

Gowanus Canal Community Advisory Group – Water Quality Committee

Meeting Summary, November 29, 2010

Attending: Jerry Armer (at-large), Sabine Aronowsky (at-large), Ludger Balanz (Urban Divers Estuary Conservancy), Diane Buxbaum (Sierra Club), Eymund Diegel (at-large), Marlene Donnelly (FROGG), Katia Kelly (at-large), Betty Lester (Gowanus Neighborhood Association), Rita Miller (CORD), Stephen Miller (at-large), Cynthia Simmons (at-large), Elizabeth Velikonja (Cobble Hill Association).

Facilitator: Jeff Edelstein

The group identified issues of concern relating to water quality:

- Water flows between upland sites and the canals (groundwater).
- Potential recontamination of the site after the clean-up is completed.
- Street runoff that is creating scouring.
- Water Quality Classification of the canal - interest in having a classification that limits pathogens
- Combined Sewer Overflows (CSOs)
- Can data be collected on wildlife – current and as clean-up progresses?
- Clean-up methods.

Discussion:

Water quality issues: Marlene said that she had been told about a Superfund site where EPA had addressed Clean Water Act and Superfund issues together. She will find out where that is. There was discussion about the need to identify what community members want at the end of the day. Is it a healthy functioning ecosystem? Swimmable water? Fishable? It was brought up that there may be decisions to be made about bottom depths and water levels that will depend on the types of uses and functions desired for the canal. It was suggested that it could be helpful to see the LIDAR images that have been taken and/or Digital Elevation Model (DEM) that show scour points and to understand why those are occurring, in order to know how that might affect the clean-up. The DEM, if it is high resolution enough, can help identify which pipes on the side of the canal are pumping in a lot of volume, and typically creating scouring. There is an example of using LIDAR to track old pipes and surface runoff at

http://issuu.com/eymund/docs/connecticut_naugatuck_brownfield_remediation_asses

Questions and actions were:

1. Can the LIDAR images or Digital Elevation Model (DEM) be made available?
2. needs to occur to identify what community members would like to see as the end result of clean-up activities.
3. If CSO abatement does become a part of the Superfund program, what specific upland Canal sites should be considered for remediation measures (swales, retention tanks, etc.)?

CSOs and stormwater runoff: There was strong interest in the group about the need to address CSOs as part of a comprehensive clean-up of the canal. One committee member said that people in the community should look at what they can do to help with stormwater runoff. A committee member said that every street along the canal should have bio-swales and retention basins installed in order to reduce oils in the runoff before it enters the canal, resulting in oil sheens. Jeff said that DEP has told him that the City is in the process of developing the Long Term Control Plans (LTCPs) required under the Consent Order with the state and that these will be completed on a progressive schedule among the 13 CSO drainage basins between 2013 and 2017. The City will be convening a city-wide Citizens Advisory Committee in early spring for stakeholder involvement in the development of the LTCPs and water quality monitoring.

Questions that were brought up were:

1. Can EPA could take over the clean-up of CSOs?
2. Can the DEP consider how a strategic separation of targeted sewer lines in the Gowanus watershed might reduce CSO's– what would the cost be?
3. Can the DEP consider how a containment basin might reduce CSO's?
4. Are there plans for installation of a retention basin to help reduce CSO discharges? (One of the committee members said they had heard that this recently).
5. What legal avenues exist that can be used to move water quality improvement ahead more quickly than the current CSO plans provide for?
6. What can community residents do to help with stormwater runoff?
7. What would be involved in installing bio-swales and retention basins for surface runoff?
8. Will the City's Citizen Advisory Committee only be looking at city-wide issues or will there be discussion of the needs and issues for each of the 13 CSO basins?

Interagency coordination and community involvement: Committee members said they want to see the different agencies talking with each other and with the community. There is a perception that a "silo-ed" approach is prevalent among (and within) agencies. Jeff described that he had met with NYC DEP and that he was told that EPA, DEP, and DEC have been in communication with each other and that there will be a meeting of those three agencies in early December. Committee members said that they appreciate that that is happening and they would, furthermore, like to have the community more informed about those discussions and have greater transparency. A committee member said that the NY-NJ Harbor Estuary Program should become engaged with the Gowanus clean-up, particularly because the Estuary Program is already a forum for interagency coordination. The following requests were made by committee members:

1. Have CAG members (or representatives) be permitted to attend interagency meetings.
2. Have meeting notes or minutes from interagency meetings be made available.
3. Explore how the CAG can enlist technical experts who can act on behalf of the CAG, on an equal basis with technical experts from the city, state and federal agencies. These could be either community members with appropriate technical expertise or volunteers from outside the community, or hired parties.

4. Develop a reading list about the relevant issues.
5. Engage the NY-NJ Harbor Estuary Program.

Engagement between the community and DEP: Concerns were raised about past interactions with DEP in which it was perceived that community input was not responded to in terms of supplying information or considering community interests in DEP planning and/or policymaking. Committee members feel that agencies, as public entities, should adhere to high standards of accountability to the community. There was also concern expressed that people have been told that customized approaches cannot be used for water quality issues in different drainage areas; rather, that measures have to be done city-wide.

In addition to what the committee would like from DEP, the group discussed what CAG members could do to change the dynamic. It was suggested by a committee member that three things have changed (or could change) that would transform the community-DEP relationship to a more collaborative approach:

- The Superfund listing brings a new statutory imperative.
- The CAG brings a new form of community collaboration with neutral facilitation.
- CAG members may need to let go of the past, and its frustrations, and start with a fresh attitude.

In order to move into a more productive mode with DEP, it was said that there needs to be not just dialogue, but engagement. This led to a discussion that for constructive engagement, there may need to be some “rules of engagement”, i.e. methods to create a structured constructive environment.

Jeff related that DEP staff said when he met with them that they are willing to come to the CAG to provide information on DEP’s approach and activities relating to Gowanus Canal water quality. Committee members said that they would like to be sure that DEP provides information that responds to their needs. Jeff said that he thinks there may be an opportunity for this to happen if the committee and the CAG can:

1. Identify the questions that they think need to be answered.
2. Describe their aspirations for water quality in the canal (or the range of aspirations among the group)
3. Be as specific as possible in items 1 and 2 above