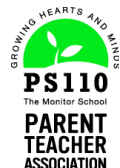




NORTH
BROOKLYN
PARKS
ALLIANCE



North Brooklyn Boat Club



November 19, 2018

Bryan Wong
Division of Environmental Remediation
New York State Department of Environmental Conservation
47-40 21st Street
Long Island City, NY 11101

RE: Comments on the NuHart Superfund Site Proposed Remedial Action Plan (PRAP)

Dear Mr. Wong:

On behalf of North Brooklyn Neighbors (NBN), New York Lawyers for the Public Interest, Newtown Creek Alliance, North Brooklyn Boat Club, North Brooklyn Parks Alliance, PS 31 Parent Teacher Association, PS 34 Parent Teacher Association, PS 110 Parent Teacher Association and other citywide and statewide environmental health, environmental justice, and community-based organizations, we are writing to comment on the Proposed Remedial Action Plan (PRAP) for the NuHart Superfund hazardous waste site in Greenpoint.

We wanted to take this opportunity to raise some key issues, which we think are essential in finalizing the remedy as DEC and the developer move into creating a more detailed clean-up plan. We appreciate the opportunity to provide this feedback and for DEC's work to ensure public participation during the Superfund process.

We strongly support the proposed remedy, which is the most health protective and environmentally preferable clean-up option evaluated in the PRAP. We applaud the DEC for selecting this remedy and support DEC moving forward with it for the Record of Decision.

We strongly recommend DEC work with elected officials, City and State government agencies, and other stakeholders during the demolition of the buildings, remediation of the soil and groundwater, and construction of new structures to ensure the following concerns are meaningfully addressed:

- **Expediently and comprehensively clean up phthalates and TCE plume.** Comply with unrestricted residential use clean-up standards so that on-site contamination achieves "pre-release" conditions. The TCE plume should also be cleaned up to unrestricted residential use standards. This is important as young families with young children are likely to move into the building when complete;
- **Expediently and comprehensively clean up off-site phthalates plume.** Design monitoring wells to minimize community impacts while ensuring timely and extensive cleanup of the off-site contamination. For example, off-site contamination should be extracted and or remediated out of the public right of way, within the boundaries of the existing property. The off-site plume should

be cleaned up to “pre-release” conditions and, to the greatest extent feasible, unrestricted residential use standards;

- **Off-site TCE vapor intrusion.** DEC, the New York State Department of Health and other parties must ensure that the off-site TCE contamination is cleaned up as soon as possible. Given the likelihood that this chemical is migrating into buildings across the street from the site, possibly posing health risks to workers, including sensitive populations such as women of childbearing age, this is especially urgent. DEC and DOH should continually reach out to these businesses and workers with the aim of conducting indoor air and sub slab air sampling to evaluate the presence of TCE particularly before, during, and after the remediation to ensure that workers and other stakeholders are meaningfully protected and that any TCE vapor intrusion is mitigated and eventually eliminated;

- **Community participation during the cleanup process.** DEC should work with the developer to create a website and other public communication tools to share ambient air monitoring and other environmental data in real-time during the clean-up. We recommend the developer and DEC work together to also create a regular e-mail and print newsletter to share updates on the clean-up process. NBN stands ready to assist DEC in disseminating such a newsletter to the community;

- **Regular ambient air monitoring** should be taken across the site, and in adjacent areas to ensure TCE, phthalates, excessive particulate matter, and other relevant compounds are not being released into the community;

- **Odor control** is necessary to ensure that nearby residents are not unnecessarily exposed to substances that could trigger asthma attacks or other health problems;

- **Independent third-party monitor.** We support the recent recommendations of residents who have requested an independent third party on-site monitor during the Superfund clean-up. On-site monitors have been used at other industrial sites around the state, like Tonawanda Coke and Eastman Kodak in Western New York;

- **Off-site contamination should not be disturbed** during demolition and building construction, in particular, the TCE and phthalates plumes;

- **Dust needs to be controlled as effectively as possible** going beyond even basic regulatory requirements. The community is asking for constant cleaning and watering down of dust beyond what is required to prevent dust impacting nearby streets, homes, apartments, the park, etc. Trucks need to be washed down thoroughly before driving on neighborhood streets. Decontamination pads should be built in order to prevent tracking dirt into the streets. There should also be on-site water and storm water control and management plans. If trucks are being washed, we don't want to create conditions where runoff is created during wet or dry weather conditions;

- **Minimize truck route on residential streets.** Design truck routes to ensure the least impact to community residents and businesses, especially on residential streets like Dupont Street, Clay Street, and neighboring blocks;

- **Adequate parking.** Ensure that workers and eventual building residents have adequate parking so that existing community residents also have enough parking during the clean-up;

- **Reduce noise and vibrations** using best available control technologies (for example, polymer blocks could be considered during pile driving);
- **Avoid weekend work at the site.** Any work done on weekends, if absolutely necessary during the clean-up, should not be noisy, a significant disturbance or nuisance to neighbors or park goers;
- **Monitor nearby buildings for cracks** and other signs of stress caused by demolition and construction activities, and;
- **Humane relocation** of cat, opossum, raccoon colonies and other urban wildlife, and integrated pest management (IPM) practices must be pursued, as well as garbage on the work site minimized, to reduce the chances of rodent and other infestations.

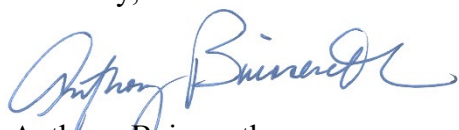
In sum, we strongly recommend DEC minimize possible off-site impacts during the demolition, clean-up, and redevelopment of this site, even going beyond basic regulatory requirements.

This is critically important given that this site is located in a community that has been historically, and continues to be, overburdened by multiple sources of toxic pollution, which may cumulatively and synergistically pose real health risks to sensitive populations such as infants, young children, elders, immigrants and environmental justice populations. Furthermore, some chemicals that have historically been released into the community from this facility, like phthalates, are hormone-(endocrine) disrupting chemicals that can be dangerous even at very low levels of exposure.

We thank you for considering our comments and appreciate the opportunity to share our perspective.

We look forward to your response and continuing to work with DEC as this process moves forward in the months and year(s) ahead to ensure robust community participation.

Sincerely,



Anthony Buissereth
Executive Director
North Brooklyn Neighbors



Christine Appah (Nov 19, 2018)
Christine Appah
Senior Staff Attorney
New York Lawyers for the Public Interest



Willis Elkins
Executive Director
Newtown Creek Alliance



Dewey Thompson (Nov 19, 2018)
Dewey Thompson
Founder & Board Member
North Brooklyn Boat Club



Joe Mayock
Executive Director
North Brooklyn Parks Alliance


Jennie Stoneburner Ward (Nov 19, 2018)

Jennie Stoneburner Ward
Co-President, Parent Teacher Association
PS 31 Samuel F. Dupont School


Jane Lea (Nov 19, 2018)

Jane Lea
Co-President, Parent Teacher Association
PS 34 Oliver H. Perry Elementary


Erica Young (Nov 19, 2018)

Erica Young
President, Parent Teacher Association
PS 110 The Monitor School

cc: Congresswoman Carolyn B. Maloney
12th District, New York

State Senator Martin Malavé Dilan
18th District, New York

Assemblyman Joseph R. Lentol
50th District, New York

Council Member Stephen Levin
33rd District, City of New York

Ms. Julia Salazar, State Senator-elect
18th District, New York

Mr. Steven Zahn
Director – Region 2
NYS Department of Environmental Conservation

Ms. Dawn Hettrick, P.E.
Public Health Engineer, Bureau of Environmental Exposure Investigation
NYS Department of Health

Mr. Rick D. Chandler, P.E.
Commissioner, NYC Department of Buildings

Mr. Mark McIntyre, Esq.
Director, NYC Office of Environmental Remediation

Ms. Dealice Fuller
Chairperson, Brooklyn Community Board 1

Mr. Yoel Goldman
President, All Year Management

Mr. Musa Moore
CEO & President, M.O.O.R.E. Corp