

LETTER TO EPA SUPERFUND TEAM

The following addresses 1) potential data gaps regarding source identification and mobility tracking of Principal Threat Waste and 2) ill-defined protocols for addressing these data gaps.

Newtown Creek's status as a Superfund site principally derives from the operations of shoreline petrochemical industries, sources of non-aqueous phase liquid (NAPL), a Principal Threat Waste. The CAG is concerned that the list of EPA's recognized sources of potential contamination, presented at the 2025 June meeting, included neither NAPL shoreline seeps nor NAPL sediment reservoirs. The focus upon waterborne contamination of the investigation appears to continue the focus of the Remedial Investigation (RI), wherein no source of non-aqueous contamination was identified in the final report. The absence of systematic NAPL investigations presents a dangerous situation to human and non-human life of the Newtown Creek estuary.

The East Branch Early Action investigation appears to be without clearly defined protocols for identifying NAPL source contamination in collaboration with the New York State DEC.

The community is without documentation regarding the following questions:

Has a collaborative protocol been developed for EPA-DEC to cooperatively identify NAPL seep locations?

- A collaborative protocol would be expected to encompass systematic low-tide shoreline observations (EPA) for identification of putative NAPL seepage sites that could then be compared with upland NAPL distribution data collected (DEC).
- 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.

How will *in situ* NAPL migration be measured?

- A collaborative protocol would be expected to measure *in situ* NAPL migration within upland sites and within the Creek bed.
- Both the CAG's technical support team and the NYCDEP technical team emphasized the necessity of *in situ* measures of mobility, such as used at the Gowanus Canal Superfund.

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 presentation) 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 surface film) take precedence over a pilot study of contamination by bulk flow of tar, oil or other NAPL?

Thank you for your consideration.

