

Collins, Scott - FPAC-NRCS, NY

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Thursday, August 8, 2024 2:34 PM
To: Collins, Scott - FPAC-NRCS, NY
Subject: DEC and Niagara County Soil and Water Conservation District Announce Virtual Public Meeting on Aug. 21 for Eighteenmile Creek Area of Concern



DEC and Niagara County Soil and Water Conservation District Announce Virtual Public Meeting on Aug. 21 for Eighteenmile Creek Area of Concern

Meeting will Provide Updates on Restoration Efforts and Opportunity to Submit Public Comments; Comment Period Open Through Sept. 7

The New York State Department of Environmental Conservation (DEC) and Niagara County Soil and Water Conservation District today announced a virtual public meeting from noon to 1 p.m. on Wednesday, Aug. 21, 2024, to update the public about restoration efforts in the Eighteenmile Creek Area of Concern (AOC) in Niagara County and the proposed removal of the Degradation of Fish and Wildlife Populations Beneficial Use Impairment.

The Eighteenmile Creek AOC is located in the town of Newfane, Niagara County, and encompasses the lower portion of Eighteenmile Creek from just below Burt Dam to Olcott Harbor at the outlet to Lake Ontario. The Eighteenmile Creek AOC was designated under the Great Lakes Water Quality Agreement in 1987 because of poor water quality and sediment contamination by former industrial and municipal discharges, waste disposal, and pesticide use.

The Degradation of Fish and Wildlife Populations Beneficial Use Impairment (BUI) was listed as impaired based on an assumption that polychlorinated biphenyls (PCBs) were likely negatively affecting fish populations. After a review of several recent studies to evaluate impacts to fish and wildlife populations in the AOC, DEC and partner agencies determined conditions have improved and now meet the criteria established to remove this BUI and seek public feedback regarding the proposed change in designation.

During this virtual meeting, DEC's Great Lakes Program and officials from the Niagara County Soil and Water Conservation District will provide details and criteria establishing support for the removal of the Degradation of Fish and Wildlife Populations BUI from the Eighteenmile Creek AOC. Niagara County Soil and Water Conservation District, in partnership with DEC, coordinates restoration efforts under the Eighteenmile Creek AOC Remedial Action Plan.

Comments on the draft report and proposed BUI removal may be made at the Aug. 21 event and through the [AOC website](#) or by email at eighteenmilerap@gmail.com until Sept. 7, 2024.

When: Noon to 1 p.m., Wednesday, Aug. 21, 2024.

Where: This is a virtual event. To [participate](#), visit Microsoft Teams.

A draft report, which details the completed actions and assessments supporting the BUI removal, is available for public [review at the Eighteenmile Creek AOC website](#).

For more information about the Eighteenmile Creek Area of Concern, visit:

[Niagara County Soil and Water Conservation District's website](#).

[DEC's Eighteenmile Creek Area of Concern webpage](#).

[The U.S. Environmental Protection Agency website](#).

<https://dec.ny.gov/news/press-releases>

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DEC, Niagara County Soil and Water Conservation District virtual public meeting on Eighteenmile Creek Area of Concern

Submitted

Thu, Aug 8th 2024 10:45 pm

Meeting will provide updates on restoration efforts and opportunity to submit public comments; comment period open through Sept. 7

Submitted by the New York State Department of Environmental Conservation

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A draft report, which details the completed actions and assessments supporting the BUI removal, is available for public review at www.eighteenmilerap.com.

For more information about the Eighteenmile Creek Area of Concern, visit:

- [Niagara County Soil and Water Conservation District's website](#)
- [DEC's website](#)
- [The U.S. Environmental Protection Agency website](#)

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Public hearing scheduled on dropping an Eighteenmile Creek 'impairment' designation

- [Benjamin Joe | ben.joe@lockportjournal.com](mailto:ben.joe@lockportjournal.com)
- 8/13/2024
- Union Sun and Journal- https://www.lockportjournal.com/news/public-hearing-scheduled-on-dropping-an-eighteenmile-creek-impairment-designation/article_be41b044-58da-11ef-ad32-6b75e7a9bd3d.html

Eighteenmile Creek is slated to shed an “impairment” designation following a virtual public hearing.

The state Department of Environmental Conservation has proposed dropping the Degradation of Fish and Wildlife Populations Beneficial Use Impairment (BUI), having determined that “species are not in danger for living in the Eighteenmile Creek,” said Scott Collins, remedial action plan coordinator for the Niagara County Soil and Water Conservation District.

The stretch of the creek from the Burt Dam north to Lake Ontario is a designated Great Lakes Area of Concern. There are 43 listed areas of concern in the Great Lakes Basin where pollution from past industrial production and waste disposal caused “significant ecological degradation,” Collins said. Fourteen BUIs were created to measure “poor chemical, physical or biological integrity of the Great Lakes system.”

Of the BUI that’s to be shed, Collins said it has been determined that the level of PCBs in the creek will not kill fish or animals. He cautioned that human consumption of fish caught in the creek remains a concern, however, due to higher concentrations of PCBs from the Burt Dam north to Olcott.

To remove a BUI, criteria set by a local remedial advisory committee must be met. Collins said the conditions are whether fish community metrics are similar to other sites as well as how the metrics of worms and crustaceans living in the creek compare to other sites. PCB concentrations in fish tissue must also be below “acute toxicity” levels.

The virtual public hearing on removing the BUI will be held from noon to 1 p.m. Aug. 21 on Microsoft Teams. A link can be found at [eighteenmilerap.com](https://www.eighteenmilerap.com). Comments on the matter must be submitted by Sept. 6, by mail to Niagara County SWCD, 4487 Lake Ave., Lockport, NY 14094 or by email to eighteenmilerap@gmail.com.

The Eighteenmile Creek Area of Concern is also part of the Eighteenmile Creek Corridor Superfund site, which includes the entire main stem of the creek from lowertown Lockport to Olcott.

A step forward for Eighteenmile Creek and the Great Lakes

- 8 hrs ago, 8/22/2024
- https://www.lockportjournal.com/opinion/a-step-forward-for-eighteenmile-creek-and-the-great-lakes/article_55255454-5fe6-11ef-871b-bfce7933cafa.html

The Eighteenmile Creek Area of Concern may soon lose an impairment designation, a sign of progress — albeit slow progress — in the decades-long effort to clean up a toxic hot spot in the Great Lakes Basin.

Through Sept. 6, the Niagara County Soil & Water Conservation District is accepting public comments on the state’s proposal to drop the “Degradation of Fish and Wildlife Populations Beneficial Use Impairment” attached to the Eighteenmile Creek Area of Concern, which covers 11 miles of the creek from lowertown Lockport north to Olcott where it spills into Lake Ontario.

In Great Lakes areas of concern, Beneficial Use Impairments (BUIs) signify chemical, physical or biological problems caused by pollution. The culprits in the Eighteenmile Creek Area of Concern are legacy PCBs and heavy metals, and they’ve been the source of five BUIs in recent years. One, which restricted dredging in the creek, was lifted in 2020. Supposing the degradation of fish and wildlife BUI is lifted — because comparative studies suggest PCB levels in the creek are no longer high enough to kill fish and wildlife — three impairments will remain: bird or animal deformities or reproductive problems, degradation of benthos (the flora and fauna populating the creek bottom), and restrictions on consumption of fish and wildlife. The latter impairment is significant considering the creek is a sportfishing hot spot, hence it’s a driver of local tourism and economic development. The other impairments aren’t insignificant, though. Now more than ever, we’re all at least generally aware of the role that the physical environment plays in human health and wellbeing. Bottom line, a sick environment — a damaged ecosystem in which native birds, fish, wildlife and/or plants can’t survive or thrive — eventually brings harm to people, physically or economically.

Eighteenmile Creek was listed as a Great Lakes Area of Concern in 1987, almost 40 years ago. Getting it delisted has always meant getting it clean enough that it can lose all BUIs. That’s a complex and costly proposition. In 2011, the cleanup tab was ballparked at \$25

million, closer to \$50 million if the old Flintkote industrial property in lowertown — which was known to be a main source of PCBs downstream — was included.

A decade later, although they're technically separate, the boundaries of the Eighteenmile Creek Area of Concern and the Eighteenmile Creek Corridor U.S. Superfund site are roughly the same, and the cleanup tab hovers around \$230 million, so far. Thankfully, there's no required local "match" on that, it's all on Uncle Sam.

It's a strange thing to appreciate, perhaps, but incorporation of the Eighteenmile Creek Area of Concern into the more ominous-sounding Superfund site in 2012 essentially guaranteed its eventual rehabilitation. The U.S. Environmental Protection Agency previously projected a Superfund site remediation finish date of 2030. That may be overly optimistic, considering the plan of attack has been tweaked as more data is collected, the price only goes up over time and the funding depends on Congress, but surely another 40 years won't go by with the restoration of Great Lake Ontario still To Be Determined. Back to those BUIs, two down since 2020 leaves three to go, suggesting the healing of Eighteenmile Creek is almost half complete already.