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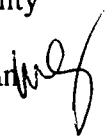
Collection/Record Group: Clinton Presidential Records
Subgroup/Office of Origin: Council on Environmental Quality
Series/Staff Member: Kathleen (Katie) McGinty
Subseries:

OA/ID Number: 2898
FolderID:

Folder Title:
New Jersey Ocean Sludge

Stack:	Row:	Section:	Shelf:	Position:
S	61	6	2	3

MEMORANDUM

TO: Katie McGinty
FROM: Mark Gearan 
RE: NJ State Department of Environmental Protection
DATE: February 15, 1993

Please call Scott Weiner (see attached) and memo me back with an update.

MEMORANDUM

TO: Mark Gearan
FROM: Kathleen Neugold 
RE: Call from David Applebaum (Gov. Florio's staff)
DATE: February 10, 1993

David Applebaum called wanting your help with a problem they are having in NJ. The NJ State Dept. of Environmental Protection has been attempting to work out an agreement between the EPA and the NY/NJ Port Authority re: continuing the dredging of dioxin which has been dumped off the NJ coast for years.

One of the last acts of the previous administration was to yank the dredging permit. Because of this, no dredging is taking place and it's a big problem for the NY/NJ port.

Scott Weiner, the NJ Commissioner of Environmental Protection, has been attempting to reach Administrator Browner; neither she nor anyone from her staff has returned the calls. He has also placed calls to Katie McGinty.

If there's no dredging, there's no commerce in the NJ Port Authority region; and Labor folks are beginning to pressure him...

His request: can you get Katie McGinty, or someone from Browner's office, to at least call Weiner back?

CONTACT: Scott Weiner
609/292-2885

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460PHOTOCOPY
PRESERVATIONOFFICE OF
THE ADMINISTRATOR

TO:

Pam McElwre

FROM:

Chuck Foy

COMMENTS:

NUMBER OF PAGES TO FOLLOW:

9DATE: 2/18TIME: 940TRANSMISSION NUMBER: (202) 260-3684
VERIFICATION NUMBER: (202) 260-7960OFFICE OF THE ADMINISTRATOR
401 M STREET, S.W.
ROOM 1204 WEST TOWER
MAIL CODE: A-100

NEW JERSEY

Limited Dredging Approved For Newark Bay Ship Berths

By CHARLES STRUM
Special to The New York Times

NEWARK, Feb. 12 — The Environmental Protection Agency cleared the way today for port officials to dredge some container-ship berths in Newark Bay, a task judged vital to the survival of waterfront commerce in New York Harbor.

But the agency reserved decision on the full amount of dredging requested by the Port Authority of New York and New Jersey until further testing determines if concentrations of dioxin in dredged sediment are low enough to permit it to be dumped in the ocean.

The agency also imposed other requirements, to assure that dioxin-contaminated sediment does not migrate from the disposal site, an 80-year-old mound called the Mud Dump about six miles east of Sandy Hook, N.J. And it asked that the Army Corps of Engineers, which issues the permits upon recommendation of the E.P.A., determine that the dumping will comply with the Endangered Species Act.

'Time to Analyze It'

But the Corps said it was not prepared to act immediately, having just received a detailed letter from William J. Muszynski, the E.P.A.'s Acting Regional Administrator, outlining the agency's findings.

"We want to take the time to analyze it before we provide any guidance to the Port Authority," said a Corps spokesman, Peter Shugert.

The announcement, coming late in the day before a holiday weekend, caught many interested parties by surprise. And none were pleased with the recommendations. It further delayed a resolution to an issue begun nearly three years ago, when the port sought a routine dredging permit. Last month the Corps finally issued a permit, but the agency blocked it a week later, citing discrepancies over the amount to be dredged.

The agency has now recommended that 100,000 cubic yards be dredged in one portion of the terminal, half what the port originally requested but one-fifth the amended request that the agency denied in January. But it also warned that the dump site would be used up within seven years, and it proposed forming a study group to find alternatives to ocean disposal.

Fear for Business

The dredging issue has polarized advocates for labor and environmental groups. The Port Authority and shipping and longshore officials say the container terminal's \$20-billion-a-year business could be paralyzed by further delays in dredging. Berths accumulate six inches or more of silt

a year, and the larger, more heavily laden vessels that call here may be forced to turn to deeper ports. The agency's conditional approval is good for only 12 of the 29 berths that the port had sought to dredge. There are a total of 62 in the marine terminal.

"We are disappointed that today's letter from E.P.A. leaves this important issue still unresolved," said Stanley Brezenoff, the executive director of the Port Authority. "We are still unable to begin the dredging that the port needs so badly because the Federal agencies involved have not brought this matter to closure. We will have no further comment until we can complete a detailed analysis of the letter."

Sarah L. Clark, a staff scientist for the Environmental Defense Fund, and Cindy Zipl, executive director of Clean Ocean Action, a New Jersey

Recommendations by the E.P.A. leave no one happy.

coalition of fishermen, ecologists and business people, denounced the action for what it did as well as for what they felt it failed to do.

Both said the agency should have required fresh testing on each of the three "reaches," or berth areas, mentioned in the decision. Only one area was found by the agency to be acceptable. But because of an increase in sediment buildup there over the last few years, the two environmentalists raised the need for more information about dioxin concentrations.

They both called for an environmental impact study of the dump site and for a cleanup of the Passaic River-Newark Bay area to prevent further leaking of dioxin.

"We're in disbelief that they expect us to believe that there's been no increase in volume in one area but an increase in two others," Ms. Zipl said. "The public needs another chance to comment."

The port's frustration dates to the mid-1980's, when dioxin was discovered leaking from the Passaic River site of a Diamond Shamrock plant, which manufactured the defoliant Agent Orange. As a result, the port became the first in the country to confront marine contamination from dioxin and the concerns raised by dumping in one of the East Coast's busiest fisheries.

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United States
Environmental Protection Agency
Region 2: NJ, NY, PR, VI
26 Federal Plaza
New York, New York 10278

NEWS

93 (22) Mary Breitenbach (W) 212/264-2515 (H) 201/783-0623
Richard Stapleton (W) 212/264-2515 (H) 718/788-8845

FOR RELEASE: Friday, February 12, 1993

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EPA GIVES PARTIAL GO-AHEAD FOR NEWARK BAY DREDGING

NEW YORK -- In a letter to the U.S. Army Corps of Engineers, William J. Muszynski, Acting Regional Administrator for the U.S. Environmental Protection Agency (EPA), today determined that the dredge materials from one section (Reach D) of the Port Authority of New York and New Jersey's proposed Port Newark and Port Elizabeth dredge project meet EPA criteria for ocean disposal.

Data received from the Port Authority over the past two weeks shows the volume of material (approximately 100,000 cu. yds.) to be dredged from Reach D has not changed significantly from the time dioxin testing was completed. However, because there has been a significant increase in volume of material in two other sections (Reaches B and C), EPA will require retesting for dioxin to determine if this material is acceptable for ocean disposal.

"These conclusions are consistent with the position we took in our January 13, 1993 letter to the Corps of Engineers," Mr. Muszynski said.

The Corps had issued a permit on January 6, 1993 covering the dredging of Reaches B, C, and D. EPA objected to the permit on January 13th, and the Corps suspended it on January 14th. EPA objected because the permit covered the dredge removal and ocean disposal of 500,000 cubic yards of material, while the public notice for the permit application had indicated a volume of 200,000 cubic yards.

"We could not safely assume that the levels of dioxin would remain the same when we were suddenly faced with a 150 per cent
(more)

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increase in sediment material," Mr. Muszynski added.

The January 13 letter stated that EPA would lift its objection if the Corps could show, (A) no significant increase in volume to be dredged, or (B) upon retesting, that the characteristics of the material to be dredged were essentially the same as that which was originally permitted.

According to today's letter, if sediment testing shows that the characteristics of the additional material from Reaches B and C meet the criteria set forth in the original permit, those materials will be deemed suitable for ocean disposal. Data submitted by the Port Authority confirmed that the total project (Reaches B, C, and D) would involve an estimated 500,000 cubic yards in total. All dumping will be subject to the same capping requirements as set forth in the original permit.

Mr. Muszynski's letter also clarified the dumping procedures and capping requirements that will govern this project. This plan would ensure that the final cap, one meter of clean sand, which will be placed on the dredged materials, will be checked after major storms in addition to being monitored routinely by the Corps. EPA will also refine its own monitoring plan to ensure that material is properly maintained as it is placed at the Mud Dump Site and that no significant adverse biological or sediment chemistry changes occur from baseline conditions.

"These conditions for the dredging and disposal of material from Newark Bay are both reasonable and environmentally protective," Mr. Muszynski said.

As a result of a February 2, 1993 letter from the National Marine Fisheries Service (NMFS), EPA has informed the Corps that it has a responsibility to consult with NMFS under the Endangered Species Act.

In addition to addressing this specific permit, Mr. Muszynski announced his plan to call for the establishment of a broad-based working group to explore alternative treatment and disposal

(more)

technologies for contaminated sediments.

"I want to point out that this particular dredge project represents only a small portion of the problem we are facing," Mr. Muszynski said. "It is imperative that long range plans for dredge disposal options be evaluated in an open forum which includes representatives of all interested parties."

If sediments in the Newark Bay and other proposed Harbor dredge sites fail EPA criteria, they cannot be disposed of at the off-shore Mud Dump Site. Additionally, the Corps has estimated that the Mud Dump Site will be filled to capacity in approximately seven years. The site, located six miles off the coast of Sandy Hook, NJ, has been used for the disposal of both contaminated and uncontaminated dredge spoils since 1914.

"It is crucial that commerce and industry, public interest groups, and regulators begin work immediately to find alternatives to ocean disposal," Mr. Muszynski added. "I intend to call a working group together by next month to start the process while we still have time."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK NEW YORK 10278

FEB 1993

Col. Thomas A. York
District Engineer
U.S. Army Corps of Engineers
New York District
26 Federal Plaza
New York, New York 10278

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Dear Col. York

This letter is to follow up on the January 13, 1993 letter from former Regional Administrator Constantine Sidamon-Eristoff objecting to the Corps' January 6 permit to the Port Authority of New York and New Jersey for dredging Ports Elizabeth and Newark and disposing of the spoil at the Mud Dump. It reflects the continuing discussions between our two agencies over the past few weeks, as well as the discussions we have had with outside groups.

EPA's concern, as expressed in the referenced letter, was that in the January 6 permit the volume of material to be dredged and disposed of had increased substantially from the amount in the permit that had originally been public noticed. This increase brought into question whether the chemical and biological characterization upon which our acceptance of the permit had been based remained representative of the material that would actually be dredged and disposed of at The Mud Dump Site.

Because there was uncertainty about the actual amount of material present, our January 13 letter offered two ways to address our concern: First would be a showing that no significant increase in material to be dredged had occurred within a project area. Second, however, in the event that there were significant increases, the material would have to be recharacterized.

Since then, review by our two staffs of additional information submitted by interested parties indicates that up to 450,000 cubic yards of material could have been disposed of under the initial conditions of this permit. We judge this increase over the publicly noticed amount of 200,000 cubic yards to be significant. The first requirement specified in our January 13 letter has therefore not been met for Reaches B and C.

However, our analysis does show Reach D to be in conformance; that is, its volume has not significantly increased. Dredging of this reach could therefore proceed without further testing. This determination is based upon a dredging volume

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analysis that shows no net increase from the original 1990 estimates.

Reaches B and C, on the other hand, show significant increases and, therefore, in accordance with our January 13, 1993 letter, must be recharacterized. Bulk sediment analysis must be conducted on each of these reaches in a manner similar to that performed initially. If the dioxin content of the retested sediment is higher than the original sampling to a statistically significant degree, then follow-up bioaccumulation testing will also be required. EPA will be ready to review the resampling results as soon as they are available. Let me stress that we are not changing the 10 ppb bioaccumulation threshold.

I would also like to clarify a few operational measures that should be taken in order to further minimize any adverse effects of the disposal, should the Corps' suspension be lifted:

1. The speed of the barges during dumping should be limited to the minimum that would allow safe operation. The Corps of Engineers should determine an appropriate safe vessel speed. After dumping, barges should be prohibited from leaving the immediate vicinity of the Port Authority Buoy until split-hull or bottom doors are completely closed.
2. The current permit provides for a project capping management plan to be submitted no later than seven days prior to the start of dredging. This plan should include the de facto capping and final clean capping specifics, including specific procedures which will ensure that dioxin-contaminated sediments will be covered within five and ten days respectively, and a description of the procedures that will ensure a minimum final cap of one meter in thickness over the entire footprint of the dioxin contaminated material.
3. The de facto capping management plan should ensure that dioxin-contaminated sediment will be covered by additional sediment within a maximum of five days. De facto capping procedures should be followed until a final project cap is placed. Disposal and capping should be done in a continuous manner to ensure effective de facto capping. You have advised us that the dredging/disposal operations will be continuous over a 45-60 day period. The final capping should begin as soon as the Corps completes the bathymetric surveys of the site, but no later than the ten days currently provided in the permit.
4. To ensure proper dump location, ship rider reports should contain Loran readings of the dump location, weather conditions, vessel speed during dumping operations etc. Ship rider reports should be available within twenty-four hours of the completion of the disposal operation.

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5. The use of a minimum one-meter single-layer clean sand cap as final project cap is acceptable. This final cap will be monitored by the Corps on a routine basis, with additional monitoring after significant storm events. In the event that the cap is eroded, it will be restored to its original one-meter minimum as soon as possible to ensure its integrity.

6. As agreed in our discussions, all base line data for the disposal site will be evaluated by both our staffs before disposal operations begin.

I am confident that if these procedures are followed dredge spoil from the referenced project can be safely disposed of at the Mud Dump Site.

However, this permit process has emphasized the difficult issues we are facing in dredging and disposing of material from NY/NJ Harbor. It also illustrates the need to ensure that contaminated sediment treatment technologies are seriously evaluated as alternatives to ocean disposal.

I propose that we immediately establish a group made up of representatives of the various interest groups, as well as scientific experts, to recommend longer-term alternatives for dealing with these problems. The two days of meetings held during January with the outside groups in my office, as well as the meeting held February 5 at Port Newark, clearly demonstrated the need for such a process. I will take steps to establish this group in the near future.

I am enclosing a copy of a February 2, 1993 letter from the National Marine Fisheries Service relative to some of the issues which have been raised concerning this permit. In light of this February 2, 1993 letter, the Corps must, before taking any action, conclude informal or formal consultation under 50 C.F.R. Part 402 with the National Marine Fisheries Service to ensure compliance with Section 7 of the Endangered Species Act.

If there are any questions on these matters please contact me or Richard Caspe.

Sincerely,



William J. Muszynski, P.E.
Acting Regional Administrator

cc: Commissioner Thomas Jorling
Commissioner Scott Wiener

02/12/93

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Northeast Region
One Blackburn Drive
Gloucester, MA 01930

FEB 2 1993

Mr. Constantin Sidamon-Eristoff
Regional Administrator, Region II
Environmental Protection Agency
Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090

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Dear Mr. Sidamon-Eristoff:

This is a follow-up to recent events concerning the application by the Port Authority of New York and New Jersey to dredge portions of Newark Bay sediments contaminated with dioxin and other potentially harmful chemicals, and to dispose of the materials in the Atlantic Ocean at the Mud Dump Site.

Obviously, the application is drawing considerable and growing public opposition from environmentally-oriented advocates as well as from both the recreational and commercial fishing sectors. This became very clear at the two-day meeting held in your office on January 27 and January 28. I understand that additional applications to dredge similarly contaminated sediments will be forthcoming. These proposals could further alienate an otherwise valuable constituency.

I am very concerned that the disposal of such material as proposed, while not without scientific merit, will have grave consequences on the fishing industries and the seafood market. Should a significant segment of the public be unsure of the safety of seafood, or lack confidence in the integrity of the marine ecosystem, the economic impacts could be disastrous.

I have discussed matters concerning seafood, ocean dumping and toxins with my staff, and urge that you request the Corps of Engineers to supplement the generic environmental impact statement issued in March 1983 or produce a new NEPA document on the dioxin projects. The document should update information on relevant issues, such as:

- 1) The effects of all contaminants from the Harbor and at the Mud Dump Site on marine fisheries and protected species.
- 2) The levels of dioxin that can be disposed of without causing adverse impacts to marine resources.
- 3) The structural integrity of the cap meant to contain contaminants.
- 4) The disposal site monitoring plan.

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US EPA



5) Concerns related to capping delays while dredging operations are occurring and complying with the 10 day cap cycle once disposal operations have been completed.

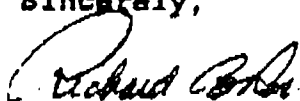
6) The other applications to dredge and dispose dioxin contaminated materials.

7) The Endangered Species Act consultation.

Lastly, the New York Bight area is seasonally inhabited by migrating species of endangered whales, sea turtles, and perhaps shortnose sturgeon. As such, a Section 7 consultation under the ESA needs to be conducted.

If you have any questions please call me at (508) 281-9250 or Stan Gorski at (908) 872-3037.

Sincerely,



Richard B. Roe
Regional Director

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**Vice President Al Gore speaking at Clean Ocean
Action's Beach Sweeps, held Sept. 19th, 1992,
Sandy Hook, New Jersey:**

"It makes economic sense to clean up the
environment."

"If you want to see leadership in the White House
in favor of protecting the environment, you have
to do it by...getting Bush and Quayle out of the
White House."

"We also believe that this false choice that George
Bush and Dan Quayle keep posing between jobs
and the environment is just that: a false and
phony choice. It must be rejected . We can create
jobs and economic opportunity by leading the
environmental revolution."

"We have got to build up the economy and clean
up the environment at the same time."

SOS SAVE OUR SHORES

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(908) 431-3331

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Camilla S. Fahmie, MPA

Administrative Assistant

Jeanne A. Sass

February 8, 1993

Office of the Vice President
Old Executive Building
Washington D.C. 20510

Attn: Press Office
cc: Katy McGinty
cc: Heidi

Dear Katy McGinty,

Thank you for taking the time to speak with me yesterday. I hope the enclosures will provide some insight into this important issue.

The Army Core of Engineers and the EPA are presently in the process of granting permits to dredge Newark bay and surrounding waterways. Unfortunately, the dredged muds have been contaminated by dioxin. Agent Orange, a synonym for dioxin is a by product of herbicide and pesticide production. Dioxin is a known carcinogen that has been linked to birth defects, miscarriages and the terrible skin disease known as chloracne. The EPA has proposed to dispose of up to 900,000 tons of these dredged materials 5.7 miles off the coast of New Jersey, within sight of Gateway National Park, and some of the most utilized beaches and fishing grounds in the nation!

Dr. Sternberg

Spoke to NYT

3 Night line
would like to speak re:
Physicians of SOS

Staffers to Sched.
mtg w/ AGJ

This issue is of national importance because it will become a test case as to whether using the ocean is a viable option for disposal of known carcinogens like Agent Orange.

Politically, it is a test of the Clinton Administration's pledge that the nation can economically prosper without jeopardizing the health and safety of Americans.

The head of The N.Y. and N.J. Port Authority has distorted the issue. It has attempted to polarize economic concerns for a harbor deep enough to accomodate international shipping, that provide jobs to unions like that of The Long Shoreman, against "environmentalists," and their concerns that the proposed ocean dump site will threaten the shore industries of tourism, fishing and restaurants.

The physicians of Save Our Shores are very concerned that the proposed site poses significant short and long term health risk.

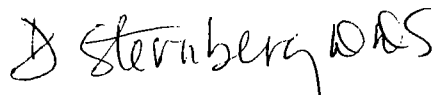
This issue is not economics vs. environment. Save Our Shores realizes that the harbor must be dredged. We also realize that there are existing viable alternatives that satisfy all sides in this issue.

Hopefully, I will be appearing on Night Line during the coming week to represent Save Our Shores' side of this issue.

Save Our Shore hopes that the Vice President will be one involved in this issue and make it a win - win situation for both the economy and the environment. Directing EPA to grant permits to dredge the harbor and to dispose of the dredge spoils at any of the alternative sites other than along the inshore coastal waters, will demonstrate that the pledges the Vice President made during the debates were more than rhetoric.

The physicians of Save Our Shores who represent hundreds of Doctors in New Jersey in this issue respectfully request a meeting with the Vice President to present their concerns for health risks dioxin dumping in the close coastal ocean waters pose.

Sincerely,

A handwritten signature in cursive script that reads "D Sternberg DDS". The signature is written in dark ink and is positioned above the printed name.

Dennis G. Sternberg DDS

SOS SAVE OUR SHORES

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2040 Sixth Avenue
Neptune City, NJ 07753

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Jeanne A. Sass

February 8, 1993

Office of the Vice President
Old Executive Building
Washington D.C. 20510
Attn: Press Office
cc: Heidi
cc: Kathy McGinty

Dear Ms. McGinty,

I am cofounder of Save Our Shores an organization of concerned citizens, whose sole purpose has been to preserve, protect and restore the New Jersey shore, by ending ocean pollution. We have accomplished much in our founding in 1986. Utilizing printed and electronic media, we brought the outrage of the consequences caused by ocean pollution to international attention. Our suit, brought in federal court at which Judge Barry presided, helped convince the City of New York to institute methods to better contain the transfer of solid waste in the marine estuary at Fresh Kills. Our efforts to find alternatives to ocean dumping of sewage sludge has resulted in the elimination of the dumping of 10 million tons of sewage sludge per year in the coastal ocean off of New Jersey.

The physicians of Save Our Shores wrote the bill, adopted by the United States Senate, which has resulted in the tracking of medical waste. These physicians were also responsible for the State of New Jersey's Department of Health instituting The Health Impact of Ocean Pollution Study.

The citizens of the east coast are once again facing a potential environmental crisis at the New Jersey shore that threatens not only the state's economic welfare but also the health and well being of all people who eat fish taken from it's waters and who recreate in it's coastal ocean.

The waters of Newark bay and its tributaries have been closed to fishing and fish consumption due to dioxin contamination that occurred at the site of The Diamond Alkali Plant, after a devastating fire, in the mid 1980's. Bioaccumulation of dioxin in the food chain of the Newark bay has made consumption of marine fishes found there to be a severe health risk.

In order to maintain navigable channels for shipping, The Army Core of Engineers and the EPA have prepared to dredge and dump the dioxin laden muds of Newark Bay. The inshore ocean disposal site proposed by EPA and The Army Core of Engineers, at the 5.7 mile dump site, is not only irresponsible but it potentially threatens human health. I have enclosed some background information for your review.

The physicians of save Our Shores are very concerned that the proposed site poses significant short and long term health risk.

This issue is not economics vs. environment. Save Our Shores realizes that the harbor must be dredged. We also realize that there are existing viable alternatives that satisfy all sides in this issue.

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Sincerely

A handwritten signature in dark ink, reading "D Sternberg DDS". The signature is written in a cursive, flowing style. The "D" is large and loops around the first part of the name. "Sternberg" is written in a standard cursive script, and "DDS" is written in a slightly more formal, upright cursive at the end.

Dennis G. Sternberg DDS

DS/tyr.

Fact: The economic importance of major international shipping in the N.Y and N.J metro area is significant. In order to keep the waterways and harbors of the Ports of New York and New Jersey navigable, these waterways must be periodically dredged.

Fact: The environmental impact of dumping these dredged materials at a spot 5.7 miles east of Gateway National Park and Sea Bright have come under scrutiny by both environmentalists and officials of both the EPA and the N.J. DEP since the early 1980's.

Fact: It is the responsibility of both the EPA and The Army Corp of Engineers to manage ocean disposal of dredged materials.

Item: At a Rutgers University sponsored symposium in 1982, testimony by the DEP suggested that "Other options" be considered for replacement of the "overextended" use of the inshore mud dump, especially for contaminated dredge spoil.

At that time studies implicated the findings of mutagenic effects on fish eggs, damaged bottom dwelling communities of marine animals, and diseased fishes, with the dumping of contaminated dredged spoils at this routinely used ocean site.

Item: Research has determined that toxic heavy metals such as cadmium and lead had either been dumped or otherwise made their way into the harbor. Even more alarming, disturbing levels of PCB's, known cancer causers, were turning up in samples of fish and shellfish taken from the harbor and ocean waters along the coast of N.Y. and N.J..

Item: 1982 Ocean Dumping Conference, Stevens Institute of Technology October 30.

They reported on an advisory conference sponsored two years earlier.

Excerpts from that report: "The Department recently commented on the EPA environmental impact statement for the designation of an ocean disposal site for New York harbor dredged material.

EPA recommends the mud Dump site currently used. We{The DEP} expressed concern that the designation may be shortsighted, given the Mud Dump's projected life span fo 10-12 years based on current rates of disposal.

WE FEAR THAT THE GOVERNMENT WILL NOT BE ABLE TO ACT DECISIVELY WHEN THE SITE APPROACHES CAPACITY AND PRESSURES WILL BE BROUGHT TO BEAR TO EXPAND THE SITE IN THE DIRECTION OF VALUABLE RECREATIONAL AND COMMERCIAL FISHING GROUNDS."

They went on to recommend that a site 25 miles be used instead of the Mud Dump for non contaminated dredged materils.

This site was supposed to be tested and analyzied for normal management of non contaminated and acceptable dredged materials.

In addition: The DEP supported the CREATION AND USE OF ALTERNATIVES TO OCEAN DISPOSAL.

- a. Shallow water protected containment islands
- b. Subaqueous borrow pits

c. Sanitary landfill cover for places such as Fresh Kills in Staten Island and the Meadowlands.

Item: DIAMOND Alkali CORP. destroyed in a catastrophic fire in the mid 1980's

Item: Diamond Alkali Corp. was a producer of Agent Orange {Dioxin} for use in Vietnam defoliation. DIOXIN, an organic chemical, an accidental by-product created in the manufacturing of herbicides, bactericides, and wood preservatives is SPILLED INTO NEWARK BAY.

Item: Dioxin has been linked to causing miscarriages, birth defect and serious behavioral and neurological problems in humans.

Fact: Once spilled into the bay, dioxin, like PCB's, enter the food chain and BIOACCUMULATE all the way up the food chain and finally to human beings.

Fact: Newark Bay is closed to fishing due to high risk if consumed by humans.

Fact: Dredging the effected area with a clamshell and crane once again redistributes the dioxin and other pollutants into the water column. Dumping the dredged materials in the ocean EXPOSES THE CONTAMINATED MUDS TO STRONG OCEAN TIDES AND CURRENTS.

FACT: The Mud Dump site is located in an important breeding area for prized fish stocks such as striped bass, bluefish, weakfish, fluke, and shellfish.

Fact: New Jersey's TOURIST Economy will be shattered if the Jersey Shore, finally making a comeback from hospital waste on it's beaches and sewage in it's ocean,

becomes nationally and internationally known as a site for disposal of the dreaded and known carcinogen, DIOXIN.

FACT: OUR BILLION DOLLAR commercial and sport fishing industry will be ruined. WHO WOULD KNOWINGLY BUY CONTAMINATED FISH OR EVEN THE SPECTRE OF SUCH A CONTAMINATION.

FACT: THE MEDICAL LEGAL IMPLICATIONS AND HEALTH IMPACT OF DISEASE CAUSED BY SHORT TERM EXPOSURE AND LONG TERM CONSUMPTION WILL BE ASTRONOMICAL.

IN 1982 the DEP stated: " WE MUST BE AWARE THAT SOME DREDGED MATERIAL MAY BE CONTAMINATED TO THE POINT OF NOT BEING ABLE TO PASS THE OCEAN DUMPING TESTING REQUIREMENTS....THERE NEEDS TO BE A GOVERNMENTAL RESPONSE TO THE DISPOSAL REQUIREMENTS OF CONTAMINATED DREDGED MATERIAL.... A SMALL SHALLOW WATER DIKED CONTAINMENT AREA MAKES THE MOST SENSE. HOWEVER SUCH A FACILITY WOULD NEED AN INSTITUTION TO SPONSOR THE PROJECT AND FINANCE IT'S FRONT-END COSTS. WE BELIEVE THAT THE PORT AUTHORITY OF N.Y AND N.J. COULD PLAY AN IMPORTANT ROLE IN SERVING THESE SPECIALIZED NEEDS.

UNFORTUNATELY, THE TRUE NEED FOR THIS TYPE OF FACILITY WILL NOT COME TO THE FOREFRONT UNTIL A CRISIS ARISES. THE DREDGING NEEDED TO ACCOMMODATE BERTHING OF THE QEII IN 1980 has been the closest that we have come to a crunch."

OPTIONS:

1. DELAY DREDGING AND IMMEDIATELY COMMENCE CONSTRUCTION OF DIKED SHALLOW WATER CONTAINMENT AREAS.
2. PROCEED WITH THE DREDGE AND STORE IT IN CONCRETE BUNKERS ON THE DIAMOND SHAMROCK PROPERTY.
3. PROCEED WITH DREDGE AND DUMP SPOIL 300 MILES OFF SHORE IN THE ABYSSAL OCEAN PLAIN. WHILE CONSTRUCTING, WITH ALL HASTE, EITHER A LAND OR SHALLOW INLAND WATER CONTAINMENT AREA.

ONCE THESE CONTAMINATED DREDGED MATERIALS ARE RE-RELEASED INTO THE OCEAN ENVIRONMENT THEY CAN NOT BE RECLAIMED. IF THIS IRRATIONAL ACT IS NOT HALTED THOSE RESPONSIBLE FOR NOT PREVENTING THIS CATASTROPHE WILL BEAR THE BLAME !

Very sincerely,

Dennis

Sternberg D.D.S. Co-founder Save Our Shores

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this document until 9 p.m.,
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February 17, 1993