This letter is in response to a written request from the Newtown Creek Community Advisory Group to the "EPA Superfund Team" regarding "1) potential data gaps regarding source identification and mobility tracking of Principal Threat Waste and 2) ill-defined protocols for addressing these data gaps." The letter was shared with EPA on December 18, 2025, via an email from Meira Downie, Junior Associate, Consensus Building Institute to John Brennan, EPA Remedial Project Manager for the Newtown Creek Superfund Site, and Stephanie Vaughn, EPA Section Supervisor.

CAG Concern No. 1:

The Newtown Creek Community Advisory Group (CAG) is concerned that the list of EPA's recognized sources of potential contamination, presented at the 2025 June meeting, included neither non-aqueous phased liquid (NAPL) shoreline seeps nor NAPL sediment reservoirs. The CAG believes that a focus upon waterborne contamination in the investigation appears to continue to be the focus of the remedial investigation, wherein no source of non-aqueous contamination was identified in the final report. The CAG further states that the absence of systematic NAPL investigations presents a dangerous situation to human and non-human life of the Newtown Creek estuary.

EPA Response:

EPA understands and agrees that the identification and investigation of NAPL in all its forms is an important part of the remedial decision and cleanup process for the Newtown Creek Superfund Site (Site). During the June 2025 CAG meeting, EPA gave two presentations – an update on the Operable Unit 1 (OU1) lateral groundwater investigation and an overview of EPA's currently planned path forward for addressing OU1 in its entirety. The lateral groundwater investigation presentation focused on data obtained from soil borings that were obtained during monitoring well installation as well as opportunistic seep and NAPL sampling that was conducted in 2023 by EPA as part of the OU1 Remedial Investigation / Feasibility Study (RI / FS) process. The path forward presentation focused on the sequencing of future remedial decisions for the Site and provided only a brief, high-level overview of the contamination in the Creek. Neither of the June presentations were intended to serve as a detailed, technical summary of all known sources and EPA's methods for further investigating those sources. EPA notes that similar concerns regarding NAPL were raised verbally during the June 2025 CAG meeting, and in response, EPA reminded the participants that our March 2025 CAG presentation had focused on NAPL, that several independent NAPL investigations have been conducted as part of the OU1 RI / FS process, that some of these investigations were informed by the NAPL investigations conducted by both the New York State Department of Environmental Conservation (NYSDEC) and New York City Department of Environmental Protection (NYCDEP), and that significantly more NAPL-related work will be conducted as part of the design of any remedies selected for the Creek.

CAG Concern No. 2:

The CAG inquired whether a collaborative protocol has been developed for EPA-NYSDEC to cooperatively identify NAPL seep locations? The CAG asserts that a collaborative protocol would be expected to encompass systematic low-tide shoreline observations (by EPA) for identification of putative NAPL seepage locations that could then be compared with upland NAPL distribution data collected (by NYSDEC). Such a collaborative protocol would be expected to compare the chemical signatures of waterside-collected NAPL samples (from ebullition, seep, or advection) with landside NAPL samples collected from upland substrates.

EPA Response:

EPA and NYSDEC meet regularly to discuss on-going and future activities regarding the investigation and planned remediation of Newtown Creek, and as outlined in the selected remedy for Operable Unit 4 (OU4) of the Site (*i.e.*, the East Branch), EPA and NYSDEC will work hand-in-hand to address any ongoing sources of contamination that affect the remedial action objectives of that remedy. NYSDEC has already conducted a Creek-wide upland and seep investigation, with collection of samples from seeps discharging from upland properties. This information, along with all of the other NAPL-related data collected over the course of the OU1 RI / FS (as outlined in EPA's March 2025 presentation), will be used to inform the details of additional sampling that will be conducted as part of the design of any remedy for the Site and to determine the nature and extent of upland NAPL and other contamination entering the Creek so that these sources can be accounted for in the design of that remedy. Further, the OU4 remedy includes a post-remedy implementation investigation plan to assure that any potential sources of contamination to the Creek that are not addressed through the design are discovered and subsequently addressed, as needed, whether they are NAPL-related or not (and it is anticipated that a similar approach will be used as part of future remedies selected for the Site). This process will involve close collaboration between EPA and NYSDEC in making situation-specific determinations of how to address any such concerns.

CAG Concern No. 3:

The CAG asks how in-situ NAPL migration will be measured? The CAG feels that a collaborative protocol would be expected to measure *in situ* NAPL migration within upland sites and within the Creek bed, and both the CAG's technical support team and the NYCDEP technical team have emphasized the necessity of *in-situ* measures of mobility, such as used at the Gowanus Canal Superfund site.

EPA Response:

The exact protocol that will be used to measure NAPL at the Site, including in-situ migration within upland properties and within the Creek bed, will be determined initially during the design of the East Branch and refined, as necessary, during future portions of the Site cleanup. During the entire process, EPA will be working with NYSDEC to determine if upland properties are

contributing to any NAPL seepage into Newtown Creek. Please note that this assurance is also stated explicitly in the OU4 remedy's record of decision.

CAG Concern No. 4:

Is our understanding correct that funds were allotted to a site-wide (OU1) "pilot study" of NAPL contamination via ebullition (referenced in the EPA's March 2025 presentation to the CAG) without allocation of funds to study NAPL contamination via upland seepage or via sediment upwelling and advection? If this understanding is correct, why would a source of low-volume NAPL release (ebullition releases resulting in surface film) take precedence over a pilot study of contamination resulting from bulk flow of tar, oil, or other NAPL?

EPA Response:

EPA is conducting a comprehensive RI / FS of the Newtown Creek Superfund Site. As was reported in our March 2025 presentation to the CAG, which was entirely focused on the NAPL-related work at the Site that has been conducted thus far and that is currently planned for the future, EPA discussed in detail all of the NAPL-related testing and surveys that have already been conducted. These include sediment cores, NAPL mobility testing, ebullition data, the laser-induced fluorescence study, and upland and shoreline seep sampling. Since that time, additional NAPL-related findings have been presented from the lateral groundwater study conducted by EPA (and presented to the CAG in June 2025).

Ebullition testing is just one part of the comprehensive study that is being conducted. EPA's decision to conduct a quantitative evaluation was based on a review of the ebullition survey conducted by NYCDEP. As has been EPA's practice, if parties conduct work in the Creek outside of the EPA-led RI / FS process, EPA reviews the data and determines whether it (a) supports the findings of the RI / FS or (b) is contrary to or adds a further dimension to the work conducted as part of the RI / FS. In this case, based on NYCDEP's findings, EPA determined that additional ebullition data would be beneficial. This is not to the exclusion of considering NAPL from other sources or in other media; it was in addition to all the other studies being conducted. All of the information gathered helps EPA improve the conceptual site model (CSM) for the Site, which in turn will help us design a remedy for OU1 that is both effective in the long-term and protective of human health and the environment.