



Empowering Communities, Advocating Solutions.

Testimony to the CGA Environment Committee
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Senator Kennedy, Representative Albis, distinguished members of the CGA Environment Committee, thank you for the opportunity to submit testimony on this important issue.

My name is Louis Burch and I represent Citizens Campaign for the Environment (CCE). Supported by over 80,000 members in Connecticut and New York State, CCE works to empower communities and advocate solutions that protect public health and the natural environment. We would like to offer the following testimony:

HB 5149- An Act Concerning Beneficial End Uses for Discarded Tires and the Efficacy of Tire Hauling Licenses or Permits (SUPPORT WITH CONDITIONS)

Used car and truck tires present significant waste management challenges as their sheer numbers, flammability and indestructible nature make them persist in the environment. When disposed of in landfills, tires take up massive amounts of space, leach toxic chemicals and collect water that act as a breeding ground for disease transmitting mosquitoes. There is a growing effort to find uses for recycled rubber tires, including their use as “tire derived fuel”, road construction materials and for use in drainage fields designed for septic systems.

The use of crumb rubber infill made from scrap automobile tires is a common practice in constructing children’s playground surfaces and artificial turf athletic fields. Recent studies indicate that crumb rubber made from recycled tires contains a laundry list of known and possible human carcinogens, heavy metals, carbon black, volatile organic compounds (VOCs), and polyaromatic hydrocarbons (PAHs), which have been shown to volatilize into the air during normal playing conditions. Exposures to these materials have been linked to a wide range of potential health impacts, including eye and skin irritation, respiratory problems, and as many as three different forms of cancer. Due to the potential health and safety hazards associated with exposure to ground up tires, it is critical that the use of recycled rubber from scrap tires *not* be permitted as an acceptable end use for those materials.

Notable highlights of recent studies on crumb rubber include:

A recent chemical analysis conducted by the **Yale School of Forestry and Environmental Sciences** reviewed 14 different samples of crumb rubber, including 9 samples from 9 different bags of playground

mulch. Researchers discovered that as many as half of the chemicals identified had received no previous health or safety testing done. Of the chemicals for which there was safety data available, 12 were known human carcinogens, and 20 were known eye, skin or lung irritants.¹

The Empire State Consumer Project's 2015 Children's Products Safety Report found unsafe levels of heavy metals contained in samples of playground mulch, including arsenic, cadmium (both known human carcinogens) and zinc. The report also concluded that there is a higher incidence of knee injuries, sprains, and skin abrasions on artificial turf when compared to natural grass. Additionally, the report acknowledged that crumb rubber products can act as a heat sink on hot days, with ambient temperatures measuring up to 200 degrees Fahrenheit or more, creating an increased risk of heat stroke and dehydration in school children as well as professional athletes.²

This is consistent with a comprehensive study on the temperature of synthetic turf fields conducted at **Brigham Young University**, which concluded that the amount of light a field received had a greater impact on heating the fields than ambient air temperature. Surface temperatures on the fields were recorded as high as 200° F on a 98° F day. On average, the surface temperature of crumb rubber turf was found to be about 37° F hotter than asphalt and about 87° F hotter than natural grass, exacerbating public safety concerns over potential heat impacts³.

Children Face a Disproportionally High Risk

Children are disproportionately susceptible to the health and safety hazards associated with crumb rubber, due to their rapidly growing bodies and developing biological systems. In fact, there are a growing number of doctors and public health professionals who have observed that youth athletes (particularly soccer goalies) who spend extended periods of time using those fields may in fact be at a higher risk of contracting certain cancers than the general public, including Lymphoma.

In light of the growing body of evidence pointing to significant health and safety hazards associated with crumb rubber, numerous municipalities have taken action to block the installation of crumb rubber products on public playgrounds and athletic fields. These include the City of Hartford, CT, which passed a local ordinance prohibiting the installation of artificial turf fields using recycled materials in January of 2016; the City of Edmonds, WA, which passed a temporary ban on crumb rubber in 2015; and the New York City Dept. of Parks and Recreation, which suspended the use of rubber infill on their parks and recreation facilities in 2008.

Most recently, the Obama administration announced last week that the U.S. Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention Agency for Toxic Substances and Disease Registry (ATSDR), and the U.S. Consumer Products Safety Commission (CPSC) will be conducting a comprehensive and independent study to determine the full scope of potential health impacts associated with exposure to crumb rubber. This announcement comes as a significant shift in the federal government's previous assertion that the crumb rubber found in artificial turf and rubber playground mulch carries no significant adverse impacts to human health and is safe for use by children and youth athletes.

CCE believes that this represents a major sea-change in public attitudes towards the use of crumb rubber, as growing scientific evidence points to significant health and safety risks. CCE urges this committee to consider the growing scientific evidence regarding crumb rubber as a potential children's health hazard, and

¹ <http://seas.yale.edu/news-events/news/study-led-gaboury-benoit-looks-chemicals-synthetic-playing-surfaces-0>

² http://www.synturf.org/images/EmpireStatechildrensproductssafetyreport2015_final_1_.pdf (pgs 18-22)

³ <https://www.westcoastturf.com/getdoc.cfm?id=38>

to air on the side of caution by not including crumb rubber for athletic fields and public playgrounds when considering beneficial end uses of scrap tires.

CCE supports HB 5149 conditionally, provided that the final iteration of this legislation explicitly discounts the use of tire crumb in construction materials on public playgrounds and school athletic fields as a valid recycling option for scrap tires.

SJ 4- A Resolution Memorializing the U.S. Congress to Permanently Preserve Plum Island as a National Wildlife Refuge (SUPPORT)

Plum Island has tremendous ecological and cultural significance to the Long Island Sound community and to Connecticut and New York residents alike. Approximately 2/3 of the island is undeveloped, allowing tidal wetlands and grassland areas to flourish. It is inhabited by a wide variety of plant species, including rare orchids, oaks and carnivorous plants. Plum Island is a vital breeding ground for more than 210 species of birds, including federally endangered and threatened species such as Piping Plovers and Roseate Terns. It is also home to the largest winter haul-out site for seals in southern New England. Hundreds of Gray and Harbor Seals can be observed using the island's beaches to bask and feed during the cold winter months.

For these reasons, Plum Island has been designated a Critical Natural Resource Area by the U.S. Fish and Wildlife Service, a New York State Significant Coastal Fish & Wildlife Habitat by the NYS Dept. of State, and a critical Environmental Stewardship Area by the Long Island Sound Study. These designations represent Plum Island's status as an ecologically important landmark and should be upheld to protect the island's natural value.

Due to the efforts of stakeholder groups in both states, the Long Island Sound has seen major improvements in water quality and biodiversity in recent decades. Over the last few years, hundreds of dolphins and porpoises have been spotted in the sound. In 2015 alone, three White Beluga Whales were documented feeding in the Sound, as well as two endangered Humpback Whales sightings near Huntington, Long Island. This is a sign that the Sound is improving, but more work needs to be done and funding for restoration efforts has not come easy. In fact, elected leaders and environmental organizations have teamed up year after year to travel to Washington DC every year in order to gain support for funding Long Island Sound restoration efforts.

Grassroots efforts have successfully resulted in federal budget allocations of between \$3 million and \$7 million per year for Long Island Sound. These funds are used for critical wetlands and habitat restoration, sea grass restoration, installation of fish passages, green methodologies for storm water remediation, watershed protection for tributaries, educational efforts, scientific research and more. Unfortunately, the federal government's investment in funding restoration efforts for the Sound, in comparison to investments from Connecticut, New York, and local governments, has been woefully anemic. The preservation of Plum Island is a prime opportunity for congress to make a significant contribution towards preserving unique ecological habitat and protecting Long Island Sound.

CCE strongly supports the preservation of Plum Island and recommends that preservation options supported by the resolution not be limited to the idea of establishing a National Wildlife Refuge.

There are other opportunities to protect the island's natural character while allowing public access including establishment of Plum Island as a State or National Park, or creation of a Long Island Sound research facility to be administered by NOAA and/or one of the region's academic institutions. CCE supports any effort to preserve Plum Island, and urges this committee to consider all available options when voicing its support for protecting this natural treasure.

SB 78- An Act Concerning the Disposal of Dredged Material from Certain Harbors and Ports on Long Island Sound (OPPOSE WITH RECCOMENDATIONS)

While dredging is necessary for maintaining safe and navigable harbors and waterways, open water disposal of the resulting dredged materials is not. Dredged sediments carry varying amounts of pollutants including PCBs, heavy metals, pesticides, nitrogen and phosphorus, which can adversely affect water quality and biodiversity on the LIS bottomlands.

In 2005, the states of New York and Connecticut signed an agreement to phase out open water disposal of dredged materials in favor of more sustainable and environmentally preferable beneficial reuse techniques. The agreement called for the development of a regional Dredged Materials Management Plan (DMMP) for Long Island Sound, which would start a process towards ending the antiquated practice of dumping in Long Island Sound, while providing guidance and tools for a robust beneficial re-use program. The DMMP finalized by the U.S. Army Corps of Engineers (USACE) earlier this year does not achieve that goal, and is instead a long term plan to continue using Long Island Sound as the primary waste disposal plan. To date, an estimated 17 million cubic yards of dredged material has already been disposed in LIS. The DMMP in its current form will allow and additional 30-50 million cubic yards to be dumped in the Sound over the next 30 years.

The evaluations in the DMMP and accompanying Programmatic Environmental Impact Statement (PEIS), uses an incomplete cost-benefit analysis to determine that open water disposal is a cost effective and “environmentally acceptable” method of disposal for dredged material. The USACE uses a decision making process which only assigns value to the cost of beneficial reuse options, and omits any and all value to beneficial re-use as a function in protecting the Long Island Sound. It appears the DMMP neglects to assign any value to environmental consequences attributable to open water disposal. In fact, it seems that the document is based on the false premise that open water disposal is environmentally benign. By emphasizing only the short-term costs instead of long-term solutions, USACE has failed to live up to the 2005 agreement and mandate, leaving it up to the states and local governments to decide whether or not to pursue beneficial reuse.

Limitations and concerns regarding the DMMP

1. The DMMP prioritizes financial costs over environmental impacts.

The document appears to be prioritizing the *costs* of beneficial reuse as the compelling reason to continuing open water dumping. This was NOT the mandate prescribed in the 2005 agreement. Ten years ago, when NY & CT signed the agreement for the creation of the DMMP, it was clearly stated that the document, “would identify feasible and environmentally sound alternatives and establish future protocols for dredged material management. These alternatives include, but are not limited to, reducing sediment sources, reducing contaminate loading, and developing feasible beneficial reuses for dredged material, with the goal of reducing or eliminating the need for open water disposal.”

Unfortunately, the current DMMP only evaluates disposal options using cost calculations that act as if adversely impacting the LI Sound is cost effective and free. The DMMP does not take into account the costs of degradation associated with polluting Long Island Sound. It also does not mention or evaluate the creation of jobs and businesses that would evolve and grow if NY and CT were to invest in beneficial re-use.

In section 6.1 of the DMMP, there is a chart detailing dredge material disposal options for each federal navigation project. The majority of these projects plan on disposing dredged materials in open water dump sites. The chart does list re-use options, but only to demonstrate that they are not cost-effective. In each cost comparison, the Army Corps focuses solely on the direct costs associated with each option instead of exploring the overall costs and benefits of reuse projects. *By failing to consider the potential long-term costs of continued dumping in the Sound, or the long-term benefits of beneficial reuse, the plan unfairly dismisses beneficial reuse solutions.*

While marshland creation or beach nourishment may carry a higher initial cost, dumping contaminated materials in the Long Island Sound for the next 30 years comes at much a far higher long-term cost. The Long Island Sound generates between \$17 billion and \$36 billion each year, with millions of people relying on the waterway to support local businesses, tourism, fishing, and recreation. Using dredge material to fortify our beaches, improve coastal resiliency, and restore critical habitat is a far better 30 year investment than open water dumping. The Army Corps itself, in section 6.6 of the DMMP says, “Continued climate change is expected to increase the demand for using dredged material beneficially, thereby reducing the need for open water placement”. Yet the agency chose to ignore this eventuality and instead focused on short-sighted and disingenuous cost comparisons when evaluating beneficial reuse.

CCE strongly recommends that the State of Connecticut adopt a disposal guidance similar to that of Rhode Island’s. RI regulations prohibit open water dumping unless it can be proven that dumping will not contribute to water violations or degradation of waters, or unless all other alternatives would be more harmful to the environment. It does not allow cost alone to be the driving factor as, unfortunately, the DMMP does. *This reasonable approach sets up a process that supports and encourages beneficial re-use and uses open water dumping as a method of last resort.*

2. Although the DMMP was mandated to focus on re-use alternatives, the proposed DMMP lacks a clear focus on reuse alternatives.

While on the surface, the DMMP and PEIS seem to evaluate many of these environmentally preferred solutions, including beach nourishment, berm placement, near shore bar nourishment, Brownfield redevelopment, backfilling mines, habitat restoration and marsh creation, as well as alternatives such as confined disposal facilities and upland landfills, these documents fail to adequately and holistically consider these options.

When referring to beneficial reuse options, the Programmatic Environmental Impact Statement states, “these sites would not be reasonable, long-term alternatives to open water placement. Although both state and federal agencies are pursuing alternatives to open water placement, the potential areas identified either do not have sufficient long term material placement capacity or are not cost effective...”

This is despite the fact that some of the re-use options having capacity for all of the identified dredging needs in the plan. **In the Army Corps own analysis, noted in section 5.2, page 5-41 of the PEIS, they note that their re-use options could accept 25 million cubic yards of material—which is 50% of the material that is projected to be dredged in the next 30 years.** *Finding re-use options for 50% of the material is a great starting point—not something that should be dismissed.*

Additionally, in the EPA's Final Rule, it clearly states that beneficial re-use options should not be discounted because of higher costs. The Final Rule states, "The final rule recognizes that use of practicable alternative may mean that there will be additional costs (in comparison to open-water disposal). The Final Rule also states that the EPA's ocean dumping regulations defines "practicable alternative" as an alternative which is,

"Available at reasonable cost and energy expenditures, which need not be competitive with the costs of ocean dumping, taking into account the environmental benefits derived from such activity, including the relative adverse environmental impacts associated with the use of alternatives to ocean dumping."

Unfortunately, this is not the guiding language that USACE uses in evaluating beneficial options for dredged material. The Final Rule recognizes that even when dumping dredged material in the Sound may be "acceptable" there may be more preferable environmental alternatives. These should be used, despite additional costs.

It is also noted in the final rule, that "even if a practicable alternative is available for a portion of the dredged material, it must be used for disposal of that portion of the material in order to at least reduce" the use of open water dumping. Meaning, USACE should clearly not discount that re-use options could accept 50% of material dredged.

a. USACE has failed to thoroughly assess viable alternatives to open water dumping, such as mine reclamation.

This same lack of vision found in the beneficial reuse analysis can also be found when evaluating the other alternatives to this project. One major flaw is the choice to focus only on the Long Island Sound instead of considering a regional approach dredged management approach. For example, when considering mine filling, the DMMP mentions the Hazelton Mine in Pennsylvania, a 277 acre abandon mine seeking to receive dredge materials. However, this option is quickly dismissed because it is not in the study area and is estimated to be more expensive due to shipping costs (with no data given to support that claim). Failing to thoroughly consider a beneficial project like this one simply because it is outside the watershed is emblematic of the larger problem with this document.

Ten years ago, when NY and CT were engaged in a rigorous discussion of beneficial reuse of dredge materials, the Pennsylvania DEP was advocating to take dredged materials to help with the reclamation of over 3,000 abandoned mines throughout their state. They cannot be the only state who has this need, and yet, no mention of this option is in the plan.

b. The plan dismisses holistic approaches, such as Confined Disposal Facilities, that have the potential to accommodate all of the proposed dredged material.

A similar problem arises when discussing Confined Disposal Facilities (CDFs), which are one proven alternative to open water dumping. The Craney Island Dredged Material Management Area in Norfolk, Virginia, which was built in the 1940s, is still held as an example of sustainable dredge material management today. Several of the potential CDF sites mentioned in the DMMP have a large enough capacity to "accommodate the entire region's long-term dredging needs", such as the New Haven Breakwaters CDF, which has a capacity of over 52 million CY, with others able to accommodate a large percentage of the materials, including the Stratford Point and

Penfield Reef CDFs, which can each handle over 33 million CY (Table 4-11). However, these CDFs were not given adequate consideration.

The DMMP dismisses CDFs because they “require significant public investment to implement” and there would need to be coordination between all levels of government, with long-term site management by a state agency or port authority. However, this document was *meant* to provide guidance to these agencies and create a coordinated plan to implement re-use and other alternatives to open water dumping. Stakeholders, agency officials, and elected officials at the local, state, and federal level have been actively involved in shaping this process and working to end the dredge dumping in the Long Island Sound. ***The plan should not discount options due to a “perceived” lack of public interest or initial funds.*** The public has already invested millions in Sound restoration measures - that is the investment that we need to be protecting.

c. The DMMP relies on dangerous and antiquated near shore Confined Aquatic Disposal cells for disposal of highly contaminated, untreated dredged materials.

USACE recommends the continued use of Confined Aquatic Disposal (CAD) cells for the disposal of contaminated material determined to be “unsuitable” for open water dumping. The three CAD cells identified in the document are the Bridgeport Outer Harbor East and West sites, and the New Haven/Morris Cove borrow pit. “Unsuitable” materials typically contain elevated levels of toxics such as PCB’s, VOC’s and heavy metals such as mercury, lead and copper. CAD cells built for disposal of contaminated sediments are usually constructed in harbors or rivers, and consist of sub-aqueous borrow pits which are filled with contaminated materials and capped with sand. This practice is dated and counterproductive as it requires disposal of the most toxic, contaminated dredge waste in close proximity to the general public, where the likelihood of impacts to humans and aquatic wildlife are highest.

USACE acknowledges that the CAD cells recommended for disposal of unsuitable material are located in Essential Fish Habitat (EFH) areas for Atlantic salmon, winter flounder, windowpane flounder, bluefish, summer flounder and several others, yet offer no additional measures to ensure that contaminated sediments deposited in near shore CAD cells will not interfere with the health and integrity of these habitats.

In PEIS, Table ES-2 identifies General Impacts by Alternative Type and compares them to open water disposal. Confined Near shore Placement of Dredged Material (placement in CAD cells) was consistently identified as increasing turbidity and contaminant concentrations potentially leading to intermittent, localized, short term changes in water quality. Page ES-10 indicates CAD cells could destroy and/or bury bottom-dwelling resources living within the footprint. Despite this, USACE’s dumping plan prefers the use of CAD cells over treatment and upland disposal methods for contaminated dredged materials, again referencing cost constraints as the limiting factor.

Continued reliance on CAD cells to dispose of contaminated dredged materials is contradictory to the goals of the 2005 bi-state agreement. A key mandate in this agreement was to reduce the physical impacts that open water disposal can have on aquatic ecosystems and wildlife in LIS, with a focus on more environmentally sustainable and protective alternatives. Instead, the USACE proposes to simply move unsuitable contaminated material from rivers and embayments to other areas that may cause harm. This practice poses inherent risks to the health of LI Sound and its marine life and perpetuates the toxic legacy of dumping in LIS waters.

3. USACE has failed to evaluate the increase in potential harmful pollutants such as Nitrogen and Phosphorus from dumping dredged material.

The Long Island Sound Study created a TMDL for Nitrogen, mandating a 58.5% reduction in nitrogen entering the Sound. This spurred the investment of millions of dollars to upgrade sewage treatment plants discharging into the Sound. Despite the progress, more reductions in Nitrogen are needed, and new science is questioning whether reductions in Phosphorus are needed as well.

In section 4.6 of the PEIS, USACE acknowledges the role that excess nitrogen plays in the deterioration of LIS water quality and the growth of Harmful Algal Blooms that lead to hypoxia. However, the document fails to articulate how much nitrogen is added to the Sound based on their disposal plan of 30-50 million cubic yards of dredged material.

It is understood that dredged materials often contain varying amounts of organic plant matter, which are a significant contributor to nitrogen loading in marine environments. Laboratory studies using sampling data from more than 20 marine testing sites across the U.S. (including Norwalk, Bridgeport and Stamford, CT) show that nitrogen content from dredged sediments can range from approximately 200 to 4,000 mgN/kg, with a mean nitrogen concentration of about 1,550 mgN/kg. These quantities are sufficient to stimulate the growth of excessive amounts of algae and other aquatic plants if they were released in available forms during dredging and disposal (Jones & Lee, 1981)⁴.

Studies show that dumping of dredged material increased the release of Nitrogen and Phosphorus into the waterway. A 1.5 million cubic yard dredging project in Baltimore Harbor, which is slated for disposal at a cove south of the downtown, is estimated to have the potential to put more than 200,000 lbs of nitrogen back into the water annually. Due to this increase in Nitrogen, to an already impaired waterway, state regulators are mandated to offset that Nitrogen⁵.

Currently, EPA is engaged in crafting a Nitrogen Action Plan for Long Island Sound. The objective is to obtain a science based document that sets nitrogen standards for our waterways in order to ensure the recovery and sustainability of healthy ecosystems. Nitrogen has been identified as the largest contributor to poor water quality in the Sound. How will the disposal of dredge material into LIS add to N loading already affecting the Sound? USACE has failed to review any and all benthic flux conditions that may occur from dredging river bottoms that are loaded with decaying matter into the LIS. In order to fully assess the cumulative impacts of open water dredge disposal in the Sound, the nitrogen and phosphorus loading potential of dredged materials dumped into Long Island Sound must be quantified.

4. The Programmatic Environmental Impact Statement for LIS is deficient in quantifying the effects from open water dumping will have on the LIS water quality, bottomlands, marine species and aquatic ecosystem.

⁴ Jones, R.A., and Lee, G.F., "The Significance of Dredging and Dredged Material Disposal as a Source of Nitrogen and Phosphorus for Estuarine Waters," p. 517-530 (1981)

⁵ The Baltimore Sun, November 26, 2010 "State Pledges to limit Pollution from Dredging"

The PEIS ignores the guidance provided by NYS Department of State in their June 3, 2004 **Objection to Consistency Determination** ruling which, on page 7, requests the EPA analyze a range of parameters that would be affected by disposal activities including:

- Chemical parameters such as dissolved oxygen (which will be reduced in the water column during dumping activities), carbon dioxide, acidity, dissolved solids, nutrients, organics and pollutants such as heavy metals, toxics and hazardous materials (which will be released in the water column and will be present after dumping is completed.)
- The EPA must consider and evaluate the impacts from different dredging projects. Documentation on sediments from the Thames River, CT is relevant and compelling. Contaminants in this river can bioaccumulate and have far reaching consequences. Sediments in the river contain varying concentration of metals, poly-cyclic aromatic hydrocarbons (PAH), pesticides, PCBs and other chemicals above naturally-occurring background levels.

As we are aware, LIS has historically had a diverse, robust marine fisheries industry. However, the last two decades have seen a dramatic decline in several of the Sound's key species including lobster and winter flounder. The Western Long Island Sound has experienced the greatest decline of marine life and oxygen. It is not yet determined why this is happening, so the additive impacts of dumping dredged materials cannot be simply dismissed for convenience.

5. According to the DMMP and PEIS, contaminants within and around the disposal sites are already found, including elevated PCB's in fish and elevated levels of copper in lobsters. The Army Corps fails to address how dumping 30-50 million cubic yards of additional sediment will affect existing contamination levels.

EPA, NOAA, and USGS have tested in vicinity of the four current open water dumping sites for contaminants. "Contaminants analyzed included metals, PCB congeners, PAHs, chlorinated pesticides, butyltins, dioxin/furans, radionuclides, and lipids in the tissue from fish, lobsters, worms, and clams, representing organisms that either live in close association with the sediments or are likely to accumulate elevated tissue levels of these contaminants." Aquatic life exposed to the sediments near the dump sites tested positive for many of these contaminants, with tissue from bluefish, striped bass, winter flounder, and scup containing high levels of PCBs and heavy metals, even compared to similar sediments throughout the Sound.

The Programmatic Environmental Impact Statement for dumping in the sound also notes that, "At the active WLDS, CLDS, and NLDS placement areas, the metals silver, copper, cadmium, mercury, and lead were elevated". These elevated levels are very disconcerting. USACE does not present a plan to reduce contaminants already found at disposal sites, nor are there plans to ensure that additional dumping will not add to the contaminants. These heavy metals bioaccumulate and become more harmful in some species over time. In fact, the PEIS seems to suggest that contamination at low levels is an acceptable consequence of dredge dumping.

In conclusion, the current Federal process regarding the implementation of the LIS DMMP is fundamentally flawed, fails to achieve the goals laid out by the 2005 agreement and ought to be rejected in its entirety. Hundreds of millions of dollars have been spent over the last 30 years on

restoring the Sound's water quality and reducing toxic contaminants, and the antiquated process of open water disposal stands in direct opposition with protection and restoration efforts currently underway in Long Island Sound. **Considering the failure of USACE to meaningfully identify beneficial reuse alternatives and identify the real impacts that dumping these materials has on the ecosystem, it is insufficient to initiate a process which "disfavors" open water disposal of dredged materials in the Sound.** A comprehensive assessment of beneficial reuse options is needed to phase out open water dumping, preserve the LIS bottomlands and fulfill the mandate of the 2005 agreement.

CCE appreciates the spirit and intent of SB 78, which we believe is to help reduce open water disposal of contaminated dredged materials. However, in order to meaningfully protect the Sound from the adverse impacts of dumping millions of cubic yards of dredged material over the next 30 years, this legislation needs to be specific in establishing goals and a reasonable timeline to achieve quantifiable reductions in open water disposal. It is CCE's position that this legislation will not attain the important goal of increasing beneficial reuse and reducing open water disposal. CCE remains committed to working with this committee to achieve a more meaningful, binding process for phasing out disposal of dredged material in LIS and establishing a clean, definable pathway towards beneficial reuse.