Federal Trustees’ Natural Resource Damage Assessment and Restoration Activities Update

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Topics

Status of the case

Coordination

Cooperative Assessment with PRPs

Restoration Coordination

Injury Assessment Example
Basic Elements of the NRDAR Process

Defined by 43 CFR 11 DOI Regulations which are applicable to the Passaic River / Diamond Alkali Superfund Site:

- Notification
- Preassessment Screen (PAS) (here in 2004)
- Assessment (now here, Final Assessment Plan is being prepared since drafted and released for public comment in 2007)
- Post Assessment
NRDAR is a Process

Trustees assess injury or potential injury to natural resources

Obtain monetary damages or PRP-led restoration with trustee oversight

Replace, acquire, or restore the equivalent of injured natural resource(s) to baseline, and compensate for interim losses
Coordination

Trustees, Other Agencies, PRPs, Academia, & General Public

Remediation Assessment and Implementation

Injury and Damage Assessment

Restoration Planning and Implementation
Cooperative Assessment

Initiated with CCG of 21 in 2009, with some funding, but no early restoration funds/projects implemented.

2010 starting again with CCG of 14.

The full CPG, which funds the EPAs remedial planning on the Passaic River, should reconsider its refusal to participate in a Cooperative Assessment with Trustees.

The full CPG's lack of participation in Cooperative Assessment undercuts the advantages of this process, such as avoiding duplicative effort, capturing early restoration opportunities, being cost-effective, and building consensus on extent injuries and damages.
Major Issues for Restoration

Adequate remediation to protect trust resources
Injury assessment - adequately defining extent
Compensatory restoration alternatives ID and evaluation
Public involvement – PDT, CAG, other
NEPA compliance
Trustee coordination internal / external
Early Restoration: PRP-funded; Crediting
DOI’s regulation defines injury as a measurable adverse change, long or short term, in the chemical or physical quality or viability of a natural resource.

Injuries occur when the health of resources are adversely affected, consumption advisories are issued or criteria and/or standards are exceeded, resulting in lost services.
Atlantic Tomcod Existing Line Of Evidence For NRDAR Injury Assessment Development

Gale et al., 2000 sediment data
TCDD Sediment
Yuan et al., 2001
YOY Atlantic tomcod liver TCDD pg/g ww
Chaky, 2003 Sediment 2,3,7,8-TCDD/Total TeCDD ratio traced from Passaic River to Hastings on Hudson River at RM 26
YOY tomcod generally in 1-10 ppt salinity waters
Heritable Resistance; Truncated Age Pyramid; DNA Adducts / Liver Cancer Associates With YOY Liver 2,3,7,8-TCDD TEQs dominated by 2,3,7,8-TCDD, & Sediment Contamination Gradient for TCDD & PAHs.

PAH Sediment
Stewart & Auster, 1987
RM 82 = 0
RM 77 = 1
RM 67 = 0
RM 58 = 4
RM 37 = 9
RM 17 = 27
RM 10 = 14
RM 8 = 28
RM 1 = 26
NB = 655
Thank You On Behalf Of Our Passaic River Natural Resources