

## **Newtown Creek Community Advisory Group (CAG) Meeting**

Wednesday, October 23, 2013

6:00 – 8:00 PM

Newtown Creek Wastewater Treatment Plant Visitors' Center

329 Greenpoint Avenue, Brooklyn, New York, NY 11222

28 Attendees (see attendee list in Appendix)

### **Introductions**

Ryan Kuonen, CAG Co-Chair, welcomed attendees to the meeting. She explained that the originally planned agenda, a presentation from U.S. Environmental Protection Agency (EPA) staff on the remedial investigation at the Newtown Creek Superfund site, has been postponed due to the government shutdown. She explained that this cancellation gives the CAG an opportunity to ratify new leadership, consider the CAG's purpose and objectives, and to brainstorm potential meeting topics for the coming year.

### **Discussion Notes**

- Ryan Kuonen facilitated the meeting, offering background information and soliciting input from attendees throughout. During the discussion, she led attendees through the discussion items on the agenda:
  - What has happened thus far?
  - What does the steering committee do?
  - Who are the co-chairs?
  - Revisit: What does the CAG do?
  - What happens next?
- First, Ryan Kuonen read from the CAG's Operating Procedures to remind attendees of the CAG's original agreed-upon function:  
*"The Newtown Creek Community Advisory Group was established by the U.S. Environmental Protection Agency (EPA) and stakeholders to represent the interests of the communities and stakeholders, to receive and share information, and to provide advice and input regarding the remediation of the Newtown Creek Superfund Site (the Site). The CAG is designed to serve as an ongoing vehicle for information-sharing, discussion, and, where possible, consensus-building regarding decision-making related to the Site. Its members represent a diverse cross-section of key stakeholder interests, including affected property owners, concerned residents, local governments, community groups, environmental groups, health experts, the business community, and others as appropriate."*
- **What has happened thus far?** Ryan Kuonen provided an explanation of what the CAG has done since its formation in January 2012. The CAG meetings held from January 2012 – October 2013 are listed below. Notes from each meeting are posted on the CAG website [here](#); presentations are available [here](#).
  - January 2012: Formation meeting – Skeo assisted the community in understanding what a CAG is and in the process of establishing CAG leadership.
  - February 2012: Formation meeting – CAG members ratified steering committee leadership; Skeo facilitated a discussion about concerns and information needs

associated with the Newtown Creek Superfund Site and helped the CAG continue to refine their operating procedures.

- May 2012: EPA provided a presentation on the Superfund process.
- July 2012: New York State Department of Health (NYS DOH) provided a presentation on Newtown Creek public health study.
- October 2012: EPA provided a presentation on 2012 sampling activities associated with the Site.
- March 2013: New York City Department of Environmental Protection (NYC DEP) presentation on navigational dredging in Whale Creek; Superfund update from EPA.
- May 2013: EPA provided a presentation on human health risk assessment.
- July 2013: EPA provided a presentation on ecological risk assessment.
- **What does the steering committee do?**
  - The steering committee works in between full CAG meetings to plan, discuss, and keep CAG business moving forward. All steering committee members present at the meeting raised their hands.
  - Steering committee membership is a self-nominating process, as described in the CAG's operating procedures, with a cap of 15 steering committee members.
  - The steering committee currently has 14 members, listed below, representing all stakeholders affected by the site.
    - Leah Archibald, EWVIDCO
    - Sarah Durand, LaGuardia Community College
    - Lillit Genovesi, Trout Unlimited
    - Christine Holowacz, GWAPP, Newtown Creek Monitoring Committee
    - Ed Kelly, Maritime Association of the Port of NY/NJ
    - Ryan Kuonen, Community Board 1
    - Rich Mazur, NBDC/GWAPP/Greenpoint Business Alliance
    - Deb Mesloh, LIC Partnership
    - Phillip Musegaas, Riverkeeper
    - Paul Pullo, Metro Terminals
    - Lori Raphael, Brooklyn Chamber of Commerce
    - Mike Schade, Center for Health, Environment, and Justice
    - Jean Tanler, Queens Business Outreach Center/Maspeth/B2
    - Kate Zidar, Newtown Creek Alliance
- **Who are the co-chairs?**
  - CAG co-chairs organize and lead the CAG's efforts throughout the CAG's existence. Co-chairs serve a one-year term and are eligible to serve an unlimited number of terms. Co-chairs are nominated by the steering committee and ratified by consensus by the full CAG, as described in the operating procedures.
  - Kate Zidar and Ryan Kuonen held the first CAG co-chair term, which ended in June. At the completion of the term, the CAG decided that Ryan Kuonen would continue as a co-chair until December to maintain consistency in the leadership. She is willing to continue holding the post for another year (December 2013 – December 2014), if that is agreeable to the CAG. CAG co-chair terms will stagger every six months, with two co-chairs always in office. Ideally, one co-chair would

serve from Brooklyn and the other from Queens, but this is not a requirement. Any CAG member can perform the duties of co-chair. A natural progression would be for a CAG member to join the steering committee for a period of time in order to learn more about how that body works and then self-nominate to serve a term as co-chair when a position is open.

- The steering committee has nominated Mike Schade to join Ryan Kuonen as CAG co-chair. The CAG will have opportunity to ratify his nomination at this meeting.
- **What does the CAG do?**
  - The CAG has been active for almost two years. Thus far, members have become more familiar with the Superfund cleanup process. One of the purposes of this CAG meeting is to revisit the CAG's purpose and function. Ryan Kuonen asked the CAG to share their thoughts and ideas about what the CAG does and should do. The list is as follows:
    - Spread information.
    - Request information.
    - Serve as a forum.
    - Receive information during pre-cleanup and educate stakeholders.
    - Does not talk to press AS CAG.
    - Call in experts about specific topics.
    - Give comments and feedback to EPA.
    - CAG decides how active/passive it wants to be.
    - Community outreach.
    - Decide and voice what community wants in the cleanup process
    - Communicate what is important.
    - Get technical assistance grants.
    - Reach consensus on what should the end result of the cleanup be.
  - At the second CAG formation meeting in February 2012, meeting attendees developed a series of concerns and information needs. Ryan Kuonen read the following list from the notes of the CAG's second formation meeting:
    - *Concerns:*
      - *Combined Sewer Overflows (CSOs): characterizing the quantity and quality [Note: at the time of the second CAG meeting, Newtown Creek Alliance had recently written a letter to EPA regarding CSOs].*
      - *Characterizing human health impacts (brain disease, lupus, respiratory illnesses, etc.).*
      - *Job retention.*
      - *Superfund stigma: local businesses have difficulty securing financing and insurance.*
      - *Business continuity.*
      - *Maintaining/improving maritime traffic.*
      - *Public access and recreation (safe boating).*
      - *Effect of dredging.*

- *Impact on long-term planning.*
- *Wetland habitat – collaboration, bulkhead use.*
- *Bulkheads: habitat restoration if bulkheads are not needed; rebuilding bulkheads if they are needed.*
- *Fishing in Newtown Creek (eating and selling fish, lack of physical enforcement).*
- *Water quality decline during dredging.*
- *Air quality.*
- *Administrative costs for the CAG: ongoing funding for the CAG process.*
- *Information needs:*
  - *Extent/scope of investigation.*
  - *Mechanics of cleanup: Where? Transportation? Destination?*
  - *In-depth health studies: what studies have been performed, are they available, what others are planned?*
  - *Timeline of cleanup.*
  - *Draft plan for cleanup.*
  - *Superfund process and bulkheads:*
    - *What other regulatory agencies have oversight of bulkheads (is this outside of CAG's scope? Should the CAG have a bulkhead subcommittee? The Steering Committee will discuss).*
    - *Precedent for remediation work around bulkheads (Seattle? Others?).*
  - *Resources to help with fish advisory education (DEC/DOH): Steering Committee will discuss community outreach re: fish in Newtown Creek.*
  - *Fish studies: when was the last study conducted? Presentation needed on fish and water quality.*
  - *Wildlife impact presentation.*
  - *Air quality presentation*
  - *Technical Assistance Grants*
  - *TASC vs. TAG*
- In response to the original list of concerns and information needs, Ryan Kuonen led a discussion in which CAG members offered their thoughts on additional CAG concerns. The list, recorded on flip charts during the meeting, is as follows:
  - Disposal of dredged materials.
  - Abandoned vessels and vehicles inhibiting restoration.
  - Waterfront development and Superfund – synchronizing.
  - Connection to other efforts and initiatives and more crossover information sharing.
    - Discussion of this point: An attendee asked how the group draws a line on what topics apply to the CAG and what does not. A CAG

- member reminded the group that the Newtown Creek Superfund site is about the sediments and the Creek, not the entire area.
- Timeline of what is feasible on the Creek
    - Discussion of this point: An attendee commented that businesses operating in the area would benefit from a timeline of what will be feasible, when, on the Creek – this is essentially a concern about ensuring business continuity. A Gowanus CAG member explained that at Gowanus, EPA gave letters to adjacent property owners releasing them of liability as long as they follow certain guidelines while they operate– in short, there is a structure in place for how businesses can continue to operate during the cleanup.
  - Additional discussion about CAG interests and opportunities:
    - Kate Zidar reminded the CAG that many of the items on the original list of concerns and information needs are part of a vision for the creek that was established in the Newtown Creek Brownfield Opportunity Area (BOA). She encouraged CAG members to look at the BOA plan. The plan includes ideas about where bulkheads should be restored, the need for maritime transit, where wetland restoration would take place, barge to rail opportunities, etc. Another CAG member speculated as to whether the CAG could help to nudge the BOA process along as well.
    - Laura Hofmann and Mike Schade have been working with Councilman Levin’s office and others to help supplement DOH’s health study with a plan for a more community-based health study. The goal is to partner with a university and submit grant proposals in order to secure funding for the study. Community support will be needed when the project has proceeded to the point of grant applications.
    - Regarding the stated concern about bulkheads in the Creek, an attendee asked if there is a way to incorporate new FEMA guidelines.
    - A CAG member asked if a hired professional facilitator would be useful for the Newtown Creek CAG, similar to how meetings are facilitated at the Gowanus CAG. (Currently, CAG meetings are led by the CAG co-chairs). Discussion on this point included:
      - A CAG member said he thought that a knowledgeable facilitator who has worked on other CAGs could be helpful for understanding how the CAG’s concerns fit in with the Superfund timeline and process.
      - (From Gowanus CAG member) Facilitators are useful when there is dissention in the group. If a group has general consensus and is working well together, a facilitator is not needed. Larger groups with political rifts might require outside facilitator help.
      - Kate Zidar added that Newtown Creek does not have the same residential conflicts that Gowanus does. At Newtown Creek, even most environmental stakeholders see the need for business interests and vice versa.

- As the Superfund process continues, different people will become involved. If contention arises, the CAG will revisit the idea of bringing in a hired professional facilitator.
- Ryan Kuonen asked if the CAG is interested in forming subcommittees about particular topics.
  - The consensus was that yes, subcommittees will be useful when the need for them arises.
  - A Gowanus CAG member offered that subcommittees are the most productive part of the Gowanus CAG; they have formed a water quality and sewer committee, archaeology committee, etc. The subcommittees work on their own and then report back to full CAG with conclusions and recommendations.
  - The Newtown Creek CAG essentially has one subcommittee now: a leadership subcommittee in the form of the steering committee. A health subcommittee may be emerging due to the health study-related work of Laura Hofmann and Mike Schade. One attendee suggested “tangential issues” as a subcommittee; other attendees suggested that this was better suited for Community Board meetings.
- **What happens next?**
  - CAG members discussed potential future meeting topics and listed them out on a flip chart. At the end of the meeting, each attendee used two sticker dots to vote on their top two topics of highest priority.
  - The list of topics, with number of votes in parentheses, is as follows in order of votes. The steering committee will discuss the highest ranked topics in order to develop strategies for addressing the topics (e.g., inviting speakers, forming subcommittees, conducting outreach and/or research):
    - Mayor’s office/Office of Long-term Planning/tide gates (13)
    - Combined Sewer Overflows (CSOs) (12)
      - Discussion on this point included:
        - Sarah Durand pointed out that if some of the things on the list of concerns are to be accomplished, CSOs will have to play in. For instance, restoration such as mussel population cannot happen without attention to the organic matter causing pollution in the Creek.
        - At Gowanus, National Grid (a potentially responsible party) conducted a detailed bacteriological study that showed sewage to be “a big deal” (methadone, steroids, and others) in terms of the current chemicals that are impacting the Gowanus Canal.
    - Ultimate goals for Newtown Creek/BOA plan (7)
    - Community health effects, including NYS DOH update (5)
    - Eventual disposition of dredged material (4)
    - EPA biological census/ecological risk assessment (4)
    - Aeration (3)

- Community outreach (0)

### Meeting Wrap-Up, Announcements, and Next Steps

- Mike Schade introduced himself and explained his interest in Newtown Creek as a resident of Greenpoint near the Bleeker Ave. plumes and oil spill and as the Markets Campaign Coordinator for the Center for Health, Environment, and Justice. The CAG ratified him by consensus as a new co-chair.
- Mike Schade's bio is included here for additional information: *Mike Schade is the Markets Campaign Coordinator with the Center for Health, Environment & Justice (CHEJ), a national environmental health organization. Mike has over a decade of experience working on environmental health and justice issues. For four years, he was the Western New York Director of Citizens' Environmental Coalition, where he coordinated community, marketplace and policy campaigns, including the Toxic-Free Legacy, Bucket Brigade and Kodak Corporate Accountability campaigns, resulting in substantial victories for environmental and public health. He also worked for the Buffalo Coalition for Economic Justice. At CHEJ, Mike has coordinated the successful national PVC and BPA Marketplace Transformation Campaigns which has convinced some of the world's biggest companies to phase out PVC, phthalates and BPA. Ethisphere Magazine listed Mike as one of the 100 Most Influential People in Business Ethics for 2007 and the PVC Campaign received the "Path to Victory" Business Ethics Network award. He is the author or co-author of numerous reports including the Wasting of Rural New York State-Factory Farms and Public Health, Volatile Vinyl-the New Shower Curtain's Chemical Smell, Baby's Toxic Bottle-BPA Leaching From Popular Baby Bottles, No Silver Lining-An Investigation Into BPA in Canned Foods, and Toxic Toys R Us. He has a BS in Environmental Studies from the State University of NY at Buffalo.* (Source: <http://chej.org/about/who-we-are/>.)
- Announcements:
  - Kate Zidar: On Nov. 6<sup>th</sup> at 3pm, the Swim Coalition is holding a public meeting about the history of how CSOs came to be included in the Gowanus Superfund site remediation. Newtown Creek CAG members may be interested in learning about this.
  - Laura Hofmann: On October 25<sup>th</sup> at 10am, a press conference will be held at City Hall about reduction of trash legislation. Buses will be leaving from St. Nicks, 609 Metropolitan Ave. Contact Laura Hofmann for more information.
- The next CAG meeting will be held in Queens on Thursday, November 21<sup>st</sup>. Caroline Kwan, EPA remedial project manager, will present to the CAG about remedial investigation work thus far at the Site.
- Next Steps (names/entities in parentheses indicate the responsible person for each step):
  - Add a link to Newtown Creek Brownfield Opportunity Area plan on the CAG website (Co-chairs, Skeo).
  - Ratify new CAG members during the next steering committee call (four attendees requested to join the CAG). Add new members' names to the website and ensure that they receive the email updates (Steering committee, co-chairs, Skeo).
  - Hold steering committee meeting about designing full CAG meetings that will address the CAG's prioritized topics (Steering Committee).

- Identify space for the next CAG meeting in Queens (Sarah Durand)
- Spread the word about the next meeting (All, Skeo via CAG website).

## **APPENDIX**

### **List of Meeting Attendees**

Alice Baker, resident  
Alison Schuettinger, City Council  
Bess Long, Save Greenpoint  
Eymund Diegel, Gowanus CAG  
James Curcuru, resident  
Jan Mun, Newtown Creek Alliance  
Jim Maleady  
Laura Hofmann, Barge Park Pals, Newtown Creek Alliance  
Leroy Lee Prowse, resident  
Lilli Genovesi, Trout Unlimited, CUNY  
Lisa Bloodgood, CM Levin  
Liz Barry, TreeKIT, Public Lab  
Louis Kleinman, Metropolitan Waterfront Alliance  
Mae Emerick, Parsons  
Marice Love, Row New York  
Martha Holstein, SU Solutions  
Matt Gosline, Greenshores  
Mike Hofmann, Barge Park Pals, Newtown Creek Alliance  
Mike Schade, Center for Health, Environment, and Justice  
Mitch Waxman, Newtown Creek Alliance  
Paul Pullo, Newtown Creek Monitoring Committee  
Ryan Kuonen, Community Board 1  
Sarah Durand, LaGuardia-CUNY  
Stephen Fabian, EWVIDCO  
Steve Lang, Newtown Creek Alliance  
Sybille Penhirin, Columbia University  
Tanya Bley, North Brooklyn Boat Club  
Will Elkins, North Brooklyn Boat Club and Newtown Creek Alliance