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Member of the Waterkeeper Alliance

February 14, 2011

Ms. Judith Enck
Regional Administrator
USEPA Region 2
290 Broadway
New York, NY 10007-1866

RE: Passaic River Superfund Cleanup Stakeholder Meeting

Dear Ms. Enck:

Thank you for hosting the stakeholder meeting on the clean up of the lower 8-mile section of the Passaic River earlier last week. I found the meeting to be informative and productive, and hope you found the same. In particular, thank you for your personal attendance – I know that you keep an extremely busy schedule and we feel that your dedication to the issue is one of the most important prerequisites for real progress toward a remediated Passaic River and Newark Bay and a restored community.

I write, particularly, to express our strong opposition to any remedy that would bury contaminated Passaic River sediments in Newark Bay. Many objections were raised to this plan at the meeting by the stakeholders, including Baykeeper. These include:

- Hazardous sediments would be more safely and professionally disposed and monitored of at a federally permitted RCRA facility than in an underwater pit in Newark Bay. RCRA requires facilities with double liners, real time monitoring and consistent government oversight. They are sited in areas that ensure public safety and feature redundant safety measures. As we have seen with the existing CAD in Newark Bay, application of these measures are much more complicated and, in some cases, not achievable.
- The CAD would be built in a tidal bay, subject to the erosive force of tides, river currents, port traffic and storm surges. It would bury millions of cubic yards of highly contaminated sediment in the middle of a population center of over half a million people.

- Depending on the remediation alternative, the area required for the CAD(s) would be considerable, causing significant impacts to the bottom of Newark Bay and essential fish habitat.
- Resuspenion remains a major concern. As noted at that meeting, the most toxic pollutants mind to fine silt, and would be especially susceptible to resuspension. Additionally, we understand that at least one barge missed the existing CAD cell completely when depositing a load of contaminated sediments.
- There is the ominous unanswered question of whether Newark Bay would become the final disposal site for all manner of hazardous materials, including Superfund sites from around the NY/NJ Harbor such as the Gowanus Canal and Newtown Creek. For the reasons listed above, the only thing worse than burying some of the region's hazardous waste in the Bay would be burying ALL of its waste there.

Thank you again for hosting the stakeholder meeting and ensuring that there is meaningful dialogue between the community and EPA before decisions are made. Baykeeper will continue its role within the Lower Passaic River CAG, but I felt it was necessary to make our individual concerns about the use of CADs in the Newark Bay known sooner rather than later.

Thank you again for your dedication to this issue.

Sincerely,

Deborah Mans

Deborah Mans

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