

December 22, 2023

Caitlyn Nichols  
NYSDEC Region 2 Headquarters  
47-40 21st St  
Long Island City, NY 11101  
([comment.saltwaterpumphouse2022@dec.ny.gov](mailto:comment.saltwaterpumphouse2022@dec.ny.gov))

Dear Ms. Nichols:

The Steering Committee of the [Newtown Creek Community Advisory Group](#) (CAG) for the Newtown Creek Superfund Cleanup respectfully submits these comments regarding Application 2-6101-00071/00025 for a pump house for the Greenpoint Energy Center, Article 15 Title 5 Excavation & Fill in Navigable Waters | Article 25 Tidal Wetlands. The CAG is chiefly concerned with the impacts of the proposed new pump house on the characterization and remediation of the Creek's highly contaminated sediments and the DEC-led cleanup of numerous upland sites, including this property owned by National Grid. While administratively the site is under DEC's cleanup purview and this permit is related only to public safety for fire suppression due to the City's inability to deliver sufficient water to hydrants, physically, the upland site, the proposed pump house, and the Creek are not separable. They form one continuous geophysical unit with interactive effects and impacts. The CAG's concerns are as follows.

- The CAG is deeply disappointed that National Grid has proposed a mitigation bank rather than restoring wetlands on or near the Creek. The CAG understands that the NYC area has limited wetlands mitigation banking, but the limits of that program should not preclude National Grid from addressing wetlands much "closer to home." The CAG strongly encourages NYSDEC to at least provide in the permit the requirement that the equivalent monies set aside for that wetlands banking be used for a project on or near Newtown Creek in the next five (5) years. There are a number of possible sites which should be examined, including: East Branch tributary, Dutch Kills Tributary, North Henry Street, and Bushwick Inlet Park. If such a project cannot be found within that time frame, then those monies could flow to the Staten Island mitigation bank.
- The CAG's chief concern is the construction of a new structure on a highly contaminated site. The pump house's construction will impede the full characterization of contamination from the site and/or limit the design and construction of a complete remedy to ensure a fully remediated Creek.
- The CAG has asked for years to further delineate the contamination on the National Grid site that may be contributing to contamination into the Creek through coal tar or other NAPL deposits, seeps, lateral groundwater flow, or contaminated sediments under that decking on the National Grid site. Yet, EPA

and the Responsible Parties have had difficulty finding ways to sample that sediment on the edge of and under the decking of the Grid site.

- The pump house will be constructed on the edge of site on decking that sits over the Creek on pylons. While the CAG appreciates the few samples of that decking sediment that will be taken during construction of the pump house (*and the CAG strongly encourages as many samples as possible and a full analysis of all possible analytes as was done for other Superfund samples*), this will not be sufficient to understand the entire contamination under the decking/bulkhead along the property. Constructing an entirely new building will impede future sampling that may be needed. It thus may cause on-going contamination from the National Grid site to flow into the Creek and possibly on-top of any remedy that is built. This is a poor long-term outcome. The CAG has asked EPA if this construction is “at risk” due to what Superfund may require in the future, but a clear answer has not been forthcoming to date. This is of high concern.
- Furthermore, the CAG does not have full information but is skeptical that National Grid explored a host of alternatives for improving fire suppression at the site given the contaminated nature of the bulkhead/decking. Those options might have included rehabilitating the existing pump house, installing a temporary structure until the full Superfund remedy for both the upland site and adjacent bank/creek is determined, imploring the City to provide sufficient water through its system, or setting the actual pump house back from the intake on land rather than the decking structure over the Creek.

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Should you have any questions about our comments, please do not hesitate to comment the CAG’s Co-Chair, Willis Elkins: [welkins@newtowncreekalliance.org](mailto:welkins@newtowncreekalliance.org)

Sincerely,

The Newtown Creek Community Advisory Group Steering Committee

CC:

Patrick Foster, NYS DEC Region 2 Director

Steve Watts, NYS DEC Region 2 Division of Water

Michael Haggerty, NYS DEC Newtown Creek Project Manager

Rupika Ketu, EPA Remedial Project Manager

Caroline Kwan, EPA Remedial Project Manager

Mark Schmidt, EPA Remedial Project Manager

Stephanie Vaughn, EPA Remedial Project Manager