Newtown Creek Community Advisory Group (CAG)

General CAG Meeting Summary

February 20, 2019 Meeting
Long Island City

Action Items

- CBI will revise the fact sheet and glossary of terms/acronym list.
- With CBI support, the Steering Committee will discuss a community engagement strategy.
- EPA will check with the EPA press office to see whether they might be in a position to help the CAG develop press releases.
- EPA will let the CAG know whether the work plan for the FFS on the City's LTCP for CSOs will be shared with the CAG.

Upcoming Meetings and Events

Event	Date	Venue
NTC TCAG (Technical CAG) meeting	March 20, 2019, 6:30-8:30 PM	Kingsland Wildflowers at Broadway Stages 520 Kingsland Avenue Brooklyn, NY 11222
NTC CAG meeting	April 17, 2019, 6:30-8:30 PM	TBD
NTC TCAG meeting	May 15, 2019, 6:30-8:30 PM	TBD

The CAG does not meet from June through August.

Presentation and Discussions – Key Themes

Long Term Control Plan

Stephanie Vaughn (EPA) presented EPA's process for evaluating whether the City of New York's Long Term Control Plan (LTCP) to develop appropriate Combined Sewer Overflow (CSO) controls is sufficient to meet EPA's Superfund needs.

Though EPA's Superfund division is not involved in the approval or review of the City's LTCPs, which are under jurisdiction of the Clean Water Act (CWA), the City requested an evaluation of whether the LTCP would be sufficient to meet EPA's Superfund needs before the system was designed and built.

The Newtown Creek LTCP proposal, which was approved by NYSDEC in June 2018, reduces the CSO discharge by 72% from current conditions, 61% from the LTCP baseline, and is expected to reach full implementation by 2042.

EPA signed an agreement with the City, effective January 2, 2019, where the City will conduct a focused feasibility study (FFS) to determine if the LTCP is sufficient to meet Superfund needs. EPA will take the results of the FFS to make a determination and issue a record of decision (ROD) for the new operable unit (OU) created, called OU2, related to "current and reasonably anticipated future releases of CERCLA hazardous substances from CSO discharges to the Study Area."

Objectives of the FFS:

- Summarize the nature and extent of CERCLA hazardous substances released during current and reasonably anticipated future conditions (past releases will be evaluated during the full remedial investigation [RI])
- Evaluate impacts of those releases on human health and the environment
- Develop and evaluate alternatives to address impacts, including a no-LTCP scenario, a no further action scenario in which the LTCP is implemented as currently approved, and a 100% control of CSO discharges to the Creek scenario. These bounding tests will help inform the possible range of outcomes.
- Develop documentation to support a ROD

Opportunities for public comment exist throughout the process and in a formal public comment period following EPA's issue of a plan.

Following the ROD, EPA will engage in review of the decision at a minimum every five years, as required by the Superfund process, to be sure that the decision continues to be protective.

CAG members asked the following questions. *Direct responses from Ms. Vaughn and other EPA staff are in italics.*

- Are the current CERCLA chemicals comings from CSOs identified? Can you share what chemicals were found? *CSOs were sampled during the investigation for the broader RI, though the report has not yet been issued. The FFS will investigate that and provide more insight.*
- What does EPA look for in five-year reviews? Will that process account for big changes due to climate change? *The review process considers the remedy selected and how objectives are being met or likely to be met after implementation according to the ROD. There is very detailed five-year review guidance available online as well.*
- Will at risk data collected by DEP on CSOs be incorporated? *Analysis will be based on data collected under EPA oversight. The City may propose incorporating other data, and EPA would review, however EPA clearly stated that the majority or all of the analysis will be on data collected under EPA oversight.*
- If Superfund remediation occurs considerably before the 2042 implementation of the LTCP, could there be recontamination in the years following the remediation? Could the

timeline be advanced to avoid this? *We do not know if advancing the timeline is possible, but we will look at the potential for recontamination.*

- How do multiple separate storm sewer systems (MS4) fit into this? *That would be part of the regular RI/FS.*
- It is important to consider the population growth for the area, for example in Greenpoint and Queens. The infrastructure should to be built to meet future capacity needs. *EPA is considering that for the RI/FS. The effectiveness of the LTCP is under CWA jurisdiction, so the Superfund division is just looking at Superfund needs for the LTCP.*
- Considering the increase in population density that this area will see, does EPA have the authority to require buildings to control how much sewage they can release? *That kind of control would out of the purview of Superfund.*
- What about the much heavier precipitation predicted for the City due to climate change? Why are the scenarios being tested only the current LTCP and then a 100% control of CSOs scenario? How will EPA determine the curve of effectiveness of control measures to find the most efficient outcomes? *EPA will test the three alternatives at a minimum, and depending on what we find, we may look at some other options in between.*
- Will the work plan be shared with the CAG? *EPA will let the CAG know whether it will be shared.*

Summary of the Final Baseline Ecological Risk Assessment (BERA)

Chuck Nace (EPA) presented a high-level summary of conclusions from the BERA (which he also presented in section-by-section detail during the November 2018 Technical CAG meeting.)

The BERA is part of the RI. Overall conclusions of the BERA include:

- Several locations are in areas with elevated risk, where more contamination was found. There is less impact in miles 0-2.
- The primary contaminants are PAHs and PCBs, with additional contributions of copper, lead, and dioxin.

In the next steps, the BERA, the human health and risk assessment (HHRA), and the RI will be used to develop the feasibility study (FS), which will identify remedial alternatives to address the risks associated with the contamination found.

Additional detail on which contaminants were found in which areas and in which species can be found in the BERA document, or in the detailed presentation or summary presentation on the BERA found here: https://newtowncreekcag.wordpress.com/presentation-slides/.

CAG members posed the following questions and comments. *Direct responses from Mr. Nace and other EPA staff are in italics.*

- What is the explanation of the cyanide detected? *It was not routinely showing up before, so it might be up the sewer shed.*
- The copper would normally be associated with Phelps Dodge. I've never seen Dutch Kills associated with copper. *This risk assessment does not investigate sources. Even a little bit of copped exceeds thresholds for ecological risks.*

- It would seem that all of this material, combined with bacteriological contamination coming into the Creek, suggests that you should not eat the fish. *The HHRA has recommendations about whether to eat fish.*
- One might think raccoons would be concentrating contaminants at the top of the food chain. Why not? *We looked at dietary preferences of racoons, and assumed they are not eating exclusively fish and crabs, because they frequent garbage and other sources of food. We did not sample racoons directly, but modeled from sediment and prey items they may consume. We sampled fish tissue, for invertebrates did bio assays of caged bivalve muscle tissue, and blue crabs.*

Update on CAG operating procedures and ground rules

The CAG decided to adopt in the ground rules a suggestion to include a responsibility to consider the needs of future generations when making decisions. The CAG decided to maintain the language in the ground rules allowing members of the public attending CAG meetings to participate and not only observe. Members cited this more inclusive procedure as a potential benefit to encourage members of the public to become involved.

CAG community engagement, including draft fact sheet and glossary of terms and acronyms

CAG members discussed the importance of sharing information about the site with interested organizations as well as the public. Members expressed interest in a more formal process to help with community engagement so that it would not rely only on CAG members getting the word out. Members asked EPA to clarify what activities it did to publicize the CAG meetings and Superfund process findings with the press.

EPA has a press office, which shares milestones of interest with the press. In EPA experience, typically publications of a BERA or HHRA or similar milestones are not picked up by press. There was discussion about whether EPA or EPA's press office could play a role in assisting the CAG in publicizing the CAG's activities or milestones regarding the site. EPA will check with the EPA press office to see whether they might be in a position to help the CAG develop press releases. The Steering Committee will discuss a strategy about how to draw press in and broaden outreach generally. As capacity allows, CBI will assist the Steering Committee in developing outreach plans.

Members made suggestions to revise the fact sheet to be more effective as an educational and outreach tool. CBI will revise the fact sheet and add additional terms identified in discussion to the glossary and acronym list document.

The meeting was adjourned at 8:30 PM.