

Newtown Creek CAG Steering Committee Meeting
Wednesday, May 11, 2016
4:00 P.M. – 5:00 P.M.

Present

Willis Elkins
Mike Schade
Paul Pullo
Krysia Solheim
Mitch Waxman (by phone)
Leah Archibald (by phone)
Sarah Durand (by phone)
Sean Dixon (by phone)

Agenda

1. Resolve protocol for Potentially Responsible Parties (PRPs) to present to the community
2. July CAG meeting agenda
3. Comments on the New York State Department of Health (NYS DOH) study
4. Freedom of Information Act (FOIA) updates
5. General comments

1. Resolve protocol for PRPs to present to the community

- The Steering Committee asked the PRPs to give five-minute updates to the CAG. Staff from the New York City Department of Environmental Protection (NYC DEP) gave an extensive presentation at the March 22 CAG meeting. They presented NYC DEP's data and conclusions, which was not what the Steering Committee had requested.
- Willis and Ryan followed up with Newtown Creek Group (NCG), asking them to limit their presentation to a brief update at the CAG meeting. NCG sought an opportunity to present its data and conclusions and address specific issues that NYC DEP and Louis Berger brought up during their presentation. NCG sent Willis its draft presentation; it gives an overview of sampling and shares conclusions about higher levels of sediment contamination in upper tributaries near combined sewer overflows (CSOs).
- **Willis** will forward that presentation to the rest of the Steering Committee for members' review.
- The Steering Committee needs to identify the appropriate process for PRPs to present data and conclusions to the most engaged members of the community. CAG meetings are not an appropriate platform because some members are new to the meetings and may not be able to fully understand or evaluate the PRPs' presentations. The Steering Committee needs more control over the information being shared to control for bias.
- Some Steering Committee members questioned whether it is the CAG's role to act as a jury. Isn't that EPA's role? Others believe that having the Steering Committee ensure that all parties are held responsible is important.

- The Steering Committee will set up meetings for each PRP to present to the Steering Committee and key stakeholders, including EPA. In the future, all PRPs should be allowed to present for equal amounts of time.
- It would be useful to have the PRPs discuss specific points of contention and use data to back up claims.
- The Steering Committee should not let the PRP updates distract from focusing on other priorities, such as visioning.
- **Willis** will move forward with setting up meetings with the PRPs re: their presentations to the Steering Committee.

2. July CAG meeting agenda

- The next CAG meeting will take place on Wednesday, July 6, 2016, at 6:00 p.m. in Queens. LaGuardia Community College is available. **Mitch** and **Willis** will look into holding the meeting at the Irish Center. The Center would be a good option because community members live nearby.
- The Steering Committee will discuss the vision document with the CAG.
- Trustees will present on the Natural Resource Damage Assessment (NRDA).
- Can **Terrie/Skeo** provide a background update on several topics – why NRDA matters, why the vision matters, where Newtown Creek is in the Superfund process, and why the community's role is important and why it needs to be more engaged.

3. Comments on the NYS DOH Health Outcomes study

- What comments does the Steering Committee want to submit?
- During the NYS DOH presentation, NYS DOH staff said that the Department could provide follow-up information, depending on the community's needs. The Steering Committee wants to ask for action items based on NYS DOH's findings. Where does the community go next regarding specific issues such as remaining hazards, fish consumption and urban gardening?
- The Steering Committee wants to see more data connecting exposure to chemicals of concern to elevated health outcomes. The presentation did not really discuss the correlation between pollution and chemical exposure in some of the diseases they identified as elevated.
- The Steering Committee is concerned that there was no discussion of previous health studies conducted in the same area. There was also concern about the NYS DOH Health Outcome report's conclusion that there was no reason to indicate that health outcomes were related to environmental exposures, given that environmental exposures were not measured.
- NYS DOH staff discussed other factors, such as socioeconomic status, but not contaminants in the creek or historical industries that operated on the creek.
- Even though the Health Outcomes Report is outside the Superfund process, NYS DOH did not use any information gathered as part of the site's remedial investigation (RI) to inform report findings.
- A Steering Committee member followed up on NYC DEP's statement that the city evaluates fish advisories annually and potential changes to the advisories will be evaluated when the data are available. The Steering Committee member found that the

city does not have an annual process. It waits to receive new information before updating the advisories. City staff is not currently aware of any new information.

- **Mike** will draft the letter in the NYS DOH Health Outcomes report before June 8, the date of the next Steering Committee meeting.

4. FOIA updates

- Sean has no updates re: expediting the FOIA process. Gowanus Canal recently received their FOIA information. The Newtown Creek FOIA demands more access to data sets, comments on data sets and CSOs, and communications between NYC DEP and EPA. This will take at least six weeks.
- The Steering Committee would like information on coal tar deposits associated with Newtown Creek because it does not know anything about such deposits. EPA should have that information because EPA needs to know the locations of upland contamination.
- The request should include a request for a Shape File copy of sonar maps showing the locations of shoals and underwater features. EPA will design the dredging approach based on those maps.
- The Steering Committee would like to invite the Gowanus Canal Steering Committee to share their experiences in a social setting.
- During the next Gowanus CAG meeting on Tuesday, May 24, the Gowanus Steering Committee will discuss the siting of tanks. EPA staff will be there, and the community will hear resolutions from the Land Use Water Quality Committees. There will be robust community discussion of timelines and the status of the Gowanus Canal, including an update on Records of Decision (RODs). Steering Committee members should consider attending the meeting.
- The Steering Committee should set up a meeting with NYS DEC staff to discuss the manufactured gas plant. While coal tar is mobile and impacts the larger community, people do not have much information about it. Soil at the site is vulnerable to being picked up by wind and is laced with arsenic and cyanide. **Willis** will reach out to Ian and Henry from NYS DEC to invite them to meet with the Steering Committee to discuss how the gas plant cleanup fits within the Superfund process and future steps. After the discussion, the Steering committee will determine if a full presentation to the CAG is needed.
- EPA is still working on the risk assessment reports. One had many issues – EPA wrote a 40-to-50-page letter to Anchor QEA asking it to make changes. EPA is waiting on the final draft for the other assessment. The earliest EPA will share a draft with the CAG is in the fall of 2016. The Steering Committee should add the letter to the FOIA request as part of the correspondence between EPA and Anchor QEA.

5. General comments

- EPA has not offered a clear timeline for the upcoming stages of the Superfund process. The Steering Committee is concerned that this lack of clarity has made it difficult for residents to understand what is happening at the site.
- **Krysia** will send out a doodle poll to identify a new meeting time on second Wednesdays that may work better for all members on the Steering Committee to meet in person or over the phone.

- The Steering Committee would like an update from Terrie, Skeo's technical consultant, on her recent activities.