

September 3, 2017

John Grathwol
NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016
john.grathwol@dec.ny.gov

Re: Comments on Former Pratt Oil Works , DEC Site #S241115 Operable Units 01, 02

Dear Mr. Grathwol,

We submit the following comments in relation to DEC Site #S241115, the Former Pratt Oil Works site in Queens, NY. Our organization, along with partners at Riverkeeper, have monitored this site closely for a number of years now and have reported numerous instances of uncontrolled seepage into Newtown Creek to your agency for further action and enforcement. We support a more robust remediation plan for this site to prevent further discharge of petroleum products into open waters (which currently poses risks to both ecological and human health) and any other contamination of the community or Creek. We have summarized our main concerns below and welcome the opportunity for further discussion relating to the site.

1. The current recovery system in place is inadequate. Over the past 12 months we have witnessed numerous instances where petroleum product is seeping through shoreline or covering intertidal areas (see photos below). Although the containment and sorbent boom system has been expanded in the past 12 months, we firmly believe that any release of NAPL or hazardous substances into local waterways is not acceptable. These substances pose threat to the health of marine wildlife and responsible parties should face penalty for ecological and public health damages sustained to date. Most recently we have observed the following species coming in contact with the contaminated area (surface waters and intertidal areas behind the containment booms): grass shrimp, mummichog, blue crab, ribbed mussel, spotted sandpiper, kingfisher, great egret and green heron. Additionally, the containment booms are not fool-proof in preventing the release of contamination into Newtown Creek and NY Harbor. We have observed these specific booms often hung up on rocks or the adjacent bulkheads during spring tide events and weather conditions. We have also witnessed wakes from passing vessels pushing contaminants out over or underneath the booms, spreading the contamination into the Creek.

As part of any remedy, there should be a posted and enforced No Wake area around this ongoing oil spill site. Such a sign existed across the Creek in relation to the Greenpoint Oil Spill. Such a sign would also help inform commercial and recreational boaters to the presence of contamination in the

water. A remedy for this site should also include - as the first and most important step one - stopping and remediating the waterfront spill and the degraded shoreline.

2. If groundwater recovery and treatment system is put in place, clean water should be discharged to Newtown Creek and not into local sewer system. While many of the groundwater and petroleum recovery systems around Newtown Creek discharge treated effluent, under SPDES permit and oversight, to Newtown Creek some systems (such as the Peerless/ Paragon Oil site) actually discharge treated effluent to combined sewer systems which then go to a municipal treatment plant to be needlessly re-treated. Increased capacity within local combined sewer lines is an important issue for improving water quality within Newtown Creek. The more capacity, the less amount of combined sewage overflow that enters the Creek during rain events. Thus, groundwater recovery systems put in place at Pratt Oil Works should not add extra burden to our sewer system.
3. Coordination with EPA is vital. Given the role that upland polluted sites play in ongoing contamination and possible recontamination of Newtown Creek, it is critical that remediation of the Pratt Oil Works site be done in coordination with the EPA Newtown Creek Superfund team. This is especially vital regarding (1) groundwater migration of product into the Creek, and (2) bulkhead designs necessary for Creek Superfund Cleanup.
4. Improve communication and transparency about the site with the community. For many years the Pratt Oil Works site has sat under the radar, with many of the surrounding communities unaware of the contamination, extent of its size and possible hazards to human and environmental health. We ask that DEC release more transparent information about the quantity of product that is estimated to be underground, as well as estimates as how much product has entered Newtown Creek to date. We recommend offering presentations to local community groups, including Queens Community Board 2 and elected officials about the background of the site and proposed remedial measures going forward. It is very difficult for communities to comment on issues they are unaware of or know little about.
5. Remediation should prevent possible recontamination regardless of future land use. There are multiple types of industrial/commercial uses allowed under current zoning restrictions for these properties. We believe any remediation scenarios that may constrict or complicate these potential uses should not be selected.
6. If removal of surface/subsurface sediments and contaminants is required, NYSDEC must require an air quality containment structure be erected over the site during remediation to keep odors contained to help protect human health for nearby workers and residents. We appreciate the industrial nature of the surrounding area, but this does not justify the release of further chemicals.
7. Given the ecological damages sustained from the Pratt Oil Works site and its seepage into Newtown Creek (see photos below), we urge the NYSDEC to enforce penalties for restoration of

intertidal habitats and species impacted at the site. We encourage mitigation as close to the site as possible, including consideration for living shoreline and ecological bulkhead scenarios that can be incorporated with remedial plans and contamination prevention. If mitigation on site is not feasible, projects on adjacent shorelines of Newtown Creek should be pursued.

We thank you for the opportunity to submit these comments and look forward to increased dialog about the Pratt Oil Works site and how we can help clean up this historic burden while protecting human health and native ecosystems in modern day and for years to come.

Sincerely,

Willis Elkins
Program Manager
Newtown Creek Alliance

CC:

Steve Zahn, NYSDEC Director Region 2
Randall Austin, NYSDEC Oil Spill Response
Ian Beilby, NYSDEC Division of Environmental Remediation
Carolyn Kwan, USEPA Newtown Creek Project Manager
Mark Schmidt, USEPA Newtown Creek Project Manager
Stephanie Vaughn, USEPA Newtown Creek Project Manager
Kevin Thompson, ExxonMobil
Sean Dixon, Riverkeeper Hudson River Program Staff Attorney

Attached Photos:



Oil covered surface water and shoreline, signs of inadequate cleanup. August 2017



Ribbed Mussels coated in petroleum. November 2016.



Green Heron feeding next to contamination. August 2017.



Petroleum on both sides of containment boom. November 2016.



'No Wake' Sign on Brooklyn Side of Creek, circa 2010.