



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
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NEW YORK NEW YORK 10278-0090

Programs and Project Management Division
Environmental, Interagency and International Services Branch

July 10, 2023

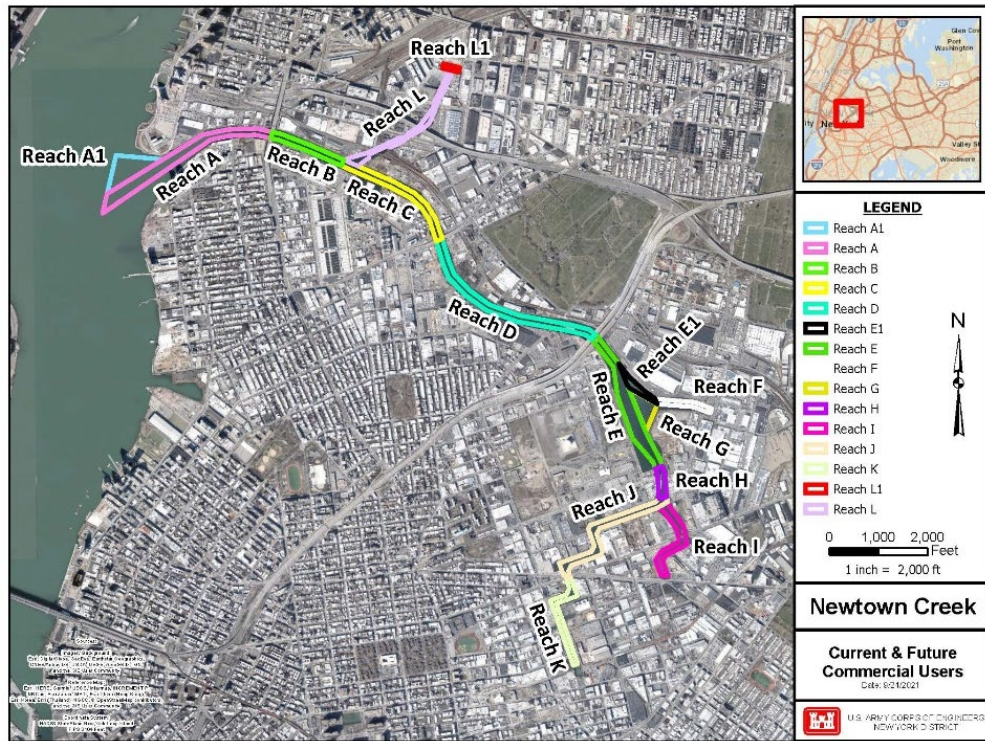
Caroline Kwan
Remedial Project Manager
U.S Environmental Protection Agency
Superfund and Emergency Management Division
Special Projects Branch
290 Broadway, 18th floor
New York, NY 10007-1866

Dear Ms. Kwan,

Thank you for your letter of May 25, 2023, requesting the United States Army Corps of Engineers, New York District (District), provide input on the development of an Early Action Focused Feasibility Study (FFS) of the East Branch area of Newtown Creek. This information is provided to the United States Environmental Protection Agency (EPA) and EPA's Contaminated Sediments Technical Advisory Group (CSTAG) for consideration associated with the Newtown Creek, Operable Unit (OU) 1 Project. The remedial alternatives prepared during the Remedial Investigation/Feasibility Study (RI/FS) must consider current and reasonably anticipated future use of the creek and must comply with numerous regulations and statutes. Specifically, Sections 10 and 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403 and §408) associated with the federally authorized navigation channel must be considered in the development of the remedial alternatives. The reaches within the federally authorized navigation channel within the Newtown Creek OU 1 Study Area are illustrated in Figure 1. The authorized channel depth within these reaches range from 23 to 12-feet.

In August 2019, the USEPA entered into an Interagency Agreement (IA) with the District's Environmental, Interagency and International Services (EIIS) Program to obtain technical assistance in preparing a Commercial Navigation Analysis for Newtown Creek. The Commercial Navigation Analysis outlined commercial users' past, current and future reasonably anticipated use of Newtown Creek's Authorized Channel and presented information that would influence the depth of a future dredging and capping remedial action. The analysis also identified impacts and restrictions to future operation and maintenance dredging of the channel and identified potential opportunities for deauthorization and/or modification to the authorization of the federal channel through future legislation.

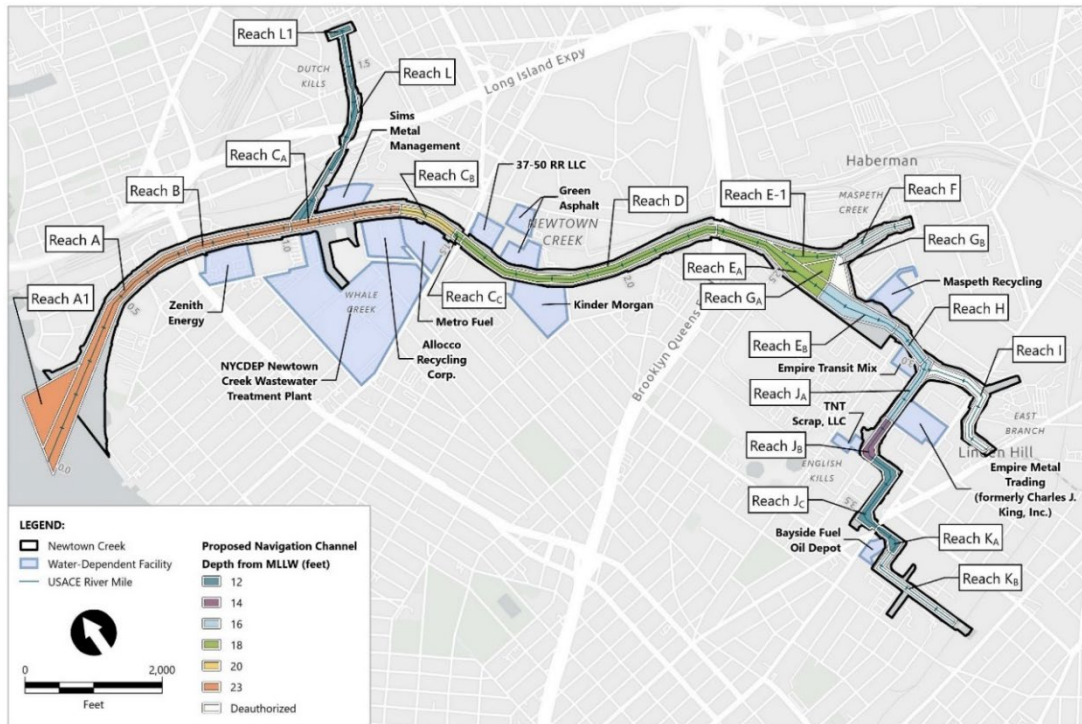
Figure 1: Reaches of the Federally Authorized Navigation Channel



The primary conclusions of the Navigation Analysis (as of November 2022) are illustrated in Figure 2 and indicate:

- The federally authorized channel should not be deauthorized through English Kills to Bayside's facility location (Reach K, Creek Mile 3.65);
- **The federally authorized channel within Reaches I, F and portions of E1, G, and K may be deauthorized since there are currently no commercial users present;**
- Future depths of the authorized navigation channel should not be modified in Reaches A, B and a portion of C up to Creek Mile 1.33;
- Further coordination is needed to finalize the future depth needed in Reach L/L1a; and
- Future depths within remaining reaches (C [portion], D, E, E1 [portion], G [portion], H, J and K [portion]) may be modified based on commercial user's future use and the constructed depth within each reach.

Figure 2: Future Authorized Depths That Would Accommodate Future Use



The most relevant conclusion associated with a potential early remedial action within the East Branch is that the federally authorized channel within Reach I may be deauthorized in the future since there are currently no commercial users present. Deauthorization should be proposed within a Water Resource Development Act (WRDA) and is needed prior to implementation of an early action within the area.

The District appreciates our continued partnership, our ongoing efforts within the EIS Program and USEPA's progress towards the remediation of Newtown Creek. If you have any questions, please feel free to contact me at 646-385-1429.

Sincerely,

Lisa A. Baron

Lisa A. Baron
Project Manager, Civil Works Branch

cc:
Helen Edge, Chief EIS Branch
Richard Gajdek, EIS Branch