

## Newtown Creek CAG Meeting

Tuesday, March 20, 2018

6:30 p.m. – 8:30 p.m.

Newtown Creek Wastewater Treatment Plant Visitor Center

Meeting Attendees: 36 people (see attendee list in Appendix A)

### Agenda

1. CAG Announcements
2. Potentially Responsible Party (PRP) Search and Identification
3. Updates from PRPs
4. Updates from Congresswoman Velázquez
5. EPA Timeline

#### **1. CAG Announcements (Ryan Kuonen and Willis Elkins, CAG Co-chairs)**

- The CAG ratified Tony Argento's CAG membership, which was previously approved by the Steering Committee.
- The CAG co-chairs and Kelly MacDonald (Skeo) are currently checking in with CAG members who have not attended recent CAG meetings to determine their future membership.
- There will be a new contact form to gather CAG member information.
- The CAG is working with EPA to select a facilitator. The Steering Committee will be interviewing potential candidates.
- There will be a Technical CAG meeting in April 2018.

#### **2. PRP Search and Identification (Michael Mintzer, Assistant Regional Counsel, EPA)**

- The presentation focused on EPA's PRP search and identification process. Michael Mintzer explained that EPA focuses on identifying liable and financially viable parties. The presentation reviewed the search process, which includes an examination of publicly available information, a CERCLA section 104(e) information request, a general notice letter and, at the time that EPA seeks PRP performance of a response action, a special notice letter.
- Michael Mintzer noted that this process can be challenging due to the complex nature of contamination and company histories, including mergers, dissolutions and name changes.
- EPA shared a list of currently performing respondents (i.e., PRPs already working with EPA in the remedial investigation/feasibility study (RI/FS) process) and a list of recently named PRPs.
- The presentation included maps showing upland facilities associated with the PRPs and a brief overview of the reasons for the parties' identification as PRPs. Please see the presentation posted on the CAG website for more information:  
[https://newtowncreekcag.files.wordpress.com/2018/03/newtown-3\\_20\\_18\\_mtg\\_prp-presentation\\_draftver3.pdf](https://newtowncreekcag.files.wordpress.com/2018/03/newtown-3_20_18_mtg_prp-presentation_draftver3.pdf).

Conversation occurred during the presentation about the following topics:

- Can EPA add more PRPs?
  - EPA will continue to add PRPs. The search is ongoing.
- Is there a point at which EPA can no longer add PRPs?
  - Not really. If there is more site investigation or remedial work to be done, or if EPA has substantial unrecovered response costs, EPA might look for more PRPs.
- How have new PRPs been identified?
  - It is mostly a result of document research.
- How do the new PRPs fit into the work with existing PRPs?
  - EPA wants the PRPs to be integrated into the process and cooperate with other PRPs in performing or paying for their share of site work.
- There are some organizations who are actively polluting the creek. Is there a reason why they are not listed yet?
  - EPA's PRP search activities are continuing.
- Are costs evenly divided among the PRPs?
  - No. The PRPs work out the cost shares among themselves.
- Is it helpful for EPA if a resident has photos of pollution?
  - Yes. Please feel free to share the photos with us.

### **3. Updates from Congresswoman Velázquez (Daniel Wiley, Congresswoman Velázquez's Office)**

- Daniel Wiley shared information about the Congresswoman's Superfund-related efforts, which include: 1) a bipartisan effort to fund the Superfund program to \$1.35 billion instead of the current proposed budget of \$1.09 billion; and 2) proposed Superfund legislation, summarized below.
- The legislation includes a tax on chemical and oil industries to fund Superfund, tax deductions for small businesses that relocate from a Superfund site, and relocation and economic injury loans for small businesses affected by Superfund sites. They are currently updating the legislation to include provisions for residents affected by relocation due to Superfund sites. The Congresswoman's office would like to have the CAG's official support for these actions. Willis Elkins noted that the CAG will vote on this soon and encouraged CAG members with concerns to reach out to the Co-chairs.

### **4. Updates from PRPs (Mikelle Adgate, NYC DEP, and Ramzy Makhoulf, AnchorQEA)**

- Mikelle Adgate shared that the Long-term Control Plan, submitted to the New York State Department of Environmental Conservation in the summer of 2017, is still under review. She also noted that NYC DEP has several other programs related to water quality, including a green infrastructure program, the "wait" program (which encourages residents to delay water use until after rain events), and municipal separate storm sewer system (MS4) stormwater management.
- Ramzy Makhoulf shared that AnchorQEA has been working on several investigations, including groundwater seep sampling, non-aqueous phase liquid (NAPL) extent and mobility investigations, sediment geotechnical studies, and a gas ebullition pilot study. In

2018, AnchorQEA plans to sample biota, complete the geotechnical and NAPL studies, and conduct a full gas ebullition investigation for the entire study area.

**5. EPA Timeline (Caroline Kwan, EPA)**

- EPA is working through comments on the Remedial Investigation (RI) Report and aims to have an updated draft in September 2018, but this may be pushed to the winter of 2018. The original RI Report draft was available in the fall of 2016.
- EPA plans to have a final draft of the Baseline Ecological Risk Assessment (BERA) ready in the summer of 2018.
- The plan is to have the Site's Record of Decision (ROD) finalized by about 2022.

## **Appendix A**

### *List of Meeting Attendees*

Anna Margit, Architect  
Brad Kerr, NBBC  
Caroline Kwan, EPA  
Charles Yu, LIC Partnership  
Chitra Prabhu, HDR, Inc.  
Chrissy Remein, Riverkeeper  
Daby Marulanda, NYC Department of Environmental Protection  
Dan Wiley, Congresswoman Velázquez  
Dorothy Morehead, Newtown Creek Alliance  
George Penesis, AKRF  
James Park, Broadway Stages  
Jan Mun, Newtown Creek Alliance  
Jun Aizaki, Crème Jun Aizaki Architecture  
Kelsa Trom, FSDE  
Kelly MacDonald, Skeo  
LaShaun Lesley, PDRC  
Laura Hofmann, CAG  
Lisa Bloodgood, CAG/Newtown Creek Alliance  
Louis Kleinman, Waterfront Alliance  
Maggie Macdonald, Sive, Paget & Riesel  
Marc Lavaia, NCG  
Mark Schmidt, EPA  
Michael Devigne, Maspeth Industrial Business Association  
Michael Mintzer, EPA  
Michael Woods, Perkins+Will  
Mike Dulong, Riverkeeper  
Mike Hofmann, CAG/Newtown Creek Alliance  
Mikelle Adgate, NYC Department of Environmental Protection  
Natalie Loney, EPA  
Paul Pullo, CAG Steering Committee  
Peter Spellane, NYC College of Tech  
Ramzy Makhlouf, Anchor QEA  
Ryan Kuonen, CAG/NAG/Community Board 1  
Stephanie Vaughn, EPA  
Steve Chesler, Community Board 1  
Willis Elkins, CAG/Newtown Creek Alliance