Good morning, and thank you for the opportunity to submit this testimony. I am Roland Lewis, President and CEO of the Metropolitan Waterfront Alliance (MWA). The MWA is a bi-state coalition of nearly 800 community and recreational groups, educational institutions, businesses, and other stakeholders committed to restoring and revitalizing the New York and New Jersey waterways. Our Harbor is our most precious shared resource, a resource for commerce and economic development, waterborne transportation and tourism, and active recreation. While our waterways are cleaner now than they have been in generations, much work remains to ensure that we continue on that trajectory, for safe use and enjoyment by all. That our Alliance spans political boundaries is no accident: what happens on New York’s waterfront affects New Jersey, and what happens in New Jersey affects New York as well.

Many New Yorkers, and Staten Islanders in particular, have raised concerns about the Rahway Arch project, where millions of tons of contaminated soil are slated for dumping within a coastal flood zone, on waterways that flow directly into Staten Island’s Arthur Kill. Should another storm the magnitude of Superstorm Sandy befell our region, with surges flooding both sides of the Harbor, it is highly possible that those chemicals would wind up on Staten Island’s shores, potentially threatening New Yorkers’ health and safety. We do not need to imagine this scenario – Staten Islanders and all New Yorkers, as well as New Jersey residents have just lived through, and are still recovering from this devastation. At minimum, the possibility of adverse effects crossing state lines demands careful study, if not action, at the federal level. Section 404 of the Clean Water Act gives the Environmental Protection
Agency (EPA) the authority to conduct a permit review process for “the discharge of dredged or fill material into the navigable waters.” Yet EPA and the US Army Corps of Engineers (USACE) have recently stated that the federal government has no oversight over this project because the property on which it will be constructed exists outside federal wetlands jurisdiction. In a letter to Sen. Charles Schumer, they write, “There is no state-permitted construction work within regulated waters or wetlands of the United States.” Instead, the New Jersey Department of Environmental Protection (NJDEP), which has approved the project, has full jurisdiction within “state-regulated upland transition zone adjacent to the wetlands and waterways.”

This is wrong. While the State of New Jersey may regulate the land on which this project is built, the waterways that may be impacted are shared by all. We urge the City of New York, both representatives in this Council and officials within the Administration to continue to pressure your federal counterparts to conduct a careful review and analysis of the projected impacts of this project, by any means necessary. We must not wait until disaster strikes again to know for certain.