



December 17, 2021

Gerald Pratt
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233
Sent via email

Comments Regarding Equity Works Former MGP (Site No.: 224050)

To Whom It May Concern,

We welcome the opportunity to provide comments on the New York State Department of Environmental Conservation (NYSDEC)'s proposed Interim Remedial Measure (IRM) for the expedited cleanup of the former Equity Works Manufactured Gas Plant (MGP) site at 222-224 Maspeth Ave. **We support the cleanup and remediation of former MGP sites across the state, but have some concerns about the methods selected, and the long-term stability and environmental safety of these cleanups.** We look forward to your responses to our inquiries, and those from our fellow community members, in hopes that we may all rest assured that this cleanup will be sufficient to “eliminate the threat”¹ posed to our community by the carcinogenic coal tar that is present at the site. Given how historic and ongoing water quality issues continue to threaten the health of those that live near, work along, and recreate on Newtown Creek we feel very strongly that New York State needs to take steps to strengthen existing standards, not weaken them.

The Newtown Creek Alliance (NCA) is a community-based organization dedicated to restoring, revealing and revitalizing Newtown Creek. We partner with local groups, individuals, and commercial and industrial community members with the goal of ensuring the improved health of Newtown Creek and its surrounding communities. We are actively fighting for environmental justice and equity for our community, centering the cleanup of existent contamination and cessation of illegal dumping to promote human and ecological health. In this capacity, we have a number of concerns, questions, and recommendations for the remediation of this project and MGPs going forward that this letter will outline.

The proposed IRM seeks to leave nearly 60%² of the known-contaminated soil on site, suspended in a “low strength concrete monolith” underground through in-situ stabilization, a commonly-used remediation technique (according to Michael Gardener, the engineer of record on this project)³. Leaving contaminants on site in a concrete block does not undo the damage that has been done to the soil and water, but it could slow or stop the continued contamination from the migration of the mobile NAPL if

¹ Stated goal of Inactive Hazardous Waste Disposal Program: *DEE-11: Inactive Hazardous Waste Disposal Sites Enforcement Policy*. Dec 10, 1984. Albany, NY. [Accessed online.](#)

² 12,800cy (approx. amount of soil to be stabilized by ISS) / 21,400cy (estimation of total impacted soil derived from 8,600cy estimated soil to be excavated and disposed of off-site + 12,800 from the numerator) = .589 or 59.8%. Numbers derived from Oct. 2021 factsheet.

³ Public Meeting, November 18, 2021.

the block remains intact. This “remediation” follows in a long line of cleanups that seek simply to meet a minimum standard without actually remedying the environmental damage done to the surrounding area through a longer, more involved, and more expensive decontamination process.

As an environmental organization with a strong focus on the health and remediation of the Creek, we are greatly concerned with the impact ISS-monoliths will have on the flow of groundwater so close to the Creek. The land surrounding Newtown Creek, a federal Superfund site, has been under heavy industrial use for over 170 years. As a result, there are many lots along the Creek and in its watershed with heavily contaminated groundwater and soil requiring cleanups. Zooming out to look at the entire Newtown Creek Watershed, we are concerned that there will be many underground masses of contamination suspended in concrete—essentially creating a disjointed, underground wall blocking the flow of water to the Creek. We do not support the creation of more impervious structures that will limit the flow of water back to the Creek, and request that the improved health of surrounding waterways be a primary factor in designing remediation plans in the future.

This waterflow concern, however, assumes the intactness of the ISS-structure. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)’s Long Term Monitoring (LTM) for similarly contaminated sites allow for a project’s lifecycle to be deemed complete and the site closed out at the 10-year post completion mark. Given that the land beneath our feet is never still, it cannot be guaranteed that the contaminants suspended on-site in a concrete block will remain suspended long term⁴. We believe that the sampling efforts, so soon after the project’s completion, are an inadequate measure of the actual long-term stability of a remediation project. We ask how DEC accepts 10 years of monitoring as adequate to ensure human- and environmental-health are being protected by the stabilized mass? How do DEC and EPA define long-term, and how did you determine it?

In addition to these above concerns, we would like to pose the following questions:

1. What went into determining that this site was designated a Class 2? What are the differences in remediation standards between the two sites, and why do those differences in remediation standards exist for sites that all contain hazardous waste known to represent a significant threat to human health⁵ or the environment? Will the contaminants be cleaned up to levels that would allow unlimited use of and unrestricted exposure to the site?
 - a. Relatedly, what are the differences in cleanup standards for a property in commercial use? What happens in the event of a change in land use? The nearest residential home is 528 feet away from the Site at the corner of Morgan and Maspeth; are the commercial cleanup standards safe for a residential area?
2. How is DEC taking into account the rise in groundwater-tables (an issue exacerbated by Climate Change) when designing remediation plans for floodplain sites?
3. What is required of the new backfill soil so that it meets the site’s Soil Cleanup Objectives?

⁴ Let’s say long-term is double the average life expectancy of a child born in the United States today, or 157 years.

⁵ As coal tar constituents from MGP sites contain volatile organic compounds (VOCs) such as benzene, toluene, ethylbenzene and xylenes (BTEX); semi- volatile organic compounds (SVOCs) as polycyclic aromatic hydrocarbons (PAHs); and cyanide that are incredibly dangerous for human health. VOC and SVOCs are present site-wide in soil and groundwater.

4. How will the four coal tar recovery wells (to be installed below the former gas holder) be monitored? What will happen to them as they fill?
 - a. What happened to the NAPL in the ~23 recovery wells installed in 2013? Will they, and/or their contents remain in the ground? If so, how has it been determined that leakage will not occur?
5. Describe the Community Air Monitoring Plan (CAMP), the sites from which air quality will be monitored, and the selection process for those sites.

We propose these questions and critiques of the selected remediation practice to support the further development of clean, long-term effective remediation strategies. We support the Inactive Hazardous Waste Disposal Sites Program's goal to take action to "eliminate the threat[s]" posed to human and environmental health, but do not believe that ISS will be fully sufficient. As such, we have a number of recommendations.

Recommendations:

1. As was proposed during the virtual meeting on November 18, we support the recommendation from community members that information about the remediation project also be distributed physically/by mail to neighbors (industrial, commercial and residential) within a reasonable radius of the project site. We recommend including locations of physical-document archives, and other remediation related information be included in the notice. Those throughout the neighborhood should be made aware of the project's scope of work and the duration of their potentially changed air quality, similar to a mosquito spraying evening-announcement. We appreciate the work done already to virtually spread the word about this plan, and believe the supplementation of this work with hard-copy notices will do a more complete job of informing the community of this project.
2. Due to the site's close proximity to the Newtown Creek Superfund site, and its location within the Creek's watershed, we ask that this cleanup will be conducted in close coordination with the EPA Superfund team with updates provided to the Newtown Creek Community Advisory Group (CAG).
3. We have concerns that the proposed solution will require further fixing beyond installation. We ask that toxic pozzolans are not added to the ISS concrete mixture.
4. During the public meeting it was mentioned that part of the process will involve the removal, and reinstallation of the concrete slab covering much of the site. We request that permeable pavement be used, and de-paving be considered.
5. To further the science of environmental remediation, we request the public-accessibility of post-remediation monitoring and sampling data. We would like to see this project and others like it studied to monitor, and better understand the long-term stability of remediation techniques such as ISS. Additionally, we recommend the DEC invest in studying bioremediation techniques for future remediation projects.
6. We ask that air monitoring take place off-site regularly at least within a 1-block radius of the site, with sensors at both the Olive St. and Morgan Ave. ends of Cooper Park for the duration of the project.



In closing, we thank you for your time in considering these comments. We look forward to working with all involved agencies to find solutions that ensure projects with the stated goals of improving environmental conditions are executed in a truly responsible and sustainable manner while not creating adverse impacts to the surrounding communities.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Elkins", written over a white background.

Willis Elkins
Executive Director
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CC:

Brooklyn Community Board 1
NYS Assembly Member Emily Gallagher
NYS Assembly Member Mariza Davila
NYS Senator Julia Salazar
NYC Council Member Elect Lincoln Restler
NYC Council Member Elect Jennifer Gutierrez
Brooklyn Borough President Elect Antonio Reynoso
US Congress Member Carolyn Maloney
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