Message

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Sent: 2/1/2018 10:01:05 PM
To: Mugdan, Walter [Mugdan.Walter@epa.gov]
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Subject: Newtown Creek - Follow-up to Jan. 24 meeting with NCG and NYC
Attachments: image001.emz

Dear Walter –
Thanks for taking the time to meet recently with the NCG and the City, and for discussing the NCG's proposal to complete an Early Action sediment remediation project in Newtown Creek. We appreciated your thoughtful questions and look forward to continued dialogue on the potential implementation of an early action remedy. The benefits of the NCG's proposal are several, with the principal accomplishment of remediating a significant portion of the Site to below background levels for the primary chemicals of concern in an expedited manner. Given you and your team asked a lot of detailed technical questions, we thought it might be helpful to provide a summary of the key issues we discussed last week. We look forward to working with your team to advance this initiative.

1. **Focus on Newtown Creek 0-2 Mile Segment** – The Conceptual Site Model (CSM) concludes that the sediment characteristics in this segment of the Creek are dominated by its tidal connection to East River and the urban characteristics of the Creek which include its industrial nature and ongoing CSO / MS4 discharges. Modeling studies indicate that the East River is the source for 90 to 95 % of the solids deposited in the lower two miles of the Creek. As a result, the lower portion of the Creek reflects the greater New York Harbor background sediment chemical conditions with the exception of some isolated areas that exceed those concentrations, and those are the areas we propose for removal. By endorsing an early action on these select removal areas, EPA can demonstrate that over half of the Site will achieve equilibrium at or below background conditions for the primary risk drivers. The CSM also concludes that the sediments in this reach are very stable, based on multiple lines of evidence from empirical data collected during the RI. Finally, the CSM concludes that potential sources to surface sediment concentrations for this reach such as groundwater, point sources, or underlying contaminated sediment (via porewater flux) are not significant sources to the surface sediments. The bottom line for this reach is that the surface sediments are recovering due to the strong influence of the hydraulic connection with the East River, and we are proposing to accelerate and complete that recovery.

2. **Authorized Navigation Channel** – We recognize that the proposed remedy for the 0-2-mile reach will result in elevations shallower than the current authorized channel, which is the current condition in much of the Creek. We believe current and future maritime activities in Newtown Creek are sustainable to meet current and projected business needs with barges and other shallow-draft vessels. The current waterway depths, which are shallower than the authorized navigation depth, successfully accommodate current maritime uses and will continue to do so in the future. We have engaged the Creek-side businesses and maritime industries to better understand their navigation needs and, based on their feedback, the maximum draft need is ~15 ft; and current water depths are more than sufficient to accommodate that need. We recognize that a long-term remedial solution will ultimately need a re-authorization of channel depths to be accepted. We look forward to further evaluating the justification for that reauthorization with USEPA, the Army Corps of Engineers, and with the City, which has indicated a willingness to support such a reauthorization as a Local Sponsor for the waterway's navigation channel. Additionally, it is important to note that a number of current infrastructure items such as cable and pipe crossings will inhibit dredging to the current authorized channel depth.

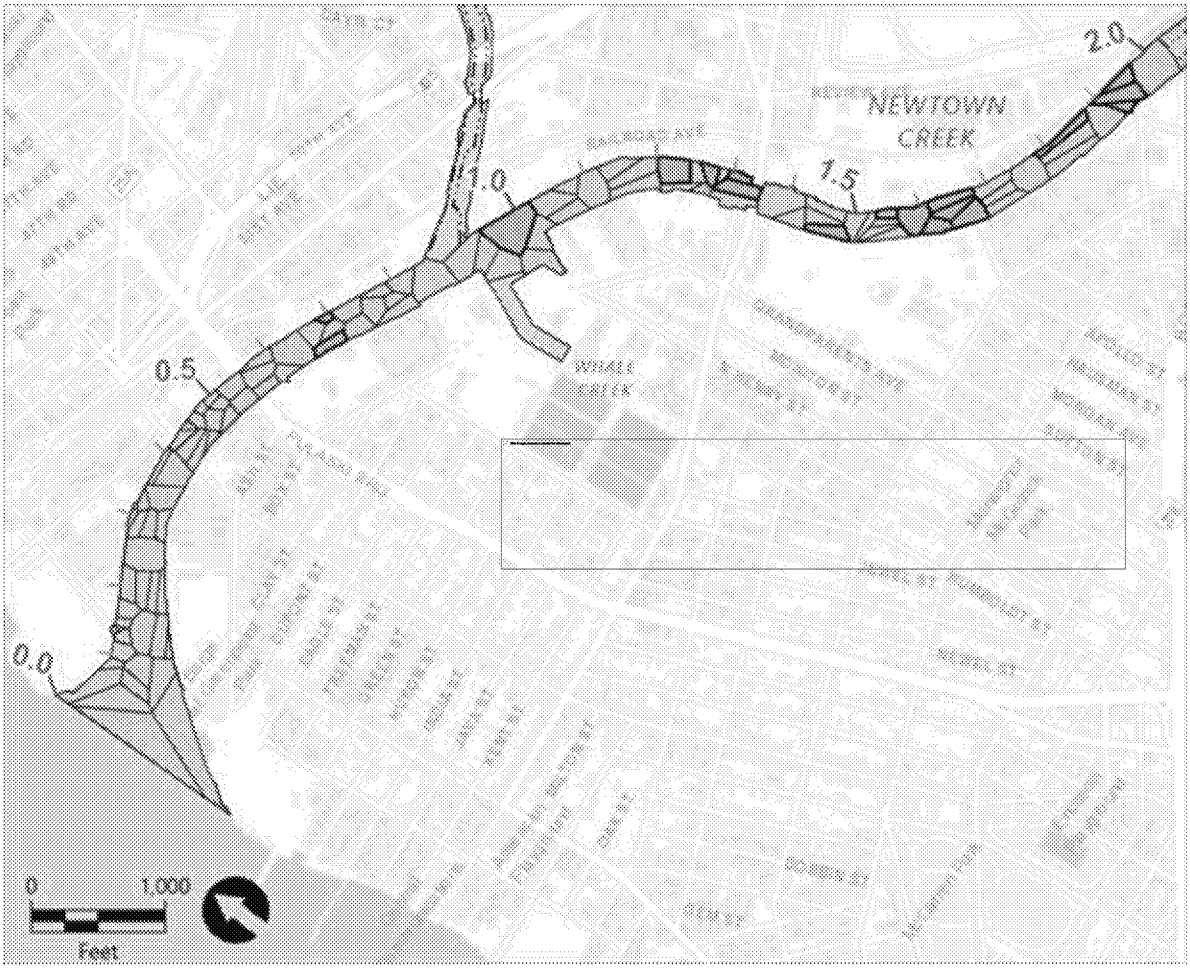
3. **Risk Management** – Newtown Creek is a heavily developed industrial waterway that is located in an intensely urbanized setting that is influenced by adjacent water bodies, CSOs, and other stormwater inputs. Newtown Creek exists within the broader New York Harbor area that also reflects similar intense urban and industrial developments. As a result, reducing risk to human health and the environment in the Study Area to below

background levels is not a likely outcome for any portion of Newtown Creek, including the 0-2-mile reach. However, measurable risk reduction and successful long-term risk management are probable outcomes and should be credited in the remedies selected for the Creek. We believe executing an early action in the 0-2-mile reach that will achieve regional background surface sediment concentration for that entire area sets a reasonable risk management outcome. The risk management success for the targeted reach is that the entire reach will be below the PRGs that are based on background – and specifically we support the selection of the CSO/Industrial UTL 95/95 sediment concentrations published in USEPA's October 31, 2017 Draft Technical Memorandum – Evaluation of Background Threshold Values for Newtown Creek Surface Sediments (CDM Smith, 2017).

The NCG recognizes that other portions of the Creek upstream of RM 2 have different characteristics than the lower portion and, based on the RI data, those upstream areas reflect the fact that additional mechanisms are affecting those areas than the mechanisms that dominate the lower 2 miles. As a result, we also recognize a different remedial approach will likely be required in that area, and the NCG wants to meet with you to share our preliminary remediation concepts for those other upstream areas which encompass the Turning Basin and the Tributaries, as well as share with you some of our thoughts on the opportunities to "green" sections of the Creek which may be available in those reaches. Such enhancements beyond the basic remediation requirements provide an opportunity to enhance the Creek's aesthetic and ecological values.

4. **Monitoring** – The proposed early action is designed for 0-2-mile reach of the Study Area, and it is our goal that the proposed remedy will be the final remedy for that portion of the Study Area. We recognize that in order for the proposed remedy for the 0-2-mile reach to be accepted as a final remedy, a comprehensive monitoring and verification program will need to be implemented. The NCG is committed to designing and implementing an appropriate monitoring program that will be integrated into the early action. We believe a robust monitoring program will provide both USEPA and the community the assurance that the remedy is achieving the stated goals and would also identify if further action is warranted.

5. **Preliminary Remedial Goals (PRGs)** – The NCG supports the use of the CSO/Industrial UTL 95/95 Background Threshold Values (BTVs) presented in USEPA's memo (CDM Smith, 2017) as long-term sediment PRGs for all of Newtown Creek. We believe that adopting those PRGs early in the RI/FS process is a way to optimize the efficiency of the FS and evaluation of applicable, Creek-wide sediment remedies. We also believe adopting these PRGs would support the completion of an accelerated early action remedy that achieves the risk outcomes associated with those values. As noted by NYC during our meeting, the adoption of the PRGs also provides the design basis to proceed with the City's long-term control plan for source reduction. The 0-2-mile reach presents the opportunity to take a significant early action with a substantial remedy footprint, and takes advantage of having a CSM supported by the necessary technical information to justify the remedial approach. The following graphic depicts those areas that would experience a removal remedy to bring the entire 0-2-mile reach to at or below background levels.



In summary, we appreciate your thorough and careful evaluation of our proposal. We fully realize a lot of additional details and work need to be accomplished for this to move forward, but feel like we have provided you with a very substantive opportunity, and that we have something from which to continue exploring the merits of this early action concept. We look forward to continued dialogue, Tom

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