

INTERNATIONAL JOINT COMMISSION
UNITED STATES AND CANADA



June 7, 2005

Mr. Mario Del Vicario, Chief
Community and Ecosystem Protection Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

Dear Mr. Del Vicario:

The International Joint Commission (Commission) is pleased to inform you that it has completed its review of the Stage 3 Remedial Action Plan (RAP) for the Oswego River Area of Concern (AOC). This RAP process is notable because it is the first U.S. effort to reach this stage of environmental restoration.

The Commission concludes that to the extent that the RAP, as prepared by New York Department of Environmental Conservation (NYSDEC) in consultation with the Oswego RAP Remedial Advisory Committee, can have influence over local conditions, beneficial uses in the Oswego River AOC have been restored to the maximum extent practicable. Thus, the Oswego River should no longer be considered an Area of Concern. With this determination, the NYSDEC should proceed with the delisting process.

Commission staff has worked closely with members of the RAP team and has been in regular contact with them over the years, providing informal comments on the ongoing remedial work and reports. To further assist the Commission in making its determination regarding the Stage 3 proposal, staff also conducted a site visit on March 20-21, 2005, and met with the RAP coordinator, Mr. Robert Townsend.

The Stage 3 document addresses the resolution of the 14 Beneficial Use Impairments listed in Annex 2 of the Agreement, and verifies that the Oswego River RAP has addressed the restoration of beneficial use impairments to the extent practicable. The Commission is in agreement that existing beneficial use impairments related to fish consumption advisories and loss of fish habitat/degradation of fish populations are beyond the scope of the RAP, but are within the purview of, and should be addressed by, larger management plans affecting the Oswego River AOC – specifically the ongoing Lake Ontario Lakewide Management Plan and the Federal Energy Regulatory Commission (FERC) power dam relicensing requirements. The

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FERC established run-of-river flow as a condition of permit for the local power dam and these more natural river flows should contribute to re-establishment of fish habitat and fish populations. Survey results show no evidence of continuing eutrophic conditions. Algal growth in the lock area is a seasonal problem, not a natural part of the AOC environment, and weeds constitute a managed nuisance condition.

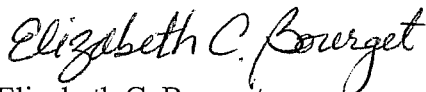
The Commission wishes to emphasize the importance of establishing and maintaining a comprehensive monitoring program for fish tissue contaminants and the health of fish communities in what is currently designated the Oswego River AOC and in the open waters of Lake Ontario. This monitoring is necessary to adequately document the recovery of beneficial use impairments and to protect human health. Responsible agencies also should make clear that lakewide fish consumption advisories apply to what is currently designated as the Oswego River AOC.

Federal, state, and local governments are to be commended for their achievements. The Commission welcomed the opportunity to review the Stage 3 RAP and anticipates the successful delisting of the Oswego River AOC.

The Commission intends to convey this determination to the U.S. Secretary of State and Canadian Minister of Foreign Affairs. Consistent with its current policy, the Commission intends to release these comments to the public.

Should you wish any further assistance, please contact Mr. Bruce Kirschner of the Commission's Great Lakes Regional Office, at 519-257-6710.

Yours sincerely,



Elizabeth C. Bourget
Secretary
U.S. Section



Murray Clamen
Secretary
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cc: Ms. Kathleen C. Callahan, Acting Regional Administrator, U.S. EPA, Region 2
Mr. James Abraham, Acting Regional Director General, Environment Canada, Ontario Region
Ms. Denise M. Sheehan, Acting Commissioner, NYSDEC
Honourable Leona Dombrowsky, Ontario Minister of the Environment