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NYSDEC  
47-40-21st Street  
Long Island City, NY 11101

NuHart East Proposed Site Brownfield Cleanup Comments from North Brooklyn Neighbors

July 13, 2022

Dear Mr. Wong,

Thank you to DEC for the opportunity to submit public comments on the proposed remediation of the site known as NuHart East. We are encouraged to know that the remediation aims to address existing contamination to bring the Soil Cleanup Objectives (SOC) to the level of Unrestricted Residential Use, the highest cleanup possible through the Brownfield Program.

The comments below address specific questions and concerns we wish to raise before the remediation is underway. We look forward to your agency's response and to a final remedy all parties support, the surrounding community in particular. Our comments are as follows:

1. **Section 1.3** lists only schools and daycares in the sensitive receptors section. However, why, for example, is the senior living facility not listed, or proximity to Greenpoint Playground and the nearby Barge Park? According to the EPA, "Sensitive receptors include, but are not limited to, hospitals, schools, daycare facilities, elderly housing and convalescent facilities." Why is there only a partial list? This does not engender confidence in the thoroughness of the job done assessing risk.
2. **Section 2.5.1** states that, "...receptors would only include construction/maintenance workers that may be employed to perform work on the property and exposure routes would include direct contact activities and/or inhalation of soil vapor during ground intrusive activities." However, it also states that "In addition, residents or employees in off-Site adjoining buildings may be exposed to soil vapors." Why would these potential receptors not be included in the initial list? Instead, the section should state that receptors would include construction/maintenance workers and residents/employees in off-Site adjoining buildings.
3. **Section 2.5.4** states, "Under the proposed future condition (after construction/ remediation), residual contaminants may remain on-site depending on the remedy....In most instances, these exposures can be mitigated through the use of engineering controls, including, soil vapor extraction, placement of asphalt, and construction of vapor barriers or sub-slab depressurization systems in existing or newly constructed buildings; proper soil/fill management during intrusive

activities; and PPE.” However, the “Can be” is different from “will be.” Please clarify, will these exposures be mitigated completely in the event that residual contaminants remain on-site?

4. **Section 3.3.3** states that “A post-construction SVI evaluation would be implemented to evaluate potential for vapor intrusion into the on-Site building.” This is good, but what about evaluation for off-site buildings? As stated in Section 2.5.1, “residents or employees in off-Site adjoining buildings may be exposed to soil vapors,” it is important to conduct a SVI evaluation in the nearby off-site areas as well. In looking through previous documents, it is clear that DEC asked for further soil vapor intrusion testing to be done back in 2014 (see [Remedial Investigation](#)). However, what sort of outreach was done to nearby building owners? The potential for dangerous vapors to be in nearby buildings should have initiated outreach beyond simple mailings requesting access. Was in-person door knocking done? What will be done this time to ensure that nearby buildings are not experiencing soil vapor intrusion? Again, this type of outreach needs to be more in depth than mailings, as residents or other tenants who have the potential to experience harm from SVI may not receive mailings sent to property owners.
5. **Section 3.4.4** states only that “As per the “Potential Environmental Justice Areas in Northern Brooklyn, Kings County, New York,” the Site is in a potential Environmental Justice area. NYSDEC’s Office of Environmental Justice (OEJ) acts as an advocate on behalf of these areas, which are disproportionately affected by environmental burdens.” This is not an analysis of any kind that truly considers environmental justice in the area. The OEJ should weigh in. There should be an assessment of race/income/and the federal Superfund site just 2 blocks away. This section has not been fully filled out or appropriately considered. For example, according to the [EPA mapper](#), this area is in the 90-95th percentile for diesel particulate matter. What additional precautions are being taken to alleviate the burden of additional trucks, beyond what is already mandated, such as using truck routes?
6. **Section 3.4.11** states that “According to the FEMA Preliminary Flood Insurance Rate Map (FIRM) dated 5 September 2007 (Map Number 3604970091F), the Site is not located in a floodplain.” However, that is not a recent tool. Referencing the NYC Flood Hazard Mapper has a layer from 2015 as well as a layer that outlines the future floodplains of the 2020s, and this site falls squarely within the floodplain. As we are in the 2020s, it is important that the remediation takes clear measures to address future flooding and include a plan and mitigating measures in the event an inevitable flood should happen.
7. **Section 4.3.8** covers the Truck Inspection Station. While the language seems to indicate that all contaminated soil will be cleaned before leaving the site, “An outbound-truck inspection station will be set up at or near the Site exit. Before exiting the Site, trucks will be required to stop at the truck inspection station and will be examined for evidence of contaminated soil on the undercarriage, body, and wheels. If observed, soil and debris will be removed. Brooms, shovels, and potable water will be utilized for the removal of soil from vehicles and equipment, as necessary,” there is then language about what to do with the soil that is tracked off site, “The Contractor is responsible for collecting soil that is tracked immediately off-Site and returning the

soil to the Site.” Given the proximity of neighbors, it is unacceptable that any soil will be tracked off site. Why is this a possibility?

8. **Section 4.4.1** says daily summaries will be sent to NYSDEC and NYSDOH project managers. In the interest of transparency, these daily summaries should also be posted publicly.
9. **Section 4.4.4** details the response procedures to complaints. However, it says that, “A representative of the Volunteer will reply within two weeks of receipt to the complaint provider to ensure resolution.” Two weeks is much too slow for a response, especially if a community member is in fear for their health. We would instead ask that an initial response be required within 24 hours.
10. **Section 5.4.4** states that “Trucks will be prohibited from excessive stopping and idling in the neighborhood outside of the Site.” While excessive is not defined here, we would suggest that anything beyond 3 minutes be considered excessive, in compliance with NYC idling laws. In addition, every measure should be taken to ensure trucks are not queuing around the site during non operational hours.
11. **From 6/21/22 presentation:** The presentation from the DEC showed that amounts of both TCE and phthalates have been found in NuHart East, originating from the materials that are contained in the Superfund site, aka NuHart West. According to the [DEC presentation](#) TCE was found in a well in 2014, (~34:50) and it was “not surprising” to have found some levels in NuHart East. Additionally, there has been detection of the phthalates (~35:50) in the groundwater at NuHart East as well at levels above groundwater standards. While groundwater here is not used for drinking, this leakage shows that contaminants from the Superfund site are migrating to the Brownfield site. If the remediation of the Brownfield is completed first, there is still a possibility that with the source materials still in place, NuHart East may be recontaminated. We ask that measures be put in place during the Brownfield remediation of NuHart East to prevent recontamination of the site and that comprehensive monitoring of the site be done after the Superfund remedy is in place to ensure there has been no migration of contamination onto the site.

Sincerely,



Lisa Bloodgood  
Interim Executive Director  
North Brooklyn Neighbors