

TECHNICAL MEETING SUMMARY

September 15, 2021 | Virtual Meeting No. 14

Summary of Presentations and Discussion¹

A full recording of the meeting is available here: <https://youtu.be/ewWpKx1Sy38>.

Questions and discussion regarding the material presented are included in bullets in the sections below. *Direct responses are in italics.*

REVIEW OF OPERABLE UNIT 1 (OU1) REMEDIAL INVESTIGATION (RI) RESPONSE TO COMMENTS

Stephanie Vaughn, EPA Region 2 Project Manager, Mark Schmidt, EPA Superfund Remedial Project Manager, and Anne Rosenblatt, EPA Region 2 Remedial Project Manager provided the CAG with an overview of EPA's responses to comments from the CAG on the RI report for OU1 (which comprises the entire creek). The goals of the RI are to determine the nature and extent of contamination, how contaminants are moving around, and their sources. The next step in the process is the Feasibility Study (FS) which will propose ways to address the situation based on contaminants of concern. This will lead to EPA issuing a proposed plan and ultimately a decision on how cleanup will occur.

She highlighted EPA's appreciation for the thoroughness of the CAG's comments on the document. She highlighted that most of the data collection for the RI process is complete, and that EPA received the 3rd draft of the report in June 2020. They hope to receive a revised draft in mid-October 2021.

EPA agreed with a number of CAG comments, including that natural attenuation should not be proposed as a remedy at this stage and that the phase 2 reference areas were not selected because of lower contaminant concentrations. EPA disagreed with several comments, particularly on the levels of data contained in the report for several parameters (which EPA saw as adequate). Additionally, EPA suggested that certain comments would be best addressed during the FS stage of the CERCLA process.

EPA anticipates a revised RI report in mid-October 2021.

Full written responses to CAG comments are available on the Newtown Creek CAG website. The questions asked by CAG members after the presentation follow **bolded** with presenter answers in *italics* and additional CAG commentary on that question in regular text. Joseph Mayo (CDM Smith, technical consultant to EPA on Newtown Creek) was also present to answer questions.

- **It seems that there is an attempt to not identify the extent of non-aqueous phase liquid (NAPL) contamination. If we do not fully analyze NAPL then we will miss most of the potential contaminants of concern (PCOCs) which are soluble in**

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

NAPL. New York City Department of Environmental Protection (DEP) did that study, but their data are not in the RI.

- EPA: *We believe that our study of NAPL was intensive and followed a rigorous work plan. Our intent was to determine where the NAPL is (surface sediment, subsurface, and/or native materials) and we delineated and determined the extent of NAPL in the creek which is the goal of the RI. We also studied NAPL as part of the ebullition study. We have what we need to move on to the FS. There is an appendix to the RI report dedicated to NAPL. The state is also doing its their uplands investigations which will identify and study seeps into the creek. This has just commenced but we have been collaborating with the state on that, and their study may inform the FS. We also recently started our shallow groundwater study, which may also bring up new information.*
- CBI: *How much information do you need for the RI vs the FS vs the remedial design (RD)? What else do you want to know at this stage?*
- EPA: *The RI deals with “Where is the contamination (surface, subsurface, and/or native material)?” The FS deals with “What alternatives are there to deal with it (removal, containment, stabilization)?” When it comes to the remedy, the pre-design investigation will require significant additional work at that stage to precisely characterize contamination and manage it. We expect to do a lot of work with NAPL in the coming stages.*
- **The conceptual site model (CSM) did not show NAPL. If it is not in the site model that suggests that the RI has not succeeded in identifying its extent.**
 - EPA: *We also provided comments to the Newtown Creek Group (NCG) on this. The visual diagram of the CSM does not feature NAPL but the text portion addresses it.*
 - CDM Smith: *In terms of chemical characterization, the ebullition captures the extent sufficiently and additional sediment samples that contained NAPL would have been duly analyzed. This would be reflected in measurements for polycyclic aromatic hydrocarbons (PAHs) and total petroleum hydrocarbons (TPH.)*
- **Why was data from DEP not included in the RI report when data from National Grid (a private entity) was?**
 - EPA: *We need to follow a consistent process. National Grid submitted a work plan to EPA for review and approval, while DEP did not. DEP acted independently and then presented their results to us. Nonetheless, we receive data from multiple parties as part of this process. If the “at-risk” data contradict our findings we look more closely and, if necessary, we will do additional sampling ourselves. We also cannot ignore that NYC is a potentially responsible party (PRP) at this site.*
- **We were never told what the datapoint/observation/event was that caused the city to be named a PRP. Combined sewerage overflows have been already identified.**

- *EPA: Our process for identifying PRPs at a site is based on past/historical practices, not ongoing contamination or data. This is the case for NYC based on decades of contamination in the creek and not solely CSOs. What is entering the creek through CSOs is a mixture of contaminants, including pathogens, PCBs, and other agents. NYC has never disputed that they are a PRP, and it is not a decision that we take lightly. We collected CSO data after we already named them a PRP.*
- **When will NAPL appear in the visual depiction of the CSM?**
 - *EPA: We will ask NCG to add it to the visual depiction for the next draft. We do not expect it to be controversial request.*
- **Regarding the ebullition study, NAPL was chemically characterized, potentially as part of the core samples. PCBs and PAHs were tested for, which is not quite the same thing as testing for the full profile. However, the ebullition study would not have taken place without the city pressing for it despite the derision of NCG. We owe the city some recognition for that.**

GENERAL UPDATES (EPA)

Anne Rosenblatt provided the CAG with an update on next steps. In addition to the revised RI report, EPA will continue work on FS components, including Remedial Action Objectives and Preliminary Remedial Goals. She also highlighted that the Shallow Lateral Groundwater Study is currently in development.

Ms. Vaughn also updated the CAG on early action on OU3. After signing an evaluation order with the NCG to determine whether early action on OU3 would be worthwhile, EPA determined that early action should not proceed and terminated early action. She highlighted that all parties put in a good effort on that proposal and the information gathered will inform future work on OU1. EPA also sent a detailed letter to NCG explaining its rationale.

Ms. Vaughn also introduced Rupika Ketu, EPA Region 2 Remedial Project Manager, who will be joining the EPA team working on the site.

BRIEF ITEMS NEXT STEPS

P. Field reminded CAG members that meetings will be recorded and shared (beginning with this meeting). He also highlighted that CBI will be working to improve the CAG website over the coming weeks.

NEXT STEPS

Upcoming CAG Meeting Dates (proposed)	October 20, 2021
	November 17, 2021
	December 15, 2021
	January 19, 2021
CAG Items to cover at future meetings	OU2 ROD (continued)
	Transitioning from RI to FS (continued)