



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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SHAWN M. LATOURETTE

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SHEILA Y. OLIVER

Lt. Governor

July 23, 2021

Walter Mugdan, Acting Regional Administrator
U.S. Environmental Protection Agency
Region II
290 Broadway
New York, NY 10007-1866

RE: National Priorities List Referral
Lower Hackensack River
Bergen and Hudson Counties, New Jersey

Dear Acting Regional Administrator Mugdan:

On behalf of Governor Philip D. Murphy, the New Jersey Department of Environmental Protection (NJDEP) hereby requests that the U.S. Environmental Protection Agency (USEPA) take all appropriate steps to include the Lower Hackensack River on the National Priorities List (NPL) and commence the Superfund cleanup process. The State of New Jersey submits that such federal action is necessary to facilitate the comprehensive investigation and remediation of past and present releases of hazardous substances, pollutants and contaminants that have impaired the Lower Hackensack River and important natural resources within its watershed.

Located in northeastern New Jersey, the lower portion of the Hackensack River comprises twenty-three tidally influenced river miles (RM), from the Oradell Dam (RM 23.3) in Bergen County to the mouth of the river at Newark Bay (RM 0) in Hudson County. This area of the Hackensack River was once home to heavy industry, is bounded by known contaminated sites, and its immediate watershed hosts nine Superfund sites impacted by contaminants strikingly similar to those found within the main stem of the Hackensack River itself. As early as the 1920s, bathing in the lower Hackensack River was banned by local health departments, and to this date, fish consumption is restricted due to high levels of dioxin, PCBs, and mercury—adverse environmental impacts that responsible parties have the power to correct and that should no longer impair the public's right to the full use and enjoyment of their natural resources.

The State of New Jersey recognizes the importance of the Lower Hackensack River ecosystem to the communities that border its shoreline, and the Murphy Administration makes this referral conscious of the multitude of benefits that remediation and restoration of the river environment will provide for the people of Bergen and Hudson Counties and the broader public. In arriving at the State's position to support the listing of the Lower Hackensack River, the NJDEP engaged with local governments and stakeholders throughout the Hackensack River watershed and our

team has committed to active and continuing engagement with affected communities and stakeholders throughout the NPL designation and Superfund cleanup process.

The Murphy Administration is grateful for the thoughtful dialogue between the NJDEP and USEPA Region II concerning the remediation of complex sediment sites in New Jersey and is eager to apply the lessons learned from past experiences to the cleanup of the Hackensack River. New Jersey agrees with our federal colleagues that now is the time to act, especially as remedial progress accelerates on the nearby Lower Passaic River where widespread dioxin contamination is being remediated. To that end, the State would urge USEPA to consider early actions, prior to a formal NPL listing, which could place the Lower Hackensack River on a decisive and expeditious path toward cleanup of the decades of industrial pollution that has left dangerous levels of mercury and other contaminants in river sediment, continually impairing water quality, aquatic life, and other natural resources.

While New Jersey anticipates the Lower Hackensack River would be a USEPA-lead Superfund site, NJDEP intends to be a supportive partner, including in early USEPA actions, such as efforts to compile data from past and ongoing remedial investigations implicating Lower Hackensack River contamination and database development that will focus future sampling. The NJDEP would similarly support USEPA's upfront development of a Remedial Investigation/Feasibility Study (RI/FS) Workplan for the Lower Hackensack River that could be implemented by responsible parties whose ultimate Superfund and natural resource damage liability should encourage their early participation in a cooperative RI/FS and the ensuing remedial design and implementation.

In summary, the State of New Jersey believes that it is critical to the protection of the environment and public health to list the Lower Hackensack River on the NPL and initiate the Superfund cleanup and natural resource damage assessment processes with all deliberate speed. Building on the strong partnership between USEPA and NJDEP, we can effect a comprehensive cleanup of this waterway and restore natural resources for the benefit of the public we serve. Let us move forward this important and overdue work.

NJDEP welcomes our USEPA colleagues to contact us at any time, and we thank you for your commitment to protecting the environment we share.

Sincerely,



Shawn M. LaTourette
Commissioner

- c: Pat Evangelista, Director, USEPA Region II, ERRD
Michael Sivak, Branch Chief, USEPA Region II, ERRD
Mark J. Pedersen, Assistant Commissioner, NJDEP, SRWMP
Kenneth J. Kloo, Director, DEP, SRWMP
Wayne Howitz, Assistant Director, NJDEP, SRWMP
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