

Newtown Creek Superfund Community Advisory Group (CAG)

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Newtown Creek CAG Meeting

March 22, 2016

6:30 P.M. – 8:30 P.M.

LaGuardia Community College, E Building, Room E500

31-10 Thomson Avenue, Queens, New York, New York

Meeting Attendees: 56 people (see attendee list in Appendix)

**Agenda**

Introduction: Welcome, Review of Agenda, Logistics

**CAG Business**

1. New CAG consultants
2. Proposed CAG co-chair Willis Elkins
3. Schedule for future CAG meetings

Update from Potentially Responsible Parties (PRPs) – New York City Department of Environmental Protection (NYC DEP) – Ed Garvey

Presentation from U.S. Environmental Protection Agency (EPA) – Point Sources of Pollution to Newtown Creek – Caroline Kwan

Community Conversation about Presentations

**Introduction**

CAG co-chair Mike Schade welcomed attendees and reviewed the agenda.

1. Media representatives, elected officials and PRPs present:
  - Scott Stringer's Office
  - Carolyn Maloney's Office
  - Phelps Dodge
  - NYC DEP
  - Louis Berger Group
  - New York State Department of Environmental Conservation
  - Newtown Creek Group

**CAG Business**

1. *New CAG consultants*
  - EPA has contracted Skeo Solutions to provide technical and administrative support to the Newtown Creek CAG through EPA's Technical Assistance Services to Communities (TASC) contract.
  - Terrie Boguski will be providing technical support. She will assist the CAG in understanding the draft risk assessments and support the CAG's efforts to share community perspectives during the Superfund process.
  - Krysia Solheim will be providing administrative support.
2. *Proposed CAG co-chair Willis Elkins*
  - Mike has been co-chair of the Newtown Creek Steering Committee for several years. He will be stepping down but will continue to be involved. The Committee voted to approve that Willis take his place. Willis is a member of the Steering Committee. He has been involved with Newtown Creek in various roles since moving to Greenpoint eight or nine years ago.

- There were no comments about approving Willis as co-chair. Willis is now officially co-chair.
3. *Schedule for future CAG meetings*
- More data is coming in, requiring more regular CAG meetings. The meetings will be set for the first Wednesday of every other month, at 6:30 P.M. Upcoming meetings are scheduled for May 4, July 6, September 7 and November 2. Locations will continue to alternate between Brooklyn and Queens.
  - New York State Department of Health staff will be presenting the Newtown Creek Area Health Outcomes Review at the next meeting. This study has been several years in the making and will be an important resource for people with health and contamination concerns.
  - The Steering Committee will be inviting all PRPs to give regular, 5-10 minute updates at upcoming CAG meetings. Given short notice, only NYC DEP was able to present tonight.

To view the presentation, click on the presentation titles below. Presentations are also available on the Resources page of the CAG website. The notes below do not repeat the content of the presentation slides.

#### [Update from PRPs – NYC DEP](#) – Ed Garvey

1. On behalf of NYC DEP, Mr. Garvey encouraged the community's involvement in the Superfund process. It is important for the community to understand the City's past and present work on the investigation. DEP has contracted Louis Berger Group, a consulting firm, to assist with the investigation. The firm has previously consulted for EPA and has decades of experience working on sediment contamination.
2. The main objective of this stage of the investigation is to characterize Newtown Creek and understand all potential sources of contamination so that EPA can make informed decisions and select appropriate remedial actions.

Ed's update focused on sediment contamination in Newtown Creek. The highest concentrations of contaminated sediments occur near past oil spills and gas plant locations. He presented a video on ebullition. Ebullition is the process by which oils in sediments attach to gases or lighter particles and float to the surface, releasing methane and other volatilized compounds, and then sink back down into the sediment. Ebullition means that the oil contamination in sediment is not contained; it is moving around in the creek.

Ed responded to several questions from CAG members:

Q: How common is this phenomenon (ebullition)?

A: Very common, though DEP has no data on frequency. DEP has spatial data showing where it is occurring.

Q: What is the Newtown Creek Group (NCG)?

NCG represents the five private-sector PRPs at the Newtown Creek Superfund site. NYC DEP is also a PRP, but is not part of the NCG.

Q. Why does the oil sink to the bottom again once it has risen to the surface?

A. When oil attaches to other solid matter or gasses, they float to the surface together. Once the oil surfaces, the materials it attached to (other, less dense solid matter or gasses) can evaporate. Then, the oil, once again denser than water, sinks.

Q. How long have those blips of oil been occurring?

A. Perhaps for decades, given the thickness of the deposition.

Q. The Newtown Creek CAG is concerned with DEP's statement that combined sewer overflows (CSOs) are not a significant health risk to the community.

A. Different agencies have different responsibilities for Newtown Creek. The Clean Water Act regulates CSOs. The Superfund law regulates hazardous chemicals. CSOs are not contributing significantly to high concentrations of hazardous chemicals. Hazardous chemicals are those materials that cause toxicity and cancers. Blips are from oil, not from CSOs.

Q: What is the air quality concern from surface blips?

A. Data show that elevated levels of volatiles are coming off of the creek. Field workers collecting data did not have to wear face protection.

Q. Are you taking ambient air samples?

A. No.

Q. Is there a progress report on the rebuilding of bending weirs around the creek?

A. The construction project is scheduled for completion in 2017. It will reduce CSOs for four large outfalls. After construction is complete, CSO levels will be monitored.

Q. We do not know what the anticipated result will be?

A. This is the first step. Once levels are measured, then more construction may be needed to further reduce CSOs to meet Clean Water Act requirements.

**Presentation from EPA – Point Sources of Pollution to Newtown Creek – Caroline Kwan**

Ms. Kwan discussed the purpose of point source sampling and the different sampling categories, such as combined sewer discharges and individually permitted stormwater and wastewater discharges. She covered the 31 sampling locations around Newtown Creek, the number of samples taken at each location (96 total samples), and the sampling methods used. Caroline provided preliminary results for total suspended solids, total polycyclic aromatic hydrocarbons (PAHs) and particulate PAHs. EPA is currently analyzing the data to determine if it is robust enough to support the Remedial Investigation (RI) Report and the City's InfoWorks model, which will be used to estimate contaminant loading to the creek.

Q. Why do the different agencies need separate measuring devices for sampling?

A. They are measuring different things.

Q. Did you sample at Brooklyn Queens Expressway?

A. No. Sampling sites were selected based on accessibility and representativeness.

Q. What does TSS stand for?

A. Total suspended solids.

Q. How do these results compare with EPA screening levels for polychlorinated biphenyls (PCBs) for wastewater permits?

A. It is unclear. EPA needs a risk assessment for that.

Q. EPA has no standards for PCB levels in wastewater?

A. EPA is not looking at compliance for concentration levels. EPA is currently investigating sources of PCB contamination for the creek. EPA is measuring contamination in sediments. If PCBs are causing unacceptable risk, EPA has to determine where the PCBs are coming from. Then, EPA can select a mitigation remedy. The point source data collection is complete and will be used in the modeling process. Multiple organizations will interpret the data and coordinate with each other to agree on conclusions. The point source data is one piece of the data that will be used in the models. Other data, such as groundwater data, will also be used in EPA's model to evaluate the impact on Newtown Creek and remediation steps needed.

Q. The data only show results for several chemicals. How do the others compare?

A. The samples are being tested for hundreds of chemicals. These are some of the most important chemicals.

Q. Based on the presented data, what preliminary conclusions can EPA reach?

A. It is too early in the process to reach any conclusions. EPA is looking at contributions to the creek that may be impacting human and ecological health and where they are coming from.

Q. What does it mean if two pipes have same concentration of PAHs, but one is discharging 100 times more into the creek than the other?

A. Flow is factored into the model as well as concentration.

Q. Where is the model from?

A. NYC DEP is developing the model, which is called InfoWorks. Many different models have been developed. They will be brought together to understand all of the factors contributing to the contamination.

Q. Have any of the models been run yet based on these concentrations?

A. Models are being developed under EPA (by Anchor QEA). EPA has not seen the results yet.

Q. NYC DEP says that CSOs are minor contributors to hazardous chemicals. If models have not been run yet, what is EPA's response to the City's position?

A. EPA has a schedule that the City and other site PRPs signed onto. First, the data are collected and the models are built. Then, the parties work with EPA to understand the models and improve them to ensure they will produce accurate results. It is a long process.

Q. So it is too soon to say CSOs are a minor source because they have not been evaluated yet?

A. EPA is not saying that anything is or is not a significant source yet.

Q. Do we know where the oil is coming from? In response to DEP's presentation, why did EPA not sample heavily in the same region where DEP documented ebullition?

A. The map only shows the location of point source contamination sampling. It does not include sediment contamination. EPA has identified all different point source categories, which reflect the areas that have significant drainage. It is characterizing the drainage areas and the contamination coming from these areas. EPA is also collecting other data, such as groundwater, ebullition and sediment data.

Q. Do you have enough data regarding runoff? The density of sampling sites seems low given major contaminated upland sites.

A. Yes. EPA believes inputs for the model need to be robust enough to characterize the drainage areas. EPA is looking for several things – types of discharges, discharge volume, and unique sources such as industrial facilities. These discharges capture a majority (maybe 80 percent or more) of the discharge into the creek.

Q. What will Anchor QEA base its modeling on?

A. More sampling may need to be done later. Contamination comes from different areas and sources. Characterizing the drainage areas may not capture the contribution of facilities to contamination. There are other ways that contamination can get into the creek, such as through groundwater, which is why EPA will look at different media.

Q. According to the feasibility studies, 69 percent of total annual point discharge is from CSOs.

A. Yes, a lot of discharge is from CSOs.

Q. Is Anchor QEA looking at emergent chemicals of concern? Have those data been presented to EPA? Will that data also be used in the models?

A. Emergent chemicals are outside the scope of the official RI. EPA has not seen the data, though it has been collected. The data may not be included in the InfoWorks model because the chemicals might not be regulated under the Superfund law.

Q. For PCB and PAH levels – do the current measurements meet drinking water standards?

A. EPA would not recommend drinking runoff water, but EPA has not studied whether the levels meet drinking water standards. EPA is more concerned about whether PCBs get into fish tissue once they are in sediments, given people's consumption of fish and shellfish from the creek. Data suggest there are bigger concerns regarding some bacteriologicals in the creek, which is likely why recreational advisories are in place. The City has a program to reduce those levels through bending weirs.

Q. What does EPA think about the City's progress?

A. EPA has no position on the City's progress.

Q. Are the levels of PCBs and PAHs safe?

A. EPA does not know. The data are still coming in and EPA has not looked at that specifically. EPA is collecting data on 300 to 400 different chemicals from 96 sites. It has no conclusions on significant or insignificant sources of chemicals or on concentrations meeting drinking water

standards. EPA is coordinating with the other PRPs to make sure they are all on the same page. The City is spending money to address CSOs, but it will take time.

Q. Is there a schedule that the parties are working toward to consolidate, process and present the data to the community?

A. EPA has a Superfund site schedule that is currently being revised. Point source sampling took one year instead of the predicted six months, because storms needed to meet certain sampling criteria. The modeling is complicated and labor intensive. EPA is trying to be aggressive with incorporating the models, so that once they reach the review stage, EPA can understand the models and run them. Currently, EPA does not have a final schedule for Newtown Creek, though it does have timeframe goals. NYC DEP has a schedule to develop its long-term control plan. New York State is leading working with the City on the Clean Water Act plan. EPA is coordinating with those planning efforts. EPA may select a remedy that incorporates those plans or that requires more or less activity than those efforts.

Q. What is the timeframe for the risk assessments?

A. EPA is behind on the risk assessments. The human health risk assessment came in in November-December 2015. EPA is waiting for the New York State Department of Health's comments. Once EPA receives them, they will be sent to the contractor (Anchor QEA). EPA found some significant problems with the risk assessments, which is normal. Problems included exposure assumptions that were not comprehensive enough and data interpretation issues. EPA will share the document with the CAG as soon as it is ready. The process may take six months.

Q. Regarding information sharing between data collectors – what system is in place so that when sample collectors measures concentrations of chemicals that are off the charts, they can report them?

A. Anchor QEA did lots of the fieldwork for Phase 1 and 2. They were told to notify relevant parties through a proper chain, which they have been doing. DEC was aware of the discharge levels.

Q. What about upland sites that contribute to creek contamination?

A. EPA is working with relevant regulatory agencies concerning the remediation of upland sites that are not part of the Superfund site, but whose contributing contamination entering the creek is regulated under Superfund. The Data Analysis Report looks at facilities that abut the creek as well as historical information on past operations and previous investigations. The report has provided a baseline for identifying upland sites that might need further consideration.

Q. At the Gowanus Canal, EPA's site team worked with a waterfront developer. Is EPA planning on working with developments along the Newtown Creek?

A. EPA has not been approached by any developers. At the Gowanus Canal, sources of contamination were more obvious.

Q. Do you anticipate having new data to present by the May 4 CAG meeting?

A. EPA should have some new data by May 2016.

**APPENDIX**

**List of Meeting Attendees**

Aliya Latif, NYC Comptroller Scott Stringer  
Brent O’Leary, Hunter’s Point Civic Association  
Caroline Kwan, EPA  
Charles Aya, LIC Partnership  
Chitra Prabhu, Louis Berger Group  
Christine Holowacz, GWAPP/NCMC  
Chuck Nace, EPA  
Ed Babor, Office of Congresswoman Carolyn Maloney  
Ed Garvey, Louis Berger Group  
Eileen Mahoney, NYC DEP  
Erin Noonan, The New School  
Ian Arturo, Louis Berger Group  
Joe Mayo, CDM Smith  
Katie Ellman, Green Shores NYC  
Kevin Kimball, Louis Berger Group  
Krysia Solheim, Skeo Solutions  
Kuvul Sheikh, NYU  
LaShaun Lesley, PDRC  
Laura Hofmann, Barge Park Pals  
Mai Armstrong, NCA  
Maggie Macdonald  
Marc Laraia, Newtown Creek Group  
Mark Christie, HPPC  
Melissa Orlando, Access QNS  
Meredith Hayes, The Intelligence Group  
Michael Kokoszky, Greenpoint resident  
Michael Locte, Resident  
Michael Sivak, EPA  
Michele Abbene, Roux  
Mike Esperson, Shamanshi  
Mike Hofman, NCA  
Mike Schade, Safer Chemicals Healthy Families, CAG co-chair  
Mikelle Adgate, NYC DEP  
Mitch Waxman, NCA  
Natalia Gutierrez, The New School  
Nicholas Leete  
Nicole DeFeo, Greenpoint resident  
Noah McColl  
Patricia Erickson, Harbor Lab  
Patterson Beckwith, NBBC  
Paul John, NYS DEC  
Paul Pullo, NCMC  
Randy Auste, NYS DEC

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Sarah Durand, LaGuardia Community College

Sean Dixon, Riverkeeper

Sheahan Sewgobind, Curate Directive

Stephanie Vaughn, EPA

Steve Chesler, Greenpoint resident

Susan Boehme, ERM, PDRC

Tanya Bley, NBCP

Ted Gruber, LIC Community Boathouse

Terrie Boguski, Skeo Solutions

Tyquana Parsons, Newtown Creek Group

Walter Juancho, Baslic

Wanda Ayala, EPA

Willis Elkins, North Brooklyn Boat Club, Newtown Creek Alliance, CAG co-chair