



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

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SEP 17 1997

Frank M. McDonough, Esq.  
Director  
Maritime Resources  
New Jersey Department of Commerce  
and Economic Development  
CN-820  
Trenton, New Jersey 08625-0820

Dear Mr. McDonough:

This is in response to your September 5, 1997 letter requesting a clarification of the direction the U.S. Environmental Protection Agency (EPA) Region 2 is heading with regard to the definition of Remediation Material to be placed at the Historic Area Remediation Site (HARS).

At the September 3, 1997 meeting of the Dredged Material Management Integration Workgroup (DMMIWG), Mr. Douglas Pabst of my staff responded to questions concerning the definition of Remediation Material for the HARS. As indicated at the DMMIWG meeting, the definition of Remediation Material in the preamble to the final rule is the same as in the Supplemental Environmental Impact Statement (SEIS) and in the preamble to the proposed rule. The definition of Remediation Material used in the HARS SEIS, and in the preambles to proposed rule and final rule is "uncontaminated dredged material (i.e., dredged material that meets current Category I standards and will not cause significant undesirable effects including through bioaccumulation)".


Also as stated in EPA's August 24, 1997 Response to Comments Document (page 40, Response to Comment 1-9), "It is important to note that EPA Region 2 and the USACE-NYD will be utilizing the current evaluation process for identifying Category I dredged material in determining the suitability of dredged material to be utilized as Remediation Material at the HARS. However, as described in the NY/NJ HEP (1996), EPA Region 2 plans to initiate a public and scientific peer review process of the dredged material testing evaluation framework. As part of this process EPA Region 2 plans to request the Criteria Workgroup of the New York/New Jersey Harbor Dredged Material Management Forum to review the recommendations/comments from the peer review process. This process may result in adjustments in the testing evaluation framework and Category I characteristics, as scientifically appropriate, as they relate to remediation of the HARS. It should be noted that this is part of EPA's ongoing efforts to ensure that sound science is applied to its decisionmaking."

The commitment to conduct a public and scientific peer review was made in the Dredging Chapter

of the New York/New Jersey Harbor Estuary Program Comprehensive Conservation and Management Plan (CCMP) signed by the Governors of New York and New Jersey and the EPA Administrator. In addition, as you are aware, the Dredging Chapter of the CCMP will be revised to update and revise commitments as necessary. However, the commitment to the public and scientific peer review process will still be honored and is not expected to change. Therefore, our position has been consistent to date.

If you have any questions or require additional information please contact me at (212) 637-5000.

Sincerely,

  
William J. Muszyński, P.E.  
Deputy Regional Administrator