

May 11, 2020

Douglas MacNeal  
NYS Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233

**RE: Comments on the Proposed Remedy for Nassau Works Manufactured Gas Plant Site**

Dear Mr. MacNeal:

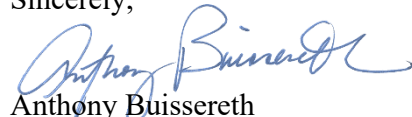
We appreciate the opportunity to share our feedback, comments and concerns about the Proposed Remedial Action Plan for the contamination at the Nassau Works Manufactured Gas Plant site. We believe the questions and concerns outlined below must be clarified before the plan is approved:

- The last time that surface water quality was assessed in the Wallabout Channel Barge Basin was in the Fall of 2000 – 20 years ago. The report does make mention that the time gap exists “due to the tidal exchange and combined sewer overflow effluents...which continue to occur.” However, this is not sufficient reason to fail to do everything possible to accurately assess water quality. In essence, the report argues that because one environmental and health harm is in the neighborhood, the responsible party is not culpable for any impact that interacts with that harm - a ridiculous argument. It is imperative that we have accurate, timely information and not rely on information that is decades old.
- While it appears that many decisions regarding the coal tar recovery wells are yet to be determined, it is important to note that North Brooklyn sewers typically operate at or beyond capacity, resulting in combined sewer overflow (CSO) into the surrounding water bodies on a regular basis. North Brooklyn Neighbors would therefore recommend that any discharge from coal tar recovery wells to the sewer system be made at a time and place that is unlikely to risk contributing to CSO.
- This site is located in an area that is very susceptible to floods, indeed it was inundated in 2012 during Superstorm Sandy. There is no mention in the PRAP of any specific precautions that will be considered because of its location. While the report states that the cover on the site prevents human exposure, it needs to be clearly outlined how contaminants will be prevented from entering the Wallabout Channel and thus the East River should a flood occur during remediation.
- The report states that, “Site related coal tar impacts beneath the Wallabout Channel Barge Basin were observed at depths greater than 20 feet below the mudline of the channel,” with no further discussion of this topic. Will the coal tar recovery wells be employed for this contamination? NBN believes that this contamination, likely from the MGP operations, should also be cleaned up to the extent that it is feasible.

- This site is also across the street from a playground and in close proximity to a ballfield. Nowhere in the analysis is there mention of the close proximity to children nor is there mention of a Community Air Monitoring Plan. Is there any risk of remediation activities causing exposure risk through air beyond soil vapor intrusion?
- Assessment of water quality was done, but to what standard? As the East River and its offshoots are improving in quality, residents are beginning to discuss the possibility of using the area as a place for swimming. With an eye on the not-so-distant future, NBN recommends that any cleanup is done to a standard that would allow for this type of recreational use.
- National Grid, the responsible party, has asked for a rate hike approval from the Public Service Commission. One of the reasons for the rate hike is because of the cost of their environmental remediation efforts. It is unconscionable to ask the community to pay for the cleanup through rate hikes when the company (or its predecessor) made money off these environmental harms. While NBN understands the need to ensure that the cleanup is safe, protective of human and environmental health and is also financially feasible, we point out to show that National Grid continues to be a bad actor in some respects and the DEC should ensure that as a responsible party, National Grid does not pass the cost of this cleanup to ratepayers.

Thank you for considering our comments and appreciate the opportunity to share our perspective. We look forward to your responses.

Sincerely,



Anthony Buissereth  
Executive Director



Lael K. Goodman  
Environmental Justice Program Manager