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From: Jim Quadrini
Sent: Thur 7/20/2017 7:19:55 PM
Subject: Responses to Comments on the FS Work Plan

Caroline,

Below is the link to the comment-response matrix for USEPA's comments on the draft FS Work Plan. There were three major themes in those comments that were discussed with USEPA prior to the responses being finalized. The NCG position on those issues is summarized below:

•□□□□□□□□ **Overlap of Clean Water Act and CERCLA Processes:** CSOs and MS4s (as well as other point sources) are regulated under the Clean Water Act and to the extent they are not controlled will continue to discharge raw sewage, solids, sheens, and contaminants into the creek. This "urban background" will need to be taken into account in the CERCLA process. Any preliminary remediation goals ("PRGs") set under CERCLA will have to take into account the continuing discharges of hazardous substances being evaluated by the CERCLA RI/FS, as well as other contaminants that contribute to adverse impacts to human health and toxicity to benthic resources.

•□□□□□□□□ **Addition of a New Separate Deliverable to Document RAOs:** RAOs were included in the draft FS Work Plan because Section 5.1 of the RI/FS Work Plan (AECOM 2011) states that RAOs will be presented in the FS Work Plan, which will be prepared following the RI and risk assessments. The NCG agrees that the risk assessments need to be approved before the RAOs are finalized. Note that the BHHRA was approved following issuance of USEPA's comments on the FS Work Plan, but the BERA remains outstanding. The Alternatives Memorandum cannot be prepared until RAOs are finalized. Presenting preliminary RAOs in a separate technical memorandum will impact the overall schedule for the FS. The Gantt chart schedule presented in Figure 1 of the FS Work Plan will reflect the schedule impacts necessary to incorporate a separate RAO/PRG memorandum and project deliverable timelines if the schedule is finalized before this FS Work Plan is finalized.

•□□□□□□□□ **Deletion of Sustainability Evaluation:** Section 5.3 of the RI/FS Work Plan (AECOM 2011) requires that the preliminary screening stage of the FS will include evaluation of alternatives that include opportunities for reducing the environmental

footprint of remedial design and construction activities and include consideration of the sustainability of the alternatives. In addition to the need to follow the approved RI/FS Work Plan, the foundation of a sustainability assessment fits within the nine NCP criteria, there is national- and state-level precedence for using sustainability as a remedial alternative evaluation tool, and it will be consistent with ongoing visioning processes that are being conducted (Riverkeeper) that are relying on key elements of a sustainability evaluation. Therefore, the NCG maintains that this evaluation is applicable and should be retained.

USEPA: FS Work Plan Comment and Response Matrix, July 20, 2017

NYC: FS Work Plan Comment and Response Matrix, July 20, 2017

Jim

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