

Newtown Creek CAG Steering Committee Meeting
Tuesday, April 5, 2016
4:00 P.M. – 5:30 P.M.

Present

Paul Pullo
Mike Schade
Willis Elkins
Ryan Kuonen
Krycia Solheim
Leah Archibald (by phone)
Jean Tanler (by phone)
Deb Mesloh (by phone)
Mitch Waxman (by phone)
Sean Dixon (by phone)

Agenda

1. CAG vision
2. CAG membership
3. Follow ups on potential Steering Committee members and potential openings
4. May 4 CAG meeting: agenda and updates
5. Meeting updates
6. Other business

CAG Vision

The U.S. Environmental Protection Agency (EPA) is developing a list of cleanup alternatives for Newtown Creek. Community input informs EPA's work and decision making, so it is important that the CAG communicates its vision well. During the CAG's February 2015 visioning meeting, the Steering Committee identified community cleanup priorities. The Committee is in the process of finalizing the document. The notes below summarize its discussion.

Point 1. Remove as Much Toxic Sediment as Possible.

- Change wording to remove ambiguity, such as "remove all contaminated sediment," which is feasible.
- Add language regarding the proper disposal of contaminated sediment to make sure it protects other communities. Remediation should protect public health and minimize impacts on workers (noxious odors/fumes, dust, noise, particulate matter). **Ryan** will draft the language.

Point 2. Preserve Industrial Core.

- Add language stating that government agencies should provide technical assistance to businesses located along Newtown Creek to promote strategies for clean production and pollution prevention, and to help businesses limit their environmental impacts.
- Most businesses cannot discharge into the creek without a State Pollutant Discharge

Elimination System (SPDES) permit. There are hundreds of SPDES permits on the creek. The New York City Department of Environmental Protection (NYC DEP) manages these permits.

- Some businesses violate permits. Riverkeeper has sued about 20 businesses in last two years. Some are bad actors; some just make mistakes. NYC DEP does not have capacity to enforce the permits. Illegal dumping likely poses a larger problem than permitted discharges.

Points 3 and 7. Allow for Navigational Channels and Shoreline Restoration Where Possible

- The vision document needs to strike a balance between calling for improving navigational channels and restoration. Specifying certain areas can help. For example, Dutch Kills currently does not have commercial traffic, so there is an opportunity for habitat restoration there.
- The two points are not mutually exclusive, and the Steering Committee should make sure that the wording does not inadvertently create conflict between prioritizing the environment or business. The language should support habitat restoration and the preservation of channels and bulkheads for businesses using the creek. Locations for dredging and restoration (shoal areas) should be identified as defined by the U.S. Coast Guard and the National Oceanic and Atmospheric Administration (NOAA).
- There is currently no speed limit on the creek. If habitat restoration takes place on either side of the creek, a “no wake” zone may be needed.
- Under Point 3, change the wording from “cap only plan is not advisable” to “cap only plan is not acceptable.”

Point 4. Address CSOs and Stormwater Discharge

- Include more detail for policy recommendations to prevent and reduce combined sewer overflows (CSOs).
- If Gowanus Canal is getting CSO storage tanks, then Newtown Creek should too. Newtown Creek should receive a proportionally equal number of tanks, based on CSO volume. Newton Creek has a greater volume of CSOs than the Gowanus Canal.
- CSO storage tanks and green infrastructure must be part of the solution. Make those two different points.

Point 6. Bring Back Ecosystem That Was Destroyed

- Currently, the CAG has requested the restoration of the creek’s ecosystem to conditions in the early 1800s. The ecosystem at that time was a marsh. It is not possible for the creek to revert to a pre-industrial state.
- Change the wording to reflect a feasible goal, but still include “restore habitat” wording.

Point 10. Make Safe for Fish Consumption

- Add language about populations who are vulnerable or disproportionately affected by toxins in fish.
 - Women of childbearing age and children.
 - Subsistence populations who rely on fish for protein and eat more fish than the general population.
 - Immigrants – they tend to eat more fish.

Point 11. Community-Based Remediation

- Change to enhanced/comprehensive/robust community participation.

Point 12. Climate Change

- New York City was originally interested in increasing storm surge protection at the mouth of the creek; it may not pursue that at Newtown Creek.
- The Waterfront Alliance has a good design for wave attenuation and reducing storm surges. It extends the shoreline out with flat shallows and mechanical devices to limit waves.
- Add language regarding potential upland contamination and what it means for flood events.
- Consider adding language about repositioning flood supplies in areas facing anticipated sea level rise. This includes training people on how to survive flood events and helping surrounding communities. The Steering Committee should think about the best way to ensure that EPA and NYS DEC address those concerns.

General Comments:

- The current point titles are catchy but vague. Make them more specific to make sure each recommendation is specific and clear.
- Format the document as shortened concise points with three-to-four explanation lines like a fact sheet. Each point can then be expanded on further below.
- Use the shorter fact sheet when presenting the document to the CAG.
- Reorder the points for better flow as follows:
 - **Point 1. Remove as Much Toxic Sediment as Possible**
 - **Point 2. Address CSOs and Stormwater Discharge**
 - **Point 3. Make Safe for Fish Consumption**
 - **Point 4. Improve Water Quality to Swimmable Levels**
 - **Point 5. Bring Back Ecosystem That Was Destroyed**
 - **Point 6. Shoreline Restoration Where Possible**
 - **Point 7. Allow for Navigational Channels**
 - **Point 8. Preserve Industrial Core**
 - **Point 9. Continued Mixed Use of Waterway**
 - **Point 10. Community-Based Remediation**
 - **Point 11. Increased Public Access for Education and Recreation**
 - **Point 12. Climate Change**
- Since climate change affects everything, should it be Point 1? The Gowanus Canal CAG requested that EPA quantify the carbon impact of each remediation strategy. Does the Newtown Creek CAG want to move toward this? Could it have repercussions when pursuing important strategies such as sediment removal, which is carbon intensive?
- Planning to pass out the draft vision document to the general CAG at the May 2016 meeting. Collect comments and then present the final document at the July 2016 meeting.

CAG Membership

Several people are interested in joining the CAG.

- Previously, if people were interested in membership, they applied and then the Queens representative (Deb) or Brooklyn (Ryan) followed up with them to get more information

on who they are and their interest in joining. The Steering Committee would then vote on admitting them as CAG members.

- Potentially responsible party (PRP) representatives and elected officials are prohibited from joining the CAG.
- Moving forward, if no one on the Steering Committee can vouch for an interested member, then the Committee will ask for some background information, including why they want to join. Once they have been vetted, the Steering Committee will vote on admitting them as CAG members.
- Going forward, perhaps the process should become more formal.
- The Gowanus Canal CAG process is more formal. Steering Committee and general CAG members have name placards. CAG meetings have a moderator, discuss minute details and are more hierarchical. They have founding organizations, each with a representative that has more power than a single person. The Newtown Creek Steering Committee agreed that that system is not necessarily what it wants to aim for. The Steering Committee wants to make sure people do not join the CAG for ulterior motives.
- The Steering Committee discussed eight people who are interested in membership. Several were vouched for by people present.
- **Willis** will follow up with Reynoso's office to discuss potential conflicts with other potential membership organizations.
- The Steering Committee needs to check the bylaws to make sure that people who own property on the creek can become CAG members as long as they are not PRPs.
- The Steering Committee agreed that it would be beneficial to increase representation of people involved with local organizations in Queens.
- Some Newtown Creek CAG members have not been active recently. **Kryisia** will reach out to all CAG members to ask for written confirmation that they still want to be involved.
- In the future, the Steering Committee could keep track of CAG member participation. Members may also want to discuss some form of representational system, such as having organization seats.

Follow Ups on Potential Steering Committee Members and Potential Openings

- There are potentially two open spots on the Steering Committee. **Kryisia** will follow up with one current Steering Committee member to gauge their interest in remaining on it.
- While the Steering Committee would like to make sure that both Brooklyn and Queens are equally represented, it is more important to have participants who are very engaged. The Steering Committee is also interested in increasing the racial diversity of the team. It would also be beneficial to have representation from the Bushwick neighborhood. One option could be someone from Make the Road, a nonprofit in Bushwick that works on empowering Latino and working-class communities.
- All Steering Committee members present voted in favor of Laura Hoffman filling one of the open Committee spots. **Kryisia** will follow up with Steering Committee members who were not present for their votes.

May 4 CAG Meeting: Agenda and Location

- The Department of Health (DOH) will present its health study that has been several years in the making, the Steering Committee will share the draft vision document, and PRPs and EPA will present updates at the meeting.
- The meeting will be held in Brooklyn. The DOH presentation will likely draw a large crowd, so the venue must be able to accommodate them.
- Meeting location options include:
 - *Slavic Center*: **Ryan** and **Willis** will speak to a contact at the community board meeting who has connections to the Slavic Center.
 - *Visitor's Center*: may be more difficult to reach.
- Future meeting sign-up sheets should ask if people have connections with local spaces in area communities. This may also help increase participation from communities that are not as involved, such as Cooper Park.
- **Sarah, Willis** and **Sean** met with trustees from NOAA, NYC DEP, and the U.S. Fish and Wildlife Service. They are the independent environmental scientists who are looking at the creek's natural resources. This group is working with site PRPs – separately from the Superfund remediation – on bringing back natural resources damaged by the contamination. They want to hear more from the CAG because many of them do not live in New York City. They could present to the CAG about the process and other Superfund sites they work on at the July or September 2016 CAG meetings.

Meeting Updates

The Steering Committee previously decided to ask PRPs and EPA to give five to 10 minute updates at each meeting. NYC DEP presented at the last meeting.

- NYC DEP gave a long presentation. The Steering Committee felt that the presentation included conclusions that could be misleading for the general CAG.
- The purpose of the updates is to update the CAG on contractors' work and the status of the process. They are not meant to include overall conclusions.
- The Steering Committee would like to try the updates one more time. **Ryan** will draft specific instructions for PRPs and EPA by Monday, and then the Steering Committee can edit them.
- The solution may be to require verbal updates without PowerPoint presentations, to ask PRPs to share their updates with the Steering Committee before presenting them to the general CAG, or to have the Steering Committee present the updates.
- The Steering Committee would like EPA's presentations to be more substantive.

Other Business

- **Kryisia** will provide recommendations for the CAG website in April.
- **Kryisia** will ask if Skeo or EPA can draft a Superfund 101 fact sheet to have at the general CAG meetings for people who are new to the process.