



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
National Ocean Service  
Office of Response and Restoration  
Assessment and Restoration Division  
290 Broadway, 26th Floor  
New York, New York 10007-1866

July 10, 2023

Caroline Kwan  
Remedial Project Manager, Newtown Creek Superfund Site  
US EPA, Region 2  
290 Broadway  
New York, New York 10007

BY ELECTRONIC MAIL

Dear Ms. Kwan,

Thank you for the opportunity to provide input to the July 2023 meeting of the United States Environmental Protection Agency's (USEPA) Contaminated Sediments Technical Advisory Group (CSTAG) regarding the proposed early action for the East Branch of the Newtown Creek Study Area. I have reviewed the East Branch Early Action Overview for the CSTAG Meeting No. 3, Newtown Creek Operable Unit 1 – East Branch Early Action—and provide the following comments for consideration by the USEPA:

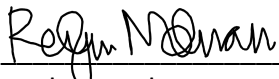
Federal environmental laws charge the Natural Resource Trustees, including the National Oceanic and Atmospheric Administration (NOAA), with a duty to safeguard the nation's natural resources. The Natural Resource Trustees have determined that the release of contaminants into Newtown Creek warrants assessment of injuries to trust resources and restoration of injured resources and the services they provide. The Newtown Creek Trustee Council has initiated a Natural Resource Damage Assessment to address injury from the release of hazardous substances into Newtown Creek and other areas where site-related hazardous substances have come to be located. The services provided by resources impaired by the presence of site-related contaminants may include recreational activities such as fishing, boating, and viewing wildlife; commerce; and ecological functions, such as feeding, breeding, and nursery habitat.

I have been impressed with the USEPA's efforts to navigate the complicated issues surrounding the remediation of Newtown Creek. You have applied considerable dedication and perseverance to the difficult task of identifying areas that can be addressed early in the process and selecting early remedial alternatives when appropriate. Decisions have been based on sound technical rationale with solicitation and incorporation of input from a diversity of stakeholders. Thank you for your careful coordination with NOAA throughout the process. In general, NOAA has supported the USEPA's strategy for investigation and remediation of this important and complicated waterway.

NOAA strongly supports the use of risk-based preliminary remediation goals (PRGs) proposed for the early action in East Branch Creek. Risk-based remediation of Newtown Creek would serve to reduce adverse impacts to fish and wildlife resources, minimize the continued migration of contamination, and allow for meaningful natural resource restoration to be conducted within Newtown Creek. The use of risk-based PRGs in the East Branch early action provides the greatest likelihood that the action will be protective of human health and the environment and create a path to restoration of natural resources at the site as early as possible.

I hope that these comments will be useful to the USEPA in development of the early action for the East Branch. I am interested in working with you on the potential for early restoration in coordination with the proposed early action in the East Branch. As always, if you have any questions or comments or if I can be of support, please do not hesitate to contact me at 206-915-4139.

Sincerely,



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Reyhan Mehran

Regional Resource Coordinator

Northeast and Great Lakes Branch

NOAA Office of Response & Restoration's Assessment and Restoration Division

cc: Kate Barfield, NOAA Office of General Counsel for Natural Resources  
Dan Gefell, USFWS NYFO  
Patrick Foster, NYSDEC Region 2  
Stephanie Vaughan, US EPA Region 2