

May 10th, 2019

Randy Whitcher  
NYS Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233  
randy.whitcher@dec.ny.gov

**Comments Regarding [Proposed Cleanup of ExxonMobil OU-3](#) (Site No. S224150)**

Dear Mr. Whitcher:

We are writing to comment on the Proposed Remedy for 460 Kingsland Avenue (Operable Unit 3). In addition to questions and concerns we raised at the April 16th, 2019 public meeting we would like NYS DEC to fully consider the following issues in selecting a remedy that will best protect human and ecological health for generations to come.

**Groundwater Flow and Newtown Creek Contamination**

We are still concerned about the potential for PCBs to migrate into Newtown Creek from the site. PCBs are a primary chemical of concern for sediment contamination within Newtown Creek. One of the major concerns for Newtown Creek Alliance, as well as the Newtown Creek Community Advisory Group (CAG), is recontamination potential not being properly addressed as part of the EPA's Record of Decision. We believe that all upland sites, such as OU-3, need to be properly remediated to prevent future recontamination of the Creek through groundwater migration, bulkhead collapse, flooding, etc.

We understand that groundwater flows are being diverted away from the Creek, as part of the Greenpoint Oil Spill remediation. As that cleanup progresses and more recovery wells are taken off-line in the coming years we should expect groundwater flow to revert to its natural direction (NE towards Newtown Creek). This groundwater flow will create a potential pathway for PCBs to enter and recontaminate the Creek after the completion of EPA Superfund work. We would like to see this issue fully addressed in the selected remedy.

**Bulkhead Conditions**

We are concerned about the state of the current sheet pile bulkhead (installed nearly 40 years ago) and its ability to prevent groundwater migration. With the understanding that it is only a matter of time before this bulkhead is replaced, and such a replacement may interfere with PCBs left in place (as part of the proposed remedy) we believe that a full PCB removal in conjunction with bulkhead replacement may be the most appropriate solution to prevent against recontamination and future complications. We would like NYS DEC to consider a remedy based on long term implications and not short term goals.

**Limitation of Site Uses**

We believe that the proposed remedy will place constraints on the types of operations and land use that could exist on a waterfront parcel. Our concern is that without a full remediation, certain types of heavy

industrial operations may not be feasible near the shoreline area, atop the proposed cap. This includes the placement of heavy equipment and machines, including those which may be required for loading/unloading cargo from maritime operations. As a designated Significant Maritime Industrial Area (SMIA), Newtown Creek transports tons of cargo into and out of the heart of NYC by barge every day. Shoreline properties within this industrial zone should retain the ability to utilize maritime transit and support necessary heavy equipment along its bulkheaded shorelines.

Another scenario for the site is one in which public access is created along its waterfront. Public spaces like the Newtown Creek Nature Walk have proved invaluable resources in re-connecting the surrounding communities with Newtown Creek. Our organization is actively working to create public access along a number of city-owned street ends and is currently partnered with NYC DEP for the development of publicly accessible open space at the Northwest corner of Greenpoint and Kingsland Avenues (approximately 100 feet from OU-3). While there are no current plans to accommodate public access along this parcel's shoreline it is not unreasonable to envision such a scenario given the impending superfund remediation of Newtown Creek and inevitable cleanup/redevelopment of the adjacent 400 Kingsland Avenue lot. In short, we believe that a remediation should be selected that will not restrict, or complicate potential uses of this shoreline parcel.

We thank you for the opportunity to comment on this remediation and eagerly await response and continued dialog with NYS DEC..

Sincerely,



Willis Elkins  
Executive Director  
Newtown Creek Alliance

**CC (via email):**

Joseph R. Lentol, New York State Assembly 50th District  
Stephen Levin, New York City Council 33rd District  
Julia Salazar, New York State Senate 18th District  
Steve Zahn, NYS DEC, Regional Director, Region 2  
Ian Beilby, NYS DEC Chief, Section C Division of Environmental Remediation  
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