DECISION DOCUMENT

Gowanus Green (Parcel 1A) Site
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224012
August 2026

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

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Statement of Purpose and Basis

This document presents the remedy for the Gowanus Green (Parcel 1A) brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the Carroll Gardens/Public Place Former MGP Site and the public's input to the proposed remedy presented by NYSDEC.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;

- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent

feasible in the future development at this site, any future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York (or most recent edition) to improve energy efficiency as an element of construction.

As part of the remedial design program, to evaluate the remedy with respect to green and sustainable remediation principles, an environmental footprint analysis will be completed. The environmental footprint analysis will be completed using an accepted environmental footprint analysis calculator such as SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWise(TM) (available in the Sustainable Remediation Forum [SURF] library) or similar NYSDEC accepted tool. Water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial design program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

Additionally, the remedial design program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the proposed remedy. Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial design program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities.

2. Excavation

Excavation and off-site disposal of contaminant source areas, including:

- grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
- concentrated solid or semi-solid hazardous substances per 6 NYCRR Part 375-1.2(au)(1)
- non-aqueous phase liquids;
- soil with visual waste material or non-aqueous phase liquid;
- soil containing total SVOCs exceeding 500 ppm;
- any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination; and
- soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

All soils in the upper two feet which exceed the restricted residential SCOs will be excavated and transported off-site for disposal.

Approximately 2,500 cubic yards of contaminated soil will be removed from the site.

Collection and analysis of documentation samples at the remedial excavation depth will be used

to verify that SCOs for the site have been achieved. If documentation sampling indicates that SCOs were not achieved at the stated remedial depth, the Applicant must notify NYSDEC, submit the sample results and, in consultation with NYSDEC, determine if further remedial excavation is necessary. Further excavation for development will proceed after documentation samples demonstrate that SCOs for the site have been achieved to the extent feasible.

To ensure proper handling and disposal of excavated material, waste characterization sampling will be completed for all identified contaminated site material. Waste characterization sampling will be performed exclusively for the purposes of off-site disposal in a manner suitable to receiving facilities and in conformance with applicable federal, state and local laws, rules, and regulations and facility-specific permits.

Excavation of site soils to a depth of 4 feet below grade in the portion of the site subject to the in-situ solidification (ISS) treatment described in Remedy Element 4.

Approximately 3,000 cubic yards of soil will be excavated to facilitate In-Situ Solidification (ISS) implementation plus, approximately 10,000 cubic yards of "treated" soils will be cut to support a 4 foot cover over the treated surface material.

3. In-Situ Solidification

In-situ solidification (ISS) will be implemented in an approximately 0.38-acre area located around former holder 5, as indicated on Figure 3. The treatment zone will extend from the top of the groundwater table, at approximately 5 feet below grade to approximately 48 feet below grade (-23 feet NAVD88). An approximately 4-foot soil cut will need to be excavated in this area to contain the ISS spoils and increased soil volume created by the soil mixing. ISS is a process that binds the soil particles in place creating a low permeability mass. The contaminated soil will be mixed in place together with solidifying reagents or other binding reagents using an excavator or augers. Often Portland cement is used as the primary binder, although less carbon-intensive amendments will be considered. The soil and binding reagents are mixed to produce a solidified mass resulting in a low permeability monolith.

Prior to the full implementation of this technology, bench-scale laboratory testing and on-site pilot scale studies will be conducted to more clearly define design parameters, amendment types and dosages. The bench scale test will consist of collecting soil from the source area and mixing with a variety of amendments and doses in a controlled atmosphere followed by testing resulting hydraulic conductivity and unconfined-compressive strength. Pilot tests will then be conducted using successful amendment mixes from the bench scale test prior to full scale design.

Typical design requirements are that the solidified mass would produce a hydraulic conductivity (K) of 1.0 X 10^{-6} cm/sec or less and would also result in an unconfined compressive strength of 50 pounds per square inch (psi), or higher pending future uses that may include construction above the solidified mass. The solidified mass will then be covered with a cover system as described in element 4 to prevent direct exposure to the solidified mass. The resulting solid matrix reduces or eliminates mobility of contamination and reduces or eliminates the matrix as a source of groundwater contamination.

Monitoring will be required surrounding the ISS treatment zone. Monitoring will be conducted for "contaminants of concern" upgradient and downgradient of the ISS treatment zone. Monitoring wells will be sampled for full suite analysis until baselines are established. Following the baseline, on-going monitoring will be performed for contaminants of concern.

4. Backfill

On-site soil which does not exceed the above excavation criteria or the PGWSCOs for any constituent may be used anywhere beneath the cover system, including below the water table, to backfill the excavation or re-grade the site.

Backfill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil or complete the backfilling of the excavation and establish the designed grades at the site.

5. Cover System

A site cover will be required in areas where the upper two feet of exposed surface soil will exceed the applicable SCOs, to allow for future restricted residential use of the site. Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

Where the soil cover is required over the ISS treatment area, it will consist of a minimum of four feet of soil to ensure the underlying monolith remains below the frost line and protected from the freeze-thaw cycle. A building and its foundation are considered suitable cover to protect the ISS monolith. Where a building and its foundation are considered part of the site cover, the ISS design should include considerations for drainage between the ISS and building foundation and the potential need to design the ISS for a higher strength. If the ISS monolith extends beyond the building footprint, the design shall include a soil cover consisting of a minimum of four feet of soil for that portion. Consistent with the remainder of the site cover, the upper two feet will meet the SCOs for restricted residential use outside the ISS monolith area. For areas where solidified material underlies the cover, the solidified material itself will serve as the demarcation layer due to the nature of the material.

6. Vapor Mitigation

Any on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the building from the subsurface. A sub-sab depressurization efficacy evaluation must be performed to assess the system operation prior to building occupancy.

Engineering and Institutional Controls

Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required. The remedy will achieve a Track 4 restricted residential cleanup at a minimum.

7. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the NYSDEC a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOHMH; and
- require compliance with the NYSDEC approved Site Management Plan.

8. Site Management Plan

A Site Management Plan is required, which includes the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
   - Institutional Controls: The environmental easement discussed in Remedy Element 7 above.
   - Engineering Controls: The monitoring well network associated with ISS discussed in Remedy Element 4, the cover system discussed in Remedy Element 5 and the sub-slab depressurization system discussed in Remedy Element 6 above.

   This plan includes, but may not be limited to:
   - an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
   - descriptions of the provisions of the environmental easement including any land use;
   - provisions for the management and inspection of the identified engineering controls;
   - maintaining site access controls and NYSDEC notification; and
   - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
   - monitoring of groundwater to assess the performance and effectiveness of the remedy;
   - a schedule of monitoring and frequency of submittals to the NYSDEC;
   - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

c. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, optimization, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
   - procedures for operating and maintaining the remedy;
   - compliance monitoring of treatment systems to ensure proper O&M as well as providing the data for any necessary permit or permit equivalent reporting;
   - maintaining site access controls and NYSDEC notification; and
   - providing the NYSDEC access to the site and O&M records.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration NYSDEC guidance, as appropriate. The remedy is protective of public health and the environment.

August 28, 2026

Date

Scott Deyette, Director
Remedial Bureau B

DECISION DOCUMENT

Gowanus Green (Parcel 1A) Site
Brooklyn, Kings County
Site No. C224012
August 2026

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance, based on the reasonably anticipated use of the property.

NYSDEC has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

NYSDEC seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comments on the proposed remedy. All comments on the remedy received during the comment period were considered by NYSDEC in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

DECInfo Locator - Web Application
https://gisservices.dec.ny.gov/gis/dil/index.html?rs=C224012

Brooklyn Community Board 6
250 Baltic Street
Brooklyn, NY 11201
Phone: (718) 643-3027

Brooklyn Public Library - Carroll Gardens Branch
396 Clinton Street
Brooklyn, NY 11231
Phone: (718) 596-6972

Receive Site Citizen Participation Information By Email

Please note that NYSDEC's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:
The 0.754-acre Gowanus Green (Parcel 1A) site was split from the Carroll Gardens/Public Place Former MGP brownfield site in an amendment executed in August2026. The site is on NYC tax Block 471, a portion of Lot 1, located in the Gowanus neighborhood in Brooklyn, NY. It is bounded by Smith Street to the west, 5th Street to the north, and the remainder of the Carroll Gardens/Public Place Former MGP Site (Block 471, Lot 100 and the remaining portion of Lot 1) Carroll Gardens/Public Place Former MGP Brownfield Cleanup site (C224012C) to the south and east. Surrounding land uses range from industrial to residential. The nearest residential structure is located directly across 5th St. to the north of the site.

Site Features:
The site is currently vacant and covered with crushed stone and concrete.

Current Zoning and Land Use:
The site is zoned M1-4/R7-2, which allows for light industrial uses or a medium-density, primarily residential apartment buildings, community facilities, and mixed-use developments.

Past Uses of the Site:
The site was used as an MGP operation for approximately 100 years and was home to gas holder 1 which was subsequently redeveloped to a larger gas holder titled holder 5. The site also contained a portion of holder 2 which was decommissioned and converted for use as a tar dehydrator tank and tar separator tank between 1928 and 1952. The MGP was converted to an oil gasification plant in 1952 and operated as such until its closure in the early 1960s. The Brooklyn Union Gas Company sold the MGP properties in 1969. Following the sale of the MGP properties, Parcels I and II were operated by a concrete plant from the 1970s until about 2019. Since the concrete plant ceased operations in 2019 the site remained vacant.

Site Geology and Hydrogeology:
The site is underlain by a deep sand deposit, which has enabled the coal tar released from the former MGP to migrate both vertically (downward) and horizontally. The site stratigraphy consists of fill underlain by discontinuous layers of loose to medium dense granular soil or peat followed by dense granular soil. The fill was observed from surface grade to depths of about 17 to 35 feet below grade surface (bgs) (about elevation [el] 9 to el -6.5 feet, referenced to the North American Vertical Datum of 1988 [NAVD88]) and is characterized as brown to gray, coarse to fine sand with varying amounts of silt, gravel, brick, concrete and wood.

Groundwater underlying the site was observed from about el 8 to el 3 feet NAVD88. Groundwater flow direction in the shallow interval (between about el 16 feet and el -24 feet NAVD88was toward the northwest. Groundwater flow direction in the intermediate interval (between about el -24 feet and el -90 feet NAVD88) was toward the south and southeast.

A site location map is attached as Figure 1 and a current site layout is attached as Figure 2.

SECTION 4: LAND USE AND PHYSICAL SETTING

NYSDEC may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, an alternative that restricts the use of the site to restricted-residential use (which allows for commercial use and industrial use) as described in Part 375-1.8(g) was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

One or more of the Applicants under the Brownfield Cleanup Agreement is a Participant. The Participants have an obligation to address on-site and off-site contamination. Accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site or leaving the site. The

RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. NYSDEC has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant of concern identified for this Operable Unit at this site is/are:

coal tar
benzene
ethylbenzene
toluene
xylene
acenaphthene
benzo(a)anthracene
benzo(a)pyrene
benzo(b)fluoranthene
benzo(k)fluoranthene
indeno(1,2,3-cd)pyrene
chrysene
naphthalene
cyanide

The contaminant(s) of concern exceed the applicable SCGs for:
- groundwater
- soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI. Previous work was performed on the parcel under a remedial action work plan between July 2019 and April 2022 on behalf of MGP site 224012, K - Citizens MGP - Carroll Garden. A 12-foot-thick gravity wall was installed around former holder 5 to facilitate the excavation of approximately 5,500 cubic yards of MGP impacted materials to about 14 feet below grade. The holder was backfilled with about 953 CY of reused excavated soil/fill and about 4,955 CY of imported general fill material meeting restricted residential and applicable protection of groundwater soil cleanup objectives. Material was also excavated from former holder 2, a portion of which is on the Gowanus Green (Parcel 1A) site; clean backfill imported and placed in this excavation. The remainder of the impacted material on-site will be remediated in accordance with this decision document.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:
Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), per- and polyfluoroalkyl substances (PFAS), and pesticides. Soil vapor was analyzed for VOCs. Based on the investigations conducted to date, the primary contaminants of concern are coal tar, SVOCs and metals in soil and groundwater, and VOCs in soil vapor.

Soil –
Grossly contaminated material and non-aqueous phase liquid (GCM/NAPL) associated with MGP coal tar contamination has been encountered in on-site borings and delineated along the bulkhead and inland on the western and northern portion of the site. SVOCs and metals were found at concentrations exceeding the applicable restricted residential soil cleanup objectives (RRSCOs) and protection of groundwater soil cleanup objectives (PGSCOs) including benzene (maximum [max] of 59 parts per million (ppm); RRSCO is 3.7 ppm and PGSCO is 0.06 ppm), total xylenes (max of 790 ppm; RRSCO is 100 ppm and PGSCO is 1.2 ppm), benzo(a)anthracene (max of 35 ppm; RRSCO is 1.4 ppm and PGSCO is 1 ppm), benzo(a)pyrene (max of 43 ppm; RRSCO is 1 ppm and PGSCO is 22 ppm), benzo(b)fluoranthene (max of 42

ppm; RRSCO is 1.4 ppm and PGSCO is 2.1 ppm), benzo(k)fluoranthene (max of 17 ppm; RRSCO is 4.9 ppm and PGSCO is 2 ppm), chrysene (max of 34 ppm; RRSCO is 4.9 ppm and PGSCO is 1 ppm), ethylbenzene (max of 790 ppm; RRSCO is 76 ppm and PGSCO is 1 ppm), naphthalene (max of 1,200 ppm; RRSCO is 100 ppm and PGSCO is 12 ppm). Non-aqueous phase liquid (NAPL) was encountered in soil borings throughout the site. Pesticides, herbicides, PCBs, PFAS and 1,4-dioxane were not detected on-site in soil samples at above soil cleanup objectives. Soil contamination impacts have the potential to migrate off-site via groundwater.

Groundwater - Exceedances of the ambient groundwater quality standards (AWQS) for VOCs, SVOCs and metals including benzene (max of 2,900 parts per billion (ppb); AWQS of 1 ppb), ethylbenzene (max of 6,100 ppb; AWQS of 5 ppb), toluene (max of 150 ppb; AWQS of 5 ppb), o-xylene (max of 2,500 ppb; AWQS of 5 ppb), m,p-xylene (max of 2,500 ppb; AWQS of 5 ppb), cyanide (max of 274 ppb; AWQS of 200 ppb), benzo(a)anthracene (max of 3.3 parts per billion (ppb); AWQS of 0.002 ppb), benzo(a)pyrene (max of 3.1 ppb; AWQS of 0.002 ppb), benzo(b)fluoranthene (max of 2.2 ppb; AWQS of 0.002 ppb), benzo(k)fluoranthene (max of 1 ppb; AWQS of 0.002 ppb), chrysene (max of 3.3 ppb; AWQS of 0.002 ppb), indeno(1,2,3-cd)pyrene (max of 1.5 ppb; AWQS of 0.002 ppb), naphthalene (max of 7,000 ppb; AWQS of 10 ppb), and dissolved arsenic (max of 106 ppb; AWGS of 25 ppb). NAPL was encountered during monitoring well development and groundwater sampling. A NAPL mobility assessment will be performed prior to the implementation of the RAWP. Pesticides, herbicides, PCBs, and 1,4-dioxane were not detected in groundwater samples at concentrations above the AWQS. Groundwater impacts have the potential to migrate off-site into the Gowanus Canal.

Soil Vapor - Four soil vapor samples were collected on-site. The maximum concentration of trichloroethylene (TCE) was 15.6 micrograms per cubic meter (ug/m^3), and tetrachloroethylene (PCE) was 52.2 ug/m^3. Soil vapor contamination has been determined not to originate from on-site contamination. Data indicate there is no potential for off-site impacts in soil vapor related to this site.

Special Resources Impacted/Threatened: The nearest environmental receptor is the Gowanus Canal, where significant discharges of coal tar from the site were observed in the past.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure.*

Since the site is fenced and covered by two feet of crushed stone, people will not come into contact with site related soil and groundwater contamination unless they dig below the surface. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a different source not affected by this contamination. Volatile organic compounds in soil vapor (air spaces within the soil) may move into buildings and affect the indoor air quality. Because the site is vacant soil vapor intrusion is not a current concern. The potential for indoor air impacts via the soil vapor intrusion pathway

exists for any future on-site buildings. Environmental sampling indicates that soil vapor intrusion from site contaminants is not a concern for off-site properties.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Prevent the discharge of contaminants to surface water.
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted-residential use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Excavation, ISS and vapor mitigation remedy.

The elements of the selected remedy, as shown in Figure 3, are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;

- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
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- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York (or most recent edition) to improve energy efficiency as an element of construction.

As part of the remedial design program, to evaluate the remedy with respect to green and sustainable remediation principles, an environmental footprint analysis will be completed. The environmental footprint analysis will be completed using an accepted environmental footprint analysis calculator such as SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWise(TM) (available in the Sustainable Remediation Forum [SURF] library) or similar NYSDEC accepted tool. Water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial design program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in

the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

Additionally, the remedial design program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the proposed remedy. Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial design program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities.

2. Excavation

Excavation and off-site disposal of contaminant source areas, including:

- grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
- concentrated solid or semi-solid hazardous substances per 6 NYCRR Part 375-1.2(au)(1)
- non-aqueous phase liquids;
- soil with visual waste material or non-aqueous phase liquid;
- soil containing total SVOCs exceeding 500 ppm;
- any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination; and
- soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

All soils in the upper two feet which exceed the restricted residential SCOs will be excavated and transported off-site for disposal.

Approximately 2,500 cubic yards of contaminated soil will be removed from the site.

Collection and analysis of documentation samples at the remedial excavation depth will be used to verify that SCOs for the site have been achieved. If documentation sampling indicates that SCOs were not achieved at the stated remedial depth, the Applicant must notify NYSDEC, submit the sample results and, in consultation with NYSDEC, determine if further remedial excavation is necessary. Further excavation for development will proceed after documentation samples demonstrate that SCOs for the site have been achieved to the extent feasible.

To ensure proper handling and disposal of excavated material, waste characterization sampling will be completed for all identified contaminated site material. Waste characterization sampling will be performed exclusively for the purposes of off-site disposal in a manner suitable to receiving facilities and in conformance with applicable federal, state and local laws, rules, and regulations and facility-specific permits.

Excavation of site soils to a depth of 4 feet below grade in the portion of the site subject to the in-situ solidification (ISS) treatment described in Remedy Element 4.

Approximately 3,000 cubic yards of soil will be excavated to facilitate In-Situ Solidification (ISS) implementation plus, approximately 10,000 cubic yards of “treated ” soils will be cut to support a 4 foot cover over the treated surface material.

3. In-Situ Solidification

In-situ solidification (ISS) will be implemented in an approximately 0.38-acre area located around former holder 5, as indicated on Figure 3. The treatment zone will extend from the top of the groundwater table, at approximately 5 feet below grade to approximately 48 feet below grade (-23 feet NAVD88). An approximately 5-foot soil cut will need to be excavated in this area to contain the ISS spoils and increased soil volume created by the soil mixing. ISS is a process that binds the soil particles in place creating a low permeability mass. The contaminated soil will be mixed in place together with solidifying reagents or other binding reagents using an excavator or augers. Often Portland cement is used as the primary binder, although less carbon-intensive amendments will be considered. The soil and binding reagents are mixed to produce a solidified mass resulting in a low permeability monolith.

Prior to the full implementation of this technology, bench-scale laboratory testing and on-site pilot scale studies will be conducted to more clearly define design parameters, amendment types and dosages. The bench scale test will consist of collecting soil from the source area and mixing with a variety of amendments and doses in a controlled atmosphere followed by testing resulting hydraulic conductivity and unconfined-compressive strength. Pilot tests will then be conducted using successful amendment mixes from the bench scale test prior to full scale design.

Typical design requirements are that the solidified mass would produce a hydraulic conductivity (K) of 1.0×10^{-6} cm/sec or less and would also result in an unconfined compressive strength of 50 pounds per square inch (psi), or higher pending future uses that may include construction above the solidified mass. The solidified mass will then be covered with a cover system as described in element 4 to prevent direct exposure to the solidified mass. The resulting solid matrix reduces or eliminates mobility of contamination and reduces or eliminates the matrix as a source of groundwater contamination.

Monitoring will be required surrounding the ISS treatment zone]. Monitoring will be conducted for "contaminants of concern" upgradient and downgradient of the ISS treatment zone. Monitoring wells will be sampled for full suite analysis until baselines are established. Following the baseline, on-going monitoring will be performed for contaminants of concern.

4. Backfill

On-site soil which does not exceed the above excavation criteria or the PGWSCOs for any constituent may be used anywhere beneath the cover system, including below the water table, to backfill the excavation or re-grade the site.

Backfill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil or complete the backfilling of the excavation and establish the designed grades at the site.

5. Cover System

A site cover will be required in areas where the upper two feet of exposed surface soil will exceed the applicable SCOs, to allow for future restricted residential use of the site. Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

Where the soil cover is required over the ISS treatment area, it will consist of a minimum of four feet of soil to ensure the underlying monolith remains below the frost line and protected from the freeze-thaw cycle. A building and its foundation are considered suitable cover to protect the ISS monolith. Where a building and its foundation are considered part of the site cover, the ISS design should include considerations for drainage between the ISS and building foundation and the potential need to design the ISS for a higher strength. If the ISS monolith extends beyond the building footprint, the design shall include a soil cover consisting of a minimum of four feet of soil for that portion. Consistent with the remainder of the site cover, the upper two feet will meet the SCOs for restricted residential use outside the ISS monolith area. For areas where solidified material underlies the cover, the solidified material itself will serve as the demarcation layer due to the nature of the material.

6. Vapor Mitigation

Any on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the building from the subsurface. A sub-sab depressurization efficacy evaluation must be performed to assess the system operation prior to building occupancy.

Engineering and Institutional Controls

Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required. The remedy will achieve a Track 4 restricted residential cleanup at a minimum.

7. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the NYSDEC a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOHMH; and
- require compliance with the NYSDEC approved Site Management Plan.

8. Site Management Plan

A Site Management Plan is required, which includes the following:

d. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
   - Institutional Controls: The environmental easement discussed in Remedy Element 7 above.
   - Engineering Controls: The monitoring well network associated with ISS discussed in Remedy Element 4, the cover system discussed in Remedy Element 5 and the sub-slab depressurization system discussed in Remedy Element 6 above.

   This plan includes, but may not be limited to:
   - an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
   - descriptions of the provisions of the environmental easement including any land use;
   - provisions for the management and inspection of the identified engineering controls;
   - maintaining site access controls and NYSDEC notification; and
   - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

e. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
   - monitoring of groundwater to assess the performance and effectiveness of the remedy;
   - a schedule of monitoring and frequency of submittals to the NYSDEC;
   - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

f. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, optimization, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
   - procedures for operating and maintaining the remedy;
   - compliance monitoring of treatment systems to ensure proper O&M as well as providing the data for any necessary permit or permit equivalent reporting;
   - maintaining site access controls and NYSDEC notification; and
   - providing the NYSDEC access to the site and O&M records.

LEGEND

APPROXIMATE SITE BOUNDARY

NOTES

BASE MAP IS REFERENCED FROM THE UNITED STATES GEOLOGICAL SURVEY (USGS) 7.5 MINUTE SERIES BROOKLYN, N.Y. QUADRANGLE MAP, DATED 2016.

1000 0 500 1000

SCALE: 1 INCH = 1000 FEET

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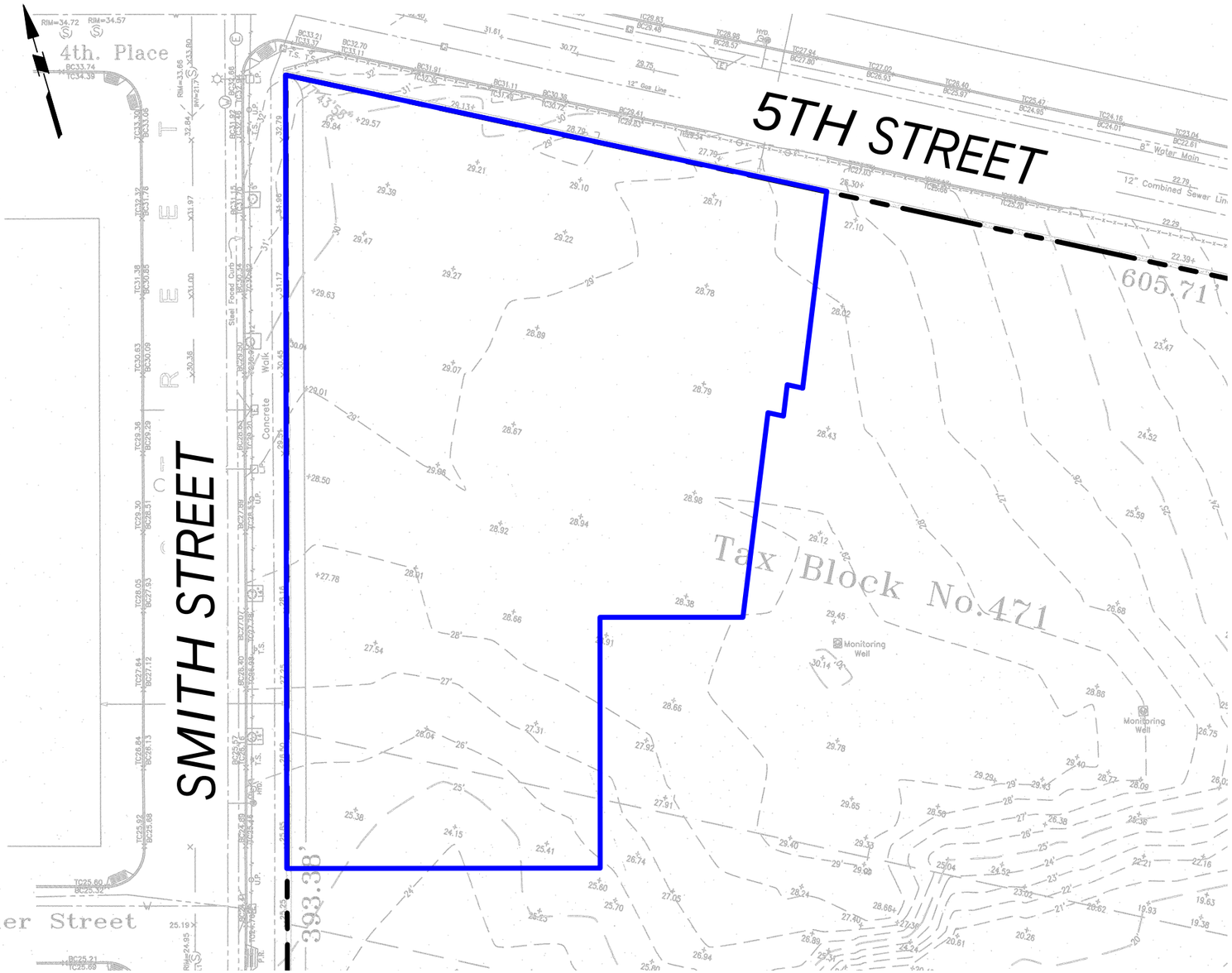
Project	GOWANUS GREEN BUILDING A BLOCK No. 471, P/O LOT No. 1 KINGS COUNTY NEW YORK
Figure Title	SITE LOCATION MAP
Project No.	170777301
Date	6/13/2024
Drawn By	MA
Checked By	PM
Figure	1

Filename: \\langan.com\data\NYC\data3\170777301\Project Data\CAD\01\SheetFiles\Building A - RAWP\170777301-NR501-0101.dwg Date: 1/13/2026 Time: 13:37 User: vkanagaratnam Style Table: Langan.stb Layout: Figure-1 Site Location Map



LEGEND:

APPROXIMATE BCP SITE BOUNDARY

APPROXIMATE TAX LOT BOUNDARY

NOTES:

1. BASE MAP REFERENCED FROM SITE SURVEY PREPARED BY ERLANDSEN–CROWELL & SHAW, DATED AUGUST 15, 2023.
2. ALL ELEVATIONS SHOWN HEREIN REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. BCP = BROWNFIELD CLEANUP PROGRAM

40 0 10 25 40

SCALE: 1 INCH = 40 FEET

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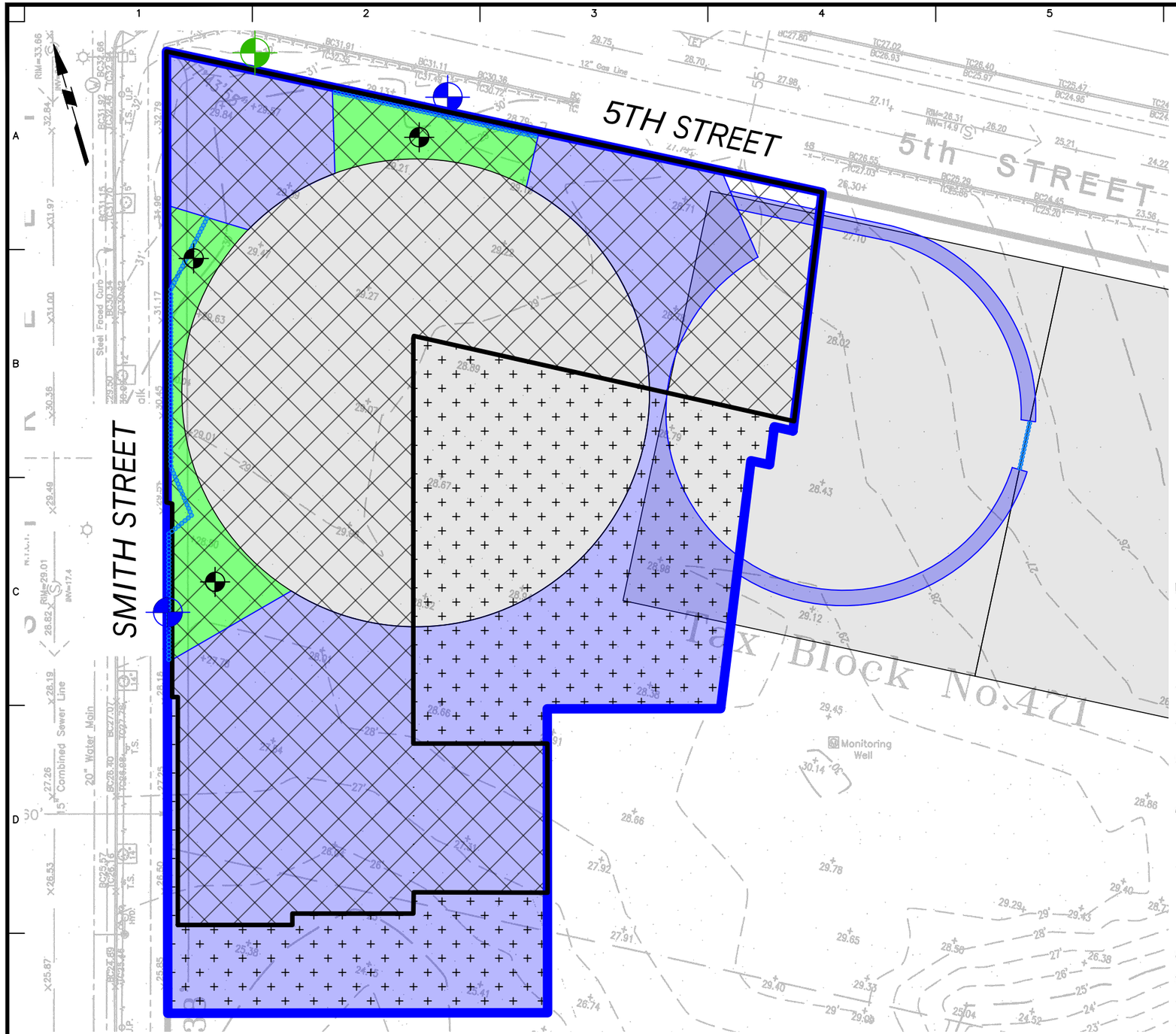
Project
GOWANUS GREEN BUILDING A
BLOCK No. 471, P/O LOT No. 1
KINGS NEW YORK

Figure Title
CURRENT SITE LAYOUT

Project No.	170777301
Date	4/14/2026
Drawn By	MB
Checked By	MA

Figure 2

Filename: \\langan.com\data\NYC\data3\170777301\Project Data\CAD\01\SheetFiles\Building A - RAWP\Figure 2 - Current Site Layout.dwg Date: 4/15/2026 Time: 14:30 User: mbrannon Style Table: Langan.stb Layout: Figure 2 - Current Site Layout



LEGEND:

- APPROXIMATE BCP SITE BOUNDARY
- APPROXIMATE EXTENT OF PROPOSED BUILDING, VAPOR BARRIER MEMBRANE, AND SUB-MEMBRANE DEPRESSURIZATION SYSTEM
- APPROXIMATE EXTENT OF PROPOSED ISS TO ± EL -23 AND EXTENT OF REMEDIAL EXCAVATION TO AT LEAST 4 FEET BGS (I.E., PRE-EXCAVATION FOR ISS)
- APPROXIMATE EXTENT OF REMEDIAL EXCAVATION TO ABOUT 2 FEET BGS FOR INSTALLATION OF THE COMPOSITE COVER SYSTEM
- APPROXIMATE EXTENT OF THE COMPOSITE COVER SYSTEM WITHIN BUILDING FOOTPRINT (SEE NOTE 5)
- APPROXIMATE EXTENT OF THE COMPOSITE COVER SYSTEM IN OUTDOOR AREAS (SEE NOTE 6)
- PREVIOUS EXCAVATION AREA (REFER TO NOTE 3)
- APPROXIMATE LOCATION OF PROPOSED TANGENT COLUMNS TO EL -23
- APPROXIMATE LOCATION OF POST-REMEDIATION GROUNDWATER MONITORING WELLS (SHALLOW AND INTERMEDIATE). SEE NOTE 7.
- APPROXIMATE LOCATION OF POST-REMEDIATION GROUNDWATER MONITORING WELLS (SHALLOW, INTERMEDIATE, AND DEEP). SEE NOTE 7.
- PROPOSED DOCUMENTATION ENDPOINT SOIL SAMPLE

NOTES:

1. BASE MAP IS REFERENCED FROM SITE SURVEY PREPARED BY ERLANDSEN-CROWELL & SHAW, DATED AUGUST 15, 2023.
2. ALL ELEVATIONS SHOWN HEREIN REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. REFER TO RECORD DRAWINGS IN APPENDIX F OF THE REMEDIAL ACTION WORK PLAN FOR EXCAVATION AND BACKFILL DETAILS WITHIN/AROUND THE FORMER HOLDERS.
4. REMEDIAL DESIGN ELEMENTS OUTLINED IN THIS FIGURE ARE APPROXIMATE AND SUBJECT TO CHANGE BASED ON THE FORTHCOMING REMEDIAL DESIGN DOCUMENTS.
5. REMEDIAL EXCAVATION WILL EXTEND TO DEPTHS BETWEEN 0 AND 4 FEET BGS (BETWEEN ABOUT ELEVATION 19 AND 25 FEET NAVD) INSIDE THE BUILDING FOOTPRINT WHERE ISS WILL NOT BE IMPLEMENTED.
6. REMEDIAL EXCAVATION WILL EXTEND TO DEPTHS OF ABOUT 2 FEET BGS (AS NEEDED) FOR INSTALLATION OF THE COMPOSITE COVER SYSTEM IN OUTDOOR AREAS WHERE ISS WILL NOT BE IMPLEMENTED.
7. MONITORING WELL LOCATIONS ARE SUBJECT TO CHANGE BASED ON UTILITY CLEARANCE AND ISS PROGRESS. POTENTIAL LOCATIONS INCLUDE:
   - OFFSITE ON THE EASTERN SMITH STREET SIDEWALK
   - ONSITE ALONG THE WESTERN PROPERTY BOUNDARY
   - OFFSITE ON THE WESTERN SMITH STREET SIDEWALK

   FINAL WELL LOCATIONS ARE SUBJECT TO APPROVAL BY THE NYSDEC.
8. BGS = BELOW GRADE SURFACE
9. EL = ELEVATION
10. ISS = IN-SITU SOLIDIFICATION/STABILIZATION
11. NYSDEC = NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

30 0 15 30
SCALE: 1 INCH = 30 FEET

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Project
GOWANUS GREEN BUILDING A
BLOCK No. 471, P/O LOT No. 1
KINGS NEW YORK

Figure Title
ELEMENTS OF REMEDY

Project No.	Figure
170777301	3
Date: 8/27/2026	
Drawn By: MB/SW	
Checked By: MA	

Filename: \\langan.com\data\NYC\data3\170777301\Project Data\CAD\01\SheetFiles\Building A - RAWP\Figure 3 - Elements of Remedy_2026-08-27.dwg Date: 8/27/2026 Time: 16:22 User: swalters Style Table: Langan.stb Layout: Figure 3 - Elements Of Remedy

RESPONSIVENESS SUMMARY

Gowanus Green (Building A, Parcel 1A)

Brooklyn, Kings County, New York

Site No. C224012

The Proposed Remedial Action Work Plan (RAWP) for the Gowanus Green Site (Building A, Parcel 1A) was prepared by Langan Engineering, D.P.C. on behalf of Gowanus Green Partner LLC (the Volunteer) and was issued for public notice on March 11, 2026. The RAWP outlines the remedial measures proposed to address the contaminated soil and groundwater at the Gowanus Green site, also known as Parcel 1A.

A public meeting was held on March 25, 2026, which included a presentation of the remedial investigation of the Gowanus Green site and a discussion of the proposed remedy. The meeting provided an opportunity for the public to discuss their concerns, ask questions, and comment on the proposed remedy. These comments are part of the Administrative Record for this site. The public comment period for the RAWP ended on April 25, 2026.

The site described in this RAWP includes the development area associated with “Building A”, which will be constructed on a 0.754-acre part of Block 471, Lot 1, Site C224012. The Building A development area (herein referred to as the “Gowanus Green Building A BCP site”) will consist of a 9-story mixed-use, residential building with 100% affordable housing, ground-floor commercial uses, and an outdoor landscaped courtyard.

The Volunteers (Gowanus Green Building A LLC, Gowanus Green Partners LLC and the City of New York) and Participant (Brooklyn Union Gas Company d/b/a National Grid) will remediate the site as required by the February 2009 Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) for Brownfield Cleanup Program (BCP) Site No. C224012. The BCP site previously consisted of Parcels I, II, and III of the Former Citizens Manufactured Gas Plant (MGP) site (herein referred to as the “Former Citizens MGP BCP site”); however, the February 1, 2019, BCA addendum (Index No. C224012B-06-19) removed Parcel III from the BCA.

Parcels I and II of the former Citizens MGP BCP site were subdivided into two BCP sites, Parcel 1A (C224012) and Parcels 1B/2 (C224012C), to realign the remediation extents in accordance with BCA Amendment (Index No. A2-0610-0808) signed on August 18, 2026. The BCA Amendment was publicly noticed on October 15, 2025. At the request of the public, the comment period was extended to January 4, 2026.

This responsiveness summary consolidates comments and responses to e-mails and letters received on the RAWP and the BCA Amendment.

In addition to comments received via e-mail, NYSDEC received comment letters from the following:

- Voice of Gowanus, dated December 22, 2025,
- Representative Dan Goldman's office, dated January 8, 2026, and
- Assemblymember Jo Anne Simon's office, dated January 4, 2026,
- The Environmental Justice Initiative, dated April 26, 2026, and
- Pace Environmental Litigation Clinic on behalf of Friends and Residents of Greater Gowanus (FROGG) and Voice of Gowanus (VoG), dated April 23, 2026.

NYSDEC provided a response letter, dated March 16, 2026, addressing the concerns raised in the correspondence submitted by Representative Goldman and Assemblymember Simon. These correspondences are included as Attachment 1.

E-mail comments are addressed in a consolidated format under the following four main points of interest:

- Remedial Program Eligibility and Suitability of the Remedial Program Selection
- Human Health
- Technical
- Commercial/Financial: Tax Credit and Liability

A. Remedial Program Eligibility and Suitability of the Remedial Program Selection

Comment A.1: Several commenters questioned the suitability of the proposed sites' eligibility under NYSDEC's BCP and suggested that the State Superfund Program (SSF) would be a more appropriate program to support cleanup. Commenters provided several reasons for this assertion, including, among others, that the site is too contaminated to be eligible for the BCP; that the BCP does not have enforcement mechanisms; that the sites' designations as significant threat sites makes them per se ineligible for remediation under the BCP; and that the BCP allows remedial parties to set remedial standards and self-certify remediation progress.

Response A.1: NYSDEC disagrees with the assertion that the site is ineligible for remediation under the BCP. From the beginning of the program, the BCP was intended to be co-equal with the SSF with respect to public health and environmental protectiveness, not a lesser alternative. New York Bill Jacket, 2003 A.B. 9120, Ch. 1. Remedial parties working under the BCP are held to the same remedial standards required under the SSF, and cleanups are overseen by NYSDEC staff who have a robust body of statutory, regulatory, and common law authority to ensure, including through enforcement, that all stages of remediation are carried out in accordance with the law.

The designation of a remedial site as a significant threat is a separate assessment from its classification within a specific remedial program and does not require that a site be remediated specifically through the SSF. The statutes and regulations for both the SSF and BCP explicitly address situations in which a site may meet the criteria for listing in the Inactive Hazardous Waste Site Registry (Registry) as a Class 1 or 2 site while being

remediated under a BCA and require the NYSDEC to defer listing a given site in the Registry while it is being remediated pursuant to a BCA. New York Environmental Conservation Law (ECL) § 27-1305(2)(b); 6 NYCRR § 375-2.7(c); 6 NYCRR § 375-3.7(b)(1). Moreover, sites that are being remediated through the BCP and have been designated significant threats, as is the case here, must be remediated pursuant to a remedy selected by NYSDEC. 6 NYCRR § 375-3.7. New York State does not allow remedial parties to "self-report" or "self-certify" any aspect of a remedial action at a site that poses a significant threat.

Comment A.2: Commenters questioned the applicability of State Environmental Quality Review Act (SEQRA) regulations to the remedial program being implemented at the site.

Response A.2: Comments acknowledged. NYSDEC regulations under 6 NYCRR § 375-3.11 provide that "remedy selection and implementation of remedial actions under NYSDEC-approved work plans pursuant to [the BCP] are not subject to review pursuant to [SEQRA] and its implementing regulation." However, local building approvals and development activities outside the BCP can be subject to SEQRA.

Comment A.3: Several commenters stated that the division of the existing site into two parcels outlined in the proposed BCA Amendment requires reevaluation of both parcels' eligibility for remediation under the BCP.

Response A.3: Comments acknowledged. Where NYSDEC determines a remedial party's request to amend to its BCA qualifies as a "major amendment," as is the case here, NYSDEC requires submission of a new BCP application and evaluates the eligibility of the proposed amendment, reference DER-32 / Brownfield Cleanup Program Applications and Agreements. The BCA major amendment application, public notification, and comment period are intended to evaluate the eligibility and statutory requirements associated with, in this instance, the proposed property split.

Comment A.4: Some commenters raised concerns that the proposed parcel subdivision will allow developers to seek additional BCP tax credits tied to individual parcels.

Response A.4: In accordance with Program Policy DER-32, NYSDEC does not allow Applicants to subdivide sites for the purpose of increasing the value of future tax credits the Applicant may receive and NYSDEC does not believe the purpose of the amendment to split this site is proposed to inappropriately manipulate statutory caps on tax credits.

B. Human Health Related Comments

Comment B.1: A commenter asserted that all four parcels of this former MGP site must be recognized by NYSDEC as a significant threat to human health and the environment. The New York State Green Amendment requires heightened scrutiny, remediation, and protective actions by NYSDEC and all other governmental agencies. Article I §19. Environmental rights. Each person shall have a right to clean air and water, and a healthy environment.

Response B.1: NYSDEC and New York State Department of Health (NYSDOH) concurred on a positive significant threat determination for all four parcels of the Former Citizen's MGP Site. A positive determination dated July 15, 2010, applies to Former Citizens MGP Site Parcel 3 (C224012B – 459 Smith Avenue; Parcel 1A (C224012) and Parcels 1B and II (C224012C). A positive determination, dated May 28, 2026, was issued for Parcel IV (Site 224012).

Comment B.2: Recent groundwater testing has revealed that dangerous levels of contamination have already spread near a pre-school, church, and residential housing located in legacy buildings. The toxic pollution under this site is spreading underground and the proposed RAWP has no projected end date for removing these highly dangerous, cancer-causing toxicants.

Response B.2: To address the community's concern regarding potential off-site impacts resulting from impacted groundwater, NYSDEC, in coordination with NYSDOH, is completing a Gowanus Area Wide Soil Vapor Intrusion (SVI) Investigation. SVI resulting from potential impacts remains the primary exposure pathway of concern and NYSDEC remains committed to keeping the community informed about its ongoing efforts to address contamination and protect public health in the Gowanus Area. If contamination exceeding NYSDEC or NYSDOH guidelines is found at a private property that is not in one of New York State's cleanup programs, NYSDEC will directly inform the private property owner of the results and work with NYSDOH to take swift action to protect public health and prevent potential exposure (e.g., installing a sub-slab depressurization system to prevent SVI from impacting indoor air, thereby eliminating the exposure pathway to building occupants).

Comment B.3: A commenter questioned the protectiveness of the remedy as a proposed Track 4 restricted residential cleanup despite planned uses that include a school, senior housing, and low-income family housing. Specifically citing, "6 NYCRR § 375-1.8(a), (f). NYSDEC regulations require remedies to be protective of public health and the environment. Id. § 375-1.8(f)(1). Where sensitive receptors such as children and seniors are present, reliance on caps and controls rather than source removal is not protective, particularly considering the Dense Nonaqueous Phase Liquid (DNAPL) and vapor intrusion risks documented in the Work Plan."

Response B.3: NYSDEC, in consultation with NYSDOH, evaluated remedial options for protectiveness and compliance with regulations, including Part 375. The proposed Track 4 elements selected for this site are designed and will be operated, monitored, and maintained to ensure the protection of public health, including site uses where sensitive receptors are present, by addressing direct potential exposure pathways.

C. Technical Comments

Comment C.1: Several commenters expressed concern regarding the potential for a continuous coal tar plume and contaminated groundwater impacts to cross parcel/property boundaries.

Response C.1: Data generated thus far shows the contamination from this site has crossed property boundaries, and as such, NYSDEC continues to evaluate site-specific data in the context of area-wide groundwater and soil vapor conditions. As investigations and cleanups progress, data-driven decisions are developed to address existing site conditions. Three of the parcels of the Former Citizens MGP site are being cleaned up by National Grid as a Participant pursuant to the BCP and parcel 4 is being addressed by National Grid as a responsible party under the SSF. All contamination that has emanated from the site will need to be addressed by the Participant before a Certificate of Completion is issued by NYSDEC. Importantly, the Participant and NYSDEC have come to an agreement in principle on the scope of MGP-related cleanup that must occur on Parcels 1 through 3 as outlined in the MGP-related work agreement dated August 12, 2026, included in Attachment 1. The MGP elements are detailed within approved RAWPs for Parcel 3 (C224012B) and Parcel 1A (C224012). A proposed RAWP for Parcel 1B/2 (C224012C) will be released for public comment prior to cleanup and development.

Comment C.2: Several commenters expressed concerns over Parcels 1 and 2, which are slated for low-income family housing, senior housing, and school. The developers of Gowanus Green propose Track 4 restricted residential cleanup standards for these parcels. Track 4 relies on engineering and institutional controls and assumes restricted exposure scenarios. Where sensitive receptors such as children and seniors are present, reliance on caps and controls rather than source removal is not protective, particularly considering the DNAPL and vapor intrusion risks documented in the RAWP. The RAWP proposes that a contractor of a developer must drive hundreds of piles through the proposed protective cap, thus allowing toxic carcinogens, including benzene and naphthalene, along with a toxic stew of DNAPLs, to pass through the proposed cap.

Response C.2: Comments acknowledged. Please see Responses B.2, B.3, and C.3.

Comment C.3: Several comments were received related to the suitability of building components (i.e., steel and concrete) to withstand exposure to acidic ‘purifier’ waste and coal tar.

Response C.3: NYSDEC takes this into consideration when selecting a remedy and understands that the compatibility of building materials should be considered in design; however, NYSDEC does not design, regulate, and/or inspect the structural components of the infrastructure development. The proposed treatment, in-situ solidification (ISS) of the underlying soils stabilizes the soil into a low strength concrete block to prevent migration of contaminants. NYSDEC requires the installation of piles using a displacement drilling method to minimize disruption of the stabilized soils. This pile installation coupled with the site cover and active sub-slab depressurization system (SSDS) mitigates the potential for exposure.

Comment C.4: Several comments were received regarding the potential for breach in vapor barriers and/or seals because of pile installation resulting in ineffective soil vapor control.

Response C.4: The vapor barrier is installed as a component of the foundation after the piles are installed. By nature of the design and construction of the foundation, the piles will not puncture through the vapor barrier. Furthermore, the vapor mitigation system is designed as an active SSDS and is required to undergo performance testing to ensure proper installation and sealing prior to obtaining final closure and occupancy. The systems are operated, maintained, and certified under and the Site Management Plan (SMP) with periodic reporting to the NYSDEC.

Comment C.5: A commenter requested confirmation that site maintenance will include monitoring and emptying of wells that will collect DNAPL and groundwater.

Response C.5: A DNAPL monitoring and collection program is currently in place across Parcel 1 through 3 and will continue under any future a site SMPs.

Comment C.6: A commenter raised concerns over an incident that occurred two years ago when pile driving on the site which released odors to the community without any advance notice of work.

Response C6: Pile installation occurred at 459 Smith Street (BCP Site C224012B) which coincided with the discovery of a nearby underground storage tank at 240 Huntington Street (BCP site C224314) that was unrelated to the pile work performed on the parcel south of the pile driving activities. The tank was the source of the odor, and its discovery resulted in a reportable spill and corrective action. The proposed work for site C224012 will be performed under NYSDEC approved work plans, including a community air monitoring program and requirements for soil displacement pile installation.

Comment C.7: Commenters expressed concerns over vibrations and damage to existing structures resulting from pile driving.

Response C.7: Vibration monitoring and compliance falls under the purview of New York City Department of Buildings. The only method of pile installation authorized by NYSDEC is at any parcel of the former Citizens site is soil displacement, which utilizes drilling technology, thereby eliminating the vibration concerns.

Comment C.8: Questions were received regarding the effectiveness of in-situ stabilization, specifically: "In situ stabilization" will be used to solidify the upper portion of the coal tar plume, reducing the risk that it will travel upward into the property, but this offers no protection from the large and quite deep coal tar from travelling outward to other properties.

Response C.8: NYSDEC and the United States Environmental Protection Agency (USEPA) generated matrices to guide treatment depths to mitigate migration of contamination off-site to the Gowanus Canal National Priorities List site. Final remedial depths and remedial technologies are determined through coordination with USEPA with the intent to eliminate potential exposure to the Gowanus Canal, surrounding properties, and ecological receptors.

D. Commercial / Financial – Tax Credit and Liability

Comment D.1: Commenters asked if the developer is required to carry special insurance against BCP related financial risks, stating: “this requirement is likely why none of these apartments are for sale, as carcinogenic toxins tend to diminish property values. Under current law, however, property owners are not required to reveal this mandatory insurance to tenants, nor are they required to disclose any toxic conditions that are not immediately life-threatening.

Response D.1: Insurance requirements fall outside of NYSDEC’s purview; however, New York State tenant notification laws require property owners to disclose environmental conditions and/or sampling data associated with the property.

Commenters:

Victoria Alexander

Joann Amitrano

Pat Beraducci

Martin Bisi

Barrin and Sumie Bonet

Christine Bower-Wright

Lisa Bowstead

Enid Braun

Bahij Chancey

Andrew Cichon

Ian Cofre

Noelia Diaz

Cameron and Freddie Faulkner

Betty Feibusch

Jermaine Gerena
John Golden
Representative Dan Goldman
Ann Golob
Alexander Gregor
Talia Hoch
Maria Hodermarska
Joy Janzen
Mark Karwoski
Ann-Kathrin Kelly
Glenn Kelly
Joel Richard Kupferman, Esq.
Linda LaViolette
Deborah Magocsi
Steve Marcus
Matt Marino
Lois Martin
Maura McGrath
Reyhan Mehran
Rita Miller
Lua O'Brien
Todd Ommen
Bruce Orr
Katherine O'Sullivan
Michael Phillip
Robert Puca
Adele Recklies
Sandye Renz
Julian Ricardo
Jack Riccobono
Joe Rodriguez
Jacob Sacks
Shais Salahuddin
Joan Salome-Rodriguez, Esq.
Jason Schwartzman
Kate Sekules
Marinda Sielaff
Assemblymember Jo Anne Simon
Todd Steiner
Grey Strakhov
Eric Tanis
Barbara Woods
Maryann Young
Voice of Gowanus

Acronyms

BCA	Brownfield Cleanup Agreement
BCP	Brownfield Cleanup Program
DNAPL	Dense Nonaqueous Phase Liquid
ECL	Environmental Conservation Law
MGP	Manufactured Gas Plant
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health

RAWP	Remedial Action Work Plan
Registry	Inactive Hazardous Waste Site Registry
SMP	Site Management Plan
SSDS	Sub-slab Depressurization System
SSF	State Superfund Program
SVI	Soil Vapor Intrusion
USEPA	United States Environmental Protection Agency

Attachment 1 – Correspondence

- Letter from Voice of Gowanus, dated December 22, 2025
- Letter from Representative Dan Goldman's office, dated January 2026
- Letter from Assemblymember Jo Anne Simon's office, dated January 4, 2026
- NYSDEC Response to Representative Dan Goldman re: Public Comments on Carroll Gardens/Public Place, dated March 16, 2026
- Letter from the Environmental Justice Initiative, dated April 26, 2026
- Letter from the Pace Environmental Litigation Clinic on behalf of Friends and Residents of Greater Gowanus (FROGG) and Voice of Gowanus (VoG), dated April 23, 2026
- NYSDEC Citizens MGP-Related Work Agreement, dated August 12, 2026

VOICE OF GOWANUS

VoiceofGowanus.org

By Registered Mail and Email

NYS Department of Environmental Conservation
Attn: Aaron Fischer, Project Manager
625 Broadway, 12th Floor
Albany, NY 12233-1060
Aaron.Fischer@dec.ny.gov

Re: Comments on Amendment Application for Brownfield Cleanup Agreement for Carroll Gardens/ Public Place Former MGP Site, site ID #C224012

December 22, 2025

Mr. Fischer,

Voice of Gowanus (VoG), a coalition of concerned organizations and citizens in the Gowanus neighborhood, is providing comments on proposed amendments to the improperly executed Brownfield Cleanup Agreement (BCA) for what is actually the Citizens Gas Works State Superfund Site (Citizens MGP),[1] where the remedy selection and implementation has shockingly dragged on since the NYS enacted a law on abandoned hazardous waste sites in 1979 and the first studies were carried out on the Citizens MGP in 1984. This is the fourth major modification to the BCA for the Citizens MGP, each of which has temporal links to actions cutting back on cleanup spending or obtaining additional money from taxpayers, mostly carried out in back rooms with little meaningful public interaction or approval.

These comments are provided in anticipation of separate processes to review and comment on the adequacy and implementation of further remedial actions required by statute, federal regulators, and requirements dictated by the Site's threat to the environment in the Gowanus Canal and its ecosystem, as well as the health and safety of the surrounding Gowanus Community.

A summary of the key VoG comments regarding the proposed amendments to the improper BCA are followed by a fuller discussion of the issues, information inadequacy, and ongoing misfeasance associated with this proposed action.

I. Summary of Comments

1. **The continued inclusion of the ineligible Citizens MGP site in the Brownfields Cleanup Program (BCP) is a violation of State Superfund Law (SSF)—the fundamental malfeasance of which inclusion is directly proportional to the absurdity of attempted justifications and coverups by NYSDEC personnel.**

    - In correspondence to Assemblymember JoAnne Simon dated October 7, 2025, signed by Lisa A. Gorton for R. Scott Deyette, Director, Remedial Bureau B, Division of Environmental Remediation (the Simon Letter), NYSDEC made the incomprehensible assertion that Non-aqueous Phased Liquid/Dense Non-aqueous Phased Liquid (NAPL/DNAPL) were not listed as

[1] The misleading designation of parcels as the Carroll Gardens/Public Place Former MGP Site or 459 Smith Street rather than the clear terminology that the four parcels comprised a Gas Works is arguably part of the continued attempts to both mischaracterize the nature of the risk the 4-parcel Citizens Site presents, and cover up the failure to proceed with necessary, adequate, and legitimate cleanup procedures under the SSF mandates.

hazardous substances until 2013, thus precluding use of the State Superfund Statute to compel cleanup given that in 2007, when the Citizens BCA was originally signed, "the BCP was the only program that would require the Applicants to complete a full remedial program that addressed all contamination, as opposed to being limited to MGP contamination."

- The terms NAPL/DNAPL refer to types of liquid contamination that do not mix or dissolve in water (immiscible).
- The ridiculous assertion (in writing!) that "in 2007 NAPL (non-aqueous phase liquid)/DNAPL (dense non-aqueous phase liquid), the contamination from MGP operations, were not listed as hazardous substances in 6 NYCRR Part 597" beggars belief.
    - Multiple MGPs were properly in the SSF Program by 2007, under which rubric all and sundry contaminants in all forms were being cleaned up, including with Interim Remedial Measures (IRM) intended to address known contamination speedily.
    - This is confirmed by examining the documentation and activities at SSF Sites such as Borough Gas Works in Coney Island (NYSDEC Index No. 224026; "Coney Island MGP") where IRMs were carried out to remediate NAPL and LNAPL MGP contamination, along with lead, as early as 1994, after NYSDEC listed the site on the Inactive Hazardous Waste Site Registry.[2] NYSDEC obtained a consent order in 1995, and issued a Record of Decision for the Plant Cleanup in 2001.[3]
    - At no time were any of these cleanup requirements impeded or sites shunted to programs with less stringent requirements by the fact that contaminants of concern like benzene, toluene, ethylene, xylene (BTEX), or polycyclic aromatic hydrocarbons (PAHs) were in the form of NAPL.

2. **Two City-owned Citizens MGP site parcels that the City inappropriately seeks to redevelop as low income housing/school instead of intended open space/recreational reuse presents, at best, a conflict of interest that has impeded and marginalized cleanup actions to benefit site PRPs and increase developer access to public monies; these machinations may, in fact, be serious malfeasance.**
    - Unlike most other New York State Gas Works/MGP Sites, two parcels of Citizens MGP had come under NY City ownership through tax proceedings in 1975, well before Love Canal redefined public and government understanding of residual toxic contamination prompting the SSF precursor law enactment in 1979.
    - Although the Citizens MGP site was diverted into the arbitrarily conceived Voluntary Cleanup Program (VCP),[4] and lagged behind cleanups such as that of Coney Island MGP, a 2002 VCP Consent Order had at least resulted in a 2005 Cleanup Decision Document that applied to all four Citizens Gas Works parcels.
    - Execution of this already delayed cleanup plan was sidetracked when in 2006, Bloomberg Administration urban planners hit on the idea of using contaminated land for housing

[2] See discussion infra.

[3] The NYSDEC Environmental Remediation Database for Site # 224026 lists the Borough Gas Works Site as Class 4: Remedy Complete.

[4] See: Organization and Delegation Memorandum #94-32, Policy: Voluntary Cleanup Program. A Superior Court case invalidated the VCP in 2016 on the grounds it was an arbitrarily-created administrative invention by NYSDEC, but there is no evidence a review was conducted to assure that VCP sites meeting Class 2 criteria were returned to that designation and not allowed into the BCP. In striking the VCP program down as illegal, the Court noted: "There are no Rules or statutes governing or guiding admission into the program, there are no Rules or statutes governing the obligations of a volunteer, and there are no Rules or statutes governing or guiding what benefits volunteers are to receive upon completion of the program. Without enabling legislation or Rules, the DEC has, in effect, written on a "clean slate" to create an entirely new program based solely on what DEC administrators may personally believe is good public policy, without guidance, instructions, or authority from the Legislature." *Town of Brookhaven vs Metropolitan Transportation Authority*, No. Index No. 2015-04273 (Sup Ct.-Suffolk Cty) (2016).

redevelopment to avoid "residential displacement," and zeroed in on contaminated land owned by the City.

- A Gowanus Neighborhood Rezoning Plan was immediately undertaken in January of 2007 after the first version of PlaNYC was announced in December of 2006, and the VCP Consent Order was vitiated November of 2007 to enable improper transfer of the site into the BCP where taxpayer funding and lax oversight could arguably speed the development process while it simultaneously slowed and degraded the actual cleanup activities.
- By 2008, the Coney Island MGP cleanup was essentially completed; Citizens MGP was barely started.

3. **The need for, and public benefit of, carving out the "Building A" Parcel is not explained in the revised BCA shared by NYSDEC, thus making it impossible for the community or elected officials to provide meaningful input or response regarding the need for, or value of, the BCA revision.**

4. **To the extent the "Building A" Parcel carve out is intended to allow for Building A construction on an undisclosed project timeline that could occur before cleanup completion, the Brownfield Agreement should not be modified until after the Brownfield Participants, Brownfield Volunteers, and the NYSDEC have:**

    - Fully disclosed and explained to the public the construction planning and timelines associated with the "Building A" Parcel carve out;
    - Fully disclosed when and how the "Proposed Sample Location Plan" (the Plan) included in the *Treatability Study Work Plan for In-Situ Stabilization/Solidification and In-Situ Geochemical Stabilization, Gowanus Green (Former Citizens MGP Site – Parcels I & II), Brooklyn, NY, BCP Site No. C224012, Langan Project No. 170777301* (dated August 19, 2025) will be carried out;
    - Fully disclosed and explained how the Plan's execution relates to, and will be deconflicted from, the "Building A" Parcel carve out; and
    - Completed the actual sampling under the Plan and provided the community and USEPA with the results.

5. **The request for BCA Amendment should be accompanied by:**

    - Full disclosure regarding the allocation of Site Investigation and Remediation (SIR) costs between and among the Volunteers and Participants, including the City of New York as a Responsible Party;
    - A current accounting of outlays and anticipated spending by each Volunteer, Participant, and responsible Party to achieve remedy complete;
    - A current accounting (including estimates) of all Citizens MGP Site Investigation and Remediation (SIR) costs including:
        - Costs that will be charged to gas customers through the utility rate base;
        - Costs that will be covered by NYC from taxpayer revenue; and
        - Costs that will be incurred by the Volunteers participating in redevelopment and construction activities.
    - A current accounting of the amounts of all tax benefits accruing to the parties to the amended BCA that NYSDEC and other government entities are aware could or will be claimed at any time in the future before or after remedy completion, including:
        - Site Preparation Credits: costs incurred for site investigation and cleanup, including remediation costs and certain demolition expenses;
        - On-site Groundwater Remediation Credit: costs of remediating on-site groundwater contamination and monitoring required after the Certificate of Completion (COC) is issued;

- Tangible Property Credit: costs of depreciable property used for redevelopment, such as buildings, machinery, and equipment, and the percentage rate that will be applied to the Citizens site given the value of improvements;
- Remediated Brownfield Credit for Real Property Taxes: level of credits (up to 100%), property tax appraisal amounts to be claimed, and duration (up to ten years) intended for the Citizens MGP site; and
- Environmental Remediation Insurance Credit: portion/amount of premiums to be covered for environmental remediation insurance required during the cleanup.

II. Background

Almost half a century has passed since NY State first enacted laws to address hazardous waste contamination left behind by industrial and commercial activity. Yet, the Citizens MGP site, and the neighborhood surrounding it, continue to suffer through one of the most protracted and manipulated cleanup programs that has dragged on for nearly five decades in spite of superceding intervention by USEPA under the federal Superfund law.

Before expanding on the summarized comments provided above, it is instructive to review the long, tortured, community-debilitating path taken at the Citizens MGP and related Gowanus-area cleanups by polluters. (Brooklyn Union Gas), responsible owners (Keyspan, National Grid, New York City), and regulators (NYSDEC, NYCDEP, USEPA) in the face of opportunistic development drivers that consistently undermined and hindered execution of needed and known remedies.

Appendix A provides a full compilation of key events in the Citizens MGP/Gowanus cleanup saga beginning in 1975, when New York City zoned and ultimately acquired two of the Citizens MGP parcels that were originally intended to provide much needed open/recreational space for the neighborhood. The actions and decisions noted can be summarized as follows:

- NYC acquisition of two of four parcels comprising the Citizens MGP in the mid-1970s (designated a "Public Place" to preserve use as open space) was followed by the first NYS law to address abandoned hazardous waste sites in 1979.
- Multiple investigations of the Citizens MGP site through the 1980s and into the 1990s resulted in various forms of denial or deflection of the Site's toxic legacy in spite of it exhibiting all the same conditions and test results emerging from the State-wide examination and listing of MGP gas works sites as inactive hazardous waste sites requiring remediation.
- By the mid-1990s, known MGP gas works were routinely and properly identified as Class 2 Sites on the Inactive Hazardous Waste Registry, and needed Interim Remedial Measures (IRM) were ordered to address coal tar and attendant BTEX and PAH carcinogens present at these sites in the soil and groundwater, including those in the form of non-aqueous liquids (see Coney Island and Norwich MGPs as just two examples).
- In contrast, NYSDEC did not even secure a "Voluntary Cleanup Agreement (VCA)" for the Citizens MGP with then owner Keyspan—under the invented VCP diversion—until 2002, or a Final Remedial Investigation Report until 2005, decades after sites like the Coney Island MGP already had significant cleanup work done under the SSF Program (including toxics in the form of non-aqueous liquids). By 2007 (coincidentally, just months before National Grid (NG) closed on a purchase of Keyspan), Keyspan signed an Administrative Order on Consent with NYSDEC that consolidated 13 sites, including Canal-adjacent Citizens but not Fulton or Metropolitan MGPs, and the 2004 Order on Consent for the Canal itself (NYSDEC Site Number 224133, currently listed as Class 2).
- The heretofore shamefully ignored Citizens MGP site was finally issued a VCP "Decision Document" in April of 2007, that identified cleanup plans and requirements for all four parcels. Unfortunately, this action came on the heels of the initial 2006 Bloomberg Administration PlaNYC that included building low-income housing on contaminated land as part of addressing expected population increases while avoiding "residential displacement," thus resurrecting a plan that would expose vulnerable people to the

worst of residual contamination that experts rejected in 1984—even before the full severity of the toxic poisoning was known and understood.

- By early 2007, a framework for rezoning the area around the Canal (including the three MGP sites) was fully underway, NG was the new owner/PRP for the Citizens MGP parcels (along with Fulton and Metropolitan MGPs), and surprise, surprise, the VCP agreement was vitiated in November, only weeks after Final Remedial Design Work Plan was published (which still addresses all four parcels and calls for, inter alia, DNAPL tar collection).

- A ***full two more years passed*** before a Brownfield Cleanup Agreement was signed in February of 2009, during which time remedy construction on the Coney Island MGP was declared complete. Meanwhile, cleanup for the Gowanus Canal SSF Class 2 site seemingly wasn't going too well either, and NYSDEC asked US EPA in late 2008 to place the Canal on its National Priorities List (NPL) as a designated "Superfund Site."

- While the Canal made it to the Superfund NPL in 2010, the MGPs were left behind to serve as pawns in the development game. At Citizens MGP, a full decade…ten years…elapsed between the 2007 Remedial Alternatives Analysis and the 100% Remedial Design Report issued in 2017, while nine additional data and testing studies were strung out between October 14, 2011 and November 30, 2017. A full three years after that, NYSDEC issued an Explanation of Significant Differences that changed the 2007 Decision Document Remedy, eliminating the 8 foot sitewide soil excavation, substituting placement of a sitewide cover, and declaring the site suitable for restricted residential use.

- Notably, at the time NG purchased Keyspan, the estimated liability for the MGP cleanups was $541.4 million ($650 million total for the full company).[5] At the same time, Keyspan reported it had company-wide "regulatory assets"[6] of over $800 million that would ultimately cover that liability, $735 million of which applied to the New York utilities. This meant that at the time NG took over liability for the Gowanus and other MGPs, the expected cleanup liability was an estimated $650 million to remediate the contamination, but NG was legally permitted to collect $800 million over the cleanup timeframe from the utility's 1.3 million customers to pay for it—a complete contradiction of the "polluter pays" mantra.

- By 2021, the *National Grid USA and Subsidiaries Consolidated Financial Statements for the years ended March 31, 2021 and 2020* listed the remaining costs of environmental remediation activities at $1.6 billion and $1.7 billion as of March 31, 2021 and 2020, respectively, to be *"incurred over approximately 43 years."* By 2024, the Company's total reserve for estimated MGP-related environmental remediation had effectively doubled in three years to ***$3.3 billion***—costs NG expects to be "*incurred over approximately 47 years.*"[7] This demonstrates why:

    1. any decisions to clean up the Citizens MGP sufficient to allow low-income housing would have to be cut down and spread over long timetables so as not to exceed the ratepayer reimbursement collected on an amortized basis from ratepayer bills; and

    2. Public monies from the Brownfield Program and other subsidies like the Restore NY $5 million are regularly necessary to close the gaps created by MGP cleanup decisionmaking intended and designed to shield the polluter from paying.

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[5] *KEYSPAN CORPORATION AND SUBSIDIARIES, FINANCIAL STATEMENTS FOR THE PERIOD JANUARY 1, 2007 THROUGH MARCH 31, 2008*

[6] As explained in the Consolidated Financial Statements (such as on Page 25 of the 2021/20 version), "The regulatory asset represents deferred costs associated with the Company's share of the estimated costs to investigate and perform certain remediation activities at former manufactured gas plant ("MGP") sites and related facilities. The Company believes future costs, beyond the expiration of current rate plans, will continue to be recovered through rates." Thus a "regulatory asset" is the legal authority to continue collecting cleanup costs from ratepayers for indefinite decades, letting shareholders off the hook. The Financial Statements go on to state, "Management believes that obligations imposed on the Company because of the environmental laws will not have a material adverse effect on its operations, financial position, or cash flows. Through various rate orders issued by the NYPSC, DPU, and RIPUC, costs related to MGP environmental cleanup activities are recovered in rates charged to gas distribution customers." (Page 66 of the 2021/20 version linked in the text).

[7] *National Grid North America Inc. and Subsidiaries Consolidated Financial Statements for the years ended March 31, 2024 and 2023*, page 76.

- Notably, NG financial statements still specify legal environmental obligations will not have a material adverse effect on its operations, financial position, or cash flows because public service commissions continue to allow the costs to be passed from the polluter to the ratepayer.[8] In order to continue this pass through at affordable levels for the average household, NG is allowed to amortize these cleanup expenditures out to 2071—***almost a century since the State Superfund law was passed***.

And now, yet again, the redevelopment profit engine is driving the human health and environmental protection train by allowing for a fourth amendment to the BCA in order to maintain the flow of taxpayer/ratepayer monies to the developers while the cleanup languishes. And to coverup the multi-decade chicanery, NYSDEC invents more hooey to feed the public, this time that a Brownfield Cleanup provided the more thorough, comprehensive and safe cleanup because "NAPL/DNAPL" (a form contamination takes) wasn't "listed" as a contaminant when the VCA was vitiated in 2007.

III. Comments Discussion

<u>Comment 1:</u> The continued inclusion of the ineligible Citizens MGP site in the Brownfields Cleanup Program is a violation of State Superfund Law (SSF)—the fundamental malfeasance of which inclusion is directly proportional to the absurdity of attempted justifications and coverups by NYSDEC personnel.

VoG has serious concerns, and vehement disagreement, with assertions made by NYSDEC regarding the alleged reason why the Citizens SSF was originally and improperly granted Brownfield status more than a decade after cleanup investigations and decisions were undertaken. In correspondence to Assemblymember Joanne Simon dated October 7, 2025, signed by Lisa A. Gorton for R. Scott Deyette, Director, Remedial Bureau B, Division of Environmental Remediation, NYSDEC makes the following incomprehensible assertion:

> In 2007, the BCP was the only program that would require the Applicants to complete a full remedial program that addressed all contamination, as opposed to being limited to MGP contamination. This is because in 2007 NAPL (non-aqueous phase liquid)/DNAPL (dense non-aqueous phase liquid), the contamination from MGP operations, were not listed as hazardous substances in 6 NYCRR Part 597. NAPL and DNAPL were not listed as hazardous substances until 2013. As such, the SSF was not a program that was available to address the contamination at the Site.

The NYSDEC claim that NAPL and DNAPL would not have been subject to cleanup enforcement under the SSF prior to 2007 is absolutely disproven by SSF Program facts.

- NAPL/DNAPL is terminology describing the physical form contamination takes, not the hazardous constituent itself. NAPL refers to a type of liquid contamination that does not mix or dissolve in water (immiscible). It is a common term used to describe a range of immiscible substances — often organic chemicals — that typically occur when there is a large amount of a contaminant present in a liquid form that can't be dissolved or easily removed from groundwater or soil.
- As made clear in the 2005 Citizens MGP Remedial Investigation Report for all four parcels:

  > Contaminants of concern (COCs) are defined as those constituents that are present within each media at concentrations exceeding the applicable standards and generally include BTEX, PAHs, cyanide, lead, selenium, and mercury.
  >
  > The environmental media that may serve as pathways for COC migration are DNAPL tar, surface soil, subsurface soil, groundwater, and soil vapor.[9]

- Non-Aqueous Phase Liquid (NAPL) was formally incorporated into the New York State Department of Environmental Conservation's (NYSDEC) remediation regulations, 6 NYCRR Part 375, when the

[8] *Ibid*, p. 76.

[9] Final Remedial Investigation Report, Carroll Gardens/Public Place, GEI Consultants, Inc., October 2005, p. 71.

comprehensive amendments to the Environmental Remediation Programs became effective on December 14, 2006.

- The 2006 regulations did not invent the concept of remediating NAPL; rather, they standardized the definitions, created a unified regulatory structure for various cleanup programs (State Superfund, Brownfield Cleanup, etc.), and provided explicit, detailed requirements for addressing "grossly contaminated media" that the amendments defined as "soil, sediment, surface water or groundwater which contains sources or substantial quantities of mobile contamination ***in the form of NAPL***" (emphasis added).

This smokescreen has been laid in spite of the clear, well established evidence available from investigation reports and decision documents in place by 2005 that the entirety of the Citizens MGP site met the overarching criterion for inclusion on the Registry of Inactive Hazardous Waste Disposal Sites as Category 2.[10] A comparable site belying the outright falsehood of these assertions is the Class 2, SSF-overseen *Former Brooklyn Borough Gas Works Site* in Coney Island, NYSDEC #224026 (Coney Island MGP), where cleanup was actively underway by 1994 and largely complete by 2008 under the State Superfund (SSF) Program. The remedial measures cleaned up everything, including lead near combined sewer outfalls and MGP contamination such as Benzene/Toluene/Ethylene/Xylene (BTEX) and Polycyclic Aromatic Compounds (PAHs).

A comparison of the Citizens MGP foot-dragging to the cleanup actions at the Coney Island MGP puts paid to the ridiculous gaslighting foisted on the public via the October 25th correspondence. If the DEC claim that only the Brownfield Cleanup Program allowed a full cleanup of "all contamination," then:

- Why did Brooklyn Union (according to the Site #224026 2001 Record of Decision for Operable Unit 1), "perform the following at the site to mitigate the effect of the contaminants to public health and the environment: 1) ***installation of inland NAPL recovery wells***; 2) installation of booms in Coney Island Creek; and 3) ***installation of light non aqueous phase liquid (LNAPL) skimmer and collection system***" as early as 1994?
- Why was the Coney Island MGP Site even on the Registry as a Class 2 site if, as stated in the DEC Environmental Remediation Database for Site #224026, "The highest concentrations of metals, including lead at a concentration of over 2,000 ppm, were detected at sampling locations adjacent to the combined sewer overflow and storm water outfalls and are probably not MGP-related." Would this not have also required Brownfield Program jurisdiction to address these non-MGP contaminants?

The NYSDEC claims about NAPL/DNAPL ring hollow in light of the successful remediation at Coney Island MGP and other sites under the SSF. They further beg the question as to why NYSDEC is so desperate to wield excuses for improperly transferring the Citizens site into the BCP that it is attempting to dupe the Gowanus Community and its elected leaders with misleading—if not outright false—claims that cleaning up carcinogenic toxins like BTEX and PAHs required diversion from the State Superfund program to "Brownfield" status in 2007.[11] The development dreams of the Bloomberg Administration that interfered with NYS cleanup procedures appear to be the answer.

Comment 2: Two City-owned Citizens MGP site parcels that the City inappropriately seeks to redevelop as low income housing/school instead of intended open space/recreational reuse presents, at best, a conflict of interest that has impeded and marginalized cleanup actions to benefit site PRPs and increase developer access to public monies, and may, in fact, be further serious misfeasance.

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[10] A site listed on the Inactive Hazardous Waste Site Registry is designated Classification 2 when "Disposal of hazardous waste has been confirmed and the presence of such hazardous waste or its components or breakdown products represents a significant threat to public health or the environment." This description was applied to Citizens Parcel III, and Parcel IV remains a Category 2 SSF site. Parcels I and II were effectively Class 2 but the status was ignored by using the VCP.

[11] Another stupendously false assertion in the Simon Letter is on page 2, wherein NYSDEC states that "Following the end of the Voluntary Cleanup Program and the resulting termination of the VCA in November 2007… [parties] entered into a Brownfield Cleanup Agreement[.]" The VCP was vitiated by NYSDEC after NG invoked Article XII and requested termination in order to file a BCP application. The later could not occur until the former transpired. No "end" of the VCP was involved and this sequence and reasoning is all spelled out in clear English in the 2009 Brownfield Agreement. Never has the term "gaslighting" been so ironically employed….

The dangerous saga of reclaiming poisoned Manufactured Gas Plant (MGP) sites laced with carcinogens and other toxins as housing and school construction sites can be traced back to a population growth premise leading to an urban planning land grab under the Bloomberg Administration.

As noted by a report of the NYC Council in 2020, the City did not embark on any citywide planning efforts until 2006, when, in response to accelerating growth, the City's Economic Development Corporation (EDC) retained Alexander Garvin Associates to undertake a strategic opportunity analysis on how the City should grow, improve the public realm, and prevent direct displacement.[12] NYC had a total land area of 195,086.8 acres, virtually all of which was in active use of some kind.

The Garvin Report, published May 26, 2006, presented specific opportunities to build up to 325,000 new housing units with virtually no "residential displacement." The additive housing and schools would be constructed on platforms built over rail yards and highways, along underused waterfront, and on polluted land. Contaminated property was estimated first at 1,700 acres, an inventory later expanded to over 9,000 acres.

As a New York Times article from November 26, 2006 headlined ***Bloomberg Administration Is Developing Land Use Plan to Accommodate Future Populations*** explained:

> Faced with a shrinking inventory of vacant land, the Bloomberg administration next month will unveil its goals for accommodating the city's growing population over the next 25 years and the municipal services that nine million or more New Yorkers will require.
>
> Chief among the priorities of the mayor's Sustainability Advisory Board, led by Daniel L. Doctoroff, the deputy mayor for economic development, is how to reclaim as many as 1,700 acres of polluted land -- brownfields and other former industrial parcels -- and transform them into environmentally sound sites for schools, apartments and parks.

The 2006 article also notes that "higher birth rates among Hispanic and Asian New Yorkers, the influx of about 100,000 immigrants a year and a housing boom that is attracting newcomers to each borough" had generated a population peak in 2005 of 8.2 million, and if such trends persisted, "the population is projected to reach at least nine million in the 2020's."

By January of 2007, the planning and execution for this development in the Gowanus Neighborhood was in full swing. During that crucial year, all the major parties involved in the Citizens remediation embarked on an epic set of inter-related actions to make the Citizens MGP into what experts already knew it wasn't suited for: Keyspan signed a consolidated Order on Consent covering 13 prior agreements and 21 sites; Citizens MGP finally got a cleanup Decision Document for its four parcels; NYC issued a Request for Proposals (RFP) for redevelopment of the Citizens parcels it owned; NG purchased Keyspan; and then NG vitiated the Citizens VCA in order to file a BCP application to secure more monetary credits and subsidization for the site.

New York City has parlayed its ownership of two Citizens MGP parcels into cleanup delay, cleanup manipulation, and massive statewide taxpayer outlays to regressively redevelop a gas works into housing for the most vulnerable among its residents. This is why SSF Program oversight is needed.

***Comment 3:* The need for, and public benefit of, carving out the "Building A" Parcel is not explained in the revised BCA shared, thus making it impossible for the community or elected officials to provide meaningful input or response regarding the need for, or value of, the BCA revision.**

On May 22, 2023, Governor Kathy Hochul announced more than $112.9 million has been awarded to 70 projects through the Restore New York Communities Initiative to support municipal revitalization efforts across the state. Of that total, New York City received only $5 million (4%) for the "Gowanus Green Building A project," identified as an

[12] *Planning Together: A New Comprehensive Planning Framework for New York City*; New York City Council, Corey Johnson, Speaker, December 2020, p. 19. The City Council Report notes that Garvin's report was leaked to Streetsblog prior to publication, but the Bloomberg Administration never officially released the plan to the public. Currently, the Streetsblog links to report text are no longer active.

> approximately 172,000 square-foot, mixed-use building featuring 188 units of affordable housing. Nearly 60% of the units will be affordable to low- and very-low-income households. Building A will also contain approximately 8,000 square feet of retail space, reactivating 230 feet of street frontage and connecting retail corridors to the north and south.

It would appear that the "Gowanus Green Building A Project" carve out has been in the works for at least two years without full disclosure of its purpose or need to the community, or to taxpayers subsidizing both the Restore Communities Initiative and the accumulating pile of grants and tax credits padding Gowanus Green developer profits and offsetting National Grid cleanup expenditures. This carve out seems to be solely for the purpose of 1) allowing Gowanus Green developers to harvest more taxpayer money, 2) allowing construction activity to commence before the cleanup actions are fully implemented, and 3) increasing the BCP credits accruing to all parties.

The Citizens MGP has entered its fifth decade of cleanup activity with no end in sight. If it can even remotely be assumed, arguendo, that NYSDEC illegally diverted the Citizens MGP cleanup into the BCP because it "was the only program that would require the Applicants to complete a full remedial program that addressed all contamination," then NYSDEC needs to explain exactly why—18 years after pulling this maneuver—the cleanup is not still finished and new maneuvers appear to be causing further cleanup delay.

***Comment 4:* To the extent the "Building A" Parcel carve out is intended to allow for Building A construction on an undisclosed project timeline that could occur before cleanup completion, the Brownfield Agreement should not be modified until after the Brownfield Participants, Brownfield Volunteers, and the NYSDEC have provided the community with full disclosure of crucial timeline and activity sequence information.**

As established above, the Citizens Class 2 MGP Site was legally required to be cleaned up under the SSF Program and paid for by the gas company polluter and its successors-in-interest. Had it been so managed, it would be remediated and restored by now, and potentially in appropriate, productive commercial and open space reuse like the Coney Island MGP site.

NYSDEC should not now be compounding this cleanup failure by revising the BCA to allow parcel carve-outs without reconciling these financial maneuvers with the cleanup planning, milestones, and activities. After all, if the BCA is as comparable and protective of the cleanup as SSF process and oversight would be, then NYSDEC should be diligent in its due process and have no trouble providing the public, especially the Gowanus Community, with the following information ***before*** the BCA is changed:

- Fully disclose and explain construction planning and timelines associated with the "Building A" Parcel carve out;
- Fully disclose when and how the "Proposed Sample Location Plan" (the Plan) included in the *Treatability Study Work Plan for In-Situ Stabilization/Solidification and In-Situ Geochemical Stabilization, Gowanus Green (Former Citizens MGP Site – Parcels I & II), Brooklyn, NY, BCP Site No. C224012, Langan Project No. 170777301* (dated August 19, 2025) will be carried out;
- Fully disclose and explain how the Plan's execution relates to, and will be deconflicted from, the "Building A" Parcel carve out; and
- Complete the actual sampling under the Plan and provide the community and USEPA with the results before taking any action regarding "Building A."

***Comment 5:* In order to promote clear, transparent decision-making that informs those most affected by Citizens MGP cleanup and reuse decisions, the request for a BCA Amendment should also include disclosure of key data and accounting as to how these changes will affect expenditures from publicly collected/managed revenue, whether sourced from taxpayers or ratepayers or both, and how much is being — and will be—spent at the site.**

If the NYSDEC thinks the BCP is the most effective cleanup program, it should have no trouble sharing this information with the public:

- Full disclosure regarding the allocation of Site Investigation and Remediation (SIR) costs between and among the Volunteers and Participants, including the City of New York as a Responsible Party;

- A current accounting of outlays and anticipated spending by each Volunteer, Participant, and responsible Party to achieve remedy complete;
- A current accounting (including estimates) of all Citizens MGP SIR costs including:
    - Costs that will be charged to gas customers through the utility rate base;
    - Costs that will be covered by NYC from taxpayer revenue; and
    - Costs that will be incurred by the Volunteers participating in redevelopment and construction activities.
- A current accounting of the amounts of all tax benefits accruing to the parties to the amended BCA that NYSDEC and other government entities are aware could or will be claimed at any time in the future before or after remedy completion, including:
    - Site Preparation Credits: costs incurred for site investigation and cleanup, including remediation costs and certain demolition expenses;
    - On-site Groundwater Remediation Credit: costs of remediating on-site groundwater contamination and monitoring required after the Certificate of Completion (COC) is issued;
    - Tangible Property Credit: costs of depreciable property used for redevelopment, such as buildings, machinery, and equipment, and the percentage rate that will be applied to the Citizens site given the value of improvements;
    - Remediated Brownfield Credit for Real Property Taxes: level of credits (up to 100%), property tax appraisal amounts to be claimed, and duration (up to ten years) intended for the Citizens MGP site; and
    - Environmental Remediation Insurance Credit: portion/amount of premiums to be covered for environmental remediation insurance required during the cleanup.

Almost two decades after its Keyspan acquisition, NG's MGP cleanup liability (and SIR costs in general) have been fruitful and multiplied—by a more than five-fold increase, in fact, since the 2007 acquisition. And the never-ending charges collected from customers continue to pay for all of it.

In 2021, the *National Grid USA and Subsidiaries Consolidated Financial Statements for the years ended March 31, 2021 and 2020* listed the remaining costs of environmental remediation activities at $1.6 billion and $1.7 billion as of March 31, 2021 and 2020, respectively, to be incurred over approximately 43 years. By 2024, the Company's total reserve for estimated MGP-related environmental remediation had effectively doubled in three years to ***$3.3 billion***—costs NG expects to be "incurred over approximately 47 years."[13] Again, NG is counting on NY Public Service Commission (NYPSC) and Department of Public Utility (DPU) rate orders to have costs covered in rates charged to customers, and "[a]ccordingly, the Company has reflected a net regulatory asset of $3.2 billion and $2.5 billion on the consolidated balance sheets at March 31, 2024 and 2023, respectively."[14]

The *Brooklyn Union Gas Company Consolidated Financial Statement* (BUG Statement) for the years 2024, 2023, and 2022 filed by NG estimated the remaining costs of environmental remediation activities in just the BUG territories to be $2.6 billion and $1.9 billion as of March 31, 2024 and 2023.

IV. Summary

The continuous delays to, and gaming of, the Gowanus Canal Neighborhood cleanup, and the Citizens Gas Works site in particular, have kept Gowanus residents in a perpetual state of toxic contamination for what is nearly a half century since New York responded to the Love Canal disaster by passing legislation to address abandoned toxic sites in 1979.[15] For the reasons elaborated in detail above, VoG urges the NYSDEC to:

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[13] *National Grid North America Inc. and Subsidiaries Consolidated Financial Statements for the years ended March 31, 2024 and 2023*, page 76.

[14] *Ibid*, p.76.

[15] Codified at ECL §27-1301 et seq.

- Retract its assertion that the Citizens Site was entered into the BCP because NAPL/DNAPL was not a listed contaminant when it is known that those terms denote the form of contamination, not the chemical constituent comprising the contamination;
- Restore the Citizens MGP site Class 2 designation and conduct the full cleanup under the SSF program where it belongs;[16]
- Provide elected officials, the public, and the community with all construction timelines and activity sequencing showing how the Building A parcel separation and subsequent Building A construction will interact with necessary cleanup activity including in-situ responses; and
- Provide elected officials, the public, and the Gowanus Community with a full, transparent accounting of ***all*** public monies, whether in the form of grants, loans, tax expenditures, and/or other credits and payments, under the BCP or any other NY State or NYC local program used to support the construction and long-term operation of commercial, residential, and/or educational redevelopment on Citizens Parcels I, II, and III that are otherwise part of the Class 2 Registry Listing along with Parcel IV.

VoG looks forward to your response.

Sincerely,

Linda LaViolette
Co-Chair, Outreach Committee
Voice of Gowanus
linda@voiceofgowanus.org

Jack Riccobono
Co-Chair, Outreach Committee
Voice of Gowanus
jack@voiceofgowanus.org

Cc: Hon. Charles Schumer
Hon. Hakeem Jeffries
Hon. Daniel Goldman
Hon. Nydia Velazquez
Hon. Antonio Reynoso
Hon. JoAnne Simon
Hon. Andrew Gounardes
Hon. Jabari Brisport
Hon. Shahana Hanif
Hon. Lincoln Restler
Hon. Mark Martucci
Hon. Michael Sivak
Hon. Brian Carr
Newtown Creek Alliance
ConeyIslandCreek.org
Movement to Protect the People
Earthjustice
Riverkeeper
Natural Resources Defense Council

[16] A model example for listing a previous BCP site as Class 2 and placing it on the Inactive Hazardous Waste Site Registry is the 36-08 Review Avenue Site ((Site Code 241218). As with the Citizens MGP, in spite of the site's significant contamination with multiple toxic materials (this time including BTEX, volatile organic compounds, and metals), a Brownfield Cleanup Agreement (Index No. C241218-06-19) was approved by NYSDEC on August 6, 2019. As of September of 2025, NYSDEC has placed the Site on the Registry as Class 2, as required by law in light of evidence that, like the Citizens MGP, it "presents a significant threat to public health and/or the the environment."

Appendix A

History of Citizens MGP Site Actions

Date	Action	Description	Note
1970s			
April 3, 1974	City Planning Commission designates about 6 acres for public recreation on what later is identified as Parcels 1 and 2 of Citizens MGP Site	CP-22590	Designed to prevent random development and provide needed space for future recreational uses by community; assigned to NYC Parks Department
July 9, 1974	NYC Board of Estimate approves City Map establishing Public Place acreage	X-2185	
1975	New York City acquires Public Place-designated acreage in tax proceedings.		Uses include leases to cement company and uncontrolled dumping
February 15, 1978	Application filed by Carroll Gardens Sports Association to Community Planning Board 6 for leasing agreement to build youth sports complex on Public Place		
1979	Abandoned Sites Act enacted	1979 N.Y. Laws 282	Authorized DEC to: identify and remediate hazardous waste sites; order responsible parties perform remediation; recover costs of State-funded remediation from responsible parties. No dedicated funding source provided.
1980s			
1980	Federal Superfund Law Enacted	Public Law 96-510	
1981	"Notification of Hazardous Waste Site" filed with USEPA by Brooklyn Union Gas for *Citizens MGP*		
August 1, 1982	NY State Superfund Law enacted	1982 N.Y. Laws 857	Sourced dedicated revenues for identification and remediation of hazardous waste sites from "waste-end" assessments
December 11, 1984	*Citizens MGP* Environmental and Engineering Study, Assessing the Suitability of the Gowanus Canal Site for Public Housing and Recreational Usage	Stone and Webster	Site not safe for low-income housing
November 25, 1985	*Citizens MGP* Final Report, Vacant Property Site Assessment	TRC Environmental Consultant	Ten soil samples detect inter alia, benzo(a)pyrene, ethylbenzene, toluene, indicating coal tar contamination from the MGP, but "not at concentrations which pose acute or chronic health risk"
1987	*Citizens MGP* Engineering Investigation at Inactive Hazardous Waste Sites, Phase I Investigations, Carroll Gardens	EA Science and Technology	
1990s			
October 4, 1990	Engineering Investigation at Inactive Hazardous Waste Sites, Phase II Investigations (*Citizens MGP*)	Roux Associates for Gibbs & Hill	Site soils, subsurface water and ground water contaminated w/MGP toxins; last may be migrating to the Gowanus Canal
Early 1990s	NYDEC alleged to have removed "Carroll Gardens Site" from Hazardous Waste registry in spite of confirmed presence of coal tar toxins, seemingly on word of BUG that coal tar was sold for "recycling"		Per correspondence to Brooklyn Community Board 6 from NYCDEP dated 2/5/99
Dinkins Administration 1990-1993	Attempted Unrestricted Sale of "Public Place" (Parcels I and II); stopped when Community Board reminded that contamination was present		Brooklyn Community Board 6 letter to Commissioner of DCAS, dated February 12, 2002

Date	Action	Description	Note
1994	Interim Remedial Measure conducted at *Coney Island MGP*	Index No. D2-001-94-12	Included: 1) installation of inland NAPL recovery wells; 2) installation of booms in Coney Island Creek; and 3) installation of light non aqueous phase liquid (LNAPL) skimmer and collection system.
1994	NYSDEC "administratively" creates the Voluntary Cleanup Program (VCP)	Proto-Brownfields Program	"Volunteers" remediated sites to level consistent with intended reuse; VCP never explicitly authorized by law or regulation (see 2013 Comptroller Report)
March 30, 1994	NYSDEC and New York State Electric and Gas (NYSEG) entered into a multi-site Consent Order	Index No. D0-0002-9309	Obligated NYSEG to implement a full remedial program for 33 former MGP sites across the State
1995	NYS legislature directs NYSDEC and NYSDOH to develop list of all hazardous waste disposal sites		*Citizens MGP* included (per NYCDEP correspondence, date 2/5/99)
May 1995	*Coney Island MGP* SSF Program Order on Consent issued to Brooklyn Union Gas	Index No. D2-001-94-12	
November 1997	*Coney Island MGP* Remedial Investigative Report Completed		Compiles results of five phases of RI from 1989 to 1997.
1997	Interim Remedial Action conducted at *Coney Island MGP*		Lead contamination removed
1997	Interim Remedial Measures conducted at *Norwich MGP* (NYSEG, Chenango County)	Index No. D0-0002-9309	MGP residues removed from source areas to achieve a site-wide soil clean-up goal of 0.1 parts per million (ppm) for benzene and 500 ppm for total PAHs.
February 5, 1999	NYCDEP confirms receipt of VCP application by a "private party"		NYCDEP Correspondence to Brooklyn Community Board 6
2000s			
August 31, 2002	*Citizens MGP* Voluntary Cleanup Agreement (Keyspan)	Index No. A2-0460-0502	Signed more than 3 years after application first identified/filed; applies to City-owned Parcels I and II only
2003	New York State passes Brownfield Cleanup Statute	2003 N.Y. Laws 1	Program provided limited liability protection, abbreviated remedy identification process, cleanup objectives tied to reuse, and tax credits. (see 2013 Comptroller Report)
August 13, 2004	*Gowanus Canal* Administrative Order on Consent to Keyspan	A2-0523-0705	NYSDEC Class 2 Registered Site ID number 224133
December 1, 2005	*Citizens MGP* Final Remedial Investigation Approved	GEI Consultants, Inc.	Fifteen years after Phase II Report confirmed MGP toxins; addressed all four parcels
May 26, 2006	Garvin Report (Urban Development) delivered to City Hall (unpublished)	Address population growth to 9M w/ 325,000 new housing units	No "residential displacement" when buildout is on platforms over rail yards and contaminated land
November 26, 2006	NYC Land Reclamation Program under Sustainability Advisory Board (NY Times)	1700 acres of polluted land	Transform Brownfields and other former industrial parcels for schools, apartments and parks
December 12, 2006	Mayor Bloomberg releases PlanYC predicated on accommodating 1 million more residents (to 9 million) by 2030		As finalized in 2007, identified 7,600 acres of contaminated/underutilized land for development; 1,900 acres in existing remediation programs
January 25, 2007	Dept. of City Planning proposes Land Use Framework for Gowanus Canal Neighborhood		Identify areas where future housing or mixed use might be appropriate, as well as areas to be maintained for continued industrial and commercial use
February 22, 2007	NYSDEC executes Keyspan/BUG Consolidated Consent Order for 13 prior Consent Orders and Voluntary Agreements covering 21 Sites	Index # A2-0552-0606	*Citizens MGP* and *Gowanus Canal* included; Fulton and Metropolitan MGPs noted but not covered
February to May, 2007	Public Visioning Sessions Held on redeveloping "Public Place" brownfield site		Community Board 6 Meeting Notice for February 25, 2008

Date	Action	Description	Note
March 22, 2007	*Citizens MGP* Remedial Alternative Analysis	Keyspan Submission	Technologies presented included in-situ stabilization/surfactant flushing/thermal stripping of **DNAPL tar source** in the saturated zone
April 23, 2007	*Citizens MGP* VCP Decision Document Executed	Index No V00360-2	Remedy applied to Operable Unit 1 (which includes "all four parcels") of the Gas Works
July 2007	City of New York issues Request for Proposals for redeveloping site		Community Board 6 Meeting Notice for February 25, 2008
August 10, 2007	Keyspan Consolidated Order on Consent Modified	Index # A2-0552-0606	Fulton and Metropolitan MGPs added
August 24, 2007	Keyspan/Brooklyn Union Gas Acquisition by National Grid plc finalized	Purchase price of $7.3 billion	Keyspan liability for MGP cleanup in NYS estimated at $541.4 million ($650 million total). Current reported liability at $2.6 billion
August 28, 2007	NYSDEC approves National Grid *Citizens MGP* RD Plan		Operable Unit 1 still includes Parcels I to IV
September 14, 2007	Citizens MGP Final Remedial Design Work Plan	Delayed for nearly two years while redevelopment planning commenced	Three distinct remedial efforts: Parcel I, Parcels II and III, and Parcel IV; includes excavation of MGP- impacted soil and MGP-related subsurface structures to a prescribed depth throughout Parcels I through IV; installation of a barrier wall along the Gowanus Canal on Parcels II and III; installation of DNAPL collection points at various locations throughout Parcels I, II and III.
November 2, 2007	National Grid vitiates *Citizens MGP* Voluntary Cleanup Agreement per Article XII	Index # A2-0460-0502	NG working with NYC and Vichar (Parcel III owner) to to develop BCA Application; termination effective 11/11/07
April 15, 2008	National Grid Brownfield Cleanup Application for *Citizens MGP* accepted	Index # A2-0610-0808	Applies to Parcels I, II, and III
May 22, 2008	Keyspan/NG Order on Consent Modified	Index # A2-0552-0606	Equity and Greenpoint MGPs added
May 29, 2008	Draft Gowanus Rezoning Plan released		
September 18, 2008	DCAS assigns jurisdiction for "Public Place" Parcels I and II to Dept. of Housing Preservation and Development		Letter from DCAS Commissioner to HPD Commissioner dated 9/18/2008
October 2008	*Coney Island MGP* Remedy Construction Completed		
2008	NYSDEC requests USEPA consider including Gowanus Canal on National Priorities List	SSF Site No. 224133	
February 18, 2009	*Citizens MGP* Brownfield Agreement Signed	Index # A2-0610-0808	Signatories: Gowanus Green Partners LLC; Brooklyn Union Gas
April 9, 2009	Gowanus Canal proposed for Federal Superfund National Priorities List		
October 14, 2009	Mayor Bloomberg Announces Plan for Gowanus Cleanup		Infrastructure improvements; dredging of upper Canal with 65% USACOE funding under WRDA
2010s			
April 3, 2010	Gowanus Canal Superfund Listing finalized		Placed on National Priorities List March, 2010
October 14, 2011 to November 30, 2017	*Citizens MGP* Remedial Design Pilot Studies and Data Reports		Nine additional data and testing studies conducted over 10 year span beginning with 2007 Remedial Alternatives Analysis.

Date	Action	Description	Note
November 2017	*Citizens MGP* 100% Remedial Design Report	NG/Arcadis	Ten years after Final Remedial Design Workplan approved; 9 years after *Coney Island MGP* remedy completed; only for Parcels I-III
2020s			
May 22, 2020	*Citizens MGP* BCA Modified	Index # A2-0610-0808	
August 2020	*Citizens MGP* Explanation of Significant Differences that changes remedy in 2007 Decision Document		Sitewide excavation of soil to a depth of 8 feet deemed unnecessary; residual contamination would be effectively addressed by placement of a sitewide cover; site suitable for restricted residential use.

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COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED GOVERNMENT

CRIME AND FEDERAL GOVERNMENT SURVEILLANCE

COMMITTEE ON HOMELAND SECURITY

SUBCOMMITTEE OF COUNTERTERRORISM & INTELLIGENCE

January 8, 2026

Ms. Amanda Lefton
Commissioner
New York State Department of Environmental Conservation
625 Broadway, Albany, NY 12233-0001

Dear Commissioner Lefton,

I am writing to express serious concerns regarding the New York State Department of Environmental Conservation's (DEC) proposed amendment to the Brownfield Cleanup Agreement for the Carroll Gardens / Public Place Former Manufactured Gas Plant site (Site No. C224012), including the proposed division of the site into Parcels 1 and 2.

Over many decades, this site has been the subject of extensive investigation and prolonged delays in remediation, despite well-documented contamination that poses ongoing risks to surrounding communities and the Gowanus Canal ecosystem. Given the site's history, contamination profile, and the presence of sensitive receptors in the surrounding area, it is essential that DEC's actions ensure the highest level of protection for public health and the environment.

I am particularly concerned that the proposed amendment appears to further fragment oversight of a historically unified contaminated site, potentially weakening cleanup obligations, reducing transparency, and shifting financial responsibility away from the identified polluter and onto taxpayers. The use of the Brownfield Cleanup Program in this context raises serious questions about whether the applicable standards, enforcement mechanisms, and long-term safeguards are sufficient, especially where contamination has migrated beyond parcel boundaries and where future uses may include housing for families, seniors, and children.

DEC's statutory mandate requires that remedies be fully protective and that responsible parties be held accountable. To that end, I respectfully urge DEC to carefully reevaluate whether the proposed amendment is consistent with the intent of the Brownfield Cleanup Program, or whether State Superfund oversight is more appropriate given the site conditions, contamination history, and public health implications.

I also encourage DEC to provide clear public explanations regarding cleanup standards, parcel eligibility, financial responsibility, and long-term monitoring and enforcement to ensure meaningful community confidence in the process. Thank you for your attention to this matter. I look forward to your response and to continued engagement to ensure that remediation decisions prioritize health, safety, environmental integrity, and fiscal responsibility.

Sincerely,

Dan Goldman
Representative, New York 10

THE ASSEMBLY

STATE OF NEW YORK

ALBANY

JO ANNE SIMON
Assemblymember 52nd District

CHAIR
Mental Health Committee

COMMITTEES
Higher Education
Judiciary
Transportation
Ways and Means

January 4, 2026

I submit these brief comments to the Proposed Amendment to Site No. C224012 (Parcels 1 and 2), Brownfield Cleanup Agreement Carroll Gardens/Public Place Former Manufactured Gas Plant Site.

I have read the well-researched comments submitted by Voice of Gowanus and find them to be not only thoroughly documented, but to also present an extremely compelling case for rejection of the proposed amendment.

I will not repeat the many cogent points made in that document at this juncture but agree with the recommendations and requests contained therein. I intend to correspond with your office more fully after session begins.
However, as a state legislator, I am appalled at the twists, turns and lengthy delays to cleaning up this site, as well as the rationales asserted for the proposed carve outs. I am offended by the apparent acquiescence of the agency to National Grid's clearly documented plans to spread out the payment of its remedial liabilities — which it knew full well when it purchased Keyspan — over a period of 47 years so as to secure the NYS Public Service Commission's approval to pass along the costs of this clean up to the ratepayers over the next two generations of New Yorkers — including those who are already bearing the brunt of the environmental exposure and their progeny. It fairly boggles the mind.

After receiving DEC's correspondence of October 7, 2025, I was struck at the assertion that the Brownfields Clean-up Program (BCP) was essentially just as proper at the State Superfund Program because the remedy was the same. As I responded that makes no sense. In addition, I point out that it is inaccurate. For example, in the BCP the developer is not required to address the migration of contaminants off-site. In the State Superfund Program, off-site contamination would have to be addressed; and indeed tests by DEC & EPA have confirmed that toxic coal tar contaminants have migrated off-site into the surrounding communities. By allowing this clean-up to take place under the BCP, the DEC is allowing the polluters to create a remediation plan with lower standards. There can be no question that these lowered standards harm the public's health and environment.

I strongly urge the rejection of the proposed amendment. I look forward to addressing these issues with you more thoroughly in the coming weeks.

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

Transmitted via Email

March 16, 2026

Representative Dan Goldman
House of Representatives
Ted Weiss Federal Building
290 Broadway Suite 291
New York, NY 10007
liz@danielgoldman.info

Re: Public Comments on Carroll Gardens/Public Place
Proposed Amendment to Split Site
Site No. C224012

Dear Representative Goldman:

Thank you for sharing your comments and concerns regarding the proposed BCA Amendment for the Carroll Gardens/Public Place Brownfield Cleanup Program (BCP) Site No. C224012 (the Site). I am writing in response to your letter dated January 8th 2026 regarding the site.

Several NYSDEC staff held a conference call with your staff on January 16, 2026, to discuss the concerns outlined in your January 8th letter. In that discussion, DEC staff explained the history of work performed at the Site, and that the two major remedial programs DEC uses to address historic hazardous waste sites, the New York State Superfund Program and the Brownfield Cleanup Program, share many similarities – notably that both programs utilize the same "soil cleanup objective" standards, which are defined in regulations. Additionally, DEC staff provided a fact sheet, available at NYS Brownfield Cleanup and State Superfund Programs: Complementary Cleanups, that describes those similarities and some small differences between the remedial programs.

The selection of the program under which a site is remediated does not change the core requirement that all remedies must adequately protect human health and the environment. Additionally, both programs consider the site's intended future use and the applicable soil cleanup objectives in 6 NYCRR Part 375-6.8, when determining the appropriate cleanup approach at a site.

As you correctly raised in your letter, this Site has had a long history of investigation and multiple remedial efforts, performed primarily by the identified responsible party for the site, National Grid. These historical efforts focused solely on the impacts from the former Manufactured Gas Plant (MGP), for which National Grid's predecessor entered into a cleanup agreement with NYSDEC. After a sealed barrier wall bulkhead was installed along the entire property line abutting the Gowanus Canal, initial actions taken

included the excavation and off-site disposal of approximately 80,000 tons of contaminated soil, treatment and off-site disposal of 750,000 gallons of impacted groundwater, excavation within and around several MGP-related structures, and the removal of associated piping containing impacted soils and liquids. There were 18 Non-Aqueous Phase Liquid (NAPL) recovery wells installed behind the barrier wall to collect deeper coal tar and prevent further migration into the Canal. To date those wells have recovered over 66,000 gallons.

To comprehensively address all contamination at the site, including other contamination not attributable to the MGP site, NYSDEC entered into multiple Brownfield Cleanup Agreements (BCAs) with National Grid and other parties/developers, which required full delineation of the site and impacted off-site areas. As the responsible party for the majority of the contamination at the site, National Grid is listed on the BCAs as a Participant, which requires both delineation and implementation of a remedy which addresses both on and off-site contamination.

Regarding the proposed amendment for the current Carroll Gardens/Public Place BCP site (a/k/a Gowanus Green), C224012, the developers of the site and National Gid would like to split the site, which would allow for earlier cleanup actions in an area that is slated for a 100% affordable housing development. However, NYSDEC will not act on that amendment until National Grid and the developers propose an acceptable remedial approach for the entire site, which is protective of the site, groundwater underneath the site, the Gowanus Canal, and the surrounding community. This certainty is critical so that cleanup of contamination at the site coordinated and comprehensive, and is not unnecessarily delayed. Discussions with National Grid and the developers regarding this comprehensive approach are promising and trending towards completion.

On March 12, 2026, I attended a meeting of the Gowanus Oversight Task Force in Brooklyn, to describe these proposals, and the history and current status of cleanup at the Site. I also answered questions from community members and attendees regarding the Brownfield Cleanup and State Superfund programs. Staff from your office attended the meeting as well. DEC staff will continue to meet with the community and address concerns, and an additional public meeting is set for March 25th, to discuss the proposed split of the Gowanus Green site and the proposed cleanup approach for that area of the property.

As detailed in this letter, National Grid and other parties have already conducted a significant amount of work at the Site, but the job is not complete. More work is necessary to address the site and protect the surrounding community, and NYSDEC will continue to require whatever work is necessary to ensure that protection.

Thank you again for sharing your comments and concerns regarding the proposed amendment to the BCA for the Carroll Gardens/Public Place BCP site. DEC appreciates your ongoing collaboration, as well as the community's involvement in the cleanup of this site. Should you have any questions regarding this letter, please feel free to reach out to me at 518-402-9706, or by email at andrew.guglielmi@dec.ny.gov.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Director
Division of Environmental Remediation

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Dear Mr. Fischer & Ms. Dolan,

Here are my comments on the proposed Remedial Action Work Plan (RAWP) at Parcel 1 of the former Citizens Manufactured Gas Plant (MGP) at Public Place, now proposed to be divided into Parcels 1A & B and Parcel 2 (both portions of the Carroll Gardens/Public Place Former MGP Site, located at 29-441 Smith Street and 8 5th Street, Brooklyn, Kings County). As a seasoned environmental justice attorney, I am well acquainted with NYS DEC recalcitrant supervision and management of MGP remediation.[1]

All four parcels of this former MGP site must be recognized by the DEC as a significant threat to human health and the environment. The New York State Green Amendment requires heightened scrutiny, remediation, and protective actions by the NYS Department of Environmental Conservation and by all other governmental agencies. Article I §19. Environmental rights. Each person shall have a right to clean air and water, and a healthful environment.

NYSDEC and EPA records confirm a continuous coal tar plume and highly contaminated groundwater flow across the entire site. Because the plume doesn't stop at the property line of Site 1A, any environmental review that only looks at a "segment" of that plume is legally improper segmentation. In light of this continuous coal tar plume, it is clear that Site 1A cannot function safely until the entire site (all four parcels) is remediated. Site 1A's remediation depends on the overall site cap and monitoring systems that cover the whole plume.

[1]- Greg B. Smith, Cancer-Causing Chemicals Still Lurk Under NYCHA's Jacob Riis Houses, 19 Years After Detection , The City, Aug.5, 2025
https://www.thecity.nyc/2024/08/05/cancer-chemicals-nycha-jacob-riis/

SEQRA regulations provide that “[c]onsidering only a part or segment of an action is contrary to the intent of SEQR[A].” 6 N.Y.C.R.R. § 617.3(g)(1) (2024) DEC’s SEQRA regulations provide that a lead agency permissibly may segment review if “the agency clearly states its reasons therefor and demonstrates that such review is no less protective of the environment.”[2]

Recent groundwater testing has revealed that dangerous levels of contamination have already spread near a pre-school and a church and residential housing located in legacy buildings. The toxic pollution under this site is spreading underground and the proposed RAWP has no projected end date for removing these highly dangerous, cancer-causing toxicants.

The Citizens MGP site is one of the most polluted sites in Gowanus and the main contributor of coal tar into the Gowanus Canal, an EPA Superfund. The Community is therefore relying on DEC to approach this remediation with all the heightened legal enforcement in its possession as mandated by the NYS Green Amendment.

However, DEC has allowed the placement of three of the four parcels at this MGP site into the NYS Brownfield Program (BCP). The proposed parcel division would allow developers to seek separate Brownfield tax credits tied to individual parcels, increasing public subsidies while fragmenting cleanup, continuing oversight and self-reporting responsibility despite the fact that National Grid remains the identified Potentially Responsible Party (PRP) for this historic MGP contamination. The BCP program was not designed to subsidize redevelopment where a financially capable PRP exists. The State Superfund Program (SSF) is where all four parcels of this MGP site should be placed.

Parcels 1 and 2 are slated for low-income family housing, senior housing and a school- certainly home to a vulnerable, environmental justice population. The developers of Gowanus Green, as the project is called, proposes Track 4 restricted residential cleanup standards for these parcels. Track 4 relies on engineering and institutional controls and assumes restricted exposure scenarios. Where sensitive receptors such as children and seniors are present, reliance on caps and controls rather than source removal is not protective, particularly considering the Dense Nonaqueous Phase Liquid ("DNAPL," a contaminant denser than water that sinks through aquifers, and acts as a long-term source of groundwater pollution) and vapor intrusion risks documented in the RAWP. The RAWP proposes that a contractor of a developer must drive hundreds of piles through the proposed protective cap, thus allowing toxic carcinogens, including benzene and naphthalene, along with a toxic stew of DNAPLs, to pass through the proposed cap. Such action will lead to greatly increased vapor intrusion Track 4 is a wrongful unsubstatniated determination- in violation of Cummulative Impact and Environmental Justice regulations and law.

[2]ENVIRONMENTAL LAW: DEVELOPMENTS IN THE LAW OF SEQRA -Syracuse Law Review 75:387

In addition, the proposed 29-story towers will rely on concrete piles driven through acidic "purifier waste" and coal tar. The sulfuric acid created drives soil pH down to 2.0 and the created acidity eats standard concrete and corrodes steel rebar, virtually guaranteeing an eventual structural collapse and increased probabilty of vapor intrusion. The elevators in each of the 29-story buildings will act as pneumatic tubes carry the toxic vapors to the floors above the ground floor.

The three buildings on Site 1B (including the two 29-story towers) and Building A on Site 1A all straddle legacy Gas Holder foundations. These buildings add massive weight; any settlement of the "loose fill" will cause the structures to sink unevenly and shear the proposed vapor barrier seals. The 80,000 square foot school footprint overlaps directly with legacy Purifier Boxes (pH 2.0 hotspots). Placing a school over the site's most aggressive chemical waste without a redundant safety system is negligent. Installing the vapor barrier around the piles requires thousands of hand-taped "boots." A single failed seal renders the proposed sub-slab vacuum useless or insufficient,

The BCP allows developers to self-certify to DEC that “all is well’. Contractors can and do deviate from approved plans. The DEC’s "hands-off" approach under the BCP invites a repeat of this failure on a massive residential scale. The NYS DOH has continuously failed its designated role as protectors of the public health at brownfield sites or at least be greatly reduced - including but not limited to many brownfield sites where NYS DOH failed to answer calls for a warranted, substantiated health assessment. This risk would not exist if all four parcels were in the SSF.

Affordable Housing is not affordable if we pay for it with our health or with our life because it has been built on one of the most polluted sites in NY State and in a FEMA flood zone A. For more than 100 years, the Gowanus community has been exposed to dangerous carcinogenic and endocrine disruptive toxicants from the former Citizens MGP site. I urge you to address this environmental nightmare by forcing the polluter on record to remediate all four parcels through the State Superfund program and protect the most vulnerable members of our community.

I urge DEC to deny this inadequate and health threatening RAWP

Respectfully submitted,

Joel Richard Kupferman

Joel Richard Kupferman, Esq.
Environmental Jusitce Initiative
301 W. 107th ST 4W
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PACE ENVIRONMENTAL LITIGATION CLINIC

JOHN JAY LEGAL SERVICES, INC.

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OF COUNSEL	SUPERVISING ATTORNEY	ADMINISTRATOR
KARL S. COPLAN	TODD D. OMMEN	JENNIFER RUHLE

April 23, 2026

Via: Email

Aaron Fischer, Project Manager
NYSDEC, Division of Environmental Remediation
625 Broadway,
Albany, NY 12233-7014
aaron.fischer@dec.ny.gov

Re: 8 5th Street Site, site ID #C224012

Dear Mr. Fischer:

On behalf of Friends and Residents of Greater Gowanus ("FROGG") and Voice of Gowanus ("VOG"; for simplicity this letter will refer to both collectively as VOG), we write to comment on the draft Remedial Action Work Plan ("RAWP") for the 8 5th Street Brownfield Site (the "Site" or "Parcel IA"). The scope of the RAWP is based entirely on the assumption that the proposed split of what was formerly Parcel I of the larger manufactured gas plant ("MGP") site into two separate parcels is approved and that both new parcels remain in the Brownfield Cleanup Program ("BCP"), despite having new legal boundaries and multiple changed circumstances. Approval of the Remedial Action Work Plan ("RAWP") is inappropriate both because the split parcel is ineligible for the BCP and because the RAWP, performed under the BCP rather than the State Superfund Program ("SSF"), is not sufficiently protective of the vulnerable populations expected to be present on the Site after the remediation.

This Site, under New York State law, must be remediated under the New York State Inactive Hazardous Waste Disposal Site Program, otherwise known as the SSF, along with each of the other parcels that comprise the Citizens former Manufactured Gas Plant ("Citizens"). Each site is extensively contaminated and, by DEC's own admission, "[pose] a significant threat to public health or the environment." Regardless of whether the Site was ever truly eligible for the Brownfield Cleanup Program ("BCP"), based on the knowledge that DEC has now, the BCP is plainly no longer the appropriate remedial path for the former MGP.

To be clear, VOG recognizes and agrees that housing and related projects like those proposed for the Site *are* necessary, and VOG supports proper remediation and redevelopment of all the Citizens parcels, but the remediation of the former MGP must be protective of human health and the environment in the long run, lest we place our community's most vulnerable in harm's way in the interest of expediency and ease for the developers. The intent of the planned Gowanus Green development is to deliver affordable housing, senior housing, supportive housing, as well as a new public school. While this would undoubtedly benefit the community, the risks of placing those vulnerable populations on the Site after remediation under the less stringent BCP far exceeds any benefits of development. Moreover, the tax benefits provided to the developer through the BCP are entirely inappropriate where a known, financially viable Potentially Responsible Party ("PRP") – i.e., National Grid ("NG") – exists, as it does here.

VOG is concerned that this draft RAWP for a *potential* site that is to be created *after* the approval of an addendum to the Brownfield Cleanup Agreement ("BCA") splitting Parcel I into two discrete parcels is moving forward despite the fact that DEC has not yet decided whether the split is appropriate and, in any event, still has not weighed public comments on the split. What was the point of offering the public the opportunity to weigh in on the split of the parcel when the RAWP was already moving forward under the assumption that the split would occur? If DEC is testing the waters of public opinion while unaddressed concerns remain about eligibility for the BCP in the first place, the split must be addressed prior to adoption of any RAWP. Moreover, DEC's claims of equivalency between the BCP and the SSF will not improve public opinion. At the very least, DEC should reassess the eligibility of the new potential parcels before once again capitulating to the needs of a developer and a known PRP.

The RAWP Is Not Sufficiently Protective of Human Health and the Environment

The level of remediation ongoing in this region has continually been watered down. We can see this in how DEC's orders have scaled back over the years, far from the original site-wide eight-foot depth agreed upon in 2007, and further still from what experts like EPA's Christos Tsiamis believed would be adequate. Christos Tsiamis, the prior EPA Remedial Project Manager of the Gowanus Canal Superfund Site, questioned the efficacy of the current plan in preventing further spread of coal tar into the Gowanus Canal.[1] Mr. Tsiamis's primary concern, however, was that the planned developments on the entire Citizens Manufactured Gas Works site would place the community's most vulnerable on the site despite choosing the least stringent track for remediation.[2]

Even beyond the differences between the BCP and the SSF regarding cleanup on the Site itself, there is an equally important reason to reject the RAWP: the migration of contaminants off-site. Off-site migration of contaminants must be investigated by the applicant.[3] However, the regulations specifically state that while there must be a qualitative exposure assessment of contamination migrating off-site, "the volunteer has no obligation to implement a remedy to

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[1] George Fiala, *Toxic vapors and pollution hold up Public Place plans, by Eric Newstrom*, The Red Hook Star Revue (Jul. 5, 2025), https://www.star-revue.com/toxic-vapors-and-pollution-hold-up-public-place-plans-by-eric-newsom/.
[2] *Id*.
[3] 6 NYCRR 375-3.8(b)(2),

address an off-site exposure identified by this assessment."[4] At least one participant does have such a duty; DEC must require NG to select a remedy addressing off-site contaminants since the application lists it as a participant. It is unclear from the RAWP whether such an investigation took place or what remedy is required here.[5] Contaminant migration risks undoing much of the remediation work done on the Gowanus Canal. Hence, we question why the RAWP discusses only mitigating future migration but is silent on remediating that which has already migrated.

Off-site migration poses a danger DEC already understands, having known it was an issue since 2005.[6] In fact, DEC implemented voluntary testing initiatives in residential buildings for VOCs in the Gowanus area.[7] Although this has not been as fruitful as the agency hoped, with many landlords denying DEC permission to enter due to fears of decreased property values based on the results.[8] However, many of the buildings that did grant access revealed concerning levels of contamination, although these only account for twenty percent of the buildings where DEC requested access.[9] While some of the buildings showed low levels of contamination, others showed very concerning levels of TCE, with one exceeding the acceptable level by upwards of 450 times and others showing "dozens of times the limit."[10] These are carcinogenic compounds lying in wait and will become a public health crisis if it continues to go unchecked.

While we acknowledge the challenges in remediating such a heavily contaminated site, the RAWP has numerous flaws that must be addressed, as has been acknowledged by a community member with a background in remediation and public infrastructure management.[11] His analysis shows multiple points of potential failure post-remediation that would put those on the Site at risk under current plans – i.e., the most vulnerable in the community – especially considering how much the planned development has changed over the years.[12] Much of the issues involve the foundation, while the cleanup should remove much more contamination than is currently required, he notes that Type V sulfate-resistant concrete must be utilized to prevent the remaining acidic coal tar and purifier waste from eating away at the concrete foundation, leading to structural instability later on. Another major area of concern is the risk of creating vapor conduits that would allow contaminants to cross the soil barrier. He demands redundancies in the vapor mitigation system since any puncture in the planned vapor membrane would render it useless. He is also concerned about the 95% soil compaction metric, finding this to be unrealistic and will lead to uneven settlement of the foundations. All of this is exacerbated by the

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[4] 6 NYCRR 375-3.8(b)(2)(i)
[5] 6 NYCRR 375-3.8(b)(2)
[6] Katia Kelly, *National Grid's Own Documents Prove That Contaminants From Public Place In Gowanus Migrated Off-Site*, Pardon Me For Asking (Mar. 29, 2021, 5:33 PM), chttps://pardonmeforasking.blogspot.com/2021/03/national-grids-own-documents-prove-that.html.
[7] Nicole Rosenthal, *NYC Tenants Put in Tough Position as Cancerous Vapor Tests Near Gowanus Canal Need Landlords' Permission*, New York Post (Sep. 20, 2024, 12:44 PM), https://nypost.com/2024/09/20/us-news/cancerous-vapor-testing-in-gowanus-left-up-to-landlords-discretion-tenants-say-we-cant-sacrifice-our-relationships/#:~:text=·NY%20POSTcast,about%20113%20buildings%20completed%20testing.
[8] *Id*.
[9] *Id*.
[10] *Id*.
[11] *See* Exhibit A.
[12] The planned development has gone from a park to two six-story buildings, to now multiple high-rises where the true height could continue to increase. Ordinarily, this would not be at issue, but the engineering controls proposed for the Site are not equipped to handle the load.

fact that much of the infrastructure from the former MGP is being left in the ground; this parcel specifically contains the foundation of the holding tank that once stood onsite. The buildings' foundation would need to straddle what's been left behind, further exacerbating the challenges mentioned as well as others brought up by the community member.[13] If Parcel I is to be remediated under the BCP, these concerns must be addressed.

However, it is important to note that the SSF and the BCP approach cleanup very differently. As a voluntary program, the BCP approach relies heavily on post-remediation engineering controls, preferring mitigation over complete removal and leaves it to the developers to perform their own reporting on contamination.[14] The SSF is enforcement based, allowing DEC far greater control over how the Site is remediated, leading to more transparency both during and after the process.[15] SSF remediation would give DEC the ability to enforce more stringent standards, including the use of more experienced DEC contractors rather than the developer's. NG entering into dispute resolution has also forced remediation to slow to a crawl while it argues that EPA's order to remediate groundwater contamination that has migrated or has the potential to migrate offsite, despite being part of their statutory duties as a volunteer.[16] This could be avoided entirely under the SSF, where DEC has clearer mandates for taking enforcement actions against NG. One thing is certain: DEC must work to ensure that it is taking the most protective actions possible on this Site rather than push that off to the developers.

The new parcels being created here do not belong in the BCP. Prior to any decision on whether to move forward with the new parcels, DEC should have their eligibility for the BCP reassessed consistent with the controlling regulations. Not only would this assuage the community's concerns that DEC has lost control of the Site, but it could lead to the parcels' admission to the much more protective SSF.

Splitting Parcel I Into Two Separate Parcels Requires New Review of Each Parcel's Eligibility for the Brownfield Cleanup Program Prior to Review of the RAWP

As VOG has previously raised in comments on the split of Parcel I, much has changed since the former MGP Citizens site was allowed into the BCP. The strongest evidence of the change in circumstances has been DEC's use of the phrase "significant threat to public health or the environment" when referring to the entirety of the Citizens site in notices related to the various parcels. As fully explained in VOG comments on the proposed split, submitted December 26, 2025, splitting Parcel I should trigger a reassessment of whether these new two new parcels belong in the BCP. To assume that both are just as fit for the BCP as they were when initially being accepted into the program in 2009 without assessing eligibility is merely a way to circumvent holding the PRP at the site (NG), accountable. Were DEC to perform this reassessment, it is clear that neither parcel would be accepted into the BCP as is explained further *infra* and in prior comments submitted by VOG. Clearly, DEC has chosen to avoid

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[13] *Id*. (Other concerns include the discrepancy in the number of recovery wells required onsite vs. how many DEC plans to move forward with as well as likely sewer infrastructure failure in an area already suffering from what the community has dubbed "poo-namis" from sewage overflows.).
[14] *See* Exhibit B
[15] *Id*.
[16] 6 NYCRR 375-3.8(b)(2)

reassessment as it would directly violate the statute to then allow this Site into the BCP. It is apparent that DEC has failed to rein in NG as the responsible party, and has, instead, allowed NG to shirk its remedial duties while putting the community's well-being at risk by allowing remediation by Developers at the taxpayer's expense through subsidies under the less protective BCP.

A. Splitting the Parcel Should Trigger Reassessment

Before any site enters into the BCP, DEC must first establish that it is eligible for the program.[17] While Parcel I has been in the BCP since 2009, both the agency and the public has learned more about the extent of the contamination in and around the former MGP. The "significant threat" description of the Site is consistent with the SSF, not the BCP. The former MGP site has not been legally eligible for the BCP for quite some time, but this has marked a shift in how the Citizens sites are being presented to the public. If there was some question at the time when these parcels were first allowed to enter the BCP, the current declaration of risk is, at a minimum, a change in circumstances that should force reassessment of the two new parcels as ineligible for the BCP. If DEC treats each new parcel as its own separate cleanup, it must independently qualify as eligible for the BCP; eligibility does not attach to the land in the abstract. Where parcel divisions result in different redevelopment entities or different tax credit beneficiaries, a new eligibility determination is required.[18]

Alternatively, even if DEC contends that portions of the site are "still" eligible for the BCP, while the highly contaminated portions are not, DEC could assess the partial eligibility of the new parcels to ensure proper remediation for the peace of mind of the community and for efficiency. The BCP allows that DEC "may 'determine that contiguous properties or parcels, or only a portion of any proposed site, meets the statutory definition of brownfield site,' [sic] and may approve contiguous properties or parcels or only a portion of a site for participation in the brownfield cleanup program."[19] This is presumably for the purposes of determining the financial incentives that volunteers or participants are eligible for, as well as to ensure resources aren't wasted on parcels or portions of parcels that are not the source of contamination.

B. The New Parcels Would Not Be Eligible for the Brownfield Cleanup Program

The definition of what constitutes a Brownfield Site is purposefully broad, however there are a few strict requirements that immediately disqualify a site from entering the program. The primary criterion is the classification system for the Registry of Inactive Hazardous Waste Disposal Sites ("Registry"). The BCP specifically excludes any site that is considered Class 1 or Class 2.[20] According to DEC, no site has ever been listed as Class 1, so we must look to the criteria for Class 2 sites which are sites where "contamination constitutes a significant threat to public health or the environment."[21] As noted throughout this comment, DEC has used this very language to describe the former MGP's various parcels. DEC made this determination "in

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[17] *See* NYECL § 27-1405
[18] NYECL § 27-1415(1).
[19] *Buffalo Dev. Corp. v. N.Y. State Dep't of Envtl. Conservation*, 889 N.Y.S.2d 504 (Sup. Ct. 2009)
[20] 6 CRR §§ 375-3.3(b)(1)&(2).
[21] 6 CRR § 375-2.7(b)(3)(ii).

conjunction with the New York State Department of Health," a determination which should not only evince the new parcels' ineligibility and each of the other Citizens parcels' individual ineligibility, but also triggers other statutory requirements. Specifically, NY ECL § 27-1411(5) states that "[w]ithin six months of the determination that a site poses a significant threat, in the event that the applicant is a volunteer, the department shall bring an enforcement action against any parties known or suspected to be responsible for contamination (other than such volunteer) at or emanating from the site according to applicable principles of statutory or common law liability." This is a mandatory statutory duty DEC is currently not following, apparently in an attempt to keep the Site in the BCP.

Equally important, sites on the National Priorities List ("NPL") are not eligible for the BCP;[22] the EPA placed the Gowanus Canal on the NPL in 2013. NG has conceded that the entire Citizens site is subject to this same NPL designation. In arguing against a Motion to Dismiss in the CERCLA case NG itself brought, NG argued "that 'Superfund 'sites' can legally include the sources of contamination'"[23] and the Court held that "the [Unilateral Administrative Order for Remedial Design] defines the 'the [sic] Gowanus Canal Superfund Site' as 'an approximately 100-foot wide, 1.8-mile-long canal located in the New York City borough of Brooklyn, Kings County, New York, *and includes any areas which are sources of contamination to the Canal*….'"[24] The EPA has long recognized the various manufactured gas plants surrounding the canal as a source of contamination to the canal itself. EPA may have delegated the sites "uplands of the canal," but this delegation does not change the scope of the NPL designation, which would completely disqualify this parcel from being in the BCP. This designation as part of the NPL occurred *after* the Site entered into the BCP, and DEC must consider the change it requires in eligibility.

Thus, by DEC's own assessment of risk, the PRP's successful contention in Court, and EPA's own definition of the Gowanus NPL site, this Parcel cannot be, and should not be, in the BCP. For all of these reasons, any RAWP should utilize the standards of the SSF and be subject to the oversight of the SSF.

The Department of Environmental Conservation Appears to Misconstrue the Purposeful Separation of the BCP and the SSF

In a recent public meeting, in an attempt to explain why the other Citizens parcels are in the BCP, DEC stated that Parcel IV is only in the SSF because there isn't a developer involved. But this reasoning ignores the structure, purpose, and legal restrictions of the BCP. The BCP is not the "default" remedial program whenever a developer is available; rather, a site should be in the SSF unless and until it is *eligible* for the BCP. As explained above, this Site is not eligible, so the availability of a developer should be irrelevant.

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[22] 6 CRR §§ 375-3.3(b)(3).

[23] Memorandum and Order on Defendant's Motion to Dismiss at 32-33, *National Grid v. Consolidated Edison Co. et al.*, 1:24-cv-06993 (E.D.N.Y Mar. 29, 2026) ("Brooklyn Union relies on the RD UAO which defines the Gowanus Canal Superfund Site as the '100-foot wide, 1.8-mile-long canal located in the New York City borough of Brooklyn, Kings County, New York, *and also includes any areas which are sources of contamination to the Canal,* areas where contamination has migrated from the Canal, and/or suitable areas in very close proximity to the contamination which are necessary for implementation of the [w]ork.'").

[24] *Id*. at 38

This approach also contravenes the purpose of having two separate programs with differing levels of stringency. The SSF is intended for sites posing "a significant threat to public health or the environment,"[25] coincidentally the exact same language DEC has used to describe the former MGP since July 2025. In fact, such sites are inherently ineligible for the BCP, which is reserved for less contaminated sites with no known PRP. If the two programs were truly as interchangeable as DEC claims, then why bar such severely contaminated sites from the BCP? The reason for separate programs is because the BCP was not intended to handle the State's most polluted sites, but instead to encourage development of sites where liability would have been too burdensome. The SSF is intended for those sites which do more than merely "complicate redevelopment," but could threaten the immediate safety of the community surrounding them.

On top of that, DEC appears to be misleading the community as to the level of cleanup required under both programs, claiming that they are functionally equivalent. The type of severe contamination seen across the former MGP is generally addressed by the SSF – not the more general "run of the mill" situations better addressed by the weaker BCP. From public participation to financial incentives, it is clear that the two programs are very different.[26] To say that Track 4 remediation under the BCP is equivalent to the SSF is an oversimplification, if not demonstrably untrue.[27] The same can be said of DEC's claims of having complete control over NG's remediation of the Citizens site. If that were the case, NG would not have been able to stall remediation for a number of years by invoking the Dispute Resolution clause in the Brownfield Cleanup Agreement in an attempt to avoid additional remediation, including groundwater contamination and offsite migration, as demanded by the EPA. This is because the BCP is a voluntary program with a formal agreement, as opposed to the enforcement-based SSF, in which "DEC can issue orders or pursue legal action."[28]

Even assuming the two cleanup programs were comparable – which they are not – the Site should *still* be remediated under the SSF because doing so under the BCP shifts much of the costs to the taxpayers through granting generous tax incentives to the developer. The burden of Parcel I's cleanup should not be borne by the taxpayers where a known and viable PRP exists. These tax benefits are not included in the SSF, forcing those responsible for contamination on the Site to pay their share of cleanup costs.

Moreover, and separately, we note that whatever costs NG does incur should not be passed on to the ratepayers – particularly because NG is currently trying to share liability with other PRPs in court, lowering overall costs for itself – though we recognize that this issue is not before DEC currently. Not only are the taxpayers and ratepayers paying to give the developers tax breaks, whatever costs NG may incur have also historically been passed on to its ratepayers. The Public Service Commission has consistently given NG the right to charge its customers in Staten Island, Brooklyn and Queens for "site investigation and remediation." Although this passing of costs is troubling, it is not a reason to keep the Site in the BCP: this risk could be significantly ameliorated through NG's own ongoing litigation against other PRPs, thus dividing

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[25] 6 CRR § 375-2.7(3)(ii).
[26] Exhibit B at 3-6.
[27] *Id*.
[28] *Id*.

the costs among other entities and not passing them on to the community. Although we recognize that the issue of passing the costs for site investigation and remediation on to ratepayers is largely beyond DEC's control, the financial burden being levied on the community under the BCP, as opposed to multiple PRPs under the SSF, is yet another reason that the proposed split parcels belong in the SSF.

Conclusion

For all the reasons set out above, the RAWP should be rejected – given the inadequacies outlined above – and the eligibility of these sites must be reassessed prior to approving the split of Parcel I. Should this reassessment occur, the SSF should be found to be the appropriate remedial program. The RAWP does not address obvious engineering risks such as foundations sinking, piles corroding, the sewer cracking, and both on and off-site migration of toxins – past, present and future. The more holistic approach to remediation under the SSF would be far better suited to cleaning up the new parcels, as well as the rest of the Citizens site. Finally, more transparency is required on the DEC's part in terms of the differences between the SSF and the BCP as outlined above.

Sincerely,

Todd D. Ommen

Exhibit A

---------- Forwarded message ---------
From: **Alexander Gregor** <alexdgregor@gmail.com>
Date: Sun, Mar 15, 2026 at 10:13 AM
Subject: Technical Omissions in Remedial Action Work Plan (RAWP) – Gowanus Green / Public Place (Site C224012 & C224012C)
To: <commissioner@dec.ny.gov>
CC: <aaron.fischer@dec.ny.gov>, <andrew.guglielmi@dec.ny.gov>

Dear Commissioner Lefton,

I am writing to you directly because the current administrative path for the "Public Place" MGP site in Brooklyn is ignoring critical engineering risks. As a professional with a background in the drilling and environmental remediation field, I attended the **Gowanus Oversight Task Force meeting on March 12, 2026**. I was alarmed to find that instead of a senior engineer capable of addressing structural safety, the NYSDEC was represented by a **lawyer**.

Why is the NYSDEC treating a "Significant Threat" site as a legal negotiation rather than a 100-year engineering challenge?

I formally request your intervention on the following four points, which are currently omitted from the Draft Remedial Action Work Plan (RAWP):

1. **100-Year Structural Integrity of Piles**: The proposed 29-story towers will rely on concrete piles driven through acidic "purifier waste" and coal tar. This environment creates sulfuric acid that drives soil pH down to 2.0. This acidity eats standard concrete and corrodes steel rebar. The RAWP must mandate **sulfate-resistant (Type V) concrete** and specialized protective coatings to prevent a structural collapse decades from now.
2. **The "23 vs. 18" Recovery Well Discrepancy**: Technical records for this plume indicate **23 necessary recovery wells**, yet the DEC is moving forward with a plan based on only **18**. The NYSDEC must reconcile this discrepancy and prove that the five "missing" wells are not essential to stopping the migration of coal tar into residential Carroll Gardens.
3. **The Failure of the BCP "Self-Reporting" Model**: The Brownfield Cleanup Program (BCP) has allowed the polluter to stall this cleanup for years. The recent move to **subdivide Parcel 1** is a transparent attempt to fragment liability. I urge you to follow the **Gowanus Canal CAG's resolution** and move this site into the **State Superfund Program**, where the State—not the polluter—controls the safety standards.
4. **Conduit Risk and Public School Vapor Safety**: Driving hundreds of foundation piles through the "vadose zone" creates hundreds of **vertical conduits** (pathways) for toxic naphthalene and benzene vapors to bypass the soil cap. A single puncture in a vapor membrane during pile installation renders the system useless. I demand a **redundant, fail-safe vapor mitigation system** for the proposed school and independent, third-party oversight of every square inch of its installation.

The community deserves an engineering-led solution, not a lawyer-led defense of a flawed process. I look forward to your response and expect to see a senior technical representative at the **March 25 public meeting** at P.S. 32.

Respectfully,

Alexander Gregor

483 Court street Apt4

Brooklyn, NY, 11231

sent today to five Partners

Alexander Gregor <alexdgregor@gmail.com> Mon, Mar 16, 2026 at 7:09 PM
To: Steve Marcus <stevemarcus7@gmail.com>

NOTICE OF ENGINEERING OMISSIONS & POTENTIAL LONG-TERM LIABILITY

TO: Principal Officers, Gowanus Green Partnership (Hudson, Fifth Ave Committee, Monadnock)
DATE: March 16, 2026
RE: Project Site C224012 (Gowanus Green) – Foundation and Vapor Mitigation Risks

To the Development Team,

As a professional in the drilling and environmental remediation field, I am formally serving you with the attached **Technical Audit Request** submitted to the NYSDEC regarding the "Public Place" MGP site.

This letter serves as **Official Notice** that the current design for the proposed 29-story towers and public school contains significant engineering omissions that may compromise the 100-year structural and environmental integrity of the project:

1. **Chemical Attack on Foundations**: The failure to mandate **Type V sulfate-resistant concrete** in an environment saturated with acidic purifier waste (pH 2.0) poses a documented risk of concrete leaching and rebar corrosion.

2. **Vapor Conduit Risk**: The installation of hundreds of foundation piles creates vertical pathways for **naphthalene and benzene** to bypass the soil cap. The current plan lacks a **redundant, fail-safe vapor system** for the school.

3. **Sewer Infrastructure Failure**: The "5-lb bag" interceptor pipes serving this site are already at capacity. Proceeding with high-density towers without a **Certified Hydraulic Analysis** risks chronic dry-weather backups and system failure.

By receipt of this certified letter, your organizations are officially **on notice** of these specific technical risks. Failure to address these omissions in the Final Remedial Action Work Plan (RAWP) may result in future structural instability, health-related litigation, and environmental non-compliance for which your firms will be held accountable.

I will be reading these concerns into the public record at the **NYSDEC Meeting on March 25th**.

Respectfully,

Alexander Gregor

Exhibit B

MEMORANDUM

To: **Voice of Gowanus (VOG)**

From: **Maureen Koetz**

Subject: **NYSDEC Claims of Parity Between State Superfund and Brownfield Cleanups**

Date: **August 5, 2025**

Multiple environmental restoration programs are established, enforced, and/or recognized under NYS law:

- The New York State Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program or SSF), as defined by ECL, Article 27, Title 13, except for emergency IRMs.
- The New York State Environmental Restoration Program (ERP), as defined by ECL, Article 56, Title 5.
- The New York State Brownfield Cleanup Program (BCP), as defined by ECL, Article 27, Title 14.
- The New York State Voluntary Cleanup Program (VCP), which stopped accepting new applications as of October 31, 2003 (overturned by a court).
- The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by Superfund Amendments and Reauthorization Act of 1986 (Federal Superfund) Program.

Developers can access significant public funding as well as avoid significant cleanup outlays by manipulating hazardous waste site designations among and between State Superfund (SSF), Voluntary Cleanup (VCP), and the Brownfield Cleanup (BCP) Programs, which are governed by completely different sections of the NYS Environmental Conservation Law.

The cleanup designations at three of four parcels of the once and remaining Citizens Gas Works in Brooklyn NY are an example of such manipulations, ongoing since the turn of the century. Parcels I, II, and III of that former Manufactured Gas Plant site have been included in the "Brownfield Cleanup Program" contrary to controlling provisions of law.[1] This misdesignation has been employed to allow for inappropriate redevelopment that will be funded in part by access to state subsidies in the form of credits and tax expenditures. As a result of this misdesignation (in spite of clear evidence that the contamination on-site poses a threat to human health and the environs

[1] All four parcels of the Citizens Gas works should have been included as an Operable Unit of the Gowanus Canal Superfund Site listing site given their ongoing status as a major source of contamination to the Canal, an issue addressed in other documents and submittals to federal, state, and local authorities. Notably and inexplicably, Parcel IV, smallest and farthest from the Canal, is registered as a Class 2 site, virtually in and off itself proving that the Brownfield designations were and are violating state law.

requiring a Class 2 Registration), the actual remediation/restoration of the site will not be required to meet established standards under state law.

In the latest of a series of seeming falsehoods designed to mislead the public, representatives of the NYSDEC recently informed the community that Parcel III was being remediated as a Track 4 Brownfield, and that was the functional equivalence of a State Superfund (SSF) program cleanup.

The SSF and the BCP are two distinct regulatory cleanup programs as managed by the NYSDEC, each with different purposes, eligibility, liability, and cleanup standards.[2] Most glaringly, the Track 4 process does not require that cleanup "conform" to Soil Cleanup Objectives or other standards included in regulations (see 6 NYCRR Part 375). Instead, "volunteers" conducting Track 4 cleanups can create their own "site specific" cleanup standards geared to planned reuse and developer preferences for financial outlay avoidance strategies; the DEC defers to the developer wishes instead of directing remediation that meets state standards based on a state-overseen feasibility study. Track 4 also provides liability waivers unavailable through the SSF.

A comparison is charted below that shows the radically different focus and requirements of a BCP Track 4 versus SSF Class 2 cleanup that contradicts the assertions of NYSDEC.

But equally importantly, the Citizens Gas Works (where all the most harmful and polluting forms of industrial activity to manufacture "town gas" took place) is not just about cleanup to allow for surface reuse.

- ***Two of the four Citizens parcels (II and III) border the Gowanus Canal and continue to secrete the most toxic sources of pollution into the Gowanus Canal bed and waters, including deeply sunk BTEX and PAH contaminants that have migrated under the Canal.***
- ***The status of Citizen Gas Works parcels as source contamination to the Canal requires they be cleaned up under the SSF processes and standards, since surface scraping, surface barriers, and institutional controls will not adequately remediate the continuing pollution of the Canal.***
- ***In fact, there is ample reason to believe that executing a BCP cleanup under Track 4 instead of an SSF cleanup will enable continuous recontamination and render the hundreds of millions of dollars being spent on Remediation Target Area 2 (RTA2) pointless and a total waste of money.***

In other words, irrespective of surface redevelopment plans, the Citizens Gas Works Cleanup is integral to the Gowanus Canal Federal Superfund Cleanup, and arguably must meet all SCGs and ARARs under the Federal and State statutes for the cleanup to be legally adequate and protective of human health and the environment.

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[2] Section 1.3 of the ***Technical Guidance for Site Investigation and Remediation*** promulgated by the NYSDEC Department of Environmental Restoration (DER-10, 2010) defines cleanup requirements:
71. Standards, Criteria and Guidance" or "SCGs" mean standards and criteria that are generally applicable, consistently applied, and officially promulgated, that are either directly applicable, or that are not directly applicable but are relevant and appropriate, unless good cause exists why conformity should be dispensed with, and with consideration being given to guidance determined, after the exercise of scientific and engineering judgment, to be applicable. This term incorporates both the CERCLA concept of "applicable or relevant and appropriate requirements" (ARARs) and the EPA's "to be considered" (TBCs) category of non-enforceable criteria or guidance. The most common applicable SCGs are identified on the DEC website identified in the table of contents. For purposes of this Guidance, "soil SCGs" means the soil cleanup objectives and supplemental soil cleanup objectives identified in 6 NYCRR 375-6.8 and the Commissioner Policy on Soil Cleanup Guidance (CP-Soil).

Track 4 BCP and NYS Superfund Program Comparisons

1. Purpose and Applicability

Category	Track 4 Brownfield Cleanup (BCP)	State Superfund Program (SSF)
Goal	Voluntary cleanup of contaminated properties to encourage redevelopment.	Cleanup of hazardous waste sites that pose a significant threat to public health or the environment.
Site Type	Must meet definition of a **"brownfield site"** (contaminated, underutilized, or vacant).	Sites with documented hazardous waste releases and significant risk (classified as Class 2 under the Inactive Hazardous Waste Disposal Site list).
Initiation	Initiated voluntarily by private parties (e.g., developers, property owners).	Initiated by NYSDEC; responsible parties may be compelled to clean up.

2. Legal Authority

Category	Track 4 BCP	State Superfund
Governing Law	Environmental Conservation Law (ECL) Article 27, Title 14.	ECL Article 27, Title 13 (New York State Inactive Hazardous Waste Disposal Site Remedial Program).
Enforcement	Not typically enforcement-based; voluntary with a formal agreement (Brownfield Cleanup Agreement).	Enforcement-based; DEC can issue orders or pursue legal action.

3. Cleanup Standards

Category	Track 4 BCP	State Superfund
Remedial Approach	Track 4 focuses on **site management with institutional and engineering controls**; limited or no excavation/removal.	Requires cleanup to standards that protect human health and the environment, often requiring extensive remediation (e.g., excavation, treatment).
Cleanup Objectives	Based on intended site use (residential, commercial, industrial); Track 4 is **the least stringent** of BCP's four tracks.	Must eliminate or mitigate all significant threats; generally more stringent and comprehensive than BCP.
Remedy Selection	Risk-based; determined through a Remedial Investigation and alternatives analysis, but often tailored to redevelopment plans.	DEC selects the remedy from a Feasibility Study with stricter criteria under 6 NYCRR Part 375.

4. Liability and Legal Protections

Category	Track 4 BCP	State Superfund
Liability Protection	Provides liability protection for applicants (Volunteer or Participant status), limited to site contamination.	Does not waive liability; parties may be held liable under strict, joint, and several liability.
Covenant Not to Sue	Yes, granted upon Certificate of Completion (COC), provided remedy is maintained.	No automatic covenant; responsible parties remain liable unless released through legal action.

5. Financial Incentives

Category	Track 4 BCP	State Superfund
Tax Credits	Yes, potentially significant (especially for developers), including for site preparation and qualified tangible property.	No tax incentives; costs borne by responsible parties or the state (if no viable party exists).
Funding Source	Privately funded by applicant, with potential reimbursement through tax credits.	State-funded (via NYS Superfund) if no responsible party; otherwise, polluters must pay.

6. Public Participation and Oversight

Category	Track 4 BCP	State Superfund
Public Involvement	Required but generally less extensive; includes Comment Periods and public notice.	More extensive public participation, especially during Site Characterization, Remedy Selection, and implementation.
DEC Oversight	Full DEC oversight; project milestones must be approved.	DEC-led investigations and remedy selection, with greater regulatory control.

7. Example Use Cases

Category	Track 4 BCP	State Superfund
Typical Sites	Urban redevelopment projects (e.g., former gas stations, dry cleaners, warehouses).	Landfills, manufacturing sites, chemical plants with severe contamination.
Development Focus	Redevelopment for economic purposes.	Risk mitigation, often with no redevelopment planned.

Summary

Category	Track 4 – Brownfield Cleanup Program	State Superfund Program (SSF)
Program Type	Voluntary cleanup for redevelopment	Enforcement-driven cleanup of hazardous waste sites
Governing Law	ECL Article 27, Title 14	ECL Article 27, Title 13
Initiated By	Private party (developer, owner)	NYSDEC or compelled responsible party
Site Eligibility	Contaminated, underutilized or vacant (“brownfield”)	Significant threat to public health or environment (Class 2 sites)
Remedial Track	Track 4: Institutional & engineering controls only (no major soil removal)	Full cleanup to eliminate or mitigate significant threats
Cleanup Standards	Risk-based, tied to future use (residential, commercial, etc.)	Based on long-term health and environmental protection
Oversight by DEC	Yes, but site-specific and tailored to redevelopment goals	Yes, full control; DEC leads investigation and remedy selection
Covenant Not to Sue	Yes – upon issuance of Certificate of Completion (COC)	No automatic covenant; liability remains unless resolved legally
Liability	Liability protection for contamination at site for program participants	Responsible parties remain fully liable; strict, joint, and several liability
Funding	Privately funded; reimbursable via state tax credits	State-funded if no viable party; otherwise responsible parties must pay
Financial Incentives	Yes – significant tax credits (site prep + construction)	No tax credits or financial incentives
Public Participation	Public Comment Periods required for certain documents	Mandatory public meetings, hearings, and longer participation process
Typical Sites	Former industrial/commercial sites for redevelopment	Landfills, chemical plants, severely contaminated sites
Redevelopment-Oriented	Yes – key goal is to encourage revitalization	Rare – focus is on hazard mitigation

Factor	Track 4 BCP	State Superfund
Voluntary	Yes	No (enforcement-driven)
Risk-Based Remedy	Yes	Yes, but stricter
Liability Protection	Yes (limited)	No (unless settled)
Tax Benefits	Yes	No
Redevelopment-Oriented	Yes	Rarely

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

Transmitted via Email

August 12, 2026

Andrew Prophete
Director
National Grid
Site Investigation and Remediation
175 East Old Country Road
Hicksville, NY 11801
Andrew.Prophete@nationalgrid.com

Re: Citizens MGP-Related Work Agreement
Carroll Gardens/Public Pl. Former MGP Site Parcels IA, IB, & II
DEC Site No. C224012

Dear Andrew Prophete,

I write to memorialize the agreement in principle between the New York State Department of Environmental Conservation ("DEC") and The Brooklyn Union Gas Co., d/b/a National Grid NY ("National Grid") with respect to the final scope of MGP-related remediation at Parcels IA, IB, and II at the former Citizens Gas Works Manufactured Gas Plant Site.

As an initial matter, DEC has reviewed the Initial Pre-Design Investigation Report for Parcels IB and II ("PDI Report"), dated June 11, 2026, submitted by Arcadis on behalf of National Grid. DEC concurs with the In-Situ Solidification ("ISS") treatment limits proposed for Parcels IB and II as set forth in the PDI Report and, more specifically, on Figure 4 of that document.

DEC agrees that deep foundational elements limit the feasibility of ISS, as shown on Figure 4 of the PDI Report. In addition, DEC agrees that the currently proposed remediation scope around the obstructed areas will be the remedial elements for MGP-related impacts as described herein. DEC discussed with National Grid suggested revisions to remove the narrative from the PDI report about the significant fill and debris during a teleconference on June 30, 2026. National Grid submitted a revised PDI report on July 28, 2026, and DEC approved that revised report on August 5, 2026.

Both DEC and National Grid are committed to working toward completion of the remediation and advancement of the site for beneficial future use. To that end, DEC and National Grid have agreed to the following path forward with respect to the final scope of MGP-related remediation at Parcels IA, IB, and II:

For **Parcel IA**, the proposed cleanup plan was released for public comment in March 2026, and the comment period has now closed. DEC is currently reviewing the plan and public input as it works toward finalizing the remedy and the BCP Amendment. The developer intends to proceed in accordance with the approved plan. DEC is prepared to approve the RAWP as submitted, approve the BCP Amendment, and issue a Decision Document consistent with the remedial plan set forth in the RAWP.

For **Parcels IB/II**, a revised PDI Report was approved by DEC on August 5, 2026. The final scope of the MGP-related supplemental remediation at Parcels IB and II will be as shown on the attached Figure 4 from the PDI Report dated July 28, 2026.

As shown on the attached Figure 4, the primary elements of the MGP-related supplemental remediation scope consist of the following:

- ISS of soils to elevation -23.0 feet NAVD88 in the central portion of Parcel IB around/outside of those former MGP structures where obstruction removal and ISS are not feasible (i.e., the former Purifying House, Scrubber Room/naphthalene scrubbers, precipitators, Purifying House A, Oil Tank Nos. 10 and 11, and the perimeter of Purifying House B);
- Treatment (i.e., In Situ Geochemical Stabilization [ISGS], or similar) of soils on Parcel IB within 15 feet of the northern edge of the Bond-Lorraine Street sewer (critical infrastructure) from the groundwater table to elevation -23.0 feet NAVD88;
- Passive enhanced in-situ bioremediation of shallow zone groundwater along the western boundary of Parcel IB (adjacent to Smith Street); and
- Treatment (i.e., ISGS or similar) of soils on Parcel II along the upland side of the sealed bulkhead barrier wall from approximately 0.0 feet to elevation -23.0 feet NAVD88.

DEC and National Grid will coordinate on the regulatory submittals and public comment to memorialize and implement these remedial elements for the MGP-related impacts at these parcels through release of a proposed RAWP and the subsequent issuance of a Decision Document.

On a parallel path with this coordination, DEC will work to progress the review and approval of the Parcels IB/II non-MGP pre-design work plan and incorporation of the non-MGP required work into the proposed RAWP that can be released for public comment.

If there are any questions or concerns, please contact me at 518-402-9706 or via email at andrew.guglielmi@dec.ny.gov.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

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