



April 18, 2024

Jennifer Gonzalez, Project Manager
NYS Dept. of Environmental Conservation
Division of Environmental Remediation
47-40 21st Street
Long Island City, NY 12233
(718) 482-4508
jennifer.gonzalez@dec.ny.gov

RE: Comments on the NuHart Superfund Site Proposed Record of Decision Amendment

Dear Ms. Gonzalez:

On behalf of North Brooklyn Neighbors (NBN), we are writing to comment on the Proposed Record of Decision Amendment for the NuHart Superfund hazardous waste site in Greenpoint.

Given the amendment, we have some comments and concerns regarding the site moving forward and appreciate the opportunity to provide feedback.

- While the previous remedy would have removed all contaminants from within the footprint of the site, the *in-situ* solidification/stabilization (ISS) procedure allows contaminants to remain on-site. We believe therefore that it is imperative that the information on remaining site contamination be included in the site deed restriction.
- We are concerned that the concrete may start to deteriorate in such a way that would allow the contamination previously bound to once again get into the water table. Because this concrete will be below the water table, the time period for the degradation of Type III Portland cement should be longer than the entire lifespan of the building atop it. If there is degradation, how will that be addressed to ensure the toxic contaminants are not reintroduced to the environment?
- Given that this new remedy leaves an appreciable amount of contamination in our community, we request that there be a review of alternative treatment methods

every 5 years to evaluate whether there is a more health and environmentally protective alternative or treatment that becomes available in the future.

- We want to ensure that this new amendment does not increase the public health risk. Does this new treatment meet health standards at or below the 1 in a million cancer risk?
- ISS was covered in the 2017 Feasibility Study Report. In that report on page 4-33, it states, "This remedy further takes a relatively immobile plume and makes it slightly less immobile. The ISS option does not remove source material and once completed, would render the phthalates unrecoverable." Making the plume "less immobile" or more mobile seems contradictory to the goals of the operation. It is very concerning that ISS would make the plume more likely to move and in doing so would pose a greater threat to the community and the environment. Was this a mischaracterization or a typo? Please clarify.
- In general, we are very concerned with the way that this process has unfolded. This has been a public comment period in name only. It seems as though the profits of the developer have been privileged over mandated community involvement. We have been invited to comment on a remedy that has already been completed.

While Madison Realty has taken this on "at risk," the idea that all the concrete blocks that have been created deep in the ground would be dug up is not only extremely unlikely, but if it were to happen, it would strain the neighbors with noise, additional machines, labor, and trucks. This was a short-sighted decision by the DEC to allow this development to proceed. While there has been real public engagement by holding meetings, it does not feel as though the community actually had an opportunity to provide input into the process.

At the public meeting held April 10, 2024, it was stated that the reason that the digging could not go deeper was because of the stability of neighboring buildings. However, the Proposed Record of Decision Amendment states that, "However, to implement deeper excavation to satisfy requirements of the original remedy (to a depth of 25 feet) would require the design and installation of a new, deeper cutoff wall/support of excavation, *which would require destruction of existing foundations on the eastern portion of the site.*" To learn through reading the document that the major damage would be to the building that was recently built was yet another reason to be concerned about the process here. Previously there was much discussion about allowing the eastern building to be built before the remedy on the western part of the site was completed. This is exactly the type of reason why. Because the DEC allowed the developer to push for speed in allowing the building to begin before the entire site was remediated, we now will have contamination remaining in our community. This is yet another example of the DEC putting the budget and timetable of MRC ahead of the health and safety of the community. We are extremely disappointed with how this has played out.

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,

A handwritten signature in black ink that reads "Paul K. Goodman". The signature is written in a cursive, flowing style.

Director of Environmental Programs
North Brooklyn Neighbors