

Newtown Creek CAG Steering Committee Meeting

Wednesday, October 12, 2016

4:00 P.M. – 5:30 P.M.

Present

Willis Elkins

Leah Archibald

Rich Mazur

Paul Pullo

Mitch Waxman (by phone)

Sean Dixon (by phone)

Mike Schade (by phone)

Sarah Durand (by phone)

Kryisia Solheim

Agenda

1. U.S. Environmental Protection Agency (EPA) Meeting Recap
2. Newtown Creek Group (NCG) Presentation and Meeting
3. Upcoming General CAG Meeting
4. Newtown Creek Baseline Human Health Risk Assessment (HHRA) Discussion with Terrie

1. EPA Meeting Recap

- On Tuesday, October 4, 3:00 PM meeting at EPA Headquarters, Steering Committee members met with EPA's Newtown Creek team to discuss concerns regarding:
 - Information-sharing regarding relevant and new site-related activities.
 - Access to EPA documents such as the risk assessments the Steering Committee eventually received through Freedom of Information Act (FOIA) requests.
 - The need for EPA to share high-quality, in-depth information at CAG meetings.
 - The need to address false or inappropriate claims by potentially responsible parties (PRPs) during CAG presentations.
- EPA staff gave an overview of what strategies have been successful for steering committees from different Superfund sites.
- Overall, the Steering Committee felt that the meeting went well and that EPA staff were responsive to its concerns.
- The Steering Committee and EPA staff agreed to schedule a regular monthly update call to discuss current site activities and answer questions. **Kryisia** will send around a doodle poll to set up a regular meeting time. EPA staff prefer meetings scheduled during the work day.
- EPA staff recommended that the Steering Committee set up subcommittees to help review upcoming reports. The Steering Committee will think about potential subcommittee needs and opportunities.
- EPA staff also recommended that the Steering Committee submit a request for a neutral, third-party facilitator. A facilitator would help increase internal capacities. Instead of facilitating, Willis or Ryan could then actively participate in Steering Committee

discussions. It would also minimize time spent on monthly meeting logistics. **Kryisia** will ask Skeo how to request funds for a facilitator.

- EPA staff reminded the Steering Committee that EPA can only do what the Steering Committee requests them to do.
- The Steering Committee agreed to set up a consistent process with EPA for document-sharing requests.

2. Newtown Creek Group (NCG) Presentation and Meeting

- Willis received a request from NCG to present to the Steering Committee again, either in person or through an online webinar. NCG representatives asked about topics the Steering Committee would like to learn more about. Steering Committee members identified several areas of interest:
 - Providing subsurface sediments data as well as surface sediment data.
 - Sharing Risk Assessment Report drafts, which will be coming out soon. Committee members noted that it would be useful to learn about the drafts and report topic areas in advance, to ensure that community feedback can be incorporated before the reports are finalized.
 - Making webinars available to the general CAG and elected officials to help ensure inclusive discussions.
- The Steering Committee will revisit potential information assistance needs from NCG. In the meantime, monthly updates from EPA will help provide clarity regarding ongoing and upcoming site activities.
- Steering Committee members asked when NCG will share the final drafts of the site's human health and ecological risk assessments.
- Willis and Sean (Riverkeeper) met with NCG representatives two weeks ago. NCG shared basically the same information as it did during its July 2016 presentation. NCG and Anchor, QEA added some new content about creek dredging and navigational depths.
- Navigable waters have to be maintained. Newtown Creek has not been dredged in years; the creek is shoaling in certain areas. If those shoals grow, it could threaten future maritime travel. Navigation charts have also not been updated, which presents a safety risk. It is the federal government's responsibility to maintain the charts and the creek channel. The U.S. Army Corps of Engineers will dredge the creek if given direction by Congress. Boats and barges that currently use Newtown Creek channels have not run into problems or at least have not shared any issues to date. The Corps has not been asked to dredge the creek.
- The Steering Committee discussed the need to balance navigation needs and ecological restoration. The more the creek is restored for navigation, the lower the water quality standards and the less space there will be for wetlands and wildlife habitat. Committee members noted the importance of presenting a cohesive voice regarding Newtown Creek's restoration. If the community and area businesses support the same vision, it becomes more powerful.
- Steering Committee members asked about EPA's perspective on the creek's navigational depths.

- The Steering Committee discussed the difficulty of predicting future uses of the creek. Will there be more maritime activity? What will boats look like in the future?
- Effective policies and incentives have to be in place to make it worthwhile for businesses to manage creek-side industry and help the environment.

3. Upcoming General CAG Meeting

- The next CAG meeting will be held Thursday, October 20, 2016, at the McCarren Play Center at 6:30 p.m.
- EPA staff will give a short presentation and site update, which will be followed by a question-and-answer session.
- An open forum with Judith Enck will follow EPA's presentation and discussion. The Steering Committee prepared some questions ahead of time to share them with Judith to help guide the conversation. Topics covered will include:
 - The combined sewer overflow (CSO) capture plan.
 - Partial versus full remediation of contamination hotspots.
 - Updates on ebullition studies and the effects of aeration and contamination.
 - Why oysters are not part of draft ecological risk assessment.
 - Why the draft ecological risk assessment lists species such as summer flounder and great blue herons that are not present in the creek. The surveys may not be fully or accurately identifying all creek species.
 - EPA has asked site PRPs to develop an internal feasibility study identifying potential creek restoration strategies. Steering Committee members would like to know more about the timeline for the study and why EPA is requesting this information from the PRPs and not the community.
- Willis scheduled a 90-minute meeting with Ian Beilby from the New York State Department of Environmental Conservation (NYSDEC) for next Thursday, before the general CAG meeting. The meeting will take place at 3:30 p.m. or 4:00 p.m. Potential locations are the LIC, NYSDEC's office or Greenpoint Library. Upland pollution will be the focus of the meeting. All Steering Committee members are welcome to attend.
- Mitch contacted students at the Columbia School of Journalism to see if they can help review lengthy documents. He will update the Steering Committee if the project moves forward.

4. Newtown Creek Baseline Human Health Risk Assessment (HHRA) Discussion with Terrie

- The draft HHRA lists several scenarios where people could be susceptible to contamination from the creek. These scenarios include:
 - Creek-related recreation (kayaking, swimming)
 - People who access the creek near Plank Road, which is highly contaminated, by walking along the riverbank at low tide
 - Fishing and crabbing
 - Creek-side workers
 - Other scenarios
- Willis summarized the draft HHRA. Anchor, QEA states that, based on its analysis, the only scenario of concern is fishing and crabbing. Based on EPA standards, the other scenarios do not pose a risk to human health. Anchor, QEA also states that since fish and

crabs harbor-wide are contaminated, it does not make sense to address fish and crabs specific to Newtown Creek, given that they can travel across the entire harbor.

- Terrie confirmed Willis' summary. She explained that risk analysis is based on calculations such as the toxicity of chemicals of concern or their surrogates if specific information for a chemical is not available.
- Terrie said that the community can submit feedback to EPA on Anchor, QEA's assumptions for each scenario. For example, the swimming scenario was based on the assumption that people who swim in the creek do so at most 30 minutes at a time, at most nine times a year, for 20 years. Determining whether that characterization is a realistic reflection of community swimming patterns in the creek can help inform the risk assessment and make it more accurate.
- Risk assessment calculations tend to be conservative. The reasonable maximum exposure is what is reasonably expected to be the maximum exposure for a particular user under a given scenario. The central tendency is what is reasonably expected to be the average exposure for a particular user under a given scenario. Generally, screening levels consider sensitive populations. **Terrie** will double check whether screening levels in the HHRA do so.
- Exposure scenarios should also consider future and historical uses of the creek. Currently, use of the creek is very limited, which limits exposure. Exposure levels should be based on realistic exposure scenarios by using reference areas such as Jamaica Bay, where people go swimming, go fishing and have kids with them. There are historical accounts of people who grew up along Newtown Creek and went swimming in it.
- **Terrie** will summarize the draft HHRA and focus on the exposure scenarios. The Steering Committee will review her findings and share information to encourage EPA to update the draft HHRA's exposure calculations.
- The Steering Committee discussed other potential exposure scenarios, including air quality on foggy days, worker safety, pets that may go into the creek and then return to people's homes, and education scenarios where classes visit the creek to conduct water quality testing.
- When the Technical Committee is created, the Steering Committee will set up a meeting to discuss the draft HHRA and the ecological health risk assessment.