

## **Newtown Creek CAG Steering Committee Meeting**

Wednesday, April 2, 2014

1:00 PM - 3:00 PM

Long Island City Partnership  
27-01 Queens Plaza, 9th Floor  
Long Island City, NY 11101

### **Attendees**

Deb Mesloh, Long Island City Partnership  
Lillit Genovesi, Trout Unlimited  
Mike Schade, Co-chair  
Paul Pullo, Metro Terminals  
Phillip Musegaas, Riverkeeper  
Ryan Kuonen, Co-chair  
Sarah Durand, LaGuardia Community College  
Sean Dixon, Riverkeeper  
Stephen Fabian, EWVIDCO  
Walker Holmes, Skeo Solutions  
Willis Elkins, Newtown Creek Alliance

**Note are organized by agenda topic. Discussions are summarized into bullet points including all major points and any decisions made.**

### 1. Steering committee membership

- a. Review of responsibilities: Ryan Kuonen, reading from the CAG operating procedures, reminded steering committee members of their responsibilities and terms of membership. Excerpt from the operating procedures is included below in italics.

#### ***Steering Committee Role***

*The steering committee consists of individuals and organization representatives who are recognized as community leaders interested in remedial activities at the Site. The steering committee members' roles are as follows:*

- *Agree on and ratify the initial CAG operating procedures, including provisions for adding CAG members and future amendments to the operating procedures.*
- *Establish CAG leadership, including co-chairs, who will be ratified at a meeting of the full CAG.*
- *Perform outreach to attract and invite new members.*
- *Act as stewards for creating and maintaining a legitimate and successful CAG process.*
- *Manage the day-to-day activities of the CAG, manage the agenda for CAG meetings, and facilitate CAG meetings.*

#### ***Steering Committee Membership***

*Participation in the Steering Committee will be a self-nominating process for those willing to share the tasks and responsibilities of managing the CAG process. Steering Committee membership will be ratified by a consensus vote of the full CAG membership.*

*Removal of an individual from the Steering Committee for failure to meet Steering Committee responsibilities can be accomplished by recommendation of the other Steering Committee members and will be subject to consensus ratification of the full CAG. New Steering Committee members will be accepted on a rolling basis throughout the life of the CAG. **If more than 15 CAG members are interested in serving on the Steering Committee at any one time the Steering Committee will propose to the general CAG membership for ratification, an operating procedures amendment that establishes term limits, nominating procedures, voting procedures, and other rules as necessary to maintain a fair and representative Steering Committee that does not exceed 15 members.***

- b. Current numbers: Kate Zidar stepped down from the steering committee. She still remains as a CAG member. The steering committee now has 14 members (of 15 member maximum, according to the operating procedures). The group briefly discussed whether they should actively work to fill the spot or see if it naturally gets filled. They reached consensus on waiting to see what happens instead of actively working to fill the spot.
  - c. Organizational representation and alternates: The group agreed that organizations participating in the steering committee could have more than one member, with one member serving as an alternate when the other is unavailable for meetings. In the event that the steering committee should formally vote on any order of business, each organization should only have one vote (regardless of the number of participants present). For instance, Stephen Fabian of EWVIDCO attended the steering committee meeting instead of Leah Archibald, who was unavailable. From Riverkeeper, both Phillip Musegaas and Sean Dixon attended. Participants agreed that it would be a good idea to ask steering committee members who have been inactive recently if they would like to either step down or to nominate another individual from their organization as an alternate or a replacement member.
  - d. New CAG members
    - i. The steering committee ratified Sean Dixon as a CAG member and as a steering committee alternate for Riverkeeper.
    - ii. Steering committee members present agreed to ratify Jake Rosenthal, owner of Glasslands, as a new CAG member. Mr. Rosenthal has expressed interest in joining the CAG because he is considering purchasing property on the Creek for a new bar location. The steering committee will revisit his eligibility as needed.
2. Preparation for full CAG meeting in May
- a. NYS Department of Health (NYS DOH) update:
    - i. Mike Schade shared an update from a conference call that he and other CAG members recently had with NYS DOH. The agency will present on three things at a CAG meeting in May: 1) Their final health assessment, which is an investigation conducted as part of the Superfund process; 2) An update on their health outcomes review (a separate study); and 3) Their work on fish consumption advisories. In response to a question about whether NYS DOH is considering health effects for workers, Mike Schade shared that NYS DOH's second study on Newtown Creek does include workers.
  - b. Tentative meeting date: Wednesday, May 21, 6:30-8:30 p.m.

- c. Location: Sarah Durand will look into availability at LaGuardia Community College. Deb Mesloh shared that NYC Department of Health and Mental Hygiene (NYC DOHMH) has offered its space for meetings; their offices are located across the street from LIC Partnership (in the Met Life Building) in Queens.
  - d. Meeting announcements will include the link to the health assessment, so that CAG members will have an opportunity to review it prior to the meeting with NYS DOH.
3. Data
- a. Summary of meeting with EPA about access to Phase I investigation data:
    - i. A few CAG members attended a training that was hosted by National Oceanic and Atmospheric Administration (NOAA) and coordinated by EPA. Phase I data may be accessed using NOAA's system – it is somewhat difficult to access, but once you do so, there is a lot of sampling data available about the presence of contaminants of concern (COC).
    - ii. There is no water quality or air data, only sediment data, available through the NOAA site.
  - b. Approach for interpreting/understanding Phase I investigation data:
    - i. It would be useful to do a rudimentary analysis and mapping of the data to understand where COC levels are higher in the creek.
    - ii. Riverkeeper and NCA may have a GIS intern this summer who could assist with this mapping work. LIC Partnership may also have an intern who could assist. Other sources for potential interns or assistance: Pratt, LaGuardia Community College (via Holly Porter-Morgan).
    - iii. Two-part analysis needed to understand the data:
      1. Determine which portions of the enormous data set should be mapped (which COCs). This step requires some knowledge of environmental science/risk assessment.
      2. Mapping of selected COCs. This step requires only GIS mapping skills.
4. Discussion of ecological restoration as a priority:
- a. The committee discussed their interest in ecological restoration efforts and the need to make recommendations to EPA on the importance of ecological restoration in the cleanup. EPA's assistant administrator appeared to be open to the idea of ecological restoration and restoring tributaries. Phillip suggested that the CAG be proactive about what activities they would like to see, so that EPA knows the community's priorities. The CAG is encouraged to make recommendations and share information with EPA; the CAG has not yet done this, though sharing recommendations on the topic of ecological restoration might be a good one to pursue.
  - b. The group also discussed Gowanus CAG members who might be good resources, Gowanus Watchdog Training, and possible green infrastructure/ecological restoration practitioners whom the CAG could approach for guidance and information (New England Interstate Water Pollution Control Commission (NEIWPC) was one such example).
5. Discussion of Newtown Creek's water quality classification: Steering committee members discussed the five classification levels for waterways – Newtown Creek's classification is Class D, which aims only for survival of fish, shellfish and wildlife (not propagation). Phillip Musegaas explained that NYS Department of Conservation can change this classification and that the public must request the change. The group discussed whether it would be reasonable

for different parts of the creek to have different classifications (because, for instance, dissolved oxygen (DO) levels at the nature walk are good, whereas DO levels in other parts of the creek are bad). The group determined that the goal is system-wide improvement to water quality.

6. Discussion of subcommittees:
  - a. General notes on subcommittees
    - i. Subcommittees should be led by a steering committee member.
    - ii. Any CAG member with interest in the topic may join a subcommittee.
    - iii. As subcommittees form, the general CAG membership will be informed and given opportunity to join.
  - b. Health
    - i. Self-nominated members of health subcommittee: Phillip Musegaas/Sean Dixon (Riverkeeper), Mike Schade, Ryan Kuonen, Laura Hofmann (who we believe will be interested in participating), Deb Mesloh. Mike Schade offered to chair the subcommittee.
    - ii. The health subcommittee will prepare for the NYS DOH meeting in May by reading and discussing the health assessment. Subcommittee meeting will be planned and scheduled by members in the near future.
  - c. Green infrastructure
    - i. Sarah Durand offered to chair a subcommittee about green infrastructure that would consider issues of wetland remediation and ecological restoration, when the need arises.
    - ii. Willis Elkins and Sarah Durand noted the overlap between Newtown Creek Alliance's (NCA) work and the work of a potential green infrastructure subcommittee – it seems reasonable that the subcommittee could work through NCA.
    - iii. Willis Elkins and Sarah Durand will compose an explanation of how NCA could “host” the green infrastructure subcommittee, to be posted on the CAG website when the time is right. They will include a reminder that the CAG essentially serves as an umbrella. Under that umbrella, many organizations are doing work related to Newtown Creek. NCA is one of those organizations.
  - d. Data
    - i. The data subcommittee should organize and oversee efforts to interpret Phase I investigation data (discussed above) and future data analysis.
    - ii. Decisions about Phase I data analysis will be made after the steering committee learns more about technical assistance opportunities and after Riverkeeper, NCA and LIC Partnership have interns who may be able to assist.
7. Technical Assistance Discussion: Does the steering committee want to learn more about technical assistance, and if so, how?
  - a. Yes, the CAG would like to learn more about technical assistance opportunities, including Technical Assistance Grants (TAG), Technical Assistance Services for Communities (TASC), and any other ways to better understand data and documents generated during the Superfund process.
  - b. TAG

- i. Attendees have heard less than encouraging reviews of the TAG process at Gowanus. Technical assistance through TAG can take a long time to come to fruition.
  - ii. Early on at Newtown Creek, St. Nicks and EWVIDCO looked into TAG for Newtown Creek, but decided that the process was too burdensome.
  - iii. Phillip Musegaas suggested that the CAG “go in with our eyes open,” knowing that TAG can be a challenge to get and use, but that once past those hurdles it can be very useful. The group agreed that now is a good time to start talking about TAG, in the event that they would want to apply and use it for review of the remedial investigation/feasibility study (RI/FS). Phillip pointed out that the RI/FS will likely be the most important document for the CAG to review and understand, as it is the only opportunity for public comment on the site investigation; the CAG should consider devoting technical assistance to this document.
  - iv. Mike Schade shared that he has worked with groups who successfully received and used TAG grants; these communities might be willing to share their experiences and even their grant proposals for us to review and learn from.
  - c. TASC: Attendees would be interested to learn more about opportunities through TASC, including whether it could assist with understanding Phase I data and/or with other technical assistance needs.
  - d. Steering committee members in attendance agreed that a full CAG meeting about technical assistance would be beneficial. They thought that the summer meeting would be a good time for this topic, as the summer meetings are often less well attended and the topic, though important, may be less interesting to many CAG members and observers.
8. Future CAG meetings
- a. Schedule: May – Queens; Summer - Brooklyn; Fall – Queens.
  - b. Discussion of potential topics for meetings in 2014: Ryan and Mike reminded attendees of the list brainstormed by the full CAG in October 2013. The top-ranked topics at that time were:
    - i. Climate Resiliency Planning (with Mayor’s Office of Long-Term Planning).
    - ii. Combined Sewer Overflows.
    - iii. Brownfield Opportunity Area (BOA) project at Newtown Creek.
    - iv. Health update from NYS DOH.
    - v. Eventual disposition of dredged materials.
    - vi. Aeration.
  - c. Steering committee members discussed which topics were timely now, which new topics have emerged since that prioritization meeting in Fall 2013, and which are still premature. The group agreed upon the following four topics, in order of preference as possibilities for Summer and Fall meetings (with the extra two topics as backup topics or as possibilities for 2015 meetings):
    - i. Technical assistance opportunities: TAG, TASC and other opportunities –Summer 2014 meeting.
    - ii. Climate Resiliency Planning (possibly including BOA) –Fall 2014 meeting.
    - iii. CSOs: This meeting would *not* be an explanation of what CSOs are; some thought must be put toward who could best address the CAG’s concerns on this topic. Steering committee members would like to find out what CSO sampling is being

- done as part of the Phase II investigation and whether a first flush analysis will be conducted.
- iv. Remediation strategies (the CAG would be interested in general education about different types of remediation strategies for waterways, not necessarily the specific strategies for Newtown Creek).
- d. Other topics for the future:
- i. Liability/legal (questions arose during the steering committee meeting about whether a property owner on Newtown Creek would necessarily be considered a responsible party, which prompted discussion of the need for a better understanding of Superfund liability provisions).
  - ii. Green infrastructure: This meeting would focus on green infrastructure projects already underway, as opposed to the green infrastructure-related vision shared by NYC DEP at the last CAG meeting.
  - iii. Dredging: The CAG is interested in eventual disposition of dredged materials, which may not be a timely topic for quite some time. In the meantime, perhaps the CAG could focus on getting a report after NYC Department of Environmental Protection completes maintenance dredging work, and whether/how it will influence the logistics of Superfund cleanup. It is possible that Newtown Creek Monitoring Committee could speak about this. Regarding maintenance dredging (which has not been conducted for a long time), Willis Elkins noted that sonar readings in the Phase I data (post-Sandy analysis) show that boat propellers have hit the bottom of the creek in some areas, particularly the turning basin.
9. Housekeeping
- a. Quick reminder about talking to the media: The CAG operating procedures state the following:

***Media Relations***  
*No CAG member will speak for the CAG to the media without the consensus of the CAG. Any CAG member who chooses to speak to the media without approval of the CAG must specify that he or she is not speaking on behalf of the CAG. CAG members may develop a specific plan for interacting with media representatives.*
  - b. CAG members versus observers: The group discussed whether it would be beneficial to introduce CAG members and observers at each CAG meeting. They concluded “yes” – This would give all attendees knowledge of who is attending public CAG meetings as members, potential members, representatives of responsible parties, agency staff, etc. Attendees agreed that open CAG meetings are good, and that they increase transparency in the process, which is beneficial for all. Having representatives for the responsible parties present allows them to understand the CAG’s goals, particularly those that might align with the responsible parties’ goals.
  - c. Steering committee meeting format: The attendees agreed that the in-person steering committee meeting was much more productive than conference calls. They also acknowledged that in-person meetings took more time. They suggested that the steering committee alternate in-person meetings with conference calls. Because steering committee meetings occur four times per year, in between CAG meetings, this would mean two in-person meetings and two conference calls per year unless circumstances demand additional meetings.

- d. CAG website update:
  - i. 115 followers at present. Because people sign up to follow the website using either an email address or a Wordpress.com login, it is difficult to determine how many of these followers are official CAG members. However, we assume that all 38 CAG members are followers, which leaves 77 followers.
  - ii. 8,869 website views since January 2012. Viewing rates have increased each year.
  - iii. The home page, where meeting announcements are posted, receives the most traffic, followed by the Resources page, where the presentations are uploaded. As subcommittees form, we can tag posts with particular topics so that it is easier to filter information according to topic.
  - iv. Steering committee members with ideas on changes to the website and its use should speak to Walker Holmes.