Site Status Updates
Newtown Creek Superfund Site CAG Meeting
March 18, 2026

Letter from Community Advisory Group

- On December 18, 2025, EPA received a letter from the CAG related to two primary topics:
  - Potential data gaps regarding source identification and mobility tracking of Principal Threat Waste
  - Ill-defined protocols for addressing these data gaps
- The letter elaborated upon these primary topics in four specific concerns
- On February 25, 2026, EPA provided a written response to these concerns

CAG Letter – Specific Concern 1

Summary of CAG Concern

The list of recognized sources of potential contamination EPA presented at the 2025 June CAG meeting included neither NAPL shoreline seeps nor NAPL sediment reservoirs.

Summary of EPA Response

- EPA agrees that identification and investigation of NAPL in all its forms is an important part of the remedial decision and cleanup process
- June 2025 CAG meeting included two EPA presentations:
  - Lateral groundwater investigation
  - Path forward for OU1
- Neither presentation was meant to provide a full technical summary of all contamination sources or investigation methods
- EPA reminded participants during the meeting:
  - March 2025 CAG presentation focused on NAPL
  - Several independent NAPL investigations completed during OU1 RI/FS
  - Investigations were informed by NYSDEC and NYCDEP NAPL studies
  - Significantly more NAPL-related work will be conducted as part of remedy designs

CAG Letter – Specific Concern 2

Summary of CAG Concern

Has a collaborative protocol been developed for EPA and NYSDEC to cooperatively identify NAPL seep locations?

Summary of EPA Response

- EPA and NYSDEC meet regularly to coordinate on ongoing and future investigation/remediation.
  - Agencies will continue to work together closely
- All existing NAPL-related data (including NYSDEC investigation data) will inform additional sampling so that upland NAPL and other contamination can be accounted for in the development and design of any remedies.
- Further, the OU4 remedy includes a post-remedy implementation monitoring program to assure that any potential sources of contamination not addressed through the design are discovered and subsequently addressed, as needed, whether they are NAPL-related or not.
  - It is anticipated this approach will continue for future remedies.

CAG Letter – Specific Concern 3

Summary of CAG Concern

- How will *in-situ* NAPL migration be measured, both within upland sites and within the creek bed?

Summary of EPA Response

- The NAPL measurement protocols to be used will be developed initially during the OU4 remedy design and then refined as needed
- EPA will continue to coordinate with NYSDEC throughout the entire process to assess upland contributions to NAPL seepage into the Creek
- The OU4 ROD explicitly assures monitoring and appropriate management of upland NAPL sources

CAG Letter – Specific Concern 4

Summary of CAG Concern

Is our understanding correct that funds were allotted to a site-wide (OU1) “pilot study” of NAPL contamination via ebullition without allocation of funds to study NAPL contamination via upland seepage or via sediment upwelling and advection?

Summary of EPA Response

- EPA is conducting a comprehensive RI/FS for the Site
  - EPA’s March 2025 presentation discussed in detail all NAPL-related work conducted as of then, including:
    - Sediment cores
    - NAPL mobility testing
    - Ebullition data
    - Laser-induced fluorescence study
    - Upland and shoreline seep sampling
  - EPA’s June 2025 presentation provided additional NAPL findings from the lateral GW study
- The quantitative ebullition study was just one piece of the comprehensive RI/FS
  - It was conducted in addition to other studies, not to the exclusion of considering NAPL from other sources or media.
  - The need was based on a review of NYCDEP’s qualitative ebullition survey

Adaptive Site Management

- EPA provided an update on the development of an Adaptive Site Management (ASM) Plan for the Site at the October 15, 2025, CAG meeting.
- To recap the role of ASM in Superfund
  - Adaptive management is a formalized process that can be used to manage risks from contaminated sediment sites. Sediment sites are typically much more complex than other sites, with higher levels of uncertainty about the effectiveness of different cleanup approaches.
  - A site-specific adaptive management plan can be developed to guide iterations of remediation, monitoring, and progress evaluations to determine if adjustments are needed.
  - The plan establishes the goals of the project, sets expectations, uses monitoring data to evaluate progress towards meeting those expectations, and adapts the remedy as necessary based on those evaluations.
- An ASM Plan acts as a long-term site management strategy

Review of Key Aspects of the ASM Plan for Newtown Creek

- **Develop a List of Hypotheses**
  - Assumptions about what is achievable and how the system will function over time
  - Based on the current Conceptual Site Model and sound science
  - Relevant to the remedy design / implementation, short-term monitoring, and / or long-term monitoring
- **Develop a List of Key Questions to Test the Hypotheses**
  - Intended to guide information collection, evaluation approaches, and adaptive responses to information at key decision points.
- **Additional Aspects**
  - Uncertainties and Data Needs – Decision Points
  - Diagnostic Evaluations – Specific Causations/Influences
  - Adaptive Responses – What Would Be Done

Progress in Development of ASM Plan

- EPA has convened a Technical Work Group to discuss and develop the details of the ASM Plan
- Technical Work Groups Process
  - Discussions with Technical Representatives of NCG, NYCDEP, NYSDEC, and EPA
  - Limited Number of Representatives
  - Establish and Record Consensus Decisions and Action Items
  - Gaining valuable input to aid EPA in developing the adaptive site management plan
- EPA will ultimately develop and finalize the plan

Adaptive Site Management (cont.)

- Foundational Terms
  - Ensure a shared understanding before moving into the core ASMP process
- Adaptive Elements and Hypotheses
  - Revisions made based on previous input
- ASMP Process
  - Decision Criteria, Uncertainties, and Critical Data/Input
  - Adaptive Response
  - Decision Timepoints
- Iterative Approach

Some Initial Hypotheses

	Risk-based concentrations will be achieved in the long-term.
	Risk-based concentrations will be attained in a reasonable time frame.
	The Conceptual Site Model and Model Projections reliably describe the system response to the remedy.
	Contaminants targeted by the construction of the remedy (for example, in-creek contamination) will be addressed by the remedy.
	NAPL targeted by the construction of the remedy will be addressed by the remedy.
	Potential inputs of contamination, including NAPL, not directly addressed by the construction of the remedy that may impact the protectiveness of the remedy over time can be identified and addressed (through state and/or federal enforcement authorities) before they impact the protectiveness of the remedy.
	Interim remedies will meet the objectives and attain the cleanup goals of the interim remedy within the footprint of the interim remedy at time of construction completion.
	Contaminants not directly addressed by the construction of the remedy (for example, ongoing sources from upland properties or discharges) will not compromise the protectiveness of the remedy over time.
	Contamination entering the site from external sources of contamination will decrease over time.
	Taking interim actions along the Creek will accelerate the overall cleanup of the Creek.
	An accurate and continually updated Conceptual Site Model will lead to informed decision making and effective remedial actions.

Adaptive Site Management (cont.)

- TWG Meeting No. 1 – Conducted 1/21/26.
  - Focused on Foundational Terms and Establishing a Path Forward.
- TWG Meeting No. 2 – 2/6/26
  - Foundational Terms and Adaptive Element 1
- TWG Meeting No. 3 – 2/18/26
  - Foundational Terms and Adaptive Element 1 and 2

- Future Schedule
  - Future meetings already scheduled – 4/8/26; 4/24/26; 5/13/26; 5/27/26
  - Additional meetings will be scheduled, if needed
  - EPA anticipates being ready to report out in greater detail to the CAG by late summer / early fall 2026

Newtown Creek OU1 – Current Status

- Lateral Groundwater Study Data Summary Report
  - Spring 2026
- Feasibility Study for the Sitewide Interim Action
  - Alternatives Memorandum – EPA is currently reviewing first draft dated 1/26/26.
- Feasibility Study Supplemental Data Collection
  - Data Summary Report – NCG to submit revised document based on EPA comments provided on 2/9/26.
  - Data Evaluation Report – EPA is reviewing first draft dated 1/22/26.
- National Grid Saltwater Pumphouse
  - Data Summary Report – EPA reviewing revised document.
- Probabilistic Long-Term Equilibrium Model Path Forward Memorandum
  - Finalizing path forward of statistical method
- Adaptive Site Management Plan Development
  - Technical Working Group meetings are underway

East Branch Early Action OU4 Enforcement Instrument

- The enforcement instrument to conduct the remedial design has not been finalized to date
- EPA's goal is to have the enforcement instrument in place in spring 2026.
- *Until the enforcement instrument is signed, EPA cannot discuss any specifics regarding the Remedial Design*

QUESTIONS AND DISCUSSION