Lower Passaic River Restoration Project, NJ

As of February 2013

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**

DESCRIPTION

The Lower Passaic River is the 17-mile tidally influenced portion of the Passaic River in northern New Jersey that flows from the Dundee Dam to the confluence with Newark Bay. The Lower Passaic River Study Area includes the 118-square mile watershed and tributaries, including the Saddle River, Second River and Third River that drain into the Lower Passaic. The lower portion of the river basin is highly urbanized with significant development in its natural floodplains. The considerable development has resulted in significant loss of floodplains, fish spawning habitat, benthic habitat, wetlands, waterfowl nesting areas and other valuable fish and aquatic and terrestrial habitat areas. In addition, the natural hydrologic regime of the basin has been altered by the construction of numerous flood control structures within the basin.

The river has a long history of industrialization, which has resulted in degraded water quality, sediment contamination, loss of wetlands, and abandoned or underutilized properties along the shore. In June, 2000 the U.S. Army Corps of Engineers, (USACE) New York District initiated a reconnaissance study to identify and inventory water resources and sediment quality related problems and needs in the Hudson-Raritan Estuary. The reconnaissance study identified the Lower Passaic River as one of the priority restoration areas within the estuary.

The Lower Passaic River has also been designated an Operable Unit of the Diamond Alkali Superfund Site, which is the subject of a Remedial Investigation and Feasibility Study (RI/FS) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986. In recognition of the coincidental study areas and the related roles and responsibilities of the U.S. Environmental Protection Agency (EPA) and USACE, along with the project sponsor (New Jersey Department of Transportation [NJDOT]), the agencies integrated the EPA Superfund RI/FS and Corps Feasibility Study into one comprehensive cooperative effort. This coordinated effort was also a pilot project to coordinate remediation and restoration of degraded urban rivers in the United States under the Urban River Restoration Initiative (URRI). For the purpose of this study a 'governmental partnership' was formed and includes USACE, EPA, NJDOT, New Jersey Department of Environmental Protection (NJDEP), National Oceanic Atmospheric Administration (NOAA), and United States Fish and Wildlife Service (USFWS), to assist in recommending a comprehensive solution for the Lower Passaic River Basin.

PURPOSE

The purpose of the joint effort is to develop a comprehensive watershed-based plan for the remediation and restoration of the Lower Passaic River Basin. The study area may be expanded based on models that will determine if recommended alternatives may be affected by other sources (i.e. Newark Bay, Hackensack River, and upstream of Dundee Dam).

U.S. ARMY CORPS OF ENGINEERS – NEW YORK DISTRICT
26 FEDERAL PLAZA, NEW YORK, NY 10278-0090
www.nan.usace.army.mil

The plan will address the need for remedial actions as defined under CERCLA and also identify ecosystem restoration opportunities in the study area under WRDA to support broader estuary-wide restoration efforts. Remedial alternatives and ecosystem restoration measures will be coordinated to ensure that the overall solution(s) to the complex problems posed by the contamination in the area are protective of human health and the environment and also provide for: long-term effectiveness and permanence; reduction of toxicity, mobility, or volume through treatment; short-term effectiveness; implementability; cost-effectiveness; compliance with applicable or relevant and appropriate regulations and stakeholder/public acceptance.

The study will include an evaluation of potential restoration opportunities, pursuant to the Water Resources Development Act (WRDA), an analysis of the risk posed by the existing conditions of contamination, as required by CERCLA, as well as comparison with a "no-action" alternative. Remediation may include: sediment removal, placement of caps, sediment decontamination, and engineering controls on combined sewer outfalls (CSOs) while complimenting restoration goals may include benthic habitat restoration, tidal wetland restoration, vegetative buffer creation, shoreline stabilization, and aquatic habitat improvement.

The primary project goals are to provide an overall plan that will result in:

- ✓ Remediation of contamination found in the river to reduce human health and ecological risks;
- ✓ Improvement of water quality in the river;
- ✓ Improvement and creation of aquatic habitat;
- ✓ Reduction in contaminant loading in the Passaic and the Hudson Raritan Estuary;
- ✓ A significant cost savings to the navigational dredging program related to dredged material management in the NY/NJ Harbor;
- ✓ Improvement of human use;
- ✓ Economic benefits for the surrounding regions.

AUTHORIZATION

USACE: House of Representatives Committee on Transportation and Infrastructure Resolution dated 15 April 1999, Docket Number 2596, and **USEPA**: Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA).

STATUS

USACE executed the Feasibility Cost-Sharing Agreement on June 30, 2003 with the non-Federal partner, the NJDOT for a feasibility study for the tidally influenced portion of the Lower Passaic River (below the Dundee Dam). In 2004, EPA through its Superfund authorities entered into an administrative settlement (AOC) with 31 companies to pay $10 million towards the Remedial Investigation/Feasibility Study (RI/FS) portion of the Lower Passaic River Restoration Project. The settlement agreement was amended in 2005 and 2007, adding more companies to reach a total of over 70 potential responsible parties (PRPs; known as the Cooperating Parties Group [CPG]) and in 2007 a separate AOC was entered to take over the implementation of the Superfund portion of the joint Feasibility Study, under EPA oversight.

In June 2008, EPA signed an agreement with Occidental Chemical and Tierra Solutions (Tierra) to remove 200,000 cubic yards of contaminated sediment from the portion of the lower Passaic River adjacent the former Diamond Alkali facility in Newark (RMs 2.6 to 3.6). The first phase of the removal (40,000 cy) was completed in 2012. In June 2012, EPA and the CPG signed an AOC for a time-critical removal action to address highly contaminated surface sediments at RM 10.9 in Lyndhurst. This removal action is planned for the Spring 2013. Current efforts also include evaluating potential remedial actions for the sediments of the lower 8.3 miles of the river that could be implemented before the full RI/FS for the 17-miles is completed. This Focused Feasibility Study by EPA is expected to be released publicly in Spring of 2013.

In order to maintain integration, USACE has focused on restoration planning within the lower 8 miles and has prepared conceptual plans for 37 restoration opportunities within the mainstem and tributaries within the lower 8 miles. Activities are ongoing to evaluate the full 17-mile watershed study area for the joint CERCLA/WRDA Feasibility Study. The Passaic River draft feasibility study report is expected to be completed by 2015. All documents associated with the study are available at <www.ourpassaic.org>

The restoration planning efforts within the Lower Passaic River will also be integrated and coordinated with the overall Hudson-Raritan Estuary (HRE) Ecosystem Restoration Study for the New York/New Jersey Harbor. Restoration opportunities identified within the Lower Passaic River will contribute to the overall restoration goals and targets for the harbor as outlined in the HRE Comprehensive Restoration Plan http://www.nan.usace.army.mil/Missions/Navigation/NewYorkNewJerseyHarbor/HudsonRaritanEstuary.aspx

WRDA STUDY COST

Estimated Feasibility Federal Cost (USACE)		$ 4,500,000
Estimated Feasibility Non-Federal Cost (NJDOT)		$ 4,500,000
	Total	$ 9,000,000

CERCLA STUDY COST over $50,000,000

CONTACTS

USACE: Lisa Baron, Project Manager, E-mail: lisa.a.baron@usace.army.mil tel: (917) 790-8306, U.S. Army Corps of Engineers, New York District, 26 Federal Plaza, New York, NY10278-0090

EPA: Alice Yeh, Remedial Project Manager (FFS: RMs 0-8.3), E-mail: yeh.alice@epa.gov, tel: (212) 637-4427 and Stephanie Vaughn, Remedial Project Manager (17-mile RI/FS), E-mail: vaughn.stephanie@epa.gov, tel: (212) 637-3914, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866

CONGRESSIONAL

New Jersey
NJ Sen. Robert Menendez
NJ Sen. Frank Lautenberg
NJ-06 Rep. Frank Pallone, Jr.
NJ-08 Rep. Albio Sires
NJ-09 Rep. William J. Pascrell, Jr.
NJ-10 Rep. Donald M. Payne, Jr.
NJ-11 Rep. Rodney Frelinghuysen