

NOAA Input to CEQ Report on Cooperative Conservation

Line Office/Cooperative Conservation Program: NOS/NMFS - DARRP

Project Title: Alcoa (Point Comfort) NPL Site Cooperative Assessment, Integrated Remediation and Restoration Project (CAIRR).

Location: Calhoun County, Texas

NOAA Funding/Leveraged Funding (August 2004-August 2006):

NOAA applied funds from the Superfund and DARRF to support efforts for CERCLA response planning and beginning the NRDA action. These costs were reimbursed at settlement.

Project Summary: With NOAA leading the way, our partnership successfully integrated Remedial Investigation and Risk Assessment (RI/RA), natural resource restoration planning and project construction into a seamless solution for the Site.

Alcoa Point Comfort Operations (PCO) began integrated production of aluminum and other products in the 1940's. Aluminum smelting operations ceased in the 1980s, but bauxite refining continues. In the late 1960's, PCO added a mercury cell chlor-alkali plant to produce caustic soda (and chlorine gas) for bauxite processing. Operation of that plant, through 1977, released mercury and Hg laden wastewater to Lavaca Bay and to underlying aquifers. In April 1988, the Texas Department of Health issued a "closure order" prohibiting the taking of finfish and crabs for consumption from areas near the facility due to health risks posed elevated mercury concentrations. This action indicated that a CERCLA response might prove necessary and the site was proposed for the National Priorities List (NPL). The Point Comfort/Lavaca Bay Superfund Site (the Site) was placed on the NPL in 1994. The Site's Record of Decision for sources control and clean-up to reduce risk posed by elevated levels of mercury and hydrocarbons in sediment was issued jointly by the State of Texas and EPA on December 20, 2001.

The NRDA covered the impacts to benthic resources, fish, birds and upland habitats resulting from exposure to mercury and response actions, as well as the recreational fishing losses caused by the Fishing Closure. The NRDA culminated in the release of two final damage assessment and restoration plans in 2001 nearly simultaneously with the site Record of Decision (ROD). Alcoa implemented a suite of restoration actions to offset injuries to sediments and sediment-dwelling organisms, fish and other biota as well as to compensate for impacts to recreational fishing in the Bay. Most remedial action is now complete with additional actions being identified as envisioned under the monitoring and adaptive management approach chosen as the overall restoration strategy for Lavaca Bay. Once the wetland project is certified as successful, ALCOA will cause the transfer of 729 acres of land to be preserved by the U.S. Fish and Wildlife Service as part of the Aransas National Wildlife Refuge adding to Whooping Crane Habitat under protection and management.

Innovation/Highlight: NOAA's vision catalyzed the team's adoption of the integrated paradigm (CAIRR) leading to the rapid completion of remedial actions and restoration construction at the Site. Empowered by the shared fundamental goal "betterment of the environment and natural resources", the team overcame all challenges presented and delivered results to the Public. Applying the idea that with "wicked" problems such as this, there are no correct or incorrect answers - only better and worse ones, decisions were made that allowed the partnership to succeed. This is an exemplar of the CAIRR partnership approach.

The Trustees and Alcoa recognized that it would be possible to use the information gathered in the RI/FS & Risk Assessments to assess natural resource damages due to the similarity of the data requirements. In 1997 a Memorandum of Agreement between Alcoa and the Trustees enabled funding and enhanced formal cooperation. Simultaneous investigations of risk and injury were conducted, effectively combining remediation with restoration planning. The entire team, working collegially, drew from the 'communicative planning' approach to complete RI/FS and Risk Assessments and NRDA. The remedial and restoration actions, i.e. appropriate compensation for all resource losses attributable to Site releases (including due to all remedial actions), were set forth in the universal settlement.

The CAIRR paradigm permitted comprehensive coverage of all CERCLA issues associated with the Site, fostered good working relationships between the trustees, Alcoa, and the local community, and resulted in nearly universal support for these restoration actions within the local community.

Resource Challenge:

At their core, Superfund and NRDA processes are best characterized as 'adversarial' in nature due to their statutory underpinnings and the litigative models that began to be applied at CERCLA's inception. Those early concepts and approaches were not particularly efficient means to our end goals. At the beginning, limited funding and staffing (i.e., bodies available to do work) were tremendous challenges that the partners had to overcome.

Funding issues were relieved when Alcoa provided funds for all agencies to participate and to support our engagement of the public in our joint communicative planning effort. Each partner took the lead to complete (with the others review) the building blocks of the final solution, according to a distributed action model. The efficiency gains achieved thru this effective response and restoration integration allowed the partners to overcome all challenges presented thus far at the Site.

Partners:

Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas General Land Office National Oceanic and Atmospheric Administration
The U.S. Fish and Wildlife Service, USEPA, Cities of Port Lavaca and Point Comfort, Calhoun County & Calhoun Co. Navigation District, Alcoa

Results and Accomplishments (August 2004 - August 2006): In January 2005, the final response and restoration legal agreements (consent decrees) were 'simultaneously' entered by U. S. District Court for the Southern District of Texas. Construction was rapidly initiated on all restoration projects

Alcoa created 70 acres of intertidal salt marsh on Aransas National Wildlife Refuge and create 15 acres of new oyster reef in Lavaca Bay. Additionally, Alcoa built new fishing piers at Six Mile Park, Point Comfort Park, and at the Bayfront Peninsula in Point Comfort; replaced an existing auxiliary boat ramp and constructed a new timber dock at Six Mile Park; made improvements at Magnolia Beach; and constructed new timber docks at Six Mile Park and at Lighthouse Beach. All projects were completed during the timeframe.

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Project Web Site: EPA <http://www.epa.gov/earth1r6/6sf/pdffiles/0601752.pdf>

NOAA <http://www.darrp.noaa.gov/library/index.html>

Are photographs, graphs, or other illustrative materials available for this project?
Quite a bit - Yes!!!