

Newtown Creek Community Advisory Group (CAG) Steering Committee

June 11, 2015

Steve A Watts
NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY 11101
DEP.R2@dec.ny.gov

RE: Comments Regarding Application ID: 2-6304-00157/00007

Dear Mr. Watts,

The Newtown Creek Superfund Community Advisory Group (CAG) Steering Committee welcomes the opportunity to comment on the proposed NC-3 aeration project for East Branch and the main channel of Newtown Creek. In addition to previously raised concerns from Newtown Creek Alliance and Riverkeeper we strongly feel that the project should not advance until the following concerns, relating to the Superfund designation, investigation and remediation, are appropriately addressed.

Disruption and resuspension of contaminated sediments

We are aware that a significant portion of the NC-3 contract, extending from approximately Meeker Avenue and running southeast through the Turning Basin section, will be activated only at a later date due to concern over sediment contamination from former industrial operations such as the Phelps Dodge site. We feel that this is a prudent decision to prevent disruption and resuspension of chemical contaminants known to exist in the surface sediments of this area. However, given that high levels of hazardous contaminants exist elsewhere in Newtown Creek, as currently being analyzed as part of the Superfund Remedial Investigation (RI), we feel that the same cautious approach should apply to the entire Creek, not just the Turning Basin section. At the very least, the buildout of the aeration system should be delayed until the completed RI definitively demonstrates there is a clear demarcation between a contaminated and a non-contaminated region of Creek bottom sediments

Potential for aerosolizing harmful bacteria and inorganic particulates

As noted in previous letters from the Newtown Creek Alliance and Riverkeeper to the NYCDEP and NYSDEC, the aeration system presents a potential hazard for aerosolizing inorganic particulates, given on-site data that demonstrates benthic microbes are aerosolized when the system is in operation. Given the above concerns, and admitted risks of installing an aeration system in portions with highly contaminated sediments, we urge that no further aeration system

should be installed in Newtown Creek until a study of the impacts of aerosolizing on air quality is conducted. Moreover, the need hasn't been proven to the community; there has been no public disclosure of the data used to support the proposition that these systems are needed throughout the project area, nor any rationale as to why this expensive band-aid is being considered over resolution of the underlying dissolved oxygen problem: rampant, unchecked, and unaddressed combined sewer system overflows.

Given that the State failed to require a full environmental impact review of this project, mitigation, avoidance, and alternatives to this project were never discussed. The Newtown Creek CAG Steering Committee calls on the state to rescind its Negative Declaration and require a full review of this proposal. As part of such review, the proponent (NYC DEP) should analyze whether there are ways to avoid public health risks (such as by actually addressing the causes of low dissolved oxygen, instead of the symptoms); or, if aeration risks cannot be avoided, whether there are ways to mitigate those risks (such as by only operating the system at night, installing an automatic system that shuts off the system when near-bottom dissolved oxygen levels reach optimum thresholds, or by only installing aeration in certain portions of the Creek). If risks cannot be avoided, and the DEP claims they cannot be mitigated, the State should demand - as will the community - that the City clearly, and with supporting evidence, disclose its rationale.

Absent any such thorough review, whether done through SEQRA or through the DEC's internal review of the project, the installation of this proposal appears to the community to be a large risk of uncertain and short-term benefit, an expensive project that doesn't solve the problem it is supposedly addressing, and a plan without a thorough analysis of how to effectively and efficiently balance the community's concerns with the City's goals. As such, the State should not approve this permit without requiring that the City prove it is burdening the community only as much as it must to achieve the project's goals.

Impact of aeration in relation to ebullition and remedial investigation

In a recent presentation to the EPA's Contaminated Sediments Technical Advisory Group (CSTAG) in regards to Newtown Creek, the NYCDEP expressed concerns over ebullition and dispersal of contaminated sediments. From their presentation they describe:

“Ebullition is a natural process where bacteria in the subsurface create gases such as methane as a natural byproduct of their metabolism. These gases build up until their pressure overcomes the confining forces of sediment and water above them, and the gases fracture the sediment and rise to the water column and then to the water's surface. Gas generation via ebullition is most vigorous during summer months because of increased temperatures in the sediment bed. Because the bubble creates an air-water interface, hydrophobic chemicals and mixtures such as NAPL adhere to the surface of the rising bubble. As the bubble rises, it also disturbs the sediment, causing some sediment to re-suspend as the bubble leaves the sediment

bed....Investigations of the sheens produced by ebullition at other oily sediment sites show that PAH concentrations can be many orders of magnitude greater than what is in the water column, see Table 3 (Vater et al., 2013a). As the sheens reach the water surface, they spread out until they are no longer supported by the water's surface tension and then they drop back into the water column, where they dissolve, interact with suspended matter in the water column, or sink back to the surface of the sediment bed. This process potentially delivers significant amounts of COPCs to the water column and then back to the newly deposited sediment."

The DEP presentation also discusses the presence of oil sheens that have often been present in various parts of Newtown Creek: *"Direct observation of oil sheens and seeps are commonplace in the turning basin, English Kills and Dutch Kills. These observations are coincident with known oil processing or storage facilities. The magnitude of these on-going releases is unknown."*

We are very concerned that the aeration system may amplify the impact of ebullition and free floating contaminants through resuspension within the water column as well as transference into the air column as bubbles burst at the surface.. Unless there is clear evidence that aeration has no impact on this ebullition process or will alter in any way the ability of DEP and various contractors to effectively study and measure this occurrence then we feel the aeration expansion should not occur and current aerated portions (English Kills) should be fully evaluated in this regard. As the Community Advisory Group we need to ensure that Superfund investigations are sound and data collections are not altered by outside factors and trust you can appreciate this responsibility.

Thank you for the opportunity to submit these comments.

Sincerely,

Ryan Kounen and Mike Schade
Newtown Creek Community Advisory Group (CAG) Co-Chairs
On behalf of the Newtown Creek Community Advisory Group (CAG) Steering Committee

CC: U.S. Senator Charles Schumer
U.S. Senator Kirsten Gillibrand
U.S. Representative Carolyn Maloney
U.S. Representative Nydia Velazquez
NY Assemblymember Joseph Lentol
NY Senator Martin Dilan
NY Senator Daniel Squadron
NYC Councilmember Stephen Levin
NYC Councilmember Antonio Reynoso

NYC Councilmember Jimmy Van Bramer
Brooklyn Community Board 1 Chairwoman Dealice Fuller
Brooklyn Community Board 2 Chairman Joseph Conley
US EPA Region 2 Administrator Judith Enck
US EPA Remedial Project Manager Caroline Kwan
US EPA Remedial Project Manager Joseph Battipaglia
US EPA Community Involvement Coordinator Wanda Ayala
NYSDEC Commissioner Joseph Martens
NYSDEC Region 2 Director Venetia Lannon
NYC DEP Commissioner Emily Lloyd
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Kevin Thompson, ExxonMobil, Newtown Creek Group