



Testimony of Roland Lewis, President and CEO on

Processed Dredge Material Reclassification

THE METROPOLITAN WATERFRONT ALLIANCE

Before the Committee on Waterfronts

Tuesday, September 29, 2009

Good afternoon and thank you for the opportunity to submit this written testimony. I am Roland Lewis, president of the Metropolitan Waterfront Alliance, a coalition of over 380 organizations working together to transform the New York Harbor and its waterways into a world class resource for work, play, transit and education.

The naturally deep harbor and waterways that allowed this great city and region to flourish are continuously filling in, through natural and urban sedimentation processes. This occurs as the riverbanks erode, as storm water flows off highways and streets, and as river mud is displaced by incoming and outgoing tides. All this accumulated sediment must be dredged, analyzed, removed and treated so that channels remain deep enough for ships to navigate safely and for the maritime industry to function effectively.

Operators of small maritime businesses, marinas, and shipyards, must dredge accumulated silt from their basins and facilities at the edge of the shipping channels. Though hardly approaching the magnitude of work by the Army Corps of Engineers, such dredging nevertheless can present nearly insurmountable hurdles for the smaller operator. Necessary as the work is, dredging is prohibitively expensive and complex for a small companies.

The costs associated with dredging, coupled with the amount of time and effort it takes to obtain the necessary permits, have significant impact on the long-term viability of water-dependent maritime uses. The costs associated with dredging include the physical removal, transport and disposal of the sediment, toxicity testing of dredged material, and the costs of obtaining the necessary permits. According to officials from the Port Authority and the New York City Economic Development Corporation, port-dredging projects involve costs from \$100,000 to \$250,000 to test dredged sediments, and between \$18 and \$80 per cubic yard for sediment disposal (depending on upland or in-water disposal). MWA's Alliance Partners have told us that costs in fact exceed well over \$100 in some cases.

In September 1997, the U.S. Environmental Protection Agency terminated the use of the Mud Dump Site, a site that received dredge materials, and simultaneously redesignated the site as the Historic Area Remediation Site (HARS). With this designation, EPA changed the types of materials that could be disposed of at the former Mud Dump Site.

The HARS is now being remediated by covering the site with “cleaner” dredged material that meets high standards under toxicity testing. This dredged material is referred to as “Remediation Material.” The effect of this change is that sediments must now be tested for toxicity, and only the “cleaner” sediments can be disposed of at the HARS. Other sediments that contain more contaminants must be disposed of at suitable upland facilities, at an increased cost to the maritime owner.

Reducing the cost associated with dredging would provide a substantial benefit to water-dependent maritime industries, industries that are vital to our region and to the health of our economy and neighborhoods.

In 2008, MWA’s Working Harbor Task Force made up of members from the heads of the largest agencies to the smallest maritime operators, recommended the reclassification of dredge materials as one of the measures needed to help the maritime industry remain financially viable. MWA, representing over 380 organizations committed to a clean and economically viable harbor, fully supports Resolution No. 1816 and urges the State of New York to allow the new classification of dredged materials to promote the use of dredged materials. Reclassifying dredge material that has passed the same requirements as other fill and managing it under regulatory provisions related to “beneficial use” will allow dredge material to be used in more beneficial reuse projects.

Thank you for the opportunity to testify today and I'd be happy to answer any questions you might have.