

July 24, 1996

The Honorable Frank Pallone
United States House of Representatives
Washington, D.C. 20510

Dear Congressman Pallone:

Your leadership and support have been essential in advancing our shared goals of protecting the ocean environment, while ensuring the competitiveness of the Port of New York and New Jersey and the economic health of the region. We are writing to announce our commitment to several substantial new steps to provide additional Administration support for those goals. We believe the three-point plan outlined below demonstrates this Administration's commitment to the continued growth and vitality of the port, to protective regulation of ocean disposal, and to a stronger partnership with the states in protecting regional commerce and the marine environment.

1. We will close the Mud Dump Site by September 1, 1997

After years of contention, this Administration is prepared to help resolve the controversy over disposal at the Mud Dump Site (MDS) off the New Jersey coast.

Environmental, tourism, fishing, and other community groups have long contended that the MDS should be closed immediately. These views reflect the important environmental values that New Jersey's communities identify with their coastal environment. Community concerns have been heightened by the unhappy history of other environmental threats that these communities have had to endure -- ranging from oil spills to the littering of shorelines with medical waste. This history warrants sensitivity to concerns about the MDS, including concerns about continued use of the site for so-called "category 2" material. When these concerns are coupled with the limited category 2 disposal capacity we expect the site to provide, we must conclude that long-term use of this site for disposal activity is not realistic.

Accordingly, the Environmental Protection Agency (EPA) will immediately begin the administrative process for closure of the MDS by September 1, 1997. The proposed closure shall be finalized no later than that date. Post-closure use of the site would be limited, consistent with the management standards in 40 C.F.R. Section 228.11(c). Simultaneous with closure of the MDS, the site and surrounding areas that have been used historically as disposal sites for contaminated material will be redesignated under 40 C.F.R. Section 228 as the Historic Area Remediation Site. This designation will include a proposal that the site be managed to reduce impacts at the site to acceptable levels (in accordance with 40 C.F.R. Section 228.11(c)). The Historic Area Remediation Site will be remediated with uncontaminated dredged material (i.e. dredged material that meets current Category I standards and will not cause significant undesirable effects including through bioaccumulation). Our ongoing environmental assessment activities at the site will be