

Newtown Creek Community Advisory Group (CAG)

TECHNICAL MEETING SUMMARY

September 16, 2020 | Virtual Meeting No. 5

Summary of Presentations and Discussion¹

Questions and discussion regarding the material presented are included in bullets in the sections below.

- *Direct responses from EPA are in italics.*

BRIEF SITE UPDATES

Operational Unit	Update
OU1	<ul style="list-style-type: none">• Remedial Investigation (RI): under technical review and then will be submitted to NCG. RI includes a modeling component (hydrodynamic and sediment transport), which is being recalibrated based on EPA and peer reviews.• Feasibility Study (FS): Working on compiling Preliminary Remediation Goal (PRG), Remedial Action Objective (RAO), and Data Element Registry Services (DERS) to be able to evaluate alternatives as well as screening different technologies. Technical meetings are happening in small groups regarding the following:<ul style="list-style-type: none">○ Evaluating what kind of background concentrations along with modeling both chemical transport and bioaccumulation (in development)○ <i>NEW</i> Shallow study of groundwater: investigating outstanding uncertainties regarding discharge and contaminant content. EPA will be installing monitoring wells to glean what kind of lateral groundwater will be discharged to the creek and potential contaminant mass loading. EPA will need access and will begin this process soon.• Data Evaluation Reports: Geotechnical sampling is complete (2018 field work and ebullition surveys, NAPL and delineation/mobility of NAPL); NCG fieldwork also completed and submitted DERS to EPA and stakeholders for review.• Treatability Study: Evaluating a slip of the East branch for constructability of different remedial tech ideas (e.g. capping, dredging, or in-situ

¹For additional detail of the presentations, refer to the slides found at:
<https://newtowncreekcag.org/presentation-slides/>

	<p>stabilization). More of a constructability study in many ways. The data collected in 2019 yielded a design from 9/1 to look at different technologies that can be implemented; construction would be in summer of 2021.</p> <ul style="list-style-type: none"> • Navigation: EPA is waiting for a draft version of the report that USACE presented regarding their navigational analysis (coming soon).
OU2	<ul style="list-style-type: none"> • Action related to volume of CSO discharge: This remains within the decision-making and comment evaluation phase. EPA will keep the CAG posted to when a decision is made.
OU3	<ul style="list-style-type: none"> • Potential interim early action: EPA is continuing to review FFS and the comments received from the state and those from the CAG. EPA hopes to have comments out to NCG within the few weeks.

Questions & Comments

- **Will they put the monitoring wells on surrounding properties? Where would they put them?**
 - *EPA: EPA is trying to do this in an unbiased way, so we are not pinpointing any property owners. We are looking for locations.*
- **There are major sites of contamination like the National Grid site, which we already know, based on DEC's presentation from last time. In particular, it was highlighted how hard it would be to determine what is coming off that site. How will you know if we haven't determined this?**
 - *EPA: There is some uncertainty, which is why we thought it would be a good program to close those gaps and improve some of the conceptual site monitoring. Our intent is not to encroach on the upland sites monitoring. We are trying to get a relative estimate of the loading across the entire creek. NYDEC is responsible for the upland sites and they working to clean those up. Our intent is not to try to evaluate what NYDEC is doing, it is to be as unbiased as possible to collect the data and refine the conceptual site model. We are working together with them*
- **What is the level of collaboration between the federal and state agencies?**
 - *EPA: These are two separate efforts. The new study we are doing is simply related to determining the loading from lateral groundwater, not pinpointing specific properties. There is another aspect of the site, which would be upland source control, and on this we are collaborating to help address any ongoing sources that might need to be addressed the remedy for the creek. They are two separate efforts. We are collaborating with the state on the upload source control and are evaluating whether additional control is needed.*
- **Do you have an estimate of when the monitoring wells will be installed and when results will be available?**
 - *EPA: EPA is taking the lead on this and we will be the ones updating site access and installing the wells (site access takes time). We're starting the process now and this is the driver to put in a number of wells. Fieldwork would start in 2021.*

- **Approximately how many wells will you start with? Are they going to be dispersed across the creek, or concentrated somewhere? How many? How much? How long?**
 - *EPA: The intent is to be unbiased and install the monitoring wells in a gridded approach. We're in the conceptual stage, and we'll need contingency plans and to stage them at a distance that is consistent throughout the creek. We've identified 60 well so far, we are in the early stages of this study and we would like to present on this in more detail further down the line.*
- **Two of the "no fishing" signs at Felton Stodge have faded and been defaced with graffiti.**
 - *EPA: Thank you, we will address these.*
- **Could you talk a little bit more about the Treatability Study? Specifically, what the delays have been, if you have a firm start date, how long the test will go on for, and how this plays into the rest of the remediation?**
 - *EPA: We were hoping to have a presentation on the TS at one of the upcoming meetings. We are currently collecting the data and doing the design. There is permitting to consider, working with various agencies and the CORPS, also the timing of when they can start construction in the area. It is just a lot of coordination to get it started.*
- **For OU2 Combined Sewer Overflow (CSO) where is the hold up in the evaluation?**
 - *EPA: We're still in the deliberative process; it is being reviewed by upper management. There is no particular reason, we were hoping to be further along at this point and able to give more details. OU2 is related to the CSOs, and we released a proposed plan in November 2019 and the public comment period was extended twice. We are now in the deliberative process working to decide how to move forward, but we cannot discuss it further now.*
- **What about for OU3?**
 - *EPA: Outside comments play into this, we've received all non-CSTAG comments, and CSTAG comments, but they are not available for us to discuss/share at this time. We are hoping to be able to share in the next couple of weeks. The NCG (PRPs) submitted a draft FFS in March 2020 outlining a proposed interim early action for lower two miles of the creek, this went before the CSTAG, and then CSTAG as per their charter, provided recommendations to EPA, and then EPA must respond. So, recommendations have just been received and EPA needs to provide their response within 6 weeks. We are busy reviewing but have not been given the go ahead to release anything.*
- **Have you heard anything from DEP/DEC about DEP delaying the timeline for the CSO remedy? Or, modifying the CSO remedy at all? We're hearing this is happening on other projects since COVID-19?**
 - *EPA: We haven't heard any proposed change at this time.*
- **Is there a legal reason why the CAG cannot receive the CSTAG recommendations on the OU3 recommendations?**
 - *EPA: We will share them when they are ready, and we are outside of the deliberative stages.*

CAG MEMBER UPDATE ON LTCP

- Through a [news article](#), we were made aware that NYC DEP requested an 18-month extension on the Gowanus Superfund site. We also heard that they are postponing another LTCP. The City is asking the State for extensions, so I worry that between now and October 5, we may get this information. Riverkeeper is opposed to this because the City's credit rating is good despite Covid-19. It can borrow money, and it has the money to do it. EPA hasn't yet ruled on this extension request, and DEC hasn't ruled either. Riverkeeper expects to see more of this regarding OU2. If EPA is going to do nothing aside from allowing the LTCP to move forward, they should at least have enforcement authority to keep DEP to its commitments. The city can still keep asking for extensions from the state, so the CAG hopes this will be addressed when we hear about OU2. If EPA won't do anything about CSO, then city will keep extending.

CAG REFLECTIONS ON 10 YEARS OF SUPERFUND STATUS

As the CAG approached its 10-year anniversary (September 27, 2020), members were asked to reflect and share their thoughts in response to the following question.

- Given that the Creek was declared a Superfund site in 2010, what are our reflections to date on our site, the work, and what we've learned?*

CAG reflections are captured in the table below.

I cannot believe it's been 10 years. I knew it would be a long slog but holy cow, we're still years away from achieving lift off!	Ten years and no proposed cleanup! That is far too long to go without action. I expect our communities will become more engaged when things start happening.
I think on the community side it is really nice to see how we still have many of the original CAG members still involved but also grown the group in 10 years into one where there is good discussion and frankly a lot of people who really care deeply for the waterway. On the flip side, there are still communities that need to be more engaged with the process.	Long time....It would be nice to format a "briefing memo" for general consumption showing current status, targets, and schedules.
Water Quality! Fishable, swimmable waterways. Agree it's great to see all the stakeholders here, what a great group!	Have we ever talked about hurricane/heavy weather impacts to upland areas to the community in event of flooding?
Thank you! It is wonderful to rejoin the CAG meetings and to see so many familiar faces and names. Wednesdays have been challenging for me for the last two years, so today has been focused on listening/learning. I'm interested to hear more details about the modeling and agree modeling data sets reflecting the complexity of sites across the creek. I look forward to October's meeting. Stay strong everyone!	I much appreciate [the] request for considering our rapidly changing conditions!

NEXT STEPS & WRAP UP

Upcoming CAG Meeting Dates	October 21
	November 18
	December 16 (if needed)
CAG Items to cover at future meetings	Clarifying what's to come (e.g. status of OU1 RI, schedule and approach for FS)
	Impacts of SLR/climate emergency on the work
	Answers to practical questions (i.e. getting information out to businesses, potential impacts of the actual remediation work as it occurs, etc.)
	Data/Information Sharing (re: studies on ebullition by various parties, differences in data sets, ensuring modeling is based on sufficient data, etc.)
End of 2020 Technical Agenda Items	Shallow Groundwater Study
	Treatability study
	DEP LTCP
	Feasibility Study 101
	CSTAG Comments on OU2
	Background considerations – how will EPA consider background at this site (very complicated)?
	Statistical analysis on Reference

The meeting adjourned at 8:20pm.