

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, NY 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

December 7, 2020

Mr. Pat Evangelista
Division Director
Superfund and Emergency Management Division
USEPA Region II
290 Broadway, 19th Floor
New York, NY 10007-1866

Dear Mr. Evangelista:

Re: Statements Made by EPA Gowanus Canal Project Manager
Gowanus Canal
NYSDEC Site No. 224133
Brooklyn, NY

This letter is a follow-up to our recent telephone discussion regarding specific comments made by the EPA's Gowanus Canal Project Manager (EPA PM), Christos Tsiamis, during the Community Advisory Group's (CAG's) December 1, 2020 Monthly Meeting. The EPA PM's comments were related to the CAG's recent resolution, which requests EPA conduct a technical review of the NYSDEC's remedy for the Carroll Gardens/Public Place Former MGP Site. Without prior consultation with NYSDEC, nor allowing NYSDEC representatives attending the meeting to respond, the EPA PM conducted a verbal technical review of the NYSDEC remedy and stated that the DEC PM was not as knowledgeable as the EPA PM. This unprofessional conduct is not only inappropriate but dangerous, as it publicly questions the sound remedial program that NYSDEC has rightly determined, with EPA concurrence, will protect public health and the environment at the Carroll Gardens/Public Place Former MGP Site. I hope you will agree that such flippant, unsubstantiated statements have no place in a public forum where public servants from coordinating state and federal agencies are providing factual information to the public.

During the EPA PM's verbal technical review of the remedy for the MGP site, the following critiques and inaccurate comments were made, including a statement that the current NYSDEC PM does not have sufficient history on the site to provide a response to the CAG's comments. The EPA PM:

- Stated that NYSDEC was turning the responsibility for oversight/implementation of the remedy over to NYC OER/developers;
- Implied that the selected remedy may not be sufficient for the proposed future use;
- Implied that the remedy may not be protective of human health or the environment;



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- Incorrectly stated that the 2007 remedy required an impermeable cover two feet below grade to prevent infiltration;
- Incorrectly stated that the 2007 remedy required two water treatment systems to treat rainwater;
- Incorrectly stated that the 2007 remedy required “wing walls” along 5th Street and Huntington Street to prevent coal tar migration;
- Questioned specific elements of the remedy including depth of excavation and the use of an SSDS system to mitigate soil vapor; and
- Implied remaining site contamination may be threat to human health (soil vapor from remaining coal tar).

The full video is found on the Gowanus CAG website at:

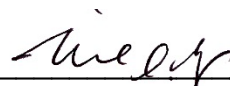
<https://vimeo.com/showcase/gowanuscag>

NYSDEC finds the EPA PM’s comments deeply concerning, particularly as the EPA PM continually confused or combined the NYSDEC remedy and the Developer’s re-development proposal (as presented to the Brooklyn Community Board 6) and in doing so continued to proliferate misinformation regarding the Carroll Gardens/Public Place Former MGP Site remediation. The NYSDEC’s remedy is protective of public health and the environment for the site’s planned reuse. The remedy was reviewed and approved by the NYS Department of Health (NYSDOH). EPA also reviewed the 95% design for this remedy, and indicated they had no comments on the remedy (ref. email dated August 14, 2017).

The narrative presented to the CAG does a grave disservice to NYSDEC, NYSDOH, and most importantly the public, which our agencies collectively serve. As such, it would be appropriate for the EPA to issue a retraction of these statements, which includes a correction of all misinformation. I would further ask, given the EPA PM’s recent flawed commentary, that the NYSDEC be given the opportunity to review and correct, if necessary, the retraction prior to issuance to ensure the information is accurate and hopefully end the misinformation campaign that EPA’s PM is currently promoting. Further, to help alleviate any future discrepancy in NYSDEC and EPA understanding of remedial work, the EPA PM and Responsible Parties at the Gowanus Canal Site must be instructed by EPA to include NYSDEC and NYSDOH in all submittals for the remedial program at the Canal and NYSDEC and NYSDOH staff must be invited to attend all meetings on remedial work on the Canal.

I would appreciate confirmation of NYSDEC’s requests. The State of New York looks forward to a swift resolution to this matter.

Sincerely,



Michael J. Ryan, P.E., Director
Division of Environmental Remediation

ec: M. Brand, NYSDEC
G. Heitzman, NYSDEC
J. Prince, USEPA