

Newtown Creek Community Advisory Group (Technical) Meeting Summary

Meeting held November 14, 2018 in Brooklyn, NY
Prepared by the Consensus Building Institute

MEETING IN BRIEF

At the November 14th meeting, the Environmental Protection Agency Community Advisory Group (CAG) and the public heard updates on recent activities related to the Newtown Creek (Brooklyn/Queens, NY) Superfund Site (Site). While it was open to all members of the public, this Technical CAG (TCAG) meeting was focused on providing detailed technical information about the Site. Environmental Protection Agency (EPA) staff provided brief updates on the overall Remedial Investigation/Feasibility Study clean-up activities. The main focus of the meeting was a presentation on the final Baseline Ecological Risk Assessment (BERA) and EPA’s responses to comments received on that document. The meeting provided opportunities for public questions and input on topics being discussed by the CAG. Presentation slides from the meeting can be found at <https://newtowncreekcag.files.wordpress.com/2018/11/newtown-creek-nov-cag-presentation-bera-summary.pdf>. A list of meeting participants is attached to the end of these notes. For more information about the Site, please visit: <https://newtowncreekcag.wordpress.com/> and <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0206282>.

ACTION ITEMS

Who	What
CBI/CAG Steering Committee	<ul style="list-style-type: none"> • Complete arrangements for January 16, 2019 meeting. • Distribute meeting summary.
EPA	<ul style="list-style-type: none"> • Post presentation slides to Site websites. • Develop and post a letter containing EPA’s responses to comments received on the BERA to the Site websites.

UPCOMING MEETINGS AND EVENTS

Event	Date	Venue
NTC CAG meeting	January 16, 2019	TBD
NTC TCAG meeting	February 20, 2019	TBD
NTC CAG meeting	March 20, 2019	TBD
NTC TCAG meeting	April 17, 2019	TBD
NTC CAG meeting	May 15, 2019	TBD

PRESENTATIONS AND DISCUSSION – KEY THEMES

Below is a summary of key themes discussed at the meeting. This summary is not intended to be a meeting transcript. Rather, it focuses on the main points covered during the CAG’s discussions.

EPA Updates

Stephanie Vaughn (EPA) presented two Site updates:

1. **Long Term Control Plan.** The New York City Department of Environmental Protection (NYC DEP) is under order to develop and implement a long-term control plan to reduce combined sewer overflows (CSOs) into Newtown Creek. This plan was approved by EPA in June 2018 and is designed to reduce parameters introduced to the creek. EPA is working with the City to determine how best to review this plan in light of Superfund. EPA will share the public input schedule for that plan with the CAG. EPA anticipates giving a more in-depth presentation on this topic at a 2019 meeting.
2. **Potential pre-RI/FS clean-up activities.** The Newtown Creek Group (NCG) has reached out to EPA to explore potentially conducting some early clean-up activities on the creek while EPA completes the Remedial Investigation/Feasibility Study (RI/FS). EPA will share with the CAG more as they learn more in the coming months.

Final Baseline Ecological Risk Assessment

Chuck Nace (EPA – Environmental Toxicology) presented an overview of the finalized Baseline Ecological Risk Assessment (BERA). He reviewed the assessment's findings section-by-section and EPA's responses to comments received on the document. Background on the BERA and more detail on the document itself are available in the presentation slides:

<https://newtowncreekcag.files.wordpress.com/2018/11/newtown-creek-nov-cag-presentation-bera-summary.pdf>.

The BERA is divided into 14 sections, with core chapters focused on risk related to surface water and various biota receptors such as fish, shellfish, wildlife, vegetation, and invertebrates living in the sediment of the River. The BERA uses various studies and data to develop a "multiple lines of evidence" approach to assessing risk.

The results of the BERA indicate that sediments are toxic to benthic macroinvertebrates in the Study Area, primarily from exposure to porewater¹ polycyclic aromatic hydrocarbons (PAHs). Polychlorinated biphenyl (PCBs) in the Study Area accumulate in the tissues of receptors (e.g. birds, fish, bivalves). PCB exposure is highest in Dutch Kills, English Kills, the Turning Basin, East Branch, and Maspeth Creek. There is lower risk in Creek Miles 0-2. The compounds creating this risk are primarily PAHs and PCBs, with additional contributions of copper, lead, and dioxin (2,3,7,8-TCDD). The results of the BERA, Human Health Risk Assessment, and the Remedial Investigation will be used to develop the Feasibility Study. The Feasibility Study will identify remedial alternatives to address risk associated with the areas and compounds noted above.

EPA received comments on the BERA from the CAG during the comment period that closed on August 22, 2018. Mr. Nace presented EPA's response to each comment received from the CAG on the BERA. The responses to the CAG comments are presented in the meeting presentation slides referenced above.

During the discussion period, CAG members asked the following questions and made the following comments. *Direct responses from Mr. Nace and other EPA staff are in italics.*

¹ Porewater is water that is contained in the spaces between sediment particles.

- There seem to be significant differences between the standards your contractors versus the Newtown Creek Group (the potentially responsible parties) used. Why reference both standards in the document? *NCG is under an administrative order to conduct investigations with EPA oversight. EPA requested two revisions of the BERA and we now feel like its contents reflect the full story of contamination in the creek. The values NCG used are not scientifically wrong; they are supported by published studies. However, there are many ways to evaluate this dataset given what we know and don't about these kinds of risks. Multiple lines of evidence help EPA determine the extent of contamination and develop a clean-up plan. The final BERA now represents all the available data and the range of values and implications for that data. In the next phase, EPA will decide how it will use that data to develop the Feasibility Study and future clean-up actions. Please note that the BERA concluded that there is ecological risk and action should be taken.*
- During modeling, did EPA assume that a bird eats all of its fish from the creek? *Yes, that assumption was made for the SLERA. In the BERA, EPA looked at how different levels of consumption depending on residency at the creek would alter the concentrations in birds.*
- Can you clarify how EPA is considering aquatic macrophyte (i.e. plant) impacts in the creek? *EPA saw very little aquatic plant growth primarily because the bulkheads, suspended solids, and contaminants contribute to very poor growing conditions. Some areas of the creek (noted on the maps in Section 12) may be able to support vegetation if conditions in the creek improved. Additional areas in the creek may also be able to support plant growth in the future. It is unlikely that EPA would direct a clean-up action in the creek based solely on plant impacts, however, EPA will consider their needs when we develop clean-up actions.*
- Is the contamination primarily in the creek sediments or the water? *The creek sediment is the contamination repository and the water within the pore spaces of the sediment is the primary exposure pathway for benthic invertebrates and the rest of the food chain.*

Next Meeting Information

The next CAG meeting will be held on January 16, 2019.

MEETING PARTICIPANTS

CAG members

Name	Affiliation
Anthony Argento	Broadway Stages
Lisa Bloodgood	Newtown Creek Alliance
Michael Devigne	Maspeth Industrial Business Association (MIBA)
Willis Elkins	Newtown Creek Alliance
Brad Kerr	NBBC
Jan Mun	Newtown Creek Alliance

Process support and EPA personnel

Name	Affiliation
Patrick Field	Consensus Building Institute
Rebecca Gilbert	Consensus Building Institute
Caroline Kwan	USEPA
Natalie Loney	USEPA
Chuck Nace	USEPA
Alexandra Savino	USEPA

Public

Name	Affiliation
Teresa Cannone	AKRF, Inc.
David Haury	AnchorQEP
Tyquana H.	CSA/NCG
LaShaun Lesley	PDRC
Maggie Macdonald	SPR Law
Daby Marulanda	NYC DEP
Victoria Sacks	Resident/scientist