

Newtown Creek CAG Steering Committee Meeting
Tuesday, September 13, 2016
5:00 P.M. – 6:30 P.M.

Present

Willis Elkins
Leah Archibald
Christine Holowacz
Deborah Mesloh
Mitch Waxman
Paul Pullo
Sean Dixon
Jean Tanler
Kryisia Solheim

Agenda

1. Fireboat trip recap
2. October 20 CAG meeting agenda
3. Vision document
4. EPA call
5. Technical review committee formation
6. Terrie's informational fact sheet
7. General comments

1. Fireboat trip recap

- The September 7 mixer on the historic fireboat was successful. It enabled different groups, including potentially responsible parties (PRPs) and different community groups along Newtown Creek, to connect and learn about each other.
- The “thank-you” email will include links to relevant websites – DEP, NCG, CAG and Riverkeeper– and encourage everyone to attend the next general CAG meeting.

2. October 20 CAG meeting agenda

- It is not clear if EPA staff will make a presentation for the October 20 CAG meeting. EPA has not presented to the CAG since the spring of 2016. The Steering Committee would like to be updated on EPA's current and upcoming activities. The Steering Committee has heard that Anchor, QEA will be conducting more ebullition testing this week (Friday to Monday) under EPA and New York State Department of Environmental Conservation (DEC) supervision. EPA did not inform the Steering Committee about the testing. The Steering Committee would have liked the opportunity to review the sampling methodology prior to the testing.
- EPA Region 2 Regional Administrator Judith Enck will attend the October 20 CAG meeting. The Steering Committee would like to have a Q&A discussion with the Regional Administrator and other EPA staff. The focus would be the vision document and topics of concern such as combined sewer overflows (CSOs) and contaminant removal. For example, will the cleanup address hot spots of contamination or all shoreline contamination?

- The Steering Committee is interested in hearing how EPA addressed issues at the Gowanus Canal and how lessons learned from that project apply to Newtown Creek.
- The Steering Committee would like to host a meeting with EPA staff after the CAG meeting to provide an opportunity for follow-up questions.

3. Vision document

- The vision document has been updated but not completely fleshed out. For example, a section on human health protection needs to be added.
- The Steering Committee discussed the level of detail appropriate for the document. It decided on a condensed, bulleted format to make sure information is community friendly and accessible.
- It is not likely that a flushing tunnel (to create more flow) will be installed at Newtown Creek. While one was installed for the Gowanus Canal, conditions at both sites are significantly different. The Gowanus Canal's flushing tunnel has had problems with the churning up of toxic sediment and pump stations over-aerating the water and creating frothy water. People have complained that smells and aesthetics are worse than they were before.
- From a habitat perspective, Newtown Creek was historically a shallow marsh; it did not have much flow. The drainage area flowing into the creek is not large, so there will be stagnant water when the weather is hot and sunny.
- Willis mentioned that visual and olfactory conditions have not been bad in Newtown Creek at Dutch Kills this summer, even with the lack of rain. If the point-source pollution flowing into Dutch Kills was located, conditions would be even better.
- Businesses that are not currently Newtown Creek users might become users if they had access to the creek. It is important to prioritize creek locations where maritime infrastructure makes the most sense. Some businesses located on the creek do not use the water and could swap locations with businesses that do need water access.
- Existing methods and designs are available that enable industrial and ecological uses along Newtown Creek. DEC would likely be willing to permit those types of uses. The types of methods should be planned for at the city-wide level.

4. EPA call

- EPA staff reached out to the Steering Committee to schedule a 90-minute conference call for the week of September 19 regarding the Steering Committee's EPA-related concerns. The Steering Committee would prefer an in-person meeting. **Kryisia** will share the preliminary call time with EPA and request an in-person meeting with a call-in option.
- The Steering Committee's major concerns include:
 - A lack of information-sharing regarding relevant and new site-related activities.
 - A lack of access to EPA documents such as the risk assessments the Steering Committee eventually received through Freedom of Information Act (FOIA) requests.
 - A lack of high-quality, in-depth information shared by EPA at CAG meetings.
 - The need to address false or inappropriate PRP claims during CAG presentations.
- The Steering Committee would like to schedule monthly updates – either via calls or formal letters – regarding EPA's planned activities.

- At Gowanus Canal Superfund meetings, EPA staff present at each meeting on recent and upcoming activities and how these efforts are part of the overall Superfund process and vision for the site. EPA also shared a 150-page document and presented it to the Gowanus Canal CAG so that everyone understood the information. The Newtown Creek community would like the same information and process from EPA.
- The Steering Committee would also like a better understanding of EPA's vision for the restoration of Newtown Creek. The Steering Committee would like a timeline from EPA regarding when the Agency will release revised risk assessment documents so the Steering Committee can plan ahead.
- **Sean** will look into bringing Newtown Creek's Steering Committee and the Gowanus Canal's leadership group together to discuss how the community can learn from the Gowanus Canal Superfund process.
- **Willis** will schedule a meeting with DEC to discuss the feasibility of the Steering Committee's vision for Newtown Creek.

5. Technical review committee formation

- The ecological and health risk assessment documents are lengthy. **Terrie** will review them. In the fall, the Steering Committee and Terrie will discuss any document-related questions or concerns.
- The Steering Committee decided that it would be a good idea to invite Anchor QEA to meet with the Steering Committee and discuss the risk assessments.
- **Krysia** and **Willis** will work on a short statement to share with the CAG asking if people would be interested in joining the technical review committee. Extending the invite to all CAG members will also help engage and involve people who are interested in helping but who are not part of the Steering Committee.
- **Mitch** will lead an outreach effort to identify ways to leverage more technical assistance from universities such as Columbia and Yale.

6. Terrie's informational fact sheet

- The Steering Committee found Terrie's informational fact sheet to be a helpful resource. The Steering Committee requested a more condensed version without Superfund jargon for the general public. Terms such as VOHs and PCBs are too complex for a general audience.
- The Steering Committee asked that Terrie simplify the fact sheet into a half page document with bullet points that outline:
 - The Newtown Creek Superfund site.
 - The site's current status in the Superfund process.
 - Upcoming activities or steps for Newtown Creek.
- **Mitch** will work with Terrie to condense the fact sheet.

7. General comments

- The Steering Committee would like to expand the CAG's membership. To do this, the Steering Committee needs more information from the EPA on upcoming activities within Newtown Creek's Superfund process to be able to engage businesses and individuals.

- A key question: where will staging for remediation and contamination removal take place?
- Long-term control (LTC), which runs in conjunction with the Superfund process and deals with CSOs, is beginning soon. **Sean** will look into asking them to present to the Steering Committee about the LTC process.
- Municipal separate storm sewer system (MS4) permits:
 - DEP has been developing a set of best management practices for municipally owned buildings – such as storage lots and waste transfer sites – and prioritizing locations based on risks to nearby waterways. These regulations will come into effect as of August 2018. It would be useful to share this information with businesses so that they can plan ahead. At the Gowanus Canal, any unpermitted pipes found coming through the bulkhead will be sealed.