go</p> <p>12 through the testing before the state</p> <p>13 and EPA say yes, this is suitable to</p> <p>14 go offshore. I reiterate: Toxic</p> <p>15 material does not go off to these</p> <p>16 sites.</p> <p>17 Now, looks can be deceiving.</p> <p>18 For those of you who mucked around in</p> <p>19 a salt marsh or a mud flap you can</p> <p>20 see that sediment can be far removed</p> <p>21 from impacts from humans, can</p> <p>22 actually have a fairly nasty look</p> <p>23 like that (indicating) and it isn't</p> <p>24 until you get into the testing that</p> <p>25 you can see specifically what is</p>	<p>1 41</p> <p>2 stores all of that information,</p> <p>3 transmits it back to shore so we can</p> <p>4 look at it in real time so that we</p> <p>5 get a record, something that looks</p> <p>6 like this (indicating).</p> <p>7 This came out of the New Haven</p> <p>8 project a couple of years ago. And</p> <p>9 what we see is a trail of bread</p> <p>10 crumbs and this tells location of the</p> <p>11 scow on its entire trip out to the</p> <p>12 dredged material disposal site where</p> <p>13 it is released and on its way back.</p> <p>14 If we were to zoom in here, we</p> <p>15 can see the precise point of where</p> <p>16 that material left the scow within 15</p> <p>17 seconds. So we can see it should be</p> <p>18 where it is and we can track the</p> <p>19 dredging contractors who have been</p> <p>20 hired to do that work.</p> <p>21 What gives the tugboat</p> <p>22 operators who may have a quarter of a</p> <p>23 mile haul in terms of between where</p> <p>24 the tug is and where the scow is,</p> <p>25 they are actually looking at a</p>

<p>1 42</p> <p>2 computer screen and they see exactly</p> <p>3 where the scow is in relation to the</p> <p>4 target. It's almost like a video</p> <p>5 game.</p> <p>6 So again, that has allowed us</p> <p>7 to be very successful as to where the</p> <p>8 material goes. So once we get it out</p> <p>9 there, one of the questions we got</p> <p>10 is: Is it stable on the sea floor?</p> <p>11 Is it going to stay there? This is</p> <p>12 an image, a bathymetric map of the</p> <p>13 Central Long Island Sound site.</p> <p>14 It is about a one-by-two-mile</p> <p>15 rectangle. This is a map of the</p> <p>16 bathymetry and the topography of the</p> <p>17 sea floor. Then you see some areas</p> <p>18 over here where there has been little</p> <p>19 dredged material placement;</p> <p>20 relatively flat, sort of gently</p> <p>21 sloping, and then we see a bunch of</p> <p>22 bumps over here.</p> <p>23 We have accentuated the</p> <p>24 topography to show it a little bit</p> <p>25 better here. In reality, each one of</p>	<p>1 44</p> <p>2 of nor'easters, including the perfect</p> <p>3 storm. We've got Hurricane Sandy;</p> <p>4 we've got Hurricane Irene, we've got</p> <p>5 Hurricane Bob.</p> <p>6 Even some of these have been</p> <p>7 out since Hurricane Gloria, and so we</p> <p>8 have been able to go back before and</p> <p>9 after and say how big is the mound;</p> <p>10 how high off the bottom does it sit,</p> <p>11 and that allows us to very</p> <p>12 confidently say where these sites</p> <p>13 are, Central and Western, the</p> <p>14 material is very stable on the sea</p> <p>15 floor.</p> <p>16 So then we move on to what</p> <p>17 about release to the water column</p> <p>18 when you actually place the material?</p> <p>19 As I first started to get involved in</p> <p>20 this work, this was sort of the image</p> <p>21 that I had in my mind that came out</p> <p>22 of an older textbook.</p> <p>23 You've got a scow up here on</p> <p>24 the surface. You've got the material</p> <p>25 falling, falling, falling through the</p>
<p>1 43</p> <p>2 these numbered sites is a project or</p> <p>3 a particular placement year or two</p> <p>4 where we focus, where we targeted;</p> <p>5 where we put the buoy, where we put</p> <p>6 the coordinates, where we said this</p> <p>7 is where we would like to have the</p> <p>8 dredged material placed.</p> <p>9 You can see these are really</p> <p>10 sort of football field, a couple of</p> <p>11 football field size areas where now</p> <p>12 all of that dredged material for that</p> <p>13 particular year has been focused, the</p> <p>14 placement of it. What we can do is</p> <p>15 produce a map like this, go back</p> <p>16 several years later, and compare one</p> <p>17 to the other and that allows us to</p> <p>18 see if this material is stable on the</p> <p>19 sea floor.</p> <p>20 If you look, there are a lot</p> <p>21 of numbers here and they relate to</p> <p>22 the dates, the years when some of the</p> <p>23 mounds were actually formed. They go</p> <p>24 back to early 2000s, to the '90s, to</p> <p>25 the '80s. We have had a whole bunch</p>	<p>1 45</p> <p>2 water column; some of it is coming</p> <p>3 directly down, some of it is being</p> <p>4 stripped off with the current.</p> <p>5 But if you do the math and you</p> <p>6 say well, this thing has to be</p> <p>7 several hundred feet long, we are</p> <p>8 talking about a thousand foot water</p> <p>9 column. We have sites like that out</p> <p>10 on the West Coast but not here. If</p> <p>11 we look sort of more realistic to</p> <p>12 scale for Central and Western Long</p> <p>13 Island Sound, we have a typical scow,</p> <p>14 which is about 300 feet long.</p> <p>15 It sits fully loaded about 20</p> <p>16 feet of draft, so about 20 feet of</p> <p>17 this under water here. This is for</p> <p>18 the Central site. Now the bottom is</p> <p>19 between 40 and 60 feet below that</p> <p>20 scow. So it's got a short distance</p> <p>21 for that material to fall through.</p> <p>22 You go to Western, you have a</p> <p>23 little bit more, maybe 60 to 80 feet.</p> <p>24 The math will tell you that this</p> <p>25 material is going to fall really</p>

<p>1 46</p> <p>2 quickly to the bottom. It's going to</p> <p>3 be in the water column for a very</p> <p>4 short period of time.</p> <p>5 That doesn't give it a chance</p> <p>6 to be affected by the currents for it</p> <p>7 to really significantly drift. That</p> <p>8 is what the math tells us. Again, we</p> <p>9 understand concerns and we go out and</p> <p>10 verify that.</p> <p>11 For those of you who do some</p> <p>12 boating have fish finders. You know</p> <p>13 that you can see fairly small fish in</p> <p>14 the water column with your fish</p> <p>15 finders. We have instrumentation</p> <p>16 that allows us to see very, very fine</p> <p>17 particles. And so we do the same</p> <p>18 thing as you might do looking for a</p> <p>19 fishing spot.</p> <p>20 After the scow has released</p> <p>21 the material, we run a transect right</p> <p>22 across that disposal site, and then</p> <p>23 we paint a picture in real time as to</p> <p>24 where there might be a disturbance in</p> <p>25 the water column, there might be some</p>	<p>1 48</p> <p>2 is going to be impacted. I liken it</p> <p>3 to if you brought a load of clean</p> <p>4 fill and you wanted to put it on your</p> <p>5 lawn somewhere and fill out empty</p> <p>6 spots.</p> <p>7 Wherever that is placed, the</p> <p>8 grass, the insects, the worms</p> <p>9 underneath are clearly going to be</p> <p>10 impacted. They are going to be</p> <p>11 smothered. But to a fairly limited</p> <p>12 area, it's a limited impact. And</p> <p>13 what we see is over a very short</p> <p>14 period of time -- just like in your</p> <p>15 yard if you were to bring in fill,</p> <p>16 things begin to sprout, insects come</p> <p>17 in, you get recovery.</p> <p>18 And that is exactly what we</p> <p>19 look for when we go out to these</p> <p>20 sites after the material has been</p> <p>21 placed. We do a lot of camera work;</p> <p>22 we also do sediment samples. This is</p> <p>23 a camera that looks across the</p> <p>24 sediment water interface, and we see</p> <p>25 water up above and sediment down</p>
<p>1 47</p> <p>2 suspended materials.</p> <p>3 This is an actual placement of</p> <p>4 that; this is a recorded image. Then</p> <p>5 we turn the boat around and we go</p> <p>6 right back to the spot and collect</p> <p>7 water right there, send it off to the</p> <p>8 lab and determine if there is</p> <p>9 something of concern in it.</p> <p>10 Just particles that are going</p> <p>11 to settle out; that's fine, and they</p> <p>12 settle out pretty quickly. Is there</p> <p>13 something chemically that is in</p> <p>14 there? Toxicitywise is there a</p> <p>15 concern? And so again, we have</p> <p>16 invested a lot of effort in this, and</p> <p>17 we feel very confident for the sites</p> <p>18 that material really does not get</p> <p>19 lost in the water column.</p> <p>20 So then you say, well, what</p> <p>21 about an impact to the benthic system</p> <p>22 down underneath. That is where it is</p> <p>23 clear. If you place this material --</p> <p>24 anything that is in that direct</p> <p>25 footprint of where the material falls</p>	<p>1 49</p> <p>2 below.</p> <p>3 We can see what kind of</p> <p>4 critters are in there; who is</p> <p>5 inhabiting that; who comes back in;</p> <p>6 is it well oxygenated; does it look</p> <p>7 like the black mud, or is it fairly</p> <p>8 healthy looking. We do imagery where</p> <p>9 we look down on the sea floor, and</p> <p>10 that way you can do more quantitative</p> <p>11 counts.</p> <p>12 You can tell how many burrows</p> <p>13 are there; who is crawling around.</p> <p>14 That gives us an idea again, do these</p> <p>15 sites recover as we expect they would</p> <p>16 after a short period of time,</p> <p>17 typically within one to two years.</p> <p>18 And then we struggle with the</p> <p>19 part yes, there was an impact, but is</p> <p>20 that significant Soundwise. One of</p> <p>21 the things that we struggle with as</p> <p>22 environmental scientist is how do we</p> <p>23 convey that.</p> <p>24 I spend a lot of time out</p> <p>25 there and I'm confident that the</p>

<p>1 50</p> <p>2 impact associated with the annual</p> <p>3 placement of the sites is minimal.</p> <p>4 It recovers very quickly, and is very</p> <p>5 limited in duration.</p> <p>6 How do I try to convey that to</p> <p>7 you folks? One way that we do that</p> <p>8 is scaling. If we thought of Long</p> <p>9 Island Sound, all 1,300 plus square</p> <p>10 miles of it, as a big area we scaled</p> <p>11 it down to the size of a football</p> <p>12 field.</p> <p>13 We would say how big is the</p> <p>14 relative impact when we do placement</p> <p>15 at Western and Central Sound sites on</p> <p>16 an annual basis. Are we impacting up</p> <p>17 to the ten yard line, the 20 yard</p> <p>18 line? How much of that relatively on</p> <p>19 an annual basis does that material</p> <p>20 directly cover up and then needs to</p> <p>21 recover.</p> <p>22 If we zoom into the end zone</p> <p>23 every year, this is relatively the</p> <p>24 area that we would impact on an</p> <p>25 annual basis. For Central it is</p>	<p>1 52</p> <p>2 field analysis, we would probably</p> <p>3 have a measurable amount that got</p> <p>4 very much covered up with material,</p> <p>5 but we understand the Sound is</p> <p>6 resilient and recovers from a human</p> <p>7 event like that.</p> <p>8 So we feel that placing the</p> <p>9 dredged material is really a part of</p> <p>10 a natural cycle as long as we are</p> <p>11 monitoring it and managing the</p> <p>12 material up front.</p> <p>13 Now we get to the last</p> <p>14 question, which I know came up quite</p> <p>15 a bit, which is what about</p> <p>16 alternatives to open water placement.</p> <p>17 Both Mel and Mark made mention of</p> <p>18 this, and I would like to note that</p> <p>19 Mel, who gave the opening remarks for</p> <p>20 EPA, and myself cochaired a group</p> <p>21 which is called The New England</p> <p>22 Regional Dredge Team.</p> <p>23 That is made up of federal</p> <p>24 agencies as well as representatives</p> <p>25 from each of the New England states.</p>
<p>1 51</p> <p>2 about the size of paint can lid,</p> <p>3 again, relative to the size of the</p> <p>4 football field. For Western it's a</p> <p>5 little smaller because we actually</p> <p>6 send out a fair amount of less</p> <p>7 material for that site.</p> <p>8 That allows us to very</p> <p>9 comfortably say in the big picture of</p> <p>10 the Sound very limited, not</p> <p>11 significant impacts to the benthic</p> <p>12 system, and it recovers quickly. We</p> <p>13 know that within the scale of other</p> <p>14 events, what we are doing pales in</p> <p>15 comparison to those. And that gives</p> <p>16 us an idea we are not creating</p> <p>17 significant impact.</p> <p>18 This is an image of the</p> <p>19 Connecticut River discharging to the</p> <p>20 Sound after Hurricane Tropical Storm</p> <p>21 Irene back in 2011. You can see this</p> <p>22 tremendous sediment load -- a natural</p> <p>23 event -- which came out and blanketed</p> <p>24 large areas, significant areas.</p> <p>25 If we go back to the football</p>	<p>1 53</p> <p>2 We meet roughly quarterly, and we</p> <p>3 have a whole range of events we talk</p> <p>4 about. A standard agenda item is</p> <p>5 beneficial use of dredged materials;</p> <p>6 what can we do with alternative</p> <p>7 placement.</p> <p>8 We are definitely focused on</p> <p>9 that, and this is a way that we</p> <p>10 exchange information. The meeting we</p> <p>11 had last fall, we had a presenter</p> <p>12 from Rhode Island who talked about a</p> <p>13 pilot program they had done to place</p> <p>14 dredged material on a marsh to help</p> <p>15 bring it up and make it healthier,</p> <p>16 and that's a long term plan as a lot</p> <p>17 of our marshes may be affected by</p> <p>18 rising sea level.</p> <p>19 Just a few weeks ago at our</p> <p>20 winter meeting the EPA presented on a</p> <p>21 tracking tool that they have that is</p> <p>22 going to allow everybody in the</p> <p>23 states to see who is doing what with</p> <p>24 beneficial use; what works and what</p> <p>25 things do you have headaches with.</p>

<p>1 54</p> <p>2 Again, this is an exchange of</p> <p>3 information, clearly a focus point.</p> <p>4 We are clearly focused on the table</p> <p>5 that Mel has presented that shows we</p> <p>6 are headed in the direction of less</p> <p>7 open water placement, more beneficial</p> <p>8 use, so it is on our radar.</p> <p>9 With that, I close with a</p> <p>10 couple of reference pieces. One is</p> <p>11 our Website. Again, all of our</p> <p>12 reports are available there. I've</p> <p>13 got my contact information there. We</p> <p>14 welcome questions from folks. I</p> <p>15 believe we are taking Q and A after</p> <p>16 the hearing. So we are going to</p> <p>17 stick around if you have questions.</p> <p>18 Again, if you read the reports</p> <p>19 or you want to know more about the</p> <p>20 program, that is what we are here</p> <p>21 for, so let us know. I even offer</p> <p>22 the invitation to come out on some of</p> <p>23 our surveys. We offered that to a</p> <p>24 representative from Citizens Campaign</p> <p>25 For the Environment that came out</p>	<p>1 56</p> <p>2 the Dredged Material Management Plan</p> <p>3 and monitoring of it. My job is to</p> <p>4 get as focused on the actual rule</p> <p>5 that we are here to have the public</p> <p>6 hearing about tonight.</p> <p>7 So as you have seen from</p> <p>8 earlier presentations, the EPA and</p> <p>9 the Corps share responsibility for</p> <p>10 dredged disposal and dredged material</p> <p>11 management in the Sound. Our focus</p> <p>12 tonight is on EPA's responsibility,</p> <p>13 which is under Section 102.</p> <p>14 As you heard earlier, in June</p> <p>15 of 2005 EPA published the Final Rule</p> <p>16 Designating the Central and Western</p> <p>17 disposal sites. To address concerns</p> <p>18 that were raised by the State of New</p> <p>19 York and others these destinations</p> <p>20 were subjected to restrictions on</p> <p>21 their use.</p> <p>22 These restrictions were</p> <p>23 intended to reduce or eliminate the</p> <p>24 disposal of dredged material in the</p> <p>25 Sound. They included requirements</p>
<p>1 55</p> <p>2 last fall, and it was a very</p> <p>3 informational exchange for both of us</p> <p>4 to have.</p> <p>5 Again, generally we don't go</p> <p>6 out in the winter. We are out there</p> <p>7 during the nicer time of the year and</p> <p>8 that's when the recovery of these</p> <p>9 sites happens. If anybody is</p> <p>10 interested in that, give me a shout</p> <p>11 or look us up afterwards.</p> <p>12 So with that I turn it over to</p> <p>13 Stephen Perkins, who is the director</p> <p>14 of Ocean and Coastal Policies for EPA</p> <p>15 Region 1, who is going to talk about</p> <p>16 the actual proposed amendments.</p> <p>17 MR. PERKINS: I'm Stephen</p> <p>18 Perkins, a member of the dredging</p> <p>19 team at EPA's regional office in</p> <p>20 Boston. I was the primary author of</p> <p>21 the proposed amendments to the site</p> <p>22 designation rule.</p> <p>23 By now you have heard a lot</p> <p>24 about the history of dredged material</p> <p>25 disposal sites in the Sound and about</p>	<p>1 57</p> <p>2 for the Corps to complete a Dredged</p> <p>3 Material Management Plan for the</p> <p>4 entire Sound, which they have done</p> <p>5 and Mark has presented to you.</p> <p>6 Established as Interagency</p> <p>7 Long Island Sound Regional Dredged</p> <p>8 Management Team to review projects</p> <p>9 and the alternative analyses during</p> <p>10 the completion of the DMMP, and for</p> <p>11 EPA to do rulemaking.</p> <p>12 Within 120 days of the</p> <p>13 completion of the DMMP, EPA is</p> <p>14 required to propose and finalize</p> <p>15 amendments to the 2005 rules that</p> <p>16 describes standards and procedures</p> <p>17 that must be complied with in the</p> <p>18 future, again, with the goal of</p> <p>19 reducing or eliminating open water</p> <p>20 disposal.</p> <p>21 These standards and procedures</p> <p>22 are meant to be consistent with the</p> <p>23 recommendations in the DMMP. So on</p> <p>24 February 10, EPA took the first step</p> <p>25 in meeting its obligations by</p>

<p>1 58</p> <p>2 publishing the proposed amendments in</p> <p>3 the 2005 rule in the federal</p> <p>4 register. EPA is seeking comment on</p> <p>5 those proposed amendments both</p> <p>6 through this public hearing and in</p> <p>7 writing through March 25, also a</p> <p>8 public hearing tomorrow in</p> <p>9 Connecticut.</p> <p>10 Although the 2005 rule has</p> <p>11 provided EPA with 60 days to publish</p> <p>12 the proposed amendment, we have</p> <p>13 accelerated the process to provide</p> <p>14 more time for public comments on the</p> <p>15 proposal and for the states to</p> <p>16 conduct their review under the Costal</p> <p>17 Zone Management Act. The 120-day</p> <p>18 deadline to finalize the rule gives</p> <p>19 EPA until May 10.</p> <p>20 The EPA split the time between</p> <p>21 the proposal and the final action to</p> <p>22 provide 45 days of public comment and</p> <p>23 for the same amount of time for EPA</p> <p>24 to consider a response to those</p> <p>25 comments and make any appropriate</p>	<p>1 60</p> <p>2 such as beach nourishment, near shore</p> <p>3 bar or berm nourishment as long as</p> <p>4 there is a practicable alternative by</p> <p>5 the proposed and identified and</p> <p>6 secured funding for any of the needed</p> <p>7 non-federal cost sharing.</p> <p>8 For fine grain material the</p> <p>9 proponents must thoroughly evaluate</p> <p>10 the practicable alternative and use</p> <p>11 them if they are available. The DMMP</p> <p>12 for every one of these dredging sites</p> <p>13 has a list of alternatives for the</p> <p>14 federal base plan.</p> <p>15 As you have heard before, this</p> <p>16 fine grain material is typically not</p> <p>17 considered appropriate for beach or</p> <p>18 near shore nourishment, but in the</p> <p>19 future uses such as marsh creation or</p> <p>20 restoration may become practicable.</p> <p>21 If no other alternative is determined</p> <p>22 to be practicable, then suitable fine</p> <p>23 grain materials may be placed at the</p> <p>24 designated sites.</p> <p>25 The proposed amendments also</p>
<p>1 59</p> <p>2 changes to the proposal. Because of</p> <p>3 this tight time frame EPA will not be</p> <p>4 able to extend the comment period.</p> <p>5 The proposed amendments are</p> <p>6 intended to support the goal of</p> <p>7 reducing or eliminating open water</p> <p>8 disposal by establishing standards</p> <p>9 and procedures that will encourage</p> <p>10 the identification and development</p> <p>11 and use of practicable alternatives</p> <p>12 to open water disposal, and require</p> <p>13 large dredging project proposals that</p> <p>14 thoroughly evaluate the alternatives.</p> <p>15 This applies to all federal</p> <p>16 projects and all private projects of</p> <p>17 25,000 cubic yards or greater. So</p> <p>18 here are the standards that are</p> <p>19 included in the proposed amendments,</p> <p>20 and they echo what you have heard for</p> <p>21 recommendations. Unsuitable material</p> <p>22 will not be disposed of at the sites.</p> <p>23 Sandy material should be used</p> <p>24 beneficially wherever practicable.</p> <p>25 Materials have a high value for uses</p>	<p>1 61</p> <p>2 expect that all levels of the</p> <p>3 government will continue to exercise</p> <p>4 their existing authorities to reduce</p> <p>5 the flow of sediment and contaminants</p> <p>6 in the waterways. The proposal does</p> <p>7 not create new obligations, but</p> <p>8 instead focuses attention on existing</p> <p>9 programs such as those that address</p> <p>10 storm water and pollution in coastal</p> <p>11 communities and along the tributaries</p> <p>12 for the Sound.</p> <p>13 Finally, the proposed</p> <p>14 standards retain the 2005 restriction</p> <p>15 that requires the practicable</p> <p>16 alternatives be used if they are</p> <p>17 available. The EPA is acknowledging</p> <p>18 that there may be additional cost</p> <p>19 burden associated with those</p> <p>20 alternatives.</p> <p>21 The procedures in the proposed</p> <p>22 amendments are built around making</p> <p>23 the interagency Long Island Sound</p> <p>24 Regional Dredging Team a permanent</p> <p>25 body and enhancing its role. The</p>

<p>1 62</p> <p>2 team's goal is to reduce or eliminate</p> <p>3 the use of open water disposal</p> <p>4 wherever practicable.</p> <p>5 The purpose will be to ensure</p> <p>6 that all large dredging projects</p> <p>7 conduct a thorough analysis of</p> <p>8 alternatives to open water disposal,</p> <p>9 and then make recommendations to the</p> <p>10 Corps on each of the projects. Of</p> <p>11 equal importance, the team will</p> <p>12 provide a forum for continual</p> <p>13 exploration of beneficial use</p> <p>14 alternatives for promoting use of</p> <p>15 alternatives and cost sharing</p> <p>16 approaches.</p> <p>17 This group will exchange ideas</p> <p>18 with that New England Regional</p> <p>19 Dredging Team that Steve showed you a</p> <p>20 picture of at the end of his</p> <p>21 presentation. This proactive role</p> <p>22 for the team is a new one. It adds</p> <p>23 onto his responsibilities from the</p> <p>24 past six or eight years.</p> <p>25 The team will be expected to</p>	<p>1 64</p> <p>2 EPA will encourage</p> <p>3 participation of other federal</p> <p>4 agencies, such as the Navy, the Coast</p> <p>5 Guard, and Fish and Wildlife Service.</p> <p>6 EPA expects that the states of</p> <p>7 Connecticut, New York, and Rhode</p> <p>8 Island will also participate through</p> <p>9 their environmental agencies and</p> <p>10 coastal zone management programs and</p> <p>11 relevant port authorities.</p> <p>12 EPA proposes that the specific</p> <p>13 details of the structure and process</p> <p>14 that this feat will use will be left</p> <p>15 for them to determine and allowed to</p> <p>16 evolve to best accomplish their</p> <p>17 purposes.</p> <p>18 Finally, EPA encourages the</p> <p>19 team to maintain cooperative working</p> <p>20 relationships with other Long Island</p> <p>21 Sound-based organizations such as the</p> <p>22 Long Island Sound Study Science and</p> <p>23 Technical Advisory Committee.</p> <p>24 There are two other important</p> <p>25 parts of the proposed amendments that</p>
<p>1 63</p> <p>2 assist EPA and the Corps in the long</p> <p>3 term activities intended to track the</p> <p>4 disposal of materials and monitor the</p> <p>5 impact to the Sound. These include</p> <p>6 supporting the DAMOS program that</p> <p>7 Steve described to you.</p> <p>8 The geographic scope of the</p> <p>9 Long Island Sound Dredging Team will</p> <p>10 include all of Long Island Sound so</p> <p>11 that we look at all of the</p> <p>12 opportunities for alternatives</p> <p>13 broadly. The team will consist of</p> <p>14 representatives from Federal and</p> <p>15 State government agencies or</p> <p>16 authorities that have expertise in</p> <p>17 dredging or dredged material</p> <p>18 management.</p> <p>19 EPA is expecting the team will</p> <p>20 include federal representatives from</p> <p>21 Region 1 and 2 offices, the New</p> <p>22 England and New York district and the</p> <p>23 North Atlantic division of Corps and</p> <p>24 the National Oceanic and Atmospheric</p> <p>25 Administration, known better as NOAA.</p>	<p>1 65</p> <p>2 I want you to be aware of. The first</p> <p>3 is that EPA has retained the</p> <p>4 restriction in the 2005 rule that</p> <p>5 provides for a party to petition EPA</p> <p>6 if they are not satisfied that the</p> <p>7 final amended rules adopt procedures</p> <p>8 that will reduce or eliminate</p> <p>9 whatever practice of disposal of</p> <p>10 dredged material in the Sound.</p> <p>11 EPA has also proposed to</p> <p>12 eliminate the restrictions from the</p> <p>13 2005 rule that we are all about the</p> <p>14 completion of the DMMP, itself.</p> <p>15 I will conclude my</p> <p>16 presentation by reminding you of the</p> <p>17 opportunity to provide comments on</p> <p>18 the proposed amendments. In just a</p> <p>19 few moments you will have the</p> <p>20 opportunity to provide oral comments</p> <p>21 for the record, but you can provide</p> <p>22 them in writing through March 25.</p> <p>23 The best way to send them is</p> <p>24 there on the screen. You can send</p> <p>25 them by e-mail to either one of those</p>

<p>1 66</p> <p>2 e-mail addresses, and they will get</p> <p>3 to me for consideration as we</p> <p>4 finalize the rule.</p> <p>5 Thank you for your attention</p> <p>6 and your patience. I'm now going to</p> <p>7 turn it back to Jean Brochi.</p> <p>8 MR. COTE: Real quick, what</p> <p>9 Steve forgot to mention is that when</p> <p>10 we conclude the public testimony</p> <p>11 portion of our hearing tonight, we</p> <p>12 are going to close the hearing. The</p> <p>13 stenographer will shut the equipment</p> <p>14 down and we will open up a more</p> <p>15 informal Q and A session for those of</p> <p>16 you who would like to stay.</p> <p>17 We are going to give an hour</p> <p>18 for the public testimony. But when</p> <p>19 we close it, we will close it and go</p> <p>20 to informal Q and A. We will</p> <p>21 probably stick around for another</p> <p>22 half hour. I know people have places</p> <p>23 to go and things to do but we are</p> <p>24 happy to stay.</p> <p>25 MS. BROCHI: So as we had</p>	<p>1 68</p> <p>2 this issue for 15 years. I was young</p> <p>3 when we first started working on this</p> <p>4 issue. After the hearing tonight I'm</p> <p>5 feeling very old.</p> <p>6 Let me say this: We are going</p> <p>7 to give some comments here on the EPA</p> <p>8 rulemaking but, frankly, even</p> <p>9 providing comments on it is</p> <p>10 objectionable to us. It is akin to</p> <p>11 giving a hot lunch to the getaway</p> <p>12 driver for the car for the bank</p> <p>13 robbers.</p> <p>14 We don't agree with the DMMP.</p> <p>15 It is not a document that should be</p> <p>16 provided for rulemaking and</p> <p>17 implemented into policy. Many of you</p> <p>18 know the DEC is here, the EPA, the</p> <p>19 Army Corps, the agreement signed in</p> <p>20 2005 was an agreement that mandated</p> <p>21 that open water disposal be phased</p> <p>22 out over time and replaced by</p> <p>23 beneficial reuse.</p> <p>24 And it mandated that costs</p> <p>25 could not be the overwhelming factor</p>
<p>1 67</p> <p>2 described in the beginning of the</p> <p>3 meeting, folks who would like to</p> <p>4 speak and provide comments may do so.</p> <p>5 If you have not had an opportunity to</p> <p>6 fill out a speaker card, please do so</p> <p>7 right now. I see three people who</p> <p>8 would like to make comments. Is</p> <p>9 there anybody else by a show of hands</p> <p>10 who is interested in speaking</p> <p>11 tonight?</p> <p>12 Again, sir, please fill out a</p> <p>13 card. You can also provide written</p> <p>14 comments. There's a tray out front</p> <p>15 on the reception table and you can</p> <p>16 also submit them. I will leave the</p> <p>17 screen open with the e-mail address</p> <p>18 and it has the March 25 time frame.</p> <p>19 Adrienne Esposito, Executive</p> <p>20 Director for Citizens Campaign For</p> <p>21 the Environment.</p> <p>22 MS. ESPOSITO: Adrienne</p> <p>23 Esposito, Executive Director of</p> <p>24 Citizens Campaign For the</p> <p>25 Environment. CC has been working on</p>	<p>1 69</p> <p>2 in the decision-making process.</p> <p>3 Instead, we got a DMMP that said</p> <p>4 everything is fine. We just heard it</p> <p>5 again tonight. We now know that</p> <p>6 dredged materials go straight down</p> <p>7 60, 70, 80, 90 feet and they stay</p> <p>8 there.</p> <p>9 And stay there during storms,</p> <p>10 and there is a rapid recovery to the</p> <p>11 efforts because the Long Island Sound</p> <p>12 is resilient even though it is dying.</p> <p>13 So in the DMMP there is no cost</p> <p>14 associated for disposing of sediment</p> <p>15 in an open water fashion. There is</p> <p>16 only costs associated is with</p> <p>17 beneficial reuse.</p> <p>18 Therefore, we are very</p> <p>19 concerned about the least cost factor</p> <p>20 because the only cost assigned is to</p> <p>21 beneficial reuse. Frankly, you know,</p> <p>22 I consider -- it pains me to say</p> <p>23 this, and I'm sorry to have to say</p> <p>24 this but this whole DMMP and this</p> <p>25 rulemaking process is a dismal</p>

<p>1 70</p> <p>2 failure.</p> <p>3 We expected it from the Army</p> <p>4 Corps. We don't expect it from the</p> <p>5 EPA. We expect the EPA to be</p> <p>6 protecting the Long Island Sound, not</p> <p>7 fostering a plan that degrades the</p> <p>8 Long Island Sound. If you think</p> <p>9 about it, and I'm sorry to go on, the</p> <p>10 inherent conflict, if it is so benign</p> <p>11 to be disposing of sediment in an</p> <p>12 open water disposal fashion, then</p> <p>13 what's the incentive to do beneficial</p> <p>14 reuse?</p> <p>15 If it is so benign as we have</p> <p>16 heard over and over again at this</p> <p>17 hearing, the last hearing, the last</p> <p>18 hearing -- at every hearing in</p> <p>19 Connecticut and New York I have been</p> <p>20 at -- why are we promoting beneficial</p> <p>21 reuse? We are promoting it because</p> <p>22 we know it is safer and better for</p> <p>23 the environment.</p> <p>24 In that vein let me just offer</p> <p>25 a couple of comments to the EPA in</p>	<p>1 72</p> <p>2 We find it hypocritical that</p> <p>3 on one hand the EPA is claiming to</p> <p>4 protect the Long Island Sound from</p> <p>5 nitrogen, and on the other hand</p> <p>6 turning a blind eye to what may be a</p> <p>7 significant cause of nitrogen</p> <p>8 loading.</p> <p>9 The other thing I wanted to</p> <p>10 find out is that we would ask the EPA</p> <p>11 in its rulemaking to take into</p> <p>12 account the comments provided in the</p> <p>13 June 3, 2004, objection to</p> <p>14 consistency determination produced by</p> <p>15 New York State Department of State.</p> <p>16 Two particular ones -- and I'm</p> <p>17 going to read them, and this is not</p> <p>18 our words, this is the New York State</p> <p>19 DOS charged with coastal water</p> <p>20 protection for New York State coastal</p> <p>21 waters:</p> <p>22 "One, they want the EPA to</p> <p>23 assess chemical parameters such as</p> <p>24 dissolved oxygen which will be</p> <p>25 reduced in the water column during</p>
<p>1 71</p> <p>2 this rulemaking process. One is that</p> <p>3 we had asked for the Army Corps to</p> <p>4 incorporate into their analysis a</p> <p>5 comprehensive analysis of the</p> <p>6 nitrogen loading associated with</p> <p>7 disposing of 30 to 50 million cubic</p> <p>8 yards of dredged materials into the</p> <p>9 Long Island Sound.</p> <p>10 We provided for them some of</p> <p>11 the latest science that shows, quote,</p> <p>12 "significant nitrogen loading into an</p> <p>13 estuary water body from open water</p> <p>14 disposal of dredged materials." In</p> <p>15 the final DMMP no mention of nitrogen</p> <p>16 loading. We hope the EPA will</p> <p>17 rectify that.</p> <p>18 On one hand we are thankful to</p> <p>19 have the EPA producing a new nitrogen</p> <p>20 plan by state for the Long Island</p> <p>21 Sound and be protective of it. On</p> <p>22 the other hand, you can't condone</p> <p>23 nitrogen loading because it costs</p> <p>24 more money to protect the Sound. You</p> <p>25 can't have it both ways.</p>	<p>1 73</p> <p>2 dumping activities; carbon acidity</p> <p>3 and pollutants such as heavy metals,</p> <p>4 toxic and hazardous materials which</p> <p>5 will be released in the water column</p> <p>6 and will be present after dumping is</p> <p>7 completed."</p> <p>8 That is contradictory from</p> <p>9 testimony that we heard today saying</p> <p>10 it is clean. Well, it can't be clean</p> <p>11 and be toxic at the same time. We</p> <p>12 know that in the summer the areas</p> <p>13 that have been used as a dumping</p> <p>14 ground have higher levels of copper</p> <p>15 in lobsters, and also elevated levels</p> <p>16 of PCBs in fish.</p> <p>17 Second point raised in the</p> <p>18 objection of consistency</p> <p>19 determination is the EPA must</p> <p>20 consider and evaluate the impacts</p> <p>21 from different dredging projects.</p> <p>22 Documentation on sediments from the</p> <p>23 Thames River in Connecticut is</p> <p>24 relevant and compelling.</p> <p>25 Contaminants in this river can</p>

<p>1 74</p> <p>2 bioaccumulate and have far reaching</p> <p>3 consequences. Sediments contain</p> <p>4 various concentrations of PHAs,</p> <p>5 pesticides, PCBs, and other chemicals</p> <p>6 above naturally occurring background</p> <p>7 levels. So for us the bottom line is</p> <p>8 that the DMMP is simply a document</p> <p>9 which perpetuates open water disposal</p> <p>10 over the next 30 years.</p> <p>11 There is no benchmarks.</p> <p>12 There's no achievement goals that</p> <p>13 they have crafted in 10 or 20 or 30</p> <p>14 years.</p> <p>15 Let me be honest with you. We</p> <p>16 worked so hard to get a DMMP that</p> <p>17 would reduce open water disposal; we</p> <p>18 didn't expect miracles; we didn't</p> <p>19 even think it would be phased out in</p> <p>20 the next 20 years. What we did</p> <p>21 expect is a document that would have</p> <p>22 a game plan to achieve a significant</p> <p>23 reduction of open water disposal.</p> <p>24 That was the spirit and also</p> <p>25 the letter of agreement that was</p>	<p>1 76</p> <p>2 to protect the body of water that we</p> <p>3 have worked 30 years to protect, that</p> <p>4 we love and we call home. Thank you.</p> <p>5 (Applause)</p> <p>6 MS. BROCHI: Thank you,</p> <p>7 Adrienne. Again, we hope folks will</p> <p>8 stay afterwards for a half an hour of</p> <p>9 question and answer general session.</p> <p>10 I apologize if I mispronounce your</p> <p>11 last name, Virginia Capon, citizen</p> <p>12 and resident.</p> <p>13 MS. CAPON: I just typed this</p> <p>14 while I was on the train. I'm</p> <p>15 Virginia Capon. I'm a lifelong</p> <p>16 resident of Port Jefferson, and I'm</p> <p>17 also an environmental attorney. I</p> <p>18 would like to just make a very brief</p> <p>19 comment about this and, you know, I</p> <p>20 gather my remarks are going to be</p> <p>21 added to the record which I</p> <p>22 appreciate.</p> <p>23 I actually was involved in</p> <p>24 this back in 2003, 2004, 2005 because</p> <p>25 I was very concerned about it then,</p>
<p>1 75</p> <p>2 signed in 2005 by the EPA, by the</p> <p>3 Army Corps, by Connecticut and New</p> <p>4 York States. That is not what this</p> <p>5 achieves.</p> <p>6 In New York State's own</p> <p>7 analysis they said that this document</p> <p>8 at best will achieve a two percent</p> <p>9 reduction over a 30-year time frame.</p> <p>10 This is a completely unacceptable</p> <p>11 process.</p> <p>12 I want to go over one more</p> <p>13 thing. I have been at every hearing.</p> <p>14 We have offered comments, comments,</p> <p>15 and comments and none of it has been</p> <p>16 incorporated. I don't know why the</p> <p>17 Army Corps is bothering to drag the</p> <p>18 public out and make comments when</p> <p>19 none of it is incorporated.</p> <p>20 We hope the EPA will break</p> <p>21 that streak, and finally not make</p> <p>22 this into a dog and pony show, not</p> <p>23 turn it in a facade, but rather turn</p> <p>24 it into a real genuine partnership</p> <p>25 between stakeholders and the public</p>	<p>1 77</p> <p>2 and many of our elected officials,</p> <p>3 thousands of people were very</p> <p>4 concerned and it yielded what seemed</p> <p>5 like a good outcome.</p> <p>6 Then it became very quiet. I</p> <p>7 really didn't pay more attention to</p> <p>8 it, and I thought that it had</p> <p>9 resulted in a decision to abandon</p> <p>10 these sites, so I thought. But I was</p> <p>11 mistaken, obviously and, you know, I</p> <p>12 have since learned in light of</p> <p>13 reading about this in the paper last</p> <p>14 week that the EPA and the Corps are</p> <p>15 really focused on just trying to</p> <p>16 limit the use or reduce the use of</p> <p>17 these facilities.</p> <p>18 I really don't believe that is</p> <p>19 going to work. It may seem a little</p> <p>20 ambitious, but I think that we have</p> <p>21 to lead -- the federal government has</p> <p>22 to lead on this issue. We really</p> <p>23 need to stop this unconfined open</p> <p>24 water dumping. Reducing it is just</p> <p>25 not going to work.</p>

<p>1 78</p> <p>2 Really, when you look at</p> <p>3 technology today, we have advanced I</p> <p>4 think sufficiently socially and</p> <p>5 technologically to know that this</p> <p>6 practice is really detrimental, just</p> <p>7 like we know fossil fuels are very</p> <p>8 detrimental to the environment, and</p> <p>9 open sewers are very detrimental to</p> <p>10 the environment. This is an</p> <p>11 uncontrolled situation.</p> <p>12 So I really would just ask</p> <p>13 that EPA and the Corps go back to the</p> <p>14 drawing board in a very timely</p> <p>15 fashion because you don't have a lot</p> <p>16 of time to actually just try and</p> <p>17 figure out how you are going to stop</p> <p>18 this, you know, ramp down to zero.</p> <p>19 And that decision will</p> <p>20 actually force the groups that are</p> <p>21 meeting to focus on the beneficial</p> <p>22 reuse and really do it because</p> <p>23 there's an absolute bar. You have no</p> <p>24 choice but to start doing more</p> <p>25 beneficial reuse.</p>	<p>1 80</p> <p>2 I guess I'm really confused.</p> <p>3 When I first came and I listened to</p> <p>4 tonight's partial presentation, I</p> <p>5 came a little late, and it seemed</p> <p>6 very encouraging and very optimistic</p> <p>7 that I think what you are trying to</p> <p>8 do is the right thing, but it doesn't</p> <p>9 square with the recommendations of</p> <p>10 the Army Corps.</p> <p>11 I want to mirror what Adrienne</p> <p>12 said and what Virginia said. I have</p> <p>13 been to all of the meetings as well,</p> <p>14 and it is really frustrating that we</p> <p>15 have public participation at every</p> <p>16 meeting and nothing changes. No</p> <p>17 matter what recommendations are made,</p> <p>18 the train just continues and it's</p> <p>19 almost like it's lip service to the</p> <p>20 public participation.</p> <p>21 I have to tell you that it is</p> <p>22 really frustrating. We are a</p> <p>23 relatively new environmental group,</p> <p>24 citizen based, and we are trying to do</p> <p>25 our job as citizens to protect the</p>
<p>1 79</p> <p>2 One of them which I'm not</p> <p>3 terribly familiar with is</p> <p>4 solidification and using it in</p> <p>5 construction materials and</p> <p>6 solidifying it because it immobilizes</p> <p>7 any contaminants or metals. I wanted</p> <p>8 to make that comment, and thank you</p> <p>9 for the opportunity to comment.</p> <p>10 MS. BROCHI: Thank you.</p> <p>11 George Hoffman. Please state your</p> <p>12 organization.</p> <p>13 MR. HOFFMAN: Good evening,</p> <p>14 everyone. My name is George Hoffman.</p> <p>15 I'm with the Setauket Harbor Task</p> <p>16 Force. I'm here this evening to make</p> <p>17 a couple of comments. Setauket</p> <p>18 Harbor as most people in this room</p> <p>19 know, the EPA and Army Corps doesn't</p> <p>20 know, is actually part of the Port</p> <p>21 Jeff Harbor complex.</p> <p>22 We are actually -- we were in</p> <p>23 the building where you could look at</p> <p>24 the harbor and you would be looking</p> <p>25 at parts of Setauket Harbor.</p>	<p>1 81</p> <p>2 assets we have in our community, and</p> <p>3 it is frustrating to see the train</p> <p>4 just continues.</p> <p>5 I don't know how to square the</p> <p>6 words tonight with what I read in the</p> <p>7 draft management plan. Even the</p> <p>8 draft plan actually has the right</p> <p>9 words, but then the final</p> <p>10 recommendations just take a left</p> <p>11 turn; it's like they ignore their own</p> <p>12 wording.</p> <p>13 I would like to say that I</p> <p>14 think we have to throw it out and we</p> <p>15 need to start over again. Thank you</p> <p>16 very much.</p> <p>17 MS. BROCHI: Thank you. Ray</p> <p>18 Roel.</p> <p>19 MR. ROEL: I'm not with any</p> <p>20 organization, myself. I'm a</p> <p>21 Northport resident and I'm not as</p> <p>22 qualified as the three previous</p> <p>23 speakers but I would agree with all</p> <p>24 of their comments. The only</p> <p>25 additional comment I would like to</p>

<p style="text-align: center;">82</p> <p>1 2 make is that I don't see any type of 3 budget being put forth for this 4 specific project, not the whole Army 5 Corps of Engineers or the EPA, but 6 this Long Island Sound DMMP or 7 whatever you call it. 8 When looking at the slides I 9 saw what was done in the 1800s in 10 terms of the dumping, what was done 11 in the early 1900s, before 1970, and 12 then what was done post 1970. What I 13 didn't see is a slide aggregating all 14 of those events. 15 You said that there are 16 contamination areas that are decades 17 old that you want to consider 18 capping, you want to cap them with 19 some of this stuff. But I think it's 20 unfair to just take a snapshot of 21 what you are doing today and say 22 look, it's the size of a paint can 23 when over the course of a century 24 there has been a tremendous 25 degradation of the Long Island Sound.</p>	<p style="text-align: center;">84</p> <p>1 2 actions are going to happen on this 3 process. Unless there is anyone else 4 who would like to speak, we will 5 close the public hearing and open it 6 up for question and answer session. 7 Is anybody interested who has 8 not had an opportunity to speak? 9 Would you like to speak? Thank you 10 very much for coming out tonight. 11 I'm going to introduce Mel Cote to 12 officially close out the hearing. 13 MR. COTE: Thank you, Jean. 14 Thank you very much. We really do 15 appreciate you taking the time to 16 come out and listen to the 17 information and provide your thoughts 18 on the project, on the process, and 19 your concerns. We will take them 20 into consideration. 21 We are doing another public 22 hearing tomorrow in Stamford, and 23 it's another three weeks until the 24 comment period expires. I encourage 25 you to stay involved. To that I'm</p>
<p style="text-align: center;">83</p> <p>1 2 That is indisputable. In the 3 '70s we went away from the Long 4 Island Sound being called an ocean to 5 open water. It isn't really even 6 open water. It's akin to the 7 Mississippi River; it is huge; it's 8 long. It's not exactly like that, 9 but you don't dredge the Mississippi 10 River and then put the spoils 11 upstream or downstream back in the 12 water. 13 What comes out of the land 14 should be put back on land. That is 15 where it came from, that's where it 16 should go. That's all my comments. 17 I think that in terms of the effect, 18 the Long Island Sound is in danger of 19 becoming the Connecticut toilet. 20 MS. BROCHI: Thank you. 21 Again, please provide written 22 comments out front. If you did sign 23 in and you selected a notification to 24 be on the e-mail list, we will send 25 you an e-mail whenever any events or</p>	<p style="text-align: center;">85</p> <p>1 2 going to close the session, the 3 public hearing session and we are 4 going to open it now to an informal Q 5 and A session. 6 We will stay at least until 7 seven if not longer, and I would ask 8 any of the agency representatives 9 here with the Army Corps and 10 Connecticut EPA the New York agencies 11 if they will chime in. We want to 12 focus on questions about the process. 13 It is an EPA rulemaking process, so 14 we expect the majority of the 15 questions should be on topic. I will 16 be the one trying to facilitate that. 17 (Time noted: 6:35 p.m.) 18 **** 19 20 21 22 23 24 25</p>

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2	CERTIFICATION	
3	I, SUSAN CRANE, a Notary Public in	
4	and for the State of New York, do hereby	
5	certify:	
6	THAT the foregoing is a true and	
7	accurate transcript of my stenographic notes.	
8	IN WITNESS WHEREOF, I have	
9	hereunto set my hand this 11th day of March,	
10	2016.	
11		
12		
13		
14	_____	
15	SUSAN CRANE	
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