Newtown Creek Community Advisory Group (CAG) Meeting
Thursday, November 21, 2013
6:30 – 8:30 PM
LaGuardia Community College, Room E501
31-10 Thomson Avenue, Queens, New York, NY

35 Attendees (see attendee list in Appendix)

Introductions
Mike Schade, CAG Co-Chair, welcomed attendees and explained the agenda for the meeting:
1. Viewing of video about the remedial investigation process at the Newtown Creek Superfund Site (the Site) produced by Newtown Creek Group in collaboration with the U.S. Environmental Protection Agency (EPA). To view the video, visit the Newtown Creek Group's website at www.newtowncreek.info.
2. Presentation by EPA on Phase I sampling at the Site. To view the presentation, click here for the presentation on the CAG website.
3. Question and Answer period.

Video Viewing
- Katie Hart-Brennan of Newtown Creek Group explained that the Newtown Creek Group comprises five companies: Phelps Dodge, Texaco, BP, National Grid, and ExxonMobil. Newtown Creek Group produced a video in collaboration with EPA, which was shared with the CAG at this meeting. To view the video, visit the Newtown Creek Group's website at www.newtowncreek.info.

Presentation Notes
To view the presentation, click here. The notes below do not repeat the content of the presentation slides. These notes summarize additional information provided by Caroline Kwan, EPA Remedial Project Manager, during the presentation.
- Caroline Kwan made a presentation to the CAG about the Phase I investigation, which is part of the remedial investigation for the Newtown Creek Superfund Site. She explained what the Phase I investigation entails and what is included in the investigation's data summary reports.
- Caroline and Wanda Ayala, Community Involvement Coordinator for the Site, provided six sets of DVDs to the CAG co-chairs that contain all of the data summary reports. There are three data summary reports, all of which are included in the DVDs. Data summary report 3 includes all of the raw data.
- Caroline explained that the data has not been evaluated at this point, meaning that an evaluation has not been conducted to determine what the results of the data collection actually mean. Evaluation will be conducted internally within EPA and with the remediation consultants; this occurs during the process of developing the Phase II workplan. The Phase II investigation will be finished in 2014; data evaluation will be included in the remedial investigation report, scheduled to be completed in 2015.

- The presentation includes examples of data summaries included in the data summary reports. For example, slide 9 is an air data summary example for benzene. The data summary reports include this type of information for over 1600 chemicals.
- Slide 11 provides information on surface water sampling. Caroline explained that surface water sampling began in February 2012 and ended in January 2013. This timeline allowed the sampling to capture seasonal fluctuations, tidal changes, etc.
- Slide 13 provides an example of surface water data included in the data summary reports. "Count" indicates how many times samples were taken.
- Caroline referred to the Newtown Creek video in order to explain how sediment sampling is conducted. As shown in that video, a long tube is used for subsurface sampling (from 6 inches below to 20 feet). A scoop is used for surface sediment sampling.
- Slide 19 describes reference/background areas. As part of the risk assessment, EPA compares data results at background areas (areas not impacted by chemicals from the site) to data results in Newtown Creek. EPA has selected 14 possible candidates for reference/background areas. There are four categories for these: industrial with combined sewer overflow (CSO), industrial without CSO, non-industrial with CSO, non-industrial without CSO. Subsequent slides show the 14 possible background areas on a map and provide an example of reference area sampling data. EPA is now determining which areas to select for the Phase II investigation.
- Slide 22 shows example reference area data for lead. For each chemical, there is a chart that shows the distance along the shoreline on the x-axis and the sampling result (what was detected) on the y-axis.
- All of the data from the Phase I investigation, which is included in the data summary reports, will be used to develop a work plan for the Phase II investigation, which will begin in Spring 2014.
- Caroline and Wanda offered to provide more copies of the DVDs of the data summary reports if CAG members are interested.
- Caroline reiterated that the data summary reports do not include evaluation. EPA will not evaluate the data until they have a complete sampling set from both Phase I and II investigations. The data summary reports are interim submittals so that EPA can see the data, just in case something out of the ordinary is happening or coming up. If contaminants of potential concern emerge, Caroline can take this information back to the risk assessor.

Questions and Answers

Questions/comments from attendees are in *italics;* responses from EPA and from the remediation consultant follow the questions/comments in non-italics.

- *What kind of database is the data stored in? Is it readable by another program?* The DVDs have PDF files. The data itself might be stored in EQuIS (Environmental Quality Information System). It is not easily readable by another program. Caroline explained that the National Oceanic and Atmospheric Administration (NOAA) is uploading the data into a database that would be more

easily readable and accessible to the public. If the CAG leadership emails Wanda, she will work with Caroline to find a contact at NOAA to get more information.

- *Are reference numbers or action levels available to help us understand the data? Can EPA provide those (i.e. state and federal reference numbers for sediment, soil, water, etc.) so we can better understand the action levels – while not necessarily saying that these will be official action levels that will be followed for this specific site?* There are over 2000 chemicals and some do not have action levels. Every site is specific and these types of numbers are generated using site data and background data collected. Usually EPA compares the data to cleanup goals, which are not yet developed for this site, but are developed based on state and federal guidelines and what would "normally" be observed, calculated from background sampling. Caroline offered to confer with the site team about possible options that would help CAG members better contextualize the Phase I data. For example, air sampling results could be compared to New York state ambient air quality standards. She also offered to discuss action levels for sediment, air, and surface water with her counterpart at New York State Department of Environmental Conservation and to share these with the CAG. The remediation consultant explained that there might be state standards available for some data points, but standards vary for different types of media (sediment, surface water, ground water and soil). There are standards based on class of surface water, but for sediments there are not standards, just guidelines depending on use. He provided an example to explain why these comparisons are difficult: people could assume that a sampling result exceeding a certain amount would pose an ecological risk; however, this is not necessarily the case. Once sampling is complete, some cleanup goals are determined based on risk calculations that are conducted specifically for the Site. This is part of the ecological risk assessment, which is not yet completed.
- *Could the data be compared to the background sites?* EPA is developing processes for choosing which background sites are appropriate.
- *"Background" generally represents what is presumed to be present, but not necessarily another contaminated site. Some of the 14 candidate background sites have both industry and CSOs. How appropriate is it to compare Newtown Creek to industrial waterways with sewage overflows, as these could represent another contaminated site?* Caroline explained that this is why the process of choosing background/reference areas is lengthy. Newtown Creek has been an industrial waterway for 200 years and we need to be realistic about determining appropriate cleanup goals based on surrounding chemicals and the ability to clean up chemicals. As the site team makes decisions, EPA is looking at candidate reference areas using a consistent process for choosing cleanup goals that is based on EPA guidance.
- *Will there be opportunity for the CAG to give input on which background/reference areas are chosen?* The CAG can provide recommendations. Caroline explained that the potentially responsible parties (PRPs) originally proposed 28 areas; the EPA site team narrowed these to 14.

Chuck Nace, EPA's ecological risk assessor for the Site, could come back to the CAG to discuss the process for choosing these areas.

- *Why are all 14 locations within the New York City boundary and not elsewhere, such as New Jersey?* The remediation consultant explained that the goal is not to find a clean, pristine environment – rather, it is to find an area that is representative of an urban environment, representative of what Newtown Creek would look like without the contamination from the potentially responsible parties. These areas vary from much cleaner than Newtown Creek to similar to Newtown Creek. The goal was to get a cross section of potential background locations and choose the most appropriate based on the samples collected at these sites. Other sites were considered in New Jersey, across the river, but all in an attempt to represent an urban area.

- *When selecting background/reference areas with CSOs, is it possible to choose reference areas with CSOs that have a similar catchment area? For example, if a CSO on Newtown Creek brings in sewage from a primarily industrial area and the background area used for comparison brings in sewage from a primarily residential area, these two scenarios are not necessarily comparable.* EPA will take this potential variation into consideration; additional data may need to be collected to ensure the background sampling is truly appropriately background. Holly Porter-Morgan explained that CSO locations are available city data, but catchment is not available.

- *Will the next phase of sampling expand to include water column data beyond just surface depths? We know that the level of contamination is weather specific. Water column sampling and focal sampling could be conducted at one point to see how the water column reflects weather.* The remediation consultant explained that 12 months of surface sampling have been conducted. Phase 2 will include CSO discharges; the CSO sampling will be water from inside the pipe, and the logistics of capturing these samples is extremely complicated. The step-by-step plan for carrying out this sampling is not yet developed.

- *Can EPA use data collected by other agencies, such as the Department of Environmental Protection harbor station, or Riverkeeper?* There are many different entities and agencies gathering data about Newtown Creek. Phillip Musegaas with Riverkeeper noted that Riverkeeper's sampling is focused on sewage but does not look at other contaminants or tie the data to Superfund.

- *As EPA conducts wildlife surveys, will the agency collect any phenological data – reproductive times for organisms to see how they interact on a time scale?* EPA will check with Chuck Nace, the ecological risk assessor to answer this question. In general, the baseline ecological risk assessment (BERA) is part of Phase II and will begin in the spring.

- *Why not compare to Newtown Creek data to Gowanus's chosen background locations?* Caroline explained that the opposite might be the case. The responsiveness summary in the Record of Decision for the Gowanus Superfund references Newtown Creek's background/reference areas.

- *Do you have any sense of the impact of the chemicals that most of us are concerned about – particularly persistent bioaccumulative toxic (PBT) chemicals that build up in fish and wildlife (i.e. dioxins, PCBs, halogenated flame retardants, etc.*)? The remediation consultant explained that fish and crabs have not been sampled. We know that these chemicals are present in the sediment and water, but not if they are present in organisms. This will be included in tissue data studies in BERA.

- *Can you give a brief overview of Phase II, how it is different from Phase I, and what we can expect in terms of the timeframe?* First, data gaps in Phase I data will be filled in during the Phase II sampling. Then, Phase II will focus on inputs to the creek (storm water, ground water, etc.). The Phase I sampling map is quite dispersed, providing a general overview of the concentrations of chemicals; Phase II will be more focused, such as on areas where contamination could be going into the creek. For example, over the summer, EPA went to locations that might contribute discharge to the creek, either permitted or not permitted. In Phase II, EPA will go back to discharge points after a rainstorm and conduct sampling there. Timeframe: starting spring 2014 (hopefully April/May) and lasting 6-9 months to one year. Hope we don't have a drought. Need wet weather because that's what gives discharges. Tissue sampling will be a part – NYS DEC requires tissue sampling.

- *For CSO sampling, are you choosing a representative number of outfalls to sample?* Yes. EPA is discussing this with the City and with Anchor QEA (the remediation consultant). The process is complex, taking almost 25 people just to do site reconnaissance for the sampling of one CSO. NYC Department of Transportation has to block traffic, open up the manhole, and check for safety. Sampling at six CSOs is planned thus far in an attempt to sample a good cross section that represents a significant number of CSOs, including the largest ones. There is a lot of discussion about how the different sizes of CSO contribute to the creek. The sampling will not occur at the outfall because the tide can sway the results. We have to be present at the beginning of storms, during storms, and after storms. Multiple rounds of sampling are planned during the nine-month sampling period.

- *What has been done on the health side? This is my first CAG meeting.* New York State Department of Health (DOH) has put together a health study. EPA is not part of this plan – DOH is a separate authority with a different mandate. Mike Schade explained that DOH presented to the CAG last year about their health study. The CAG is currently figuring out what topics people are most concerned about; at last month's meeting, CAG members expressed significant interest in focusing a meeting on health and getting an update on DOH's health study. In addition, a small group active with Newtown Creek Alliance is working with Mt. Sinai Children's Environmental Health Center to design a community health study that will complement the DOH study. They will apply for a grant to conduct the study. If anyone is interested, please contact Mike.

- *How will the data be analyzed?* The remediation consultant explained that GIS mapping, databases, graphing, etc. will all be used.

- *Will spatial reference files be released?* Yes. The coordinates of reference points are included in the data summary reports.

Additional Information and Next Steps
1. Wanda reminded attendees that she is the point person for contact with the EPA site team. CAG members can also contact Mike Schade and Ryan Kuonen (CAG Co-chairs) or Walker Holmes (Skeo Solutions) with additional questions.
2. Steering committee will meet in December to discuss meeting topics for the next calendar year and to discuss topic and logistics for a January CAG meeting.
3. If you'd like to stay in touch with the CAG, sign up to receive updates through the website.
4. CAG website updates (Walker Holmes):
    a. Add a link to EPA's Newtown Creek Superfund Site page.
    b. Add a link to Newtown Creek Group's website and the Newtown Creek video.
5. EPA also intends to link its Newtown Creek Superfund Site page to the CAG website.

APPENDIX
List of Meeting Attendees

Alice Baker, resident
Ana Paola White, resident, health research
Andres Villa, representative for Councilman Jimmy Van Bramer
Caroline Kwan, USEPA
Carolyn Petschler, Newtown Creek Group
Catriona Lohan-Conway
Chitra Prabhu, Louis Berger Group
Deniz Hughes, North Brooklyn Boat Club
Devin McDougall, Sive, Paget, and Reisel
Emily Mijatovic, representative for Assemblyman Lentol
Holly Porter-Morgan, LaGuardia Community College
James Curcuru, Greenpoint Waterfront Association for Parks and Planning (GWAPP)
Jan Mun, Newtown Creek Alliance
Kare Lenahan, curious citizen
Katie Hart-Brennan, Newtown Creek Group
Leah Archibald, EWVIDCO
Lisa Bloodgood, representative for Councilman Levin
Liz Barry, Public Lab, TreeKIT
Mai Armstrong
Martha Holstein, SUSolutions
Michael Leete, resident
Mike Johnson, Louis Berger Group
Mike Schade, Center for Health, Environment & Justice (CHEJ), CAG Co-Chair
Mitch Waxman
Phillip Musegaas, Riverkeeper
Rick Hwang
Ryan Kuonen, Community Board 1, CAG Co-Chair
Sarah Durand, LaGuardia Community College
Solomon Gbondo-Tugbawa, Louis Berger Group Inc.
Steve Lang, LaGuardia Community College
Tanya Bley, NBCP, North Brooklyn Boat Club
Tom Paino
Walker Holmes, Skeo Solutions
Wanda Ayala, USEPA
Will Elkins, North Brooklyn Boat Club and Newtown Creek Alliance