

Gowanus Canal Community Advisory Group
Water Quality Committee
March 1, 2011 – Meeting Summary

Attending: Alex Lechich (at large), Eymund Diegel (at large), Liz Velikonja (Cobble Hill Association), Hans Hesselein (Gowanus Canal Conservancy), Josh Verleun (Riverkeeper), Ludger Balan (Urban Divers Estuary Conservancy), Lucy DeCarlo (at large), Marlene Donnelly (FROGG), Katia Kelly (at large)
Guest: Jonah Blumstein (Councilmember Lander's office)
Facilitator: Jeff Edelstein
Notetaker: Beth Bingham

The meeting opened with a brief discussion about EPA's public meeting to present the findings of the RI, which had been held on Feb. 23. Each committee member in attendance had attended the presentation. The group was asked to provide any questions that still remained that could be presented to EPA prior to the March 8 meeting of the full CAG.

Remedial Investigation Questions (general)

- Does the polluted Gowanus Canal pose a risk to the community? The question of risk needs clarity, particularly with regards to identified pathogens and toxins. Is the risk any greater than is typical for NYC neighborhoods?
- Can EPA clarify where the contaminants are, as well as where they are originating from at this time? How many contaminants will remain post-cleanup? (For example, does EPA know which outfall pipes may be releasing pathogens or whether truck cleaning in the neighborhood is contributing?)
- Will surface runoff be addressed? What is a typical amount of allowable contamination of water bodies in urban areas that have some industrial uses? Who will be permitted (like the CSOs) to pollute in the future, and to what level? Can the EPA and CAG (and community) work together with the city to increase the level of water quality?
- What is the technical procedure for identifying the PRPs?
- The SF RI study area goes to a depth of 35ft. while an earlier study found contamination as deep as 70ft. Is the study area deep enough to be comprehensive?

Feasibility Study Questions (general)

- Will the feasibility study take into account the state guidelines and laws that address waterfront habitat formation when deciding on hard or soft edges?

- There is a section of the canal that was capped with cement, requiring the USACE to go around the cap to core/sample. How will this area be treated in SF process?

Sources of Contamination

There is a general impression that the contaminants in the canal being addressed by the SF process are historic and from old industrial uses. The committee is interested in clarifying that another source of contamination is from ongoing CSO outfall events. Most of the historic contamination is evident in the sediment of the canal, while the groundwater plumes and runoff from the surrounding communities are ongoing sources of contaminants. While SF sites are generally polluted from legacy sources, ongoing sources are not exempt from the cleanup. There was discussion about the difference between what Superfund regulates and what the Clean Water Act regulates. Superfund cleanups address hazardous wastes (i.e. PCBs, PAHs, metals, and volatile organic compounds) and Clean Water Act regulations address pathogens, nutrients and oxygen levels. There was discussion of how it is not clear yet whether the approaches to be taken by the city to reduce or eliminate the discharge of hazardous waste compounds (under Superfund) will necessarily also change what the city will be doing for Clean Water Act regulated constituents. In other words, might the city be able to meet its requirements to address sources of Superfund contaminants, such as street runoff or discharge of industrial pollutants into the sewer system, through methods that do not help with Clean Water Act biological contaminants? It was mentioned that EPA's stormwater Minimum Control Measures might be approaches that the city would take.

One committee member pointed out that the CSO plans do not outline a goal for zero recontamination post cleanup. The CSO activities are permitted and DEP is most likely to search for self-contained problems – like the sources of illegal dumping – to satisfy the SF. Also, the improvements to the flushing tunnel undertaken within the past 5 years may be the only CSO improvement measure that DEP will complete. A question that then came up was, what standard does the community want the water quality in the canal to meet?

Reclassification of Waterway

One concern identified by the committee is the possibility that DEP may not be required to address recontamination to a standard that is wanted by the community. While the CWA addresses pollutants that are associated with CSO events, the canal is listed as a Class SD waterway, and therefore the DEP may not need to do any more work in the Gowanus basin. There was discussion about the trade-offs that DEP is making in its rehabilitation of the flushing tunnel, in terms of the size of the sewer pipe located in the tunnel that will divert combined flow to the Red Hook wastewater plant. Some committee members felt that DEP should be making that pipe larger to carry more flow, whereas their understanding is that DEP did not want the pipe larger because that would reduce the amount of cleaner aerated water that the tunnel could carry into the head of the canal.

As the use of the waterway has decidedly changed in recent years and the SF designation signals a significant change as well, there are new facts for the state to consider. It was decided that pursuing reclassification may be the most effective way to achieve the level of water quality that the community wants. It was also expressed that the committee needs more information about how the reclassification process works. Jeff will reach out to NYS DEC to obtain more information, including whether a NYS DEC representative could be available to meet with the community (through the CAG Water Quality committee and/or the CB6 Environmental Committee) to explain the process and learn what DEC is already considering.

The following questions came up:

- Should the CAG petition for a reclassification of the canal, moving it up a class, in order to raise the standard that the city must meet? Would reclassification allow for higher goals and uses to be pursued, such as a swimmable future for the canal?
- The process for reclassification, as well as the levels and standards are unclear to the committee; can someone from DEC come to the next meeting to explain? Should this be a joint meeting with CB6?
- Would reclassification affect future development along the waterfront? How?
- Gowanus is listed for Total Maximum Daily Load (TMDL) compliance, but what does this mean?
- Who within the community might be opposed to the improved water quality regulation that would come from reclassification? The only community element identified as a possibility was industrial users, although it was mentioned that the reclassification would only regulate biological constituents, not industrial contaminants.

Future Development Plans and CSOs

There was concern that the real estate development planned around the canal and in adjacent communities would have a significantly negative effect on the canal's water quality. There was concern that the cumulative effect of adding thousands of new households to the existing CSO basin would not be properly accounted for in the city's water quality planning activities. There was concern that the impacts of projects like the proposed Atlantic Yards and developments along 4th Avenue have only been studied in isolation.

- Why don't the City's building permits (through DDC or DOB) require that new schools or parks be designed to not contribute to CSO overflow events?

- Can City Council revisit the proposed City Stormwater Guidelines? Why did the council back off of this issue recently?

DEP and LTCPs

The city will be embarking on developing Long term Control Plans (LTCPs) for the reduction of CSOs for each of the city's 13 CSO drainage basins (including the Gowanus) and these are expected to be completed between 2013-2017. There is some question as to whether the CAG could influence this planning effort or accelerate the process for the Gowanus basin. Further, could EPA do the same? It was thought that reclassification of the canal would not impact the SF process, but would effect the LTCP for the Gowanus Basin.

Several in the group agreed that the most critical thing at this point, is that the community needs to demand the infrastructure improvements.

DEP and Green Infrastructure

In addition to the LTCP, the new Green Infrastructure Plan produced by DEP will also impact the Gowanus Canal. The discussion started with a fear expressed by several committee members that the Green Infrastructure Plan and Grant Program are structured to take the responsibility away from city government and place the responsibility on residents and businesses. There is also a concern that Green Infrastructure is being promoted in order for the city to back off of "grey infrastructure" improvements. It was mentioned that green infrastructure is very maintenance intensive and the long-term sustainability of it is challenging. Some committee members perceive that the new (good) ideas come at a cost to other (more expensive and long-term) solutions.

- Is the Green Infrastructure Plan leading to bad trade-offs? Is this a way for the city to get out of commitments outlined in the LTCPs?
- Will the small-scale projects described in the plan supplant earlier proposed large-scale solutions, such as overflow prevention using storage tanks, etc.?

There was general agreement that it should not be a question of green infrastructure versus grey, but rather that both are needed and should be used as appropriate.

Green Infrastructure Grants

Several committee members present represented groups that are planning to apply for the Green Infrastructure Grants available through DEP, which are for small-scale demonstration projects.

The suggestion was raised whether the CAG should do one of the following: 1) apply for one of the Green Infrastructure grants from NYC DEP; 2) provide an endorsement of any

organization within the Gowanus area that will be seeking one of these grants; or 3) help bring multiple groups under a common umbrella to improve the case for awarding grant money within the community.

All in attendance would like to see some part of the grant money used around the canal, particularly as a demonstration project. Among the benefits identified from either the CAG or a community group obtaining one of these grants were:

- Bringing money to the Gowanus area could help build community around the canal and the SF cleanup
- The grant applications may change the dialogue with the city, making interaction with DEP regarding stormwater issues a more positive one for the CAG/community
- The grants might help build the brand identity of the CAG & increase the power of the CAG

It was agreed that since the CAG is still developing its structure, functions, and mission, it is too soon to consider seeking a grant like this. Similarly, since multiple parties in the Gowanus community will likely be applying for these grants, the CAG does not yet have the mechanisms in place to consider which applications to endorse.

However, it was agreed that the CAG should find some way to use its voice to ensure that the Gowanus area receives an appropriate share of these grant funds, consistent with the needs and opportunities of the Gowanus watershed. As such, it was suggested and agreed by all present that the full CAG should be asked to pass the following resolution:

The Gowanus Canal Community Advisory Group supports the use of NYC DEP grant funds for green infrastructure improvements within the community of the Gowanus watershed.