

**Newtown Creek CAG Meeting Notes
December 16, 2015
McCarren Park Community Room**

To see presentations visit the CAG's website: newtowncreekcag.wordpress.com

Ryan and Mike introductions and quick updates on recent CAG activity:

- The CAG SC has had a number of meetings with NCG, EPA and DEP in previous months.
- CAG in the process of replacing Walker who provided much needed administrative assistance.
- CAG working with EPA to hire a technical advisory in coming months to review phase 1 and 2 data and work with CAG.

Ecological Risk Assessment by Chuck Nace (EPA) (see presentation online)

- Objectives include distribution of hazardous substances; understand bioactivity of site and ID potential and future human health and ecological risks.
- The process includes: Hazard ID; Exposure Assessment; Toxicity Assessment; Risk Characterization
- Media sampled include: surface water; surface sediment; ambient air; fish tissue; blue crab tissues; mussel tissue; invertebrate tissue; wildlife surveys
- In total there were 37 samples from surface waters; 463 surface sediments; 24 ambient air samples
- A series of graphs were presented showing concentrations in fish tissue for mummichog and worm tissue for PCBs, PAHs and copper. (See presentation on CAG website).
- A Draft Report is due to EPA, from NCG, on February 2, 2016.

Q: Why were ribbed mussels and polychaete worms not sampled from reference areas?

A: We will have to look into that.

Q: How do you study birds?

A: It is indirect, we sample the fish and other organisms they eat and use modeling.

Q: Where were air collection points?

A: Around Queens and Brooklyn.

Q: When will community see the draft?

A: A few months after EPA reviews it.

Q: Will technical advisor be able to see unrevised data?

A: No.

Q: Who presents data to EPA?

A: AnchorQEA as a consultant of NCG.

Q: Why are we not talking about all the other chemicals and only just three?

A: EPA has not seen it yet. There are hundreds more.

Q: Does EPA collect independent data?

A: Yes, we take split samples.

Q: Did you sample any native mussels; or plan to?

A: We did not; and do not plan to at this point. Doing caged studies is a fairly common practice.

Q: For reference areas, why not study Gowanus or East River?

A: We look for background sites that are not as contaminated, but have similar characteristics to NC.

Human Health Risk Assessment by Michael Sivak (EPA) (see presentation online)

- EPA will be receiving a lot more in coming months, this presentation is just preliminary.
- As part of the study, we analyze current and future human health exposure, while considering an option if no remediation were to take place. Acceptable levels of risk are pre-determined, by congress. If non acceptable levels exist then we consider remediation strategies.
- We encourage the CAG to focus on future use scenarios and sites (such as Plank Road access, construction workers, etc).
- A series of graphs are presented (see presentation on CAG website).

Q: Can you say anything about how this data compares to the reference areas?

A: We don't look at specific points, we usually take an average. It is difficult to draw some conclusions, but there are slightly higher concentrations in NC vs. reference areas.

Q: Is there a benchmark?

A: We use an equation to develop potential exposure and a set benchmark set by Congress.

Q: What is the assumption that people on NC are only eating the fillet?

A: It is a fairly common practice to only eat the fillet and that is what we commonly use.

Q: What about discarded parts of the fish and potential risk of exposure to that path?

A: That is not something we study or have a method for.

- Michael mentions that concentration in tissue and consumption rate are two important factors in the equation, and gives background on fish and crab consumption dispute between NCG and EPA. Take away: new numbers are different than originally proposed, but similar to what EPA suggested. NCG suggested numbers were refuted and not used.

Q: Are numbers for crab/fish levels, as disputed by NCG, higher or lower compared to Gowanus?

A: The fish is the same, the crab numbers are only slightly lower, based on revised data.

- Draft report was submitted from NCG to EPA on November 2nd. Data was included that was not part of the QAPP, so report was sent back for revision. The new version will be submitted December 31st, 2015.

Q: Can you explain how the risk is determined?

A: We run the equation for every chemical and compare to benchmark and cancer risk and toxicity factor, which drives risk assessment.

Q: Does the risk assessment look at pregnant women?

A: Toxicity values take into account different populations, such as pregnancies. We also evaluate all end points, such as what health impacts they may have.

Q: Have you evaluated exposure during other scenarios like super storms, remediation work, etc?

A: Yes.

Q: What systems are in place to ensure the data considered and presented to the community is not screwed to the advantage of the NCG, as seems to be the case thus far?

A: We have a number of checks in place including independent evaluation from a number of outside agencies: NRRB, CSTAG, DEC, NFW, NOAA and DEP. The CAG will also get the opportunity to evaluate the reports with help of technical advisor.

Eileen Mahoney from DEP: I want to make it clear that during the process, the City has not agreed with everything that is part of QAPP including sampling frequency and locations. Just because we comment, does not mean that our concerns are fully incorporated. We have our own sampling protocols to collect data where we think there are gaps.

Q: How long will the review time be for public comment on the draft reports?

A: Longer than 2 weeks, less than 6 months. Not entirely sure at this point.

Q: There are still outstanding concerns because the NYS DOH has not run a proper health study of the community. How can EPA proceed without this?

A: Our work is to determine the need for cleaning up an area, looking at future scenarios. DOH is doing a retroactive study to see what diseases exist and the possible connection to source of contamination.

Background Data Summary by Carolyn Kwan (EPA) (see presentation online)

- An explanation of why background sites are used and run through slides showing sites and basic data (see presentation on the CAG website).

Q: Can you explain what the 'National Grid Study' refers to?

A: The National Grid Study was conducted in 2010 under consent with DEC. Before phase 1 and 2.

Q: Surface Water for PCB Congener, seems consistent across NC, from the mouth the head of English Kills, but higher compared to reference area. Why would that be?

A: We will be looking at that.

Q: Is EPA looking at flame retardants?

A: No, we do not have assessment for those chemicals.

Q: Why does the EPA not seek to follow CSTAG recommendations on using DEP collected data?

A: To clarify, the CSTAG suggested that EPA 'consider' using the data. We need to have full confidence in data analyzed and our priority is to evaluate the QAPP data first and then consider other data sources. But, to be clear EPA will consider any data submitted to us.

Eileen Mahoney (DEP): All DEP collected data does follow EPA approved plans from other sites. We use same methods, consultants and labs they have used in the past.

Q: How long has the data collection been going on for? Has fish or crab populations increased over the time?

A: The data collection began in 2012. We do not have information to show population increases during that time.

Q: What would it take to consider the ribbed mussels population that exists in the Creek?

A: We feel confident in using the caged study approach.

Notes by CAG member Willis Elkins.