

Newtown Creek CAG Meeting

Wednesday, March 27, 2013

6:00 – 8:00 PM

LaGuardia Community College

31-10 Thomson Ave., E Building, Room E500

Meeting Summary

Welcome and Introductions

- Kate Zidar, Newtown Creek CAG co-chair, welcomed attendees to the CAG meeting.
- All attendees introduced themselves, stating names and affiliation (or reason for their interest in the CAG).
- Kate Zidar explained that the CAG is eager to talk about the remedy; however, the Superfund process has not progressed to that point. In the meantime, talking about navigational dredging is a way to understand more about Newtown Creek and the upcoming remedy.

New York City Department of Environmental Protection (NYCDEP) presentation on navigational dredging in Whale Creek

- NYCDEP staff presented on their ongoing navigational dredging work in Whale Creek. The presentation is posted in the CAG Notes section of the Newtown Creek CAG website (url in header above). Details and maps are included in the posted slides; the following bullets provide a summary of additional questions from the CAG and comments by NYCDEP.
- NYCDEP staff explained that as part of the City's Brooklyn Waterfront Plan, the Sludge Storage Tank will be moved to Whale Creek and the property will be folded into the Newtown Barge Terminal Playground. The waste water treatment plant processes 310 million gallons per day; the by-products of this process are water and sludge. Sludge from the Plant is pumped to the Storage Tank where it is loaded onto the Sludge Vessels and taken to a dewatering facility for further treatment. The plan involves a new sludge loading dock on Whale Creek and three new sludge vessels. Maintenance dredging must occur in portions of Whale and Newtown Creeks in order to safely get boats in and out. The new sludge vessels are being built in Louisiana.
- Dredging will knock down the high spots in the creek bottom. A topographical map of the creek bottom shows that there has been some siltation above the U.S. Army Corps of Engineers' intended channel. The last dredging activity was quite a while ago, possibly as far back as the early 1970s. Whale Creek needs to be made deeper, and there are a few high spots past Pulaski Bridge and sedimentation at mouth of creek that need to be addressed (see colored areas on map in slide 8 of NYCDEP's presentation).
- NYCDEP's engineer explained that they need to dredge 18.5-19.5 feet below mean low water depth (see slide 9). This is a bit more robust than normal dredging, and the process is made more complicated by the fact that cleanup activities are occurring on the Creek concurrent with the dredging activity.
- NYCDEP is coordinating with the EPA in order to ensure that dredged sediments will be sampled in the same way that the EPA is conducting sampling in its remedial

investigation/feasibility study (RI/FS). Sampling will be done according to the same quality assurance plan. The work requires a geochronologist. RCRA-derived standards will determine whether the dredged materials are considered hazardous waste.

- Sampling provides data for the water quality management plan and the air quality management plan.
- NYCDEP explained that the dredging operation is “like a big floating dump truck.” GPS sensors result in fairly accurate depths. A silt curtain, which is a floating boom with a curtain of mesh hanging underneath, is used to help catch stirred-up material. The curtain reaches almost to the bottom sediment level; its reach is approximate because of tide movement.
- The dredging contractors are willing to work 24/7. The anticipated schedule is as follows: dock construction through September 2013; dredging in October 2013. They must then test the system to ensure that loads can be handled, that pump controls are working properly, etc. Then they will release the tank for demolition. The contract date for completion is July 15, 2014. Donjon Marine is the dredging contractor.
- The U.S. Coast Guard requires continued navigational access during the dredging activity.
- Questions from the CAG:
 - *What is the pore size of the silt curtain?* NYCDEP did not have the number readily available.
 - *Are cofferdams (a method of enclosing a portion of the water body and draining the water in that portion, thus creating a dry work area) a good option here?* NYCDEP responded that cofferdams were not determined to be a good option in this instance. The group discussed cofferdams and whether that process would cause more mess/disturbance than dredging. Regarding temporary cofferdams, NYCDEP offered get back to the group about their efficacy. NYCDEP explained that the dredging plan follows standard dredging procedures, and that the agency is working with the EPA.
 - *Are there any associated key words in the 311 system so the community can make note of unusual activities or register complaints?* No. The community should report problems as usual; there are no specific key words.
 - *What is the high tide variation? Is the sea wall at an adequate level for another super storm?* Yes. This area flooded during Hurricane Sandy. NYCDEP is looking at the electrical controls again now to determine if it will continue to work in the event of another flood. There is not yet a specific plan, but NYCDEP is thinking about this and working with design engineers about the potential future flood events.
 - *Where will the vessels have to travel?* They will not go all the way up to Greenpoint Bridge. The Pulaski Bridge will not have to open.
 - *Where will the dredged material be disposed?* Nonhazardous material must go to a licensed facility that can handle that waste. NYCDEP anticipates that it will not leave the barge in the neighborhood. The nonhazardous material will likely either be dewatered in Newtown Creek or go to the New Jersey dock where Donjon keeps its operations and be dewatered there. If the material is hazardous: worst case scenario is that the contractor needs extra time; a treatment system may have

to be set up on the dock; the material would be dewatered and stabilized with Portland cement so constituents cannot leak out and then disposed of at licensed facilities. Manifests track all hazardous material from cradle to grave. Hazardous materials that are stabilized into cement blocks may need to be trucked away rather than barged (due to weight). The NYCDEP sampling plan is going on now; the laboratory takes six weeks; the results will determine if materials are considered hazardous.

- *Will dredging start at the mouth of the Creek or vice versa?* Direction is not clear yet. (The CAG members then explained that they would prefer it to start at the mouth because it takes more time there – doing it first would get that out of the way. In addition, September is a busier month and the fish window might impact the schedule.) NYCDEP noted that there are also state-imposed scheduling constraints: during summer months water is warmer, therefore there is less oxygen in the water. New York Department of Environmental Conservation (DEC) does not want extra organic matter stirred up in July, August and September.
- *Will there be public participation in the sediment sampling plan?* There will be more opportunity for public participation in the EPA plan. Caroline Kwan, EPA remedial project manager for the Newtown Creek Superfund site, explained that the EPA needs dredged material to be sampled in the same manner and analyzed with the same parameters (the EPA sampling involved 200+ constituents). The EPA just received documentation from NYCDEP that this was done; she can share it with the CAG. The EPA makes sure that NYCDEP's plan is exactly the same so that EPA is "comparing apples to apples" in the RI/FS. Kate Zidar pointed out that the Newtown Creek Monitoring Committee is a good way to participate and stay informed. NYCDEP also shared that they are presenting in the next few months at Queens Community Board 2 and Brooklyn Community Board 1. The same presentation as tonight's will be used at these upcoming Community Board meetings.
- *Gowanus is also setting up a dewatering hazardous waste facility that will be operational before this one. Can you use it if the material turns out to be hazardous?* One CAG member noted that the projects likely won't overlap. Kate Zidar suggested that idea of a concurrent remediation happening at Gowanus and other infrastructure projects that may or may not overlap is something that CAG can continue to think about.

Ongoing information sharing about the Superfund process

- Caroline Kwan explained the EPA's activities as they move into Phase 2 of the remedial investigation (RI).
- At the CAG meeting last fall, the EPA brought pictures, diagrams, sampling plan, etc. to the community. For the past year, the EPA has been conducting the habitat study, species counting, etc., and sampling every month. Currently, the EPA is trying to analyze the data that the consultants collected, which consist of thousands and thousands of samples. The EPA will soon hold many internal "workshops" on topics such as CSOs, non-point sources, point sources, ground water, and others. During these workshops, the EPA team

will discuss with the consultants how to move toward Phase 2. The byproduct of these workshops will be the Phase 2 work plan in November, leading into sampling in April 2014, ending in March 2015.

- The process of creating the work plan involves breaking the work into phases and agreeing on each phase with consultants and the EPA team. It requires a lot of meetings and discussion. The EPA is making sure that sampling is done safely and properly to get the CSO loading and the best information possible.
- Questions from the CAG:
 - *Is the EPA working through Phase 1 data now? When can the EPA share the initial results?* Summary report number 1 is ready but it is all raw data. There will be three reports total; they are separated into three reports so that if anything is really difficult or bad, the EPA will know earlier. Report 2 will come in April; report 3 will come in July. Caroline Kwan said that she does not mind releasing it, but she warns that there is no evaluation, just tabulated data in chart form. The Anchor consultant in attendance noted that analysis will be factored into Phase 2 work plan, including looking at gaps in data and where more data is needed. The final evaluation of all data will come in the RI report, which is a comprehensive evaluation.
 - *A CAG member noted that if the Phase 2 work plan includes some narrative analysis, it would be helpful to the CAG. Could the EPA present data trends? More information is always better than less; a steady flow of information is better than large amounts of information with big time gaps in between.* The data summary reports do plot contaminants as they go up/down along the stream. The information can be shared, and could be discussed at a future meeting.
 - *What about citizen science and other people conducting sampling? Is there a role here for that?* Kate Zidar noted that Newtown Creek Alliance (NCA) has been funded by the EPA to do air quality sampling. The sampling protocols are the problem (too difficult), but if NCA shares its collected data, the EPA could see red flags and perhaps the community could help in some way. Caroline Kwan added that there is a very rigorous program for making sure that the EPA does everything properly (quality assurance/quality control). Residents can be the eyes and ears and pass what they know and learn on to the EPA.
 - *How long will the RI/FS last?* Phase 2 will last for one year, depending on weather. The EPA needs a year of data in order to include seasonal and tidal changes. Anchor is the consultant for the remediation. During the RI/FS, Phase 1 and 2 data go into the risk assessment and then in the full report. The consultant then develops a feasibility study with cleanup options based on the EPA's criteria (human health, environment, cost, effectiveness, etc.). The FS is targeted for completion in 2015, to be delivered 2016. After that comes the proposed plan, public comment period and then the Record of Decision. Some minor additional data collection might be needed for the FS. For example, if the EPA learns that there might be a new technology available, the EPA might ask the consultant to explore that as a cleanup option before the EPA chooses it as one of the remedial alternatives.

Sampling for CSOs and other non-point source pollution

- The CSO modeling workshop will take place on May 16. For CSO modeling, the EPA is using a few different models of CSOs and flow; Anchor is using these to chart CSOs, flow rate, and discharge going into the Creek. Once input and output are known, they will use that info to create the CSO plan. The point source workshop will take place in June. Caroline Kwan will also put schedule of workshops on the EPA website.
- The EPA/consultant team will go to a facility for site reconnaissance to view the discharge. Anchor is going out on a boat to view discharge during rain events. There are 6-10 manholes that they want to look at with NYCDEP to see the size of the manholes; this will help them to determine exactly how to sample when the time comes. About 1.5 years ago, there was concern about way CSOs were sampled. At Gowanus, first flush was missed. Here, the EPA wants to hear the community's concerns and looks forward to community input after the workshop.
- Questions/comments from the CAG:
 - *What is the long-term plan for CSO reduction?* At Gowanus they are using CSO reduction. Here, the EPA cannot tell how it will reduce CSOs because it does not yet know what is in the CSOs. As the EPA gathers and receives more information, it will share with CAG. It is possible that by that time the CAG may have acquired a technical assistance grant to help analyze the results.
 - *It is good that the EPA is concerned about the possibility of missing first flush. NCA has set up weather stations in the drainage area to help predict the CSO tipping point. They have learned that overflows are happening before the traditional point. The weather station sends an alert; then a visual confirmation is done. Kate Zidar worries that they might be missing not just first flush but also whole events. Yes, that data could be extremely helpful. Anchor has been going out during rain storms. Currently, the EPA is trying to determine which manhole they want to do sampling in. Caitlin Nichols with Interstate Environmental Sampling did CSO sampling last summer; Kate Zidar can put her in touch with the EPA.*

Human Health Risk Assessment

- The EPA would like to get the CAG's feedback on exposure scenarios for the Human Health Risk Assessment. The informational handout that the EPA provided tonight (posted in the resources section of the CAG website) gives a basic understanding of what the RI entails and the different steps in the process, including the risk assessment. The EPA wants the CAG to have this information so that, during a future meeting about the risk assessment and exposure scenarios, the CAG will have a better sense of what the risk assessment is and how the CAG can help.
- In July 2012, NY Department of Public Health spoke to the CAG about the public health assessment. This is different than what the Superfund process requires. The EPA human health risk assessment asks, If nothing is done, what are the current and possible risks to humans and the environment? The EPA wants community input on exposure assessment. Are the scenarios correct? The exposure scenarios are based on the EPA's conversations and observations. The community can help to determine if they are correct, because the community lives and works here and has more knowledge about how people interact with

the Creek. As Caroline Kwan explained, “We are not here every day and you are.” The risk assessment plays a big role in the cleanup, because it is used to come up with criteria and cleanup actions. At large, water-based sites, the EPA must determine: what types of activities result in people exposed to water, sediment, fish, etc.? Where do they occur and how often?

- The EPA will share a document with the CAG that summarizes exposure scenarios; the CAG can review it and give feedback.
- The EPA did air monitoring at the nature walk in June. Air monitoring was conducted in the breathing zone for a kayak and also in the perimeter of Newtown Creek. The EPA also collected samples further away for background. The intent is to ask, Is this air different than air everywhere else? Is there something emanating from the creek? If the answer is yes, that the creek is releasing compounds that the EPA is concerned about, more sampling could occur.
- Questions from the CAG:
 - *One CAG member noted that often there is a faint petroleum smell in the air at the nature walk; other times, the odor is so strong that it makes your eyes tear up. Could community members report those times when the odor is intense? In terms of unpleasant odors associated with Newtown Creek, it will be important to determine whether the unpleasant smell is something toxic or something foul. There are so many variables involved in air monitoring: seasonal, weather, releases, etc. Collecting temporal data could help the EPA to decide when to sample next time. The 311 system is not useful as a method of logging odor complaints; the chain of communication to the EPA is too long.*
 - *The CAG encouraged the EPA to consider any street end, any bridge, and live-aboard boats as access points to the Creek. Newtown Creek actually has a substantial residential population. In Queens: Plank Road and Vernon Blvd. get traffic en route to the Creek. People forage blackberries, and there is a community garden right next to creek, in addition to a homeless population. The EPA staff in attendance suggested that the CAG have another meeting in approximately one month to discuss exposures. The EPA and a few CAG representatives could walk along the Creek in order to point out any previously unknown access points.*
 - *Can the EPA better publicize its concern about exposure to sediment? A CAG member saw a person last year collecting sediment in a cooler in order to use it in terrariums. CAG members and others who know about sediment concerns can tell people, but it doesn't have much weight unless it comes from the EPA. Getting the word out is important, particularly in East Williamsburg where many artists live. The EPA staff appreciated this information and reiterated the need to better understand exposure scenarios. Outreach and information sharing are important components of the process.*
 - *Could a human health study compare kids near Newtown Creek to kids outside of the city? The EPA's risk assessment has limitations and cannot include studies of that nature. The EPA's risk assessment is catered to risk if no action is taken. The assessment is not about measuring how many cancer events occur – ATSDR does*

- that type of study. If the CAG wants to have another conversation about that type of study, the EPA can help to set it up.
- *How does sampling influence risk assessment?* The data collected for all media (water, sediment and air) go into the risk assessment. The toxicity of the constituents is factored in. Ultimately, the risk assessment determines what risk is posed to people who interact with the Creek based on site-related chemicals. Right now the EPA is determining exposure scenarios. The earlier the EPA gets input, the better they can focus on where to take the samples.
 - *Could EPA miss information by not collecting enough data. Living near the creek for a long time, I notice that the air quality changes from day to day. Some days are horrible; other days are fine. If data are only collected on good days, what happens with the risk assessment and the information in the health study?* Water samples were collected over 12 months; sediment sampling over three months. There were two surface sediment sampling events: one in summer, one in fall. The sampling covers a lot of time.
 - *Air quality is most concerning to the public. Is it possible to start a continuous record for Newtown Creek with permanently installed air monitors? At construction sites, monitors are often installed for the duration of the work.* Caroline Kwan noted that NYCDEP has something like that in Rockaway; she will talk to the EPA team about it. NYCDEP also monitors air around the neighborhood; the 2nd Ave. subway project monitors continuously. The Anchor consultant in attendance noted that monitoring for particulates is “easy” – monitoring for contaminants is harder. Monitoring for particulates only tells you that you have been exposed to particulates.

Meeting wrap-up and discussion of next steps

- Data and information sharing:
 - The EPA can communicate to the CAG if/when additional materials are posted on the EPA’s Newtown Creek website; the CAG can also use its website to disseminate information. CAG followers can opt to receive emails about new posts to the CAG website (CAG website is noted in header above).
 - Because the CAG would like to see more data rather than less, the EPA will coordinate with the CAG co-chairs about how to transfer additional data, particularly large files.
 - The EPA is working with Newtown Creek Group on a public website, which will also provide the community with another source of information.
 - Regarding plant and wildlife surveys:
 - The EPA’s plant and wildlife lists are posted on the CAG website.
 - NCA has an incredible fish and bird list for the intertidal zone and can share it with EPA.
 - Riverkeeper has been conducting water quality sampling for five years; all data is on their website.
- The CAG will schedule another meeting in approximately one month to discuss exposure scenarios for the human health risk assessment with the appropriate EPA staff. A document will be distributed for CAG members to review prior to the meeting.