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PUBLIC MEETING
OF THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
AT
P.S. 32
317 HOYT STREET
BROOKLYN, NEW YORK
MONDAY, APRIL 25, 2016
6:30 P.M.

1 P R E S E N T:

2 From the EPA:

3 Walter Mugdan

4 Berry Shore

5 Tom Lieber

6 Christos Tsiamis

7 Natalie Loney

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1 PROCEEDINGS

2 (Time noted: 6:30 p.m.)

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4 MS. LONEY: Good evening, everyone. My
5 name is Natalie Loney. I'm a client involvement
6 coordinator with the Environmental Protection
7 Agency; and with me is Walter Mugdan.

8 Walter is the head of the Superfund
9 Division in the Environmental Protection Agency
10 Region 2.

11 In the front row here is Christos
12 Tsiamis. Christos is the regional project manager
13 on the Superfund site. And next to Christos is Tom
14 Lieber. Tom is one of the site's attorneys.

15 The premise of tonight's meeting, we're
16 having a public meeting on the proposed settlement
17 agreement regarding the design and site preparation
18 for RH034, which is the head of the Canal.

19 This is a public meeting; and as such,
20 we have a stenographer here recording. So there
21 will be an opportunity after the presentation for
22 questions and answers.

23 This is a working microphone, so if you
24 have a question or comment, we will be passing
25 around note pads for your name to be placed on it,

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2 and will be calling out names accordingly. You
3 will have to come to this side of the room. The
4 microphone doesn't stretch that far, so I'll ask
5 you to come to this side of the room to ask your
6 questions and make your statements.

7 And because of the number of people and
8 the limited amount of time, we would ask that you
9 limit your comments to about three minutes,
10 maximum.

11 So I will turn the microphone over to
12 Walter Mugdan for the presentation, after which
13 will be the question and answer.

14 MR. MUGDAN: Thank you, Natalie. As
15 Natalie said, this meeting is a little different
16 from some of the other meetings that I've been at
17 with respect to the Gowanus Canal. The real
18 purpose of today is to hear from you. I will give
19 a short presentation about the settlement agreement
20 and order that EPA proposes to enter into with the
21 City of New York.

22 And the comment period was opened on
23 April 14, when we announced this proposed
24 agreement. The comment period extends to May 16.
25 You're certainly invited to make comments here this

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2 evening, as Natalie said, but you're also
3 encouraged and invited to make written comments;
4 and at the end of the presentation on the screen we
5 will have my mailing address and e-mail address to
6 which the comments can be directed.

7 So, again, we apologize for the small
8 screen. The school indicated they would be able to
9 bring a larger screen down but they were not able
10 to do so. If you are having difficulty seeing it,
11 please feel free to move closer to the front of the
12 auditorium.

13 As Natalie said, the purpose is to talk
14 about the proposed EPA administrative settlement
15 agreement and order regarding the siting, design
16 and site preparation for the RH034 combined sewer
17 overflow retention tank.

18 Briefly, to remind you of the project
19 history, most of you lived it. I will run through
20 this quickly. The Gowanus Canal was placed on the
21 national priorities list of Superfund sites in
22 March 2010. Our first major step after that was to
23 complete the remedial investigation to determine
24 the nature and extent of the contamination. That
25 was completed by January 2011. I know it may not

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2 feel that way to you, but the dates that you see
3 here, the sequence of events were actually quite
4 quick by Superfund terms.

5 The next step after that was a
6 feasibility study in which we evaluated various
7 engineering options for addressing problems that
8 had been identified in the remedial investigation.
9 That was completed in December 2011.

10 Thereafter, we came forward, again in a
11 community meeting such as this, on the record, with
12 a proposed clean-up plan. That was in December
13 2012. Then, we took public comment and got a great
14 deal of comment, and evaluated those comments and
15 prepared a detailed response and summary, and came
16 up with our final decision in a document called the
17 Record of Decision, and you'll see that abbreviated
18 as ROD, or Rod, as we go through the presentation.
19 That was in late September 2013.

20 The next working day after that ROD was
21 issued the government was shut down for two weeks.
22 Then, after that we initiated discussions with the
23 various responsible parties; or, as we previously
24 called them, potentially responsible parties. You
25 may hear that abbreviated as PRPs. And we entered

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2 into discussions with them to request that they
3 agree to carry out the remedial design, the actual
4 design of how the work called for in the ROD would
5 be carried out.

6 We were not able to reach consensual
7 agreement at the time with the PRPs. We instead,
8 in early 2014, spring 2014, we issued two, what we
9 call unilateral administrative orders, where
10 unilateral simply means it's not consent, it's
11 simply EPA issuing an order to the responsible
12 parties directing them to carry out certain steps.

13 Last year, spring and summer of 2015,
14 the EPA carried out a pilot project to evaluate the
15 success of something called "in situ sediment
16 stabilization," which is a way of solidifying the
17 mucky sediment at the bottom of the Canal, the
18 contaminated sediments there actually concretized
19 them. That project was successful.

20 Next slide.

21 (Indicating screen projection.)

22 So, again, as a reminder, most of you
23 are very familiar with this. It's an aerial
24 photograph of this section of Brooklyn, showing the
25 Gowanus Canal project area circled in red. You can

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2 see the yellow line, the flushing tunnel at the
3 head of the Canal, and it brings fresh water from
4 Buttermilk Channel to the head of the Canal.

5 Next slide, please.

6 So, as I said, we issued the record of
7 decision or ROD in December of 2013. It required
8 certain elements, basically selected dredging and
9 capping with in situ stabilization of certain
10 sediments in the Canal; and the cap itself was
11 going to be a three layer cap that fulfills various
12 objectives.

13 The remedy also includes excavation of
14 the First Street basin, one of the turning basins
15 that was built into the Canal originally that
16 subsequently was filled in.

17 And the ROD also calls for and depends
18 upon source controls; source in this case simply
19 means the source of the contamination as it entered
20 the Canal historically or is continuing today and
21 entering the Canal.

22 Chief among those are three former
23 manufacturer gas plants, or MGPs. These are plants
24 where in the 19th and 20th centuries coal was
25 turned into gas for gas lighting and things of that

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2 sort. These three facilities and others like them
3 all around the country left behind a residue called
4 coal tar, which is heavily contaminated with
5 polycyclic aromatic hydrocarbons, or PAHs, and that
6 is one of the chief contaminants in the Canal; by
7 no means the only one, but certainly the most
8 ubiquitous and in the highest concentrations.

9 The actual cleanup of the MGP sites
10 themselves is under the jurisdiction of the New
11 York State Department of Environmental
12 Conservation, or NYSDEC.

13 Our ROD took into assumption, took into
14 account, that the MGPs would be cleaned up in
15 certain ways to limit or minimize the amount of
16 coal tar that continues to enter into the Canal.
17 Obviously, they don't want to clean up the Canal
18 only to have it be recontaminated.

19 And that brings us to the last bullet
20 there under source controls, CSOs, Combined Sewer
21 Overflows. Older sewer systems like that in New
22 York and many other older cities were designed
23 intentionally with a single pipe carrying both the
24 sewage from homes and businesses, from toilets or
25 sinks and so forth; and the same pipe would also

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2 carry rain water when it rains.

3 And the pipes and the treatment plants
4 at the end of the pipes were designed to be big
5 enough to manage the sewage, but they were nowhere
6 big enough to manage the sewage plus rain water
7 when it rained.

8 So these systems were designed at low
9 points, near the harbors, rivers and bays, there
10 was an overflow. And when it rained over a certain
11 amount the pipe was full and the excess sewage and
12 rain water mixture would go into the nearest
13 waterway.

14 And there were a number of those CSO
15 discharge points along the two mile length of the
16 Gowanus Canal. Several of them have already been
17 addressed, diverted in some other ways. There are
18 still two very significant ones or larger ones.
19 One is known as OH007, sort of in the middle of the
20 Canal; and the other one is the RH034 discharge
21 point that you saw in the title of our presentation
22 here. That's at the very, very end of the Canal.

23 We also have a ROD called Institutional
24 Controls, recognizing that even with all the other
25 work, there will not be pristine water. And one of

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2 the instituted controls to remain in place, fish
3 advisories, advising people not to eat or consume
4 the fish or crabs caught in the Canal.

5 And we anticipate those will stay in
6 place for some time.

7 Next slide.

8 Again, this map shows the location of
9 the former MGPs, manufacturer gas plants, and the
10 various CSO discharge points; a little hard to see.

11 (Indicating.)

12 Down at the bottom, the Canal
13 metropolitan, former MGPs, now the site of the
14 Lowe's. In the middle is the citizen gas works,
15 that's the future site of what's called Public
16 Place. And at the head end up there was the Fulton
17 former MGP.

18 Part of that, directly underneath, the
19 swimming pool of the Thomas Greene Park, and other
20 portions were a little closer to the Canal or right
21 adjacent to the Canal, and a little south of, I
22 guess Degraw Street -- south of Degraw Street was
23 another source of coal tar contamination.

24 Again, the little blue numbers you see
25 along the way here are the numbers that designate

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2 the CSO discharge points. You see quite a few of
3 them, but the two I mentioned earlier, the large
4 ones, those are the ones we primarily are focusing
5 on.

6 Next slide.

7 (Indicating.)

8 Again, as I mentioned, the former MGPs
9 are being addressed, evaluated by the New York
10 State DEC. For the Fulton manufacturer gas plant
11 site, the one at the head of the Canal, the remedy,
12 what the state called for there requires a cut-off
13 wall to be installed between the land and the
14 Canal, the base along the boundary of the Canal.

15 That cut-off wall made out of sheet
16 pilings, it will go very, very deep into the
17 ground, and the piles will be sealed -- and the
18 purpose there is to block the flow of coal tar from
19 the land into the Canal.

20 Another element is the removal of major
21 mobile coal tar sources. And the state calls for
22 this to be done when a property is redeveloped. So
23 the state, as a matter of general approach to MGP
24 plants all over the place, doesn't require
25 ordinarily that existing buildings be torn down as

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2 soon as the state reaches the remedy decision, so
3 that the ground can be dug up and the coal tar
4 removed.

5 What the state typically does is say
6 when the time comes that the current property owner
7 or future property owner wants to develop anyhow,
8 that is the moment when the responsible party has
9 to go in and remove the coal tar contamination to a
10 certain depth, when it appears at certain levels.

11 And in this case the state would also
12 require, has also required recovery wells to be
13 placed alongside and inboard, landward of the
14 cut-off wall. These are wells placed at the ground
15 into which the coal tar can seep and then it can be
16 removed, pumped out from those wells.

17 Such wells already exist, for example,
18 on the Lowe's property, where one of those MGPs was
19 located.

20 The EPA has decided that we're going to
21 require removal of coal tar contaminated soil from,
22 among other locations, beneath Thomas Greene Park.
23 As I said, under the state record of decision for
24 the Fulton MGP site, the state would not call for
25 that to happen until and unless there was going to

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2 be redevelopment or reconstruction or some other
3 kind of restoration of the park. And but for our
4 decision here, that might be a number of years.

5 Our objective is to get that heavy
6 concentration of coal tar that is beneath the
7 swimming pool portion of Thomas Greene Park, the
8 western portion of the property, we need to get
9 that out, because that is an ongoing continuing
10 source of coal tar contamination moving westward
11 through the ground and underground and into and
12 below the Canal.

13 So we're going to require that work to
14 be done. The entity responsible, legally
15 responsible, for the coal tar contamination
16 associated with these three MGP sites, plants, is
17 National Grid. National Grid wasn't around when
18 these manufacturer gas plants were operating. What
19 happened was, the manufacturer gas plants in the
20 early 1900s, all of them were separate companies.
21 They were assembled into a single company called
22 Brooklyn Union Gas, the union of all these
23 different companies; BUG.

24 BUG was bought in the early 1990s by
25 Keyspan. So Keyspan inherited the legal liability

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2 for those manufactured gas plants. And National
3 Grid purchased Keyspan in the early 2000s.
4 National Grid owns the legal liability for the
5 manufacturer gas plants that operated many, many
6 decades ago.

7 We're going to require that coal tar
8 removal to take place in the park, in any event.

9 Next slide.

10 As I mentioned at the outset, we also in
11 the ROD decision, we called for CSO to be
12 controlled, specifically these two large discharge
13 points, 007 and 034. The picture above is the
14 famous YouTube video of the poo-nami, as it's
15 called. You can see a line of brown sludge moving
16 down from the head of the Canal. This is during a
17 rainstorm. And as rain came suddenly, the pipes
18 were overwhelmed and this combination of rain water
19 and sewage comes out and moved down with it.

20 Over the years these combined overflows
21 deposited a lot of solids, a lot of sediment near
22 the discharge points coming out of sewers. It's
23 sewage, it's leaves and whatever else, debris that
24 might get into the pipes when it rains.

25 And they created sediment mounds where

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2 those discharge points are located, so that at low
3 tide some of those mounds are actually above the
4 surface of the water, and therefore they create a
5 very noxious odor.

6 Next slide.

7 As mentioned, source control, an
8 important part of the record of decision. The most
9 dominant source of ongoing contamination to the
10 Canal are those three former manufacturer gas plant
11 sites. So coal tar continues to move from the land
12 into the Canal.

13 However, our concern is that once we
14 have asked National Grid and other responsible
15 parties to spend a great deal of money, close to a
16 half billion dollars, to clean up the Canal, we
17 don't want it to get recontaminated even by
18 relatively lower levels of ongoing contamination.

19 THE CSO discharges do carry with them
20 lower, but still of significance, lower levels of
21 PAH contamination, as well other as other
22 contaminants.

23 So for that reason, in order to protect
24 the integrity of the remedy that otherwise we would
25 be calling for in the Canal itself, we needed to

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2 control the sources, the main big sources of the
3 coal tar, but also the anticipated future continued
4 sources of CSO discharge.

5 So, when we wrote the record of
6 decision, we said we were calling for inline
7 retention tanks at those two discharge locations
8 that I named earlier. We assumed that the 007 CSO
9 discharge point would have a 4 million gallon
10 retention tank, and it would be located on the
11 Sanitation Department lot, a salt storage lot site
12 in the middle of the Canal.

13 And for RH034, the discharge point at
14 the head of the Canal, we assumed an 8 million
15 gallon tank located on the west side of Thomas
16 Greene Park. We identified that as a plausible
17 location for the RH034 tank. We called it a
18 potentially suitable location because of the
19 synergies between the anticipated need to excavate
20 underneath the swimming pool anyhow, in order to
21 remove the coal tar contaminated soil that's there.

22 So, as we were thinking about writing
23 the record of decision, we said to ourselves, we'll
24 have to disrupt the park anyhow to get the coal tar
25 contaminated soil out. The City owns the property,

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2 it seems like a plausible location for the tank to
3 be placed. We assumed it was going to be placed
4 there.

5 The tank locations were, according to
6 the record of decision, the tank locations would be
7 finalized during the design phase, and that's what
8 brings us here tonight.

9 Next slide.

10 So, 007, a 4 million gallon tank -- by
11 the way, parenthetically, we at the EPA have
12 decided that the size of these two tanks will be 4
13 million gallons and 8 million gallons, as the ROD
14 assumed.

15 We had discussions with the City of New
16 York about that. There was arguments that perhaps
17 they could be smaller, questions about whether they
18 needed to be larger. We concluded that a careful
19 evaluation of those sizes that we assumed in the
20 record of decision are appropriate, and that's one
21 of the decisions we've now made.

22 As I said, for 007 there really is no
23 dispute about the location. But for 034, two
24 different locations were ultimately in contest.
25 Here in this chart --

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2 (Indicating.)

3 -- you can see 007, the location is this
4 triangular piece of property, it's right where the
5 Canal takes an S bend, sort of in the middle of the
6 Canal.

7 For 034, the lower diagram there, the
8 map, you see the cross-hatched area overlaid above
9 Thomas Greene Park, that's the site that we assumed
10 in the record of decision, for planning purposes
11 and so on, where that tank would go.

12 Next slide.

13 (Indicating.)

14 So, in the 2014 unilateral
15 administrative orders that we issued, one of those
16 orders to the City of New York covered design and
17 site selection for the CSO tanks. It also covered
18 design of the excavation of the First Street
19 turning basins.

20 As to evaluating sites, we directed the
21 City to go through an evaluation and to report by
22 June 30, 2015 on what sites the City proposes for
23 these two tanks.

24 As I said, for 007, the City did propose
25 the Sanitation Department salt storage lot. And

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2 that is the same location that we had assumed. And
3 the design of that tank for that location will
4 continue under the unilateral administrative order.
5 That's not affected by the settlement agreement and
6 order that we are proposing now and taking public
7 comments on.

8 For RH034 the City proposed what's
9 called the head of Canal location. That's on
10 Nevins Street between Butler and Degraw,
11 essentially immediately adjacent to the Canal, at
12 the head of the Canal.

13 Next slide.

14 So, the City was proposing a site
15 different from the one we had assumed. Then we
16 started to carefully consider the pros and cons,
17 the benefits and drawbacks of these two alternative
18 sites; the park site that we had assumed in the
19 record of decision, and the head of Canal site the
20 City said it strongly preferred.

21 We had a couple of meetings at which the
22 public was invited to be present, and many, many
23 members were present, in which we discussed these
24 issues. The first was October 26, 2015, Community
25 Board 6 meeting.

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2 I was there, spent about an hour, hour
3 and a half, discussing some of the benefits and
4 drawbacks that we saw, and what kinds of evaluation
5 details to be carried out.

6 And January 19, this year, I also
7 attended a meeting of the community advisory board,
8 CAG, and spoke there. Again, there were many
9 members of the CAG there, but also members of the
10 public were present.

11 Of course, we've had extensive
12 discussions and as evidenced from the proposed
13 order, detailed negotiations with the City of New
14 York. We also consulted with our partners in the
15 New York State DEC about the tank site.

16 Next slide.

17 So again, this is an aerial photograph
18 of the head of Canal area. The two yellow outlines
19 are the two sites that have been in contention for
20 the larger of the two tanks, 8 million gallon tank.

21 On the lower half of the L, there is the
22 park location, basically right underneath where the
23 pool is one of the major sources of coal tar, as
24 mentioned earlier. That yellow outline is about
25 the size of the necessary 8 million gallon tank.

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2 And the vertical part of the L represents two
3 privately owned parcels, each one is about half
4 that rectangle in size. And that would be the head
5 of Canal location the City has strongly advocated.

6 We will come back to that photograph
7 later, probably have it up during the public
8 comment portion of the meeting tonight so anybody
9 who wants to who has questions can allude to it.
10 You will see it again.

11 Next slide.

12 So, these are things that I said in the
13 previous two meetings that I mentioned to you, in
14 other documents that are in the administrative
15 record. The EPA believed and continues to believe
16 that construction of the RH034 tank at the park
17 location could be done more quickly, more easily
18 and at less expense than the head of Canal
19 location.

20 But, the EPA also strongly understands
21 the City's strong policy reasons for avoiding a
22 longer than necessary disruption and the potential
23 permanent loss of space at the Thomas Greene Park
24 site if the tank were placed there, and the City
25 plans associated with the tanks, the head house,

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2 which is an above ground structure that has various
3 equipment in it, including air cleaning equipment
4 to prevent odors and so forth.

5 And the City felt if the tank were going
6 to be placed into the park, then the head house
7 would be right above it in the park and would
8 occupy permanently a segment of space in the park.

9 After considerable discussion and back
10 and forth, the EPA advised the City -- this is in
11 late October of 2015 -- that we would be prepared
12 to accept the head of Canal location under certain
13 conditions. And one of those conditions was that
14 the City enter into an administrative consent
15 settlement with the EPA for the design and certain
16 site preparation work associated with its preferred
17 site -- both sites, as I will explain in a minute
18 -- but this consent agreement or settlement
19 agreement would replace the unilateral
20 administrative order for the purposes of the RH034
21 tank.

22 For reasons that I'll allude to in a
23 minute, that was an extremely important element for
24 EPA and we judged that to be a very valuable
25 element. So that was one important condition.

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2 A few other elements or conditions that
3 I will go into in a moment. But we negotiated with
4 the City of New York starting in November and
5 running up until, basically, April 14. On April
6 14 -- by late March we had come to agreement on all
7 the words in the document. And by April 14 we had
8 on the document the signature of Emily Lloyd, the
9 Commissioner of the New York City Department of
10 Environmental Protection.

11 EPA has not yet signed or executed the
12 administrative order. Starting with the receipt of
13 Commissioner Lloyd's signature on the document, we
14 then made public this proposal. And that's when we
15 opened the public comment period.

16 We've been asked by the community
17 advisory group to have a public comment process
18 associated with this decision. So, in response to
19 that request we have opened this public comment
20 period. The order therefore is not yet final, it's
21 a proposed order.

22 EPA, I will make it very clear, we
23 believe this is a favorable outcome for us. We are
24 prepared to move forward with it and proceed with
25 it. The negotiations were extensive and tough on

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2 of this public comment process.

3 As I said, we announced the agreement on
4 April 14. The comment period is open to May 16.
5 And at the end, we will give you locations of
6 e-mail and for snail mail for your comments.

7 Next slide.

8 So, here's the elements of the proposed
9 agreement, key elements. It's an extraordinarily
10 complicated document. I was talking with Tom
11 Lieber, who's the chief of the New York Superfund
12 branch in our office, regional counsel, and he and
13 I both have been in this program for decades.

14 This is as complicated an administrative
15 order on the Superfund program as we have ever been
16 involved in. It's extraordinarily detailed and
17 intricate; and one of the reasons is because of the
18 extremely high importance of actions by National
19 Grid and actions by the City of New York to be
20 coordinated. And that is a challenging prospect,
21 but it's essential for the success of this.

22 By the way, it's important, irrespective
23 of the location of the tank, it is probably even
24 more important for the City's proposed location at
25 the head of the Canal.

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2 Here's what the agreement involved.

3 This agreement identifies the head of
4 Canal location for the RH034 tank and requires the
5 city to design the tank for that site.

6 But -- and this was another key
7 condition we presented to the City -- it requires
8 the city to simultaneously design an 8 million
9 gallon tank for the park location as they
10 continued.

11 Importantly, it requires the City of New
12 York to carry out Superfund removal activities to
13 remove contaminated soil and to prepare the head of
14 Canal location for the tank. An 8 million gallon
15 tank is a very large tank, has a large footprint.

16 And within that footprint, the city is
17 obliged to dig it out in order to place the tank
18 there, and it is very likely that among the areas
19 that they'll have to dig out coal tar contaminated
20 soil. There may also be soil contaminated with
21 other pollutants, other than coal tar.

22 So the City is obligated under this
23 order to remove and manage the coal tar
24 contaminated soil and other soil as well, even
25 though National Grid is legally responsible for the

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2 coal tar contaminated soil.

3 The reason for this distinction is that,
4 within the footprint of the tank, it's essential in
5 our judgment that the City of New York, which is
6 going to build the tank, has to have control over
7 the perimeter of the tank and the hole dug within
8 it.

9 You can't have somebody else, a
10 contractor coming in there and digging out the soil
11 to try and create the hole into which the City tank
12 will go.

13 So the costs of this as between the City
14 and National Grid will be probably worked out in
15 some way that we don't necessarily need to be part
16 of; but National Grid may have to pay the cost of
17 dealing with coal tar contaminated soil, but it
18 will be the City contractors and the City's legal
19 responsibility under this agreement to do the work
20 within the footprint of the tank.

21 Outside the footprint of the tank,
22 because the tank will not cover the entire two
23 parcels we talked about -- outside the footprint of
24 the tank, any coal tar contaminated soil that is
25 necessary to remove under the state's decision,

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2 that will be done by National Grid. And it has to
3 be done first. So this is where I say the
4 sequencing becomes important.

5 So the first step is that National Grid
6 digs out the soil that's contaminated with coal tar
7 outside the footprint of the tank. The second is
8 that the City has to dig out the contaminated soil
9 and any other soil within the footprint of the
10 tank.

11 So that's the Superfund removal activity
12 called for under this order. It goes beyond the
13 design functions and it carries out the site
14 preparation function.

15 The second to last bullet there, the
16 order establishes a schedule for the property
17 acquisition that the City has to carry out -- the
18 privately owned parcels. The City has to acquire
19 title to those in some manner or -- there's various
20 ways that could happen, but the City has got to do
21 it.

22 And that includes the City going through
23 what's called the ULUR process; Uniform Land Use
24 Review Process -- and also, the environmental
25 review process under the City's environmental

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2 quality review, CEQR.

3 Under this order, the agreement that we
4 negotiated, the acquisition must occur by April
5 2020. That's a long time, four years away. As I
6 said, we recognize that this process -- I'm going
7 to the head of Canal location -- will in our
8 judgment take longer than if we went to the park
9 location.

10 So the City has countered and said, even
11 in the park location, the City believes it would
12 need to go through the ULUR and CEQR processes;
13 and, moreover, the City felt it would probably have
14 to go through what's called a park land alienation
15 process; which requires going to the state
16 legislature and asking the state legislature to
17 approve the change of use, either temporarily or
18 permanently, of park land to some other use,
19 secondary use.

20 The EPA didn't necessarily agree as a
21 matter of law with the City's conclusion on that,
22 but the EPA did acknowledge that this created a
23 series of uncertainties and even the possibility of
24 litigation at the park site; just as we know that
25 these processes have to be carried out at the head

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2 of Canal location.

3 So, although we believed and continue to
4 believe that the park location could be done
5 faster, we recognize that there was a considerable
6 amount of uncertainty and the possibility for
7 litigation.

8 Nevertheless, the order also says that
9 if the City fails to meet specified scheduled
10 events -- we call them milestones -- on the way
11 from here, now, to April 2020, then EPA may require
12 the City to pivot -- that's the word we invented
13 for this process -- to pivot from the head of Canal
14 location to the park location. And it is to
15 protect the schedule for that possibility that we
16 have required that both designs be carried out
17 simultaneously.

18 So if the pivot is necessary at some
19 point, then one doesn't lose a great deal of time;
20 lose some time probably, but not a great amount of
21 time.

22 Next slide.

23 So, as I alluded to, the schedule dates
24 for some of the New York City obligations under
25 this proposed agreement follow actions that are

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2 going to be taken by National Grid that are related
3 to its obligation to remove coal tar contaminated
4 soil. And that's true for both locations.

5 As I said, there is coal tar
6 contaminated soil in both locations, and so Grid
7 will have obligations at both locations. So Grid
8 has to do its work first before the City steps in
9 and picks up its work.

10 EPA's expectation and intention is that
11 we will enter into an administrative order with
12 National Grid that will require the removal
13 actions, removal work to be taken at both
14 locations.

15 In this agreement that we're here
16 talking about tonight, the City is obligated to
17 cooperate and coordinate with National Grid in
18 Grid's performance of that work, including,
19 importantly, the siting and creation of a temporary
20 pool and associated facilities that will have to be
21 built and operated, built before the existing pool
22 starts to be dismantled.

23 We will insist and insure that a
24 temporary replacement pool exists before the
25 current existing pool is dismantled. That pool

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2 then has to be dismantled and the coal tar
3 contaminated soil has to come out from below the
4 pool area.

5 Assuming that the tank doesn't pivot
6 that to the park location and that the tank is
7 built as planned now at the head of Canal location,
8 then it will be Grid's obligation to rebuild the
9 pool and work with the City to rebuild the pool.

10 Actually, that obligation will exist in
11 either circumstance. Because even if the tanks are
12 placed at the pool location, the likely outcome
13 would be that a pool might be placed above the
14 tank.

15 So Grid has to create a temporary pool
16 and then has to participate in or pay for or assist
17 in the creation of a new pool after the work is
18 completed.

19 The City and National Grid in effect
20 will share responsibility for the removal work at
21 the head of Canal location. This is what I was
22 talking about a moment ago. Grid will do the work
23 outside the footprint of the tank; the City will do
24 the work inside the footprint of the tank.

25 Next slide.

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2 So, the proposed agreement does
3 memorialize for the first time New York City's
4 commitment -- sorry --

5 What I want to say here is, memorialize
6 the City commitment to a future settlement to
7 perform maintenance dredging if deemed necessary to
8 remove any CSO related sediments, contaminated
9 sediments, that accumulate after the Canal remedy
10 is put in place, but before the CSO tank is
11 constructed.

12 Because of the schedule, it now takes us
13 through four more years -- as much as four more
14 years, it might be faster -- before the tank design
15 is completed, the acquisition of the property is
16 carried out. And only then can the site
17 preparation work and the CSO tank construction work
18 begin. It's possible, even likely, very likely,
19 that the CSO discharge will be continuing without
20 the benefit of the tank for some period of time
21 after the Canal remedy at the head of the Canal has
22 been completed.

23 If that causes contaminated sediment
24 coming out of the CSO discharge to accumulate on
25 top of the now cleaned Canal, and if we judge that

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2 removal of those sediments is necessary to protect
3 the Canal remedy, the City will be obliged to do
4 that, has committed to do that under a future
5 settlement to be negotiated over the next years.

6 This agreement that we're proposing here
7 today does include what we call stipulated
8 penalties for the City's failure to comply with
9 certain elements of the order.

10 Stipulated penalties are just that. If
11 a certain kind of violation or certain type of
12 non-compliance occurs, EPA can demand that the City
13 pay a fine, a penalty. And this creates an
14 incentive, I think a pretty strong incentive, for
15 the City to remain on schedule once the order is
16 put in place.

17 That is not the case under the
18 unilateral administrative order. EPA has, under
19 the law, very strong enforcement authority with
20 which we can answer a failure to comply with the
21 unilateral administrative order.

22 There are also some downsides, and some
23 drawback elements to exercising those authorities.
24 In our judgment, having a consensual agreement
25 which involves stipulated penalties is a more

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2 desirable form of enforcement for us to utilize.

3 The agreement also includes what we
4 consider to be a favorable dispute resolution
5 procedure. Under any agreement parties can differ,
6 parties can have disputes. Settlement agreements
7 the EPA enters into routinely have a dispute
8 resolution procedure.

9 The way in which that works is the
10 parties have a certain obligation to exchange
11 information about a dispute. Ultimately the
12 dispute rises up to a particular designated
13 official who makes a decision, and that decision is
14 final. In this agreement, that official is whoever
15 is sitting in the chair I now occupy; so the
16 Superfund Division Director of EPA Region 2.

17 As an expedited process, it's one that
18 the EPA controls and manages, and that's why we
19 think it's favorable.

20 Also, thank you Tom, I skipped over the
21 favorable force majeure provisions. Force majeure
22 is a legal concept that says some kinds of
23 non-compliance are beyond the ability of the
24 respondent to control.

25 And the question of what kinds of

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2 circumstances could give rise to that kind of force
3 majeure, which is something for which the
4 respondent ought not to be penalized, if it's
5 beyond their control, limiting what kinds of
6 circumstances are be considered force majeure.

7 It's important in these kind of
8 agreements -- and again, we feel it's a tightly
9 negotiated provision in this administrative order,
10 one we consider favorable and satisfactory.

11 The final bullet there. New York City
12 agrees to reimburse EPA for our oversight costs.
13 Our employees do not get paid a great deal, but
14 they do have to get paid, and our contractors have
15 to get paid.

16 And so having the ability to receive
17 reimbursement for those costs is an important
18 element in making it possible for us to devote the
19 necessary resources to this oversight process.

20 Next slide.

21 One of the most important elements, in
22 my judgment, of this proposed agreement is that
23 when it becomes effective, New York City agrees to
24 waive its right to any legal challenge on EPA
25 selection of CSO controls in the 2013 record of

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2 decision.

3 That includes challenges based upon the
4 differential of costs attributable to its choice to
5 move to the head of Canal location, which in our
6 judgment is likely, very likely, to be much more
7 expensive than the park location.

8 Now, the reason this is important to us
9 is because, under the Superfund law, if we were to
10 take an enforcement action against the City or any
11 other respondent to a unilateral administrative
12 order, and we go to court to seek penalties or to
13 seek what's called injunctive relief, requiring
14 respondents to come into compliance, pay a penalty
15 for their violations; the respondent at that point,
16 and only that point, has the legal right to
17 challenge EPA's remedy decision.

18 That's the first and only time a
19 respondent can challenge an EPA decision; only when
20 we choose to enforce it against them.

21 As you know, the inclusion of CSO
22 controls in the record of decision was
23 unprecedented the first time in Superfund
24 history -- there's only one other instance it's
25 occurred -- where CSO controls were included in the

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2 Superfund remedy. Normally, controls of CSOs is
3 the province of the water pollution program for the
4 federal and state governments.

5 We took the unusual and at that point
6 unprecedented step of including it in the Superfund
7 remedy, and the City of New York argued vigorously
8 that that was inappropriate.

9 I'm confident that if we have to enforce
10 the existing unilateral administrative order
11 against the City of New York for some reason, and I
12 hope we wouldn't be in that position, but if we did
13 and went to court to enforce it, and the City
14 challenged the inclusion of CSO controls in the
15 record of decision as being beyond the scope of the
16 Superfund program, I am confident we would prevail.

17 But that's the projection, it's an
18 informed guess. And when you go into litigation,
19 nothing is certain.

20 So, in my judgment, one of the most
21 important elements of getting this consensual
22 settlement agreement is that the City agrees from
23 now and forever, not just during this design phase,
24 but for the rest of this clean-up program, the City
25 agrees to waive its right to legally challenge the

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2 CSO elements of the record of decision.

3 That's a big concession on the part of
4 the City. It turned out the final item that we
5 negotiated was one of the conditions identified at
6 the beginning of negotiations, and by agreement
7 among the parties they agreed to leave it to the
8 very last step. Once everything else was
9 negotiated, then we came back to that and we fought
10 about that, and ultimately EPA was satisfied with
11 the outcome, and this is what we got.

12 This is the important reason why I'm
13 recommending to you, or commending to you, that
14 this agreement, notwithstanding what will be
15 disappointing to many of you here about the
16 extended schedule, it's nevertheless a very good
17 thing that in the long run is worth the price.

18 And the final bullet there. This
19 agreement there does reflect for the first time New
20 York City's willingness to implement the CSO
21 retention tanks as an element of this Gowanus Canal
22 clean-up.

23 As I said and you all know, the City
24 argued very vigorously that tanks were not
25 necessary and that they certainly shouldn't be part

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2 of the Superfund clean-up. Indeed, in the long
3 term control plan that the City submitted to the
4 State of New York on June 30, 2015, CSO retention
5 tanks are not part of that water pollution clean-up
6 program.

7 So, only the Superfund record of
8 decision calls for creation of these tanks, at this
9 moment. This is what makes it very important in
10 our judgment to get the settlement agreement
11 finalized.

12 Next slide.

13 Natalie will correct my e-mail there.

14 (Indicating.)

15 On the next slide -- in a moment we'll
16 go to the comments. And again, we will ask you to
17 -- Berry Shore has a list. We'll call out five
18 names at a time and ask you to come around to this
19 side, your right.

20 (Indicating.)

21 This is as far as the microphone moves.

22 MS. LONEY: Berry will come to the front
23 of the room. Anyone who wants to make a comment,
24 sign up. We will bring the list to you.

25 (Indicating.)

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2 MR. MUGDAN: Natalie is coming with the
3 list, we'll bring it around and get names. Once we
4 get names we'll ask people to line up and we'll
5 give everybody a chance to speak. We'll ask you to
6 try to keep yourself to about three minutes.

7 I remind the members of the CAG -- I see
8 many of you here -- I will be joining you at your
9 meeting tomorrow night. That is not a meeting on
10 the record the way this is here. There won't be a
11 court reporter. And I will be able at that point
12 to have a more fluid and dynamic interchange with
13 you, answer questions you may have.

14 The structure of this meeting tonight is
15 a little different, more formal. The purpose is to
16 put your comments on the record so that we can
17 consider them as we make our decision.

18 MS. LONEY: The first commenter.

19 MR. MUGDAN: When you comment, please
20 state your name, and if the reporter needs you to
21 spell it.

22 MR. KELLY: My name is Glen Kelly, I
23 live two blocks from here. And I want to encourage
24 the EPA to ignore the City's political maneuvering
25 and rely on the science they've used thus far, and

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2 reject this agreement.

3 And here's why.

4 About six or seven years ago when the
5 EPA arrived in Gowanus, no one was happier than I
6 was at the prospect of a thorough cleanup of the
7 Canal. But there were some in the community who
8 were sceptical, but the EPA overcame the scepticism
9 bu consistently and repeatedly demonstrating their
10 commitment and ability to do a thorough cleanup of
11 the Canal, finally.

12 I don't trust the City to do that. And
13 I think what they are doing here is creating a
14 boondoggle and making this project far more complex
15 and more expensive than it needs to be. And it
16 just is not going to work. I think they will make
17 this so big that it will be impossible for them to
18 finish it.

19 So I vote that you will stick with the
20 science. You came here and promised us a solution
21 to this problem, and I think this agreement will
22 allow the City to become a problem to the solution.

23 Thank you.

24 (Applause.)

25 (Brief discussion off the record.)

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2 MS. BUXBAUM: First of all, I want to
3 thank Glen Kelly for what he said. I completely
4 concur with his statement. That's number one.

5 Number 2, I'm asking, because of the
6 short duration of this comment period, that the
7 comment period, instead of commencing from the
8 14th, commence from the first time you really
9 reached out to the public, which was today, and go
10 from 30 days from today; and possibly -- I
11 understand there's going to be a repair for some
12 work being done on the salt lot itself with putting
13 a cover on it.

14 And in addition, the Union Street
15 Bridge, DOT is planning to do repairs on that,
16 which may impact movements of contaminants.

17 Is it possible we can have an additional
18 15 days? This is becoming very complex, this whole
19 thing. So thirty days from today, an additional
20 fifteen, so that we can look at what those DOT
21 impacts may be, and talk about how this is going to
22 end up maybe being the boondoggle that Glen
23 referred to.

24 Thank you very much. And I'm glad
25 you're not retired.

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2 MR. MUGDAN: Thank you, Diane.

3 Under the Superfund rules if we get a
4 request for an extension we must give one of
5 fifteen days, and that's what we're doing. I am
6 now unilaterally advising you that the public
7 comment period is extended by fifteen days.

8 If my arithmetic is correct, it's from
9 May 16 to May 31. So I am rejecting the proposal
10 that the comment period starts today. We gave full
11 notice on the 14th. And ordinarily a public
12 meeting such as this one occurs in the middle of
13 the comment period. We want people to have a
14 chance to get acquainted before the meeting with
15 the circumstances, and we come to a meeting like
16 this and give them some time after the meeting to
17 write comments and submit them.

18 So I'm satisfied that the level of
19 notice we provided on April 14, the start of the
20 comment period is sufficient. We're now extending
21 the comment period until May 31.

22 Next speaker?

23 MS. LONEY: Marlene Donnelly?

24 MS. DONNELLY: I have some concerns,
25 basically, about the cost. And you're saying we're

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2 trading off certain things we're getting as a
3 result of this; but we also looked really very much
4 at the cost. A lot of us have seen a recent tweet
5 issued by our councilman, Brad Lander, saying there
6 was \$510 million that's been allocated for this.
7 That's practically the cost of the whole clean-up
8 that was posted before.

9 That's an excessive amount of money
10 going towards this, and we're looking at what we're
11 spending that extra amount of money for, is to
12 mitigate the potential loss of space of use of the
13 park for a time, and potential long term use by
14 possible displacement of space, and we get this
15 agreement.

16 We also have to stop and say, is this
17 worth it? Are we really getting much for this
18 incredible extra cost that's going in here? And
19 I'm not so sure we are. I think we have to look at
20 that very carefully.

21 I'm also really concerned that the
22 claims that why we're doing this is about the loss
23 of park land and the possible suit about the park
24 land, when we had a presentation before the CAG by
25 the landowners that are being threatened by eminent

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2 domain in this process to give back park land; and
3 that's not considered anywhere in this presentation
4 or the proposal. That's still a much more cost
5 effective process and it's not part of this process
6 here, not part of the recommendation, and it
7 concerns me.

8 I'm also very concerned that the first
9 thing I see on the timeline in the whole decision
10 is the ULUR process. I'm very suspicious of why
11 this is very expensive and why it's taking very
12 long, and we do know that our councilman wants to
13 move forth -- across the area. We know that he
14 stated he's against spot rezoning, he might not
15 stop at those two.

16 There's a lot of money here, there's a
17 lot of time, and I don't think we should be having
18 land use procedures under the Superfund process.

19 At a recent land use committee meeting I
20 had everybody in the room agree that ULUR or land
21 use in zoning procedures should not be part of the
22 Superfund. I said it three times and everybody
23 agreed. We should not have land use processes as
24 part of this.

25 It's possible under the EPA laws to not

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2 have that, so we don't want to open it up. If
3 we're sincere about not taking park land away, then
4 why are we doing land use process --- the EPA are
5 really about not -- of having agreement, they will
6 relinquish that, because it's about land use,
7 that's what they're arguing for, they are going to
8 hold on to it. I think we should get land use out
9 of the agreement 100 percent.

10 (Applause.)

11 MS. LONEY: Peter --

12 MR. MUGDAN: I want to mention one thing
13 or two. First, we are cognizant of the discussions
14 between the City and the company that has the 99
15 year long lease on, I think one of the parcels, or
16 both parcels.

17 To my knowledge, no agreement has been
18 reached at this stage of the game between the City
19 and Allied, the landowners, so we can't take
20 account of that one way or the other.

21 We did take account of the fact that if
22 the tank is built at the head of the Canal
23 location, the City is committed to creating more
24 open space. That's because they're not going to
25 allow development buildings on top of the tank. So

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2 wherever the tank is, that space will be open.
3 Let me also mention on the ULUR process,
4 so we do have a schedule in this proposed
5 administrative order for initiating and completing
6 the ULUR and CEQR processes, and failure to comply
7 with that schedule will be one of the elements that
8 could enable the EPA to require a pivot to the
9 other location.

10 The City takes the position, legally,
11 that it cannot acquire a property in this manner
12 without going through the ULUR or CEQR process.
13 The City takes the position that the same would be
14 true if it placed the tank in the park location.
15 As I said, that's one of the disagreements that EPA
16 and the City had.

17 MR. REICH: I just have a couple of
18 design questions. The green part of the park, the
19 area closest to Third Avenue -- that's unaffected
20 by all of this?

21 MR. TSIAMIS: Yes.

22 MR. MUGDAN: The question is, the green
23 part of the park, which is to the east of the area
24 that has to be excavated for coal tar purposes and
25 where the tank would have been located if that was

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2 the location, the green part of the park is
3 unaffected in the sense that, number one, there's
4 not coal tar under it, so it doesn't have to be dug
5 up for that purpose; and number 2, the tank
6 wouldn't go there.

7 As to whether or not the so-called green
8 portion of the park could remain open while the
9 work goes on, either for coal tar removal and/or
10 for tank construction, that's an open question. It
11 might be too disruptive, it might be too dangerous,
12 but it otherwise wouldn't be affected by the
13 construction. We think it could probably remain
14 open, at least in some fashion.

15 MR. REICH: Kids love construction.

16 I realize this is petty given the scope
17 of this project; but the trees along the sidewalk
18 of the pool and the handball courts, are they
19 getting torn up too, or is it just within the park?

20 MR. MUGDAN: The question was, the trees
21 along the sidewalk, the boundary of the park where
22 it fronts toward the streets, those trees will have
23 to be removed as part of the overall work going on
24 there, I think.

25 MR. TSIAMIS: Not necessarily.

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2 MR. MUGDAN: The answer is no.

3 MR. REICH: The perimeter --

4 MR. TSIAMIS: Yes.

5 MR. REICH: The third thing is, if the
6 City gets its wish and the holding tanks go right
7 at the head of the Canal, whether it makes any
8 sense to do the tanks and then permanently relocate
9 the pool on top of them there, rather than do a
10 temporary location and then move it to back again,
11 so it's disruption after disruption.

12 Just to put it out there. I assume
13 someone thought about it. Thank you.

14 MR. MUGDAN: In response to that last
15 question, it's a timing question. We would expect
16 the excavation of the park site, which is going to
17 require, regardless of where the tank goes, will
18 take place on roughly the same schedule and roughly
19 the same time frame as the excavation on the head
20 of Canal location, assuming the tank goes there.

21 Next speaker?

22 MR. DOUGHTY: My name is Izzy Doughty.
23 I've lived in this district all my life, and am
24 outraged by this agreement.

25 Let me explain something to you all

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2 about compliance with sewage overflows. The crap
3 from the rich people in Park Slope that they flush
4 down their toilets winds up in the Gowanus Canal
5 currently. And yes, they're trying very nicely to
6 fix this by placing retention tanks in there.

7 Who lives around this Canal now? The
8 people who live in Wyckoff Towers and the other
9 housing projects around this neighborhood. This is
10 some of the most diverse socio-economically and
11 racially census track in our entire district.

12 These people who haven't cared that if
13 we're living by this horrible polluted Canal, as we
14 can all agree on that, the Canal is polluted and
15 should be fixed -- they've been living there for a
16 long, long time, and what do they have?

17 They don't have clean air and clean
18 water, they can't go outside in the night after it
19 rains and not smell the putrid stench. But they do
20 have this beautiful pool, this beautiful park and
21 beautiful space which they have made theirs and
22 which is the key to their community.

23 You can't just replace it with another
24 park, because that park is their park, that park
25 represents them, and that park represents the one

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2 concession we've given them after we systematically
3 disenfranchised them in about every other way
4 possible.

5 So, we're spending \$500 million, and I
6 agree with you, that's far too much money. And
7 what are we getting out of it? We, I don't think
8 are getting anything; but the developers who build
9 along the Canal, houses for more rich people to
10 live in, they're getting something out of it.

11 Is that enough? Is that enough to
12 rebuild the park? I don't know. Under
13 environmental guides, sure, I think it's great to
14 renovate the park.

15 But putting a tank full of crap
16 underneath the pool, even if it would never
17 possibly leak into the pool, is such an
18 unfathomable insult to those who are on the bottom
19 of our class system. And I think it's
20 unconscionable. Thank you.

21 MR. MUGDAN: Thank you.

22 Next speaker.

23 MS. SAMARAS: My name is Triada Samaras.
24 I'm a long time resident here. I want to ad lib
25 something. I'm going to read something also.

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2 The reasoning that you gave for the
3 timeline, you said there could be some
4 inconsistencies in the original timeline, and you
5 used that as a reason why the new timeline could be
6 seen as reasonable. I didn't think that was
7 logical at all; because you mentioned there could
8 be some, maybe legal contingencies or something
9 could happen with the original plan that would
10 stretch the original timeline out.

11 I think if that's true, then it's also
12 true of this new timeline, which maybe is 2020, but
13 maybe would be 2024 under that reasoning;
14 especially because this timeline now with the
15 bullet points involves so many parties. I can see
16 lawyers' litigiousness becoming a real drag on the
17 ability of the work to progress.

18 And that's a real, I think that's a real
19 reason I favor, and have always favored the
20 original plan and original siting.

21 Another thing I'd like to say, I always
22 wondered what the role of Mr. Stringer, Comptroller
23 Stringer's office will be in approving eminent
24 domain, the purchase price. We heard the figure
25 \$125 million last meeting. I don't know if that

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2 was for one piece of property or more than one.

3 It's an extremely high price, and I

4 think most people in here would agree that \$125

5 million spent by taxpayers could be spent so much

6 better in this neighborhood acquiring park land,

7 little corners, making this a more habitable place.

8 We still are living in a Superfund

9 designated area, and we are the most dense

10 population around this Superfund designated area.

11 So I think spending \$125 million to seize someone's

12 private property is not wise, and is outrageously

13 expensive. And I would favor anything but that.

14 Thank you.

15 MR. MUGDAN: Thank you.

16 I think there were two ways in which the

17 Comptroller's Office could conceivably have been

18 involved, maybe there's others. When we were

19 negotiating the proposed agreement with the City of

20 New York, they initially were under the impression

21 that once the City administration, the Department

22 of Environmental Protection, decided they were

23 prepared to go ahead with the agreement, they would

24 pass it through the Comptroller's Office first for

25 a check to see it was done in an appropriate way,

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2 procedurally appropriate way.

3 Based upon advice from the Law
4 Department, they concluded that that is not
5 necessary.

6 I don't have any answers as to in what
7 way the Comptroller's Office might be involved in
8 the decision to spend funds for the eminent domain.
9 I think probably through the ULUR process there's
10 some opportunity for all stakeholders to be heard.
11 Again, that's a detail that I'm not familiar with,
12 and it's up to the City to work that process out.

13 MS. SAMARAS: What if the Comptroller's
14 Office was against spending the money?

15 MR. MUGDAN: As I said, there are
16 contingencies in this administrative order. If the
17 City is not able to go through the steps that are
18 required to exercise eminent domain in the time the
19 schedule provided, then EPA can require the City to
20 revert back to the park location, for which the
21 design will be done, because we're having both
22 designs carried out simultaneously.

23 I might add that it's my understand from
24 what the City officials explained to us that there
25 are two possible points at which litigation can

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2 take place in an eminent domain proceeding.

3 One is that, in order to carry out
4 eminent domain, a municipality like the City of New
5 York has to go through an administrative process to
6 say, "This is what we plan to do." That process in
7 their judgment requires the ULUR and CEQR
8 procedures, among others.

9 If there are allegations by the property
10 owner that they failed to do that or failed to do
11 it properly, litigation can be brought before the
12 eminent domain takes place.

13 Assuming that the City gets through that
14 process, and if they fail to, that's a scheduled
15 event, and failure to meet the scheduled deadline
16 allows us to require the pivot.

17 The second opportunity for litigation is
18 after the City exercises eminent domain. At that
19 moment that the exercise of eminent domain occurs,
20 the City owns the property, period. And the City
21 has to put up a certain amount of money, I think,
22 99 percent of what they estimate the cost to be.

23 If the landowner at that point disputes
24 the assessed value or estimated value the City has
25 put on it, there can be another litigation about

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2 the value. But that doesn't stop the change of
3 title. The title will have moved from the
4 landowner to the City at the moment the City
5 exercises eminent domain, and they can argue for a
6 long time thereafter about the actual amount of
7 money. That doesn't slow down the process in any
8 way.

9 It's the litigation before the exercise
10 of eminent domain that was a matter of concern to
11 us, and that's why the schedule allows us to cause
12 the pivot, if that litigation takes longer than the
13 four year period we discussed.

14 MS. SAMARAS: Excuse me. Are you saying
15 that in the second case you're not worried about
16 the time being interrupted?

17 MR. MUGDAN: That's correct. Once any
18 municipality exercises eminent domain, and in this
19 case the City of New York that requires this
20 administrative process to carried out beforehand.
21 Once that occurs and the municipality says "We're
22 taking your property," at that moment title passes
23 from the owner to the municipality. And the only
24 remaining question to be litigated is how much
25 money the municipality owes to the property owner.

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2 If the property owner is unsatisfied
3 with the amount of money the municipality
4 identified, then the property owner can go to court
5 and say, "Hey, this wasn't enough money, it's
6 really worth much more." And they can litigate
7 about that, but the title has passed. At that
8 point the municipality owns the property.

9 MS. SAMARAS: Sorry. Will that be
10 taxpayer money if money is argued about and more
11 money needs to be paid? Again, it's coming from
12 taxpayers, just so everybody understands.

13 That proves -- I'm not trying to be a
14 know it all -- it proves my point about many
15 inconsistencies in the new plan, where I can't
16 imagine four years, going only four yours. It
17 seems like there's plenty of spaces for that to
18 stretch out, as you said in the original, there
19 could be some problems.

20 Thank you very much.

21 MR. MUGDAN: Thank you.

22 As I said, that schedule, that four year
23 schedule we have now to April 2020, that's a
24 schedule subject to milestone events along the way,
25 which, if not fulfilled, allows the EPA to require

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2 the City to move the location over to the park.

3 MS. KELLY: Katia Kelly.

4 It has been a long road. You came to

5 the community, as my husband said. We trusted you

6 guys and I still trust your engineering, I just

7 don't trust the political aspect.

8 I have two questions; one for you,

9 Walter, and hopefully one for for Christos, the

10 engineer, because there's a couple of

11 inconsistencies with the engineering part I would

12 like to clarify.

13 If you can go to your proposed agreement

14 slide, the very first one. My first comment. I

15 looked to the agreement, and as you said, Walter,

16 it's very, very difficult to understand for

17 somebody who is not a lawyer or a scientist.

18 But it seems to me nowhere in the

19 agreement does it actually specify a 4 million

20 gallon tank for OH007, and an 8 million gallon tank

21 for RH034. Are you going to go ahead and include

22 that in the agreement?

23 Like I said, I'm just a little

24 housewife, and if I were to sign an agreement, I

25 would make sure that's in there. Because the City

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2 has contested that. I like what you said, there
3 seems to be agreement on that.

4 I insist as a member of the community
5 that those two numbers get put in there. That's my
6 first comment.

7 The slide of the proposed agreement, I'm
8 reading this, and I think it was confirmed, what I
9 understood was confirmed by what you said, Walter,
10 that the agreement is on the design and site
11 preparation.

12 There's something left out there, the
13 actual building of the tank. Because it's not in
14 there. The agreement has nothing to do with when
15 that tank is going to be built. It basically only
16 asks the City to put a big hole in the ground.

17 So why would EPA go ahead and sign an
18 agreement that still does not give us a tank, which
19 means we're going to get recontamination? Which is
20 something the EPA told us is a big no-no, and that
21 no polluter would be allowed to recontaminate the
22 Canal.

23 So I'd like to know when exactly the
24 tank is going to be built; and if you will indulge
25 me, I'd like to ask Christos two or three questions

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2 also.

3 MR. MUGDAN: Two questions. The first
4 question was, the proposed agreement doesn't
5 specify the 4 and 8 million gallon tank size.
6 That's correct. The size of the tank is an element
7 of the design. And so the design has to be
8 submitted to us by the City, and we have to either
9 approve it or disapprove it.

10 And there are steps along the way, I
11 think a 35 percent and a 65 percent design step
12 along the way. If we had told the City that if
13 they submit to us a design anything other than the
14 4 million and 8 million gallon tank we will
15 disapprove it. The City has accepted those sizes.

16 There will be other documents that will
17 memorialize that decision as part of the design
18 process.

19 And in fact, there is in the
20 administrative record for this agreement a
21 memorandum that I put into the file explaining our
22 reasons for making the decisions that are
23 summarized here. I'm also expecting to put into
24 the file at some point, probably prior to this
25 agreement being finalized, if it is, a separate

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2 memorandum that memorializes my communications and
3 that of my boss, Region Administrator -- with
4 Commissioner Emily Lloyd, in which the specific
5 questions of the tank sizing are addressed, and I
6 will memorialize those decisions made and
7 communication of those decisions to the City and
8 their acceptance thereof.

9 But the actual formal document that does
10 it will be either an approval of the City design
11 document or a disapproval, with required changes to
12 the design document.

13 The second question you asked is, why
14 doesn't this agreement include in it the obligation
15 to construct the tanks?

16 And the answer for that is, under the
17 Superfund law, an administrative consent order
18 cannot be used, may not, is not permitted to be
19 used, as the vehicle to memorialize the agreement
20 to carry out what's called a Superfund remedial
21 action.

22 An administrative consent order is
23 allowed for what's called a removal action; and
24 that's why you will see the word "removal" in a
25 couple of locations in this presentation and in the

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2 order itself.

3 For those who aren't spending all their
4 time in Superfund law, Superfund divides clean-up
5 actions into two species. One is called a removal
6 action, the other is called a remedial action.

7 Congress in its wisdom gave us different
8 legal obligations for different legal mechanisms
9 that had to be used to memorialize an agreement by
10 a responsible party to carry out a remedial action
11 different from those that we can use for a removal
12 action.

13 For a removal action we can use an
14 administrative order. Administrative simply means
15 that I, as an official of the Environmental
16 Protection Agency, can issue that order. And so
17 the authority has been delegated to the President
18 to the administrator of the EPA, to the regional
19 administrator of the EPA, down to the Superfund
20 division director.

21 Under the Superfund law, a consensual
22 agreement to carry out a remedial action, which is
23 what the construction of the tanks would be and
24 what the Canal dredging will be, that must be done
25 through what's called a judicial consent order.

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2 It's a consent decree.

3 It's a document that has to get
4 presented to a court, the United States District
5 Court. Again, there's a public comment period on
6 that, and ultimately the court, if it agrees,
7 normally it does, enters that as an order of the
8 court.

9 So that's the different ways in which
10 the Superfund law specifies what EPA carries out.

11 Because the construction of the tank
12 will be a remedial action, it has to be done in a
13 different mechanism.

14 So, what is our intention? Our
15 intention is, assuming this order goes into place
16 and assuming that the next order to National Grid,
17 which I alluded to in the comment in the
18 presentation, assuming that one gets put in place
19 within several months, the next step after that is
20 for us to start to engage with all of the
21 responsible parties on the negotiation of a
22 judicial consent decree, which we hope will be
23 successful, and that will then require the actual
24 construction work, including detailed time
25 schedules for all of that work.

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2 I predict that we will still have
3 differences of opinion as we go into those
4 negotiations for how long it will take to carry out
5 this construction work. We will have to have those
6 discussions, and eventually it will be up to us to
7 make a decision of what we think is appropriate.

8 If a consensual agreement cannot be
9 achieved, we still have the authority to issue a
10 unilateral administrative order under the Superfund
11 law; and we've done that in other circumstances
12 where we've been unable to reach a consent about a
13 remedial action, and then we issue a unilateral
14 order and that becomes a legally binding
15 obligation.

16 Again, it doesn't have some of the
17 benefits of a consensual agreement, but it's a very
18 powerful legal instrument.

19 MS. KELLY: Anyway, I have a couple of
20 questions for Christos. I did reach out to the EPA
21 and asked for some technical support to explain why
22 the EPA made the decision that it did make. And I
23 received a couple of documents that were
24 correspondence between the EPA and DEP regarding
25 technical aspects of the tank. And I just wanted

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2 to clarify.

3 Christos, you go on record as saying
4 that -- the design for the 8 million gallon tank,
5 the hole in the wall, the head house by DEP, both
6 of them are excessively designed. So obviously
7 they've over-engineering this, which I guess is
8 their right, but our taxpayer money.

9 There was one thing that struck me in
10 particular, and that was the fact that the EPA in
11 the correspondence talks about a setback of greater
12 than 20 feet, on the order of 45 or 50 feet to
13 provide an improved margin of safety in the
14 construction of the tank and allow for the
15 installation of tiebacks, the National Grid cutoff
16 wall.

17 So something about the fact that the
18 tanks cannot be too close to the bulkhead on the
19 side of the property site. And there is discussion
20 about 20 feet, 45 feet, 50 feet. What is it? How
21 far do they have to move it and move it back? It
22 seems very complex engineering-wise --

23 MR. MUGDAN: I will answer these
24 questions. I appreciate you posed them to
25 Christos, but I will answer them.

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2 MS. KELLY: He is the engineer.

3 MR. MUGDAN: I'm the Superfund director,
4 I'm ultimately responsible for this. So here are
5 the answers to your questions.

6 On March 16 we had a technical meeting
7 with the City of New York. Prior to that time
8 Christos provided technical comments to the City of
9 New York, which we discussed at that March 16
10 meeting. They included issues that might be
11 characterized as, in our judgment, excessive or
12 over-designed.

13 We have not yet gotten final responses
14 from the City, but we will be looking carefully at
15 those. Ultimately there are decisions that the
16 City can choose to make on its own, which we may
17 consider unnecessary, but as long they don't
18 unreasonably prolong the schedule or make it
19 otherwise impossible to build, that is the City's
20 choice.

21 As to the setback question, we had
22 further conversations with National Grid and the
23 City of New York. The 40 or 45 feet that we talked
24 about is actually now going to be 100 feet. The
25 City is setting back 100 feet.

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2 National Grid needed 80 feet. The City
3 made a choice to set back 100 feet. That was
4 communicated -- from the bulkhead, to allow for
5 tiebacks, as long as they need to be, so there will
6 be a buffer space in between the tiebacks and City
7 activities.

8 Now, the details will still be in design
9 documents that need to be submitted pursuant to the
10 schedule that's in this proposed agreement. But
11 those are the communications we've had as recently
12 as last Thursday night with the City.

13 Thank you.

14 MS. KELLY: Okay.

15 MR. MUGDAN: That reminds me, we need to
16 move quickly because there are nineteen people
17 speaking, so I'm probably as much at fault. I'll
18 try to limit my remarks and ask you to do the same.

19 MS. MARIANO: Linda Mariano.

20 Is it too late to pave over the Canal?

21 (Laughter.)

22 Is it a kooky idea to suggest that the
23 smaller tanks be placed on the site at the head of
24 the Canal? Rather than in the salt lot area?
25 That's one question.

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2 MR. MUGDAN: I'll answer it quickly.

3 So the size of the two different tanks
4 have to do with how much discharge there is in
5 those two different locations. The two different
6 discharge locations drain different portions of the
7 surrounding territory, so they simply have
8 different amounts of CSO going out. That's why one
9 has to be double the size of the other. So you
10 can't switch the locations.

11 MS. MARIANO: One other question about
12 the hydrology of the area. How will the pumping
13 station and the mechanism that operates the pumping
14 flushing station be affected by the two tanks so
15 close to the Canal?

16 MR. MUGDAN: So, there is a pump station
17 that is located at the spot, because the head of
18 the Canal is a low point in the piping system
19 that's otherwise moving by gravity. It has to be
20 pumped back up again in order to eventually reach
21 the Red Hook treatment plant for treatment.

22 That pumping station will not be
23 affected one way or the other by the placement of
24 the retention tank. The idea of the retention tank
25 is that when the pipe is full, the next 8 million

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2 gallons of sewage and rain water will go into the
3 tank.

4 Now, if the rain continues, there will
5 be some amount of discharge into the Canal, but it
6 will be much cleaner, because most of the sewage in
7 that, what's called the first flush, will have been
8 captured in the tank.

9 Christos has made the calculations in
10 designing, preparing the remedial decision of how
11 many times in an average year, an expected year,
12 will this tank be full and some additional
13 discharge go into the water. It's a small number
14 of occasions, and it's a small amount,
15 comparatively speaking, on those occasions.

16 In all other circumstances when the 8
17 million gallon tank is full, or however much is
18 collected in there is collected once the rain
19 stops, then it is pumped out of the tank by a
20 different set of pumps from the existing pump
21 station.

22 It's pumped back out of the tank, back
23 into the pipes that normally carry the sewage. It
24 will then move to the existing pump station, which
25 will lift it up, and it will end up at the Red Hook

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2 sewage treatment plant.

3 MS. MARIANO: Hopefully.

4 I think that the use of eminent domain
5 or friendly acquisition is rather inappropriate
6 here in the 21st century. And I think we should
7 recognize that we would, with the use of eminent
8 domain, approximately 350 to 400 jobs would be lost
9 by displacing the property owners on those sites
10 that the City wants to take by friendly
11 acquisition.

12 And there are other properties on Nevins
13 Street that are available, that are for sale. And
14 why weren't those properties not selected, rather
15 than property that doesn't want to be sold or
16 taken?

17 MR. MUGDAN: Thank you.

18 Who's next?

19 MS. YOUNG: Maryann Young.

20 I ditto what Glen Kelly says, and I need
21 to ask this question for our group. Why, if park
22 land alienation was such a determining factor in
23 allowing the City to build tanks on private land,
24 is there no mention of Alloy's proposed land
25 donation to offset loss of park space in the

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2 agreement? Did the EPA even consider this offer?

3 MR. MUGDAN: As was said earlier, there

4 is no existing agreement between the City and

5 Alloy, therefore we have nothing that we can take

6 account of right now. We're certainly aware of the

7 communications between Alloy and the City. Indeed,

8 I met with Alloy and the property owners myself,

9 maybe two months ago.

10 So we're aware of those negotiations and

11 discussions, but to my knowledge they've not

12 resulted in an agreement, therefore there is

13 nothing we can take official account of.

14 MS. YOUNG: So you're saying if the City

15 doesn't work with Alloy that means you can't offer

16 any kind of solution from Alloy?

17 You're saying if there's no real

18 agreement or negotiation going on between the City

19 and Alloy, then therefore EPA has nothing to do

20 with it? Right?

21 MR. MUGDAN: For the purposes of this

22 conversation, that's correct.

23 MS. YOUNG: There is that special clause

24 where they're not going to be challenging you at a

25 certain point? This is the City saying that. What

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2 about the state? Or National Grid or other PRP
3 coming up and challenging you on that? Is any kind
4 of agreement that protects you from that?

5 MR. MUGDAN: The question is whether
6 this waiver of right to challenge the CSO elements
7 of the remedy affects other parties like National
8 Grid or the state?

9 First of of all, the state has concurred
10 in our remedy. So the state agrees with the remedy
11 we selected in 2013. They're fully supportive of
12 that. That was a written concurrence. And they
13 would not have any legal ability to challenge it in
14 court even if they disagreed, but they don't.

15 As to National Grid or one of the other
16 responsible parties, they have no direct interest
17 in our judgment in the CSO element of this remedy,
18 and would not be enforcing against the CSO element
19 in this remedy. That's an obligation on the City
20 of New York.

21 However, that being said, when we enter
22 into our negotiations with National Grid, which we
23 now will do, we'll be asking National Grid to make
24 a comparable waiver of its right to challenge the
25 elements of the remedy that affect it.

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2 MS. YOUNG: Another thing. There's a
3 lot of City agencies with different priorities,
4 different rules and regulations and so forth.
5 There is that tank, 007, that's happening in the
6 salt lot. Right now, currently there are
7 structures being built right there for the salt lot
8 as well the -- how is that handling if the
9 retention tank has to go in?

10 MR. MUGDAN: The question is about other
11 City activities on 007. I will discuss this
12 tomorrow night with the CAG. It is not relevant to
13 tonight's program because it is not part of this
14 proposed agreement. But if we do have responses to
15 that we will be sharing with you. Thanks.

16 MS. YOUNG: Thanks.

17 MR. MUGDAN: Next speaker.

18 MR. DIXON: My name is Sean Dixon. I'm
19 here speaking on behalf of River Keeper. First, I
20 wanted to thank you for answering all of our
21 questions as opposed to those meetings where you
22 just sit there and say thank you and then move on.
23 So it's really great of you guys, and I'm sure
24 we'll do the same thing tomorrow.

25 But I had a couple quick questions about

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2 the tanks themselves. River Keeper has been on the
3 record in favor of the expedited clean-up. And as
4 you just mentioned, the whole idea of the
5 construction of the tanks is next.

6 So the way we read this order today,
7 four years, 2020, that's when the acquisition has
8 to happen. Then there's some sort of mysterious
9 coordinate with the National Grid on the first part
10 of the clean-up. Then there's two years of
11 finishing the hole.

12 So we're thinking about 2023 for the
13 hole in the ground to be completed. What's your
14 estimate on that? Maybe 2023, hopefully 2022?
15 Anyway, the question based on that, wherever that
16 lands, I know you said that you haven't yet begun
17 negotiating the CSO tanks.

18 So my first question of hopefully a
19 short two questions would be: What is your
20 estimate and what is the EPA's position on what
21 it's going to be asking for on how long the CSO
22 tanks will be built over? And when actually have
23 them operating on the Canal?

24 MR. MUGDAN: It's a complicated set of
25 questions, which -- I will certainly be prepared to

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2 and asterisks on them. I didn't read in the order
3 that there's a requirement there be open space on
4 top of the head of Canal location, were that to be
5 the final choice; and I didn't read that there was
6 a requirement that the City clean up any
7 contaminated sediments, only if found necessary by
8 the EPA.

9 The question is, on that cleaning up of
10 the sediments, is that something covered in the
11 waiver right to litigation, or is that something
12 that you can still disagree on in the future? And
13 did you consider requiring, and can we convince you
14 to require, open space and clean-up full stop?

15 MR. MUGDAN: I'll take that as a comment
16 as well as a question. We thought about it, we
17 believe that that is something appropriate in the
18 remedial consent decree. And so that's probably
19 where that will be dealt with, as will be the
20 schedule of the construction.

21 MR. DIXON: One final note. As you're
22 building the record, I don't expect you to have
23 this number in front of you. You said in your
24 letter, your opening statement, that the park
25 location would be quicker, cheaper and easier, I

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2 believe.

3 Do you have numbers on how much quicker,
4 how much cheaper and specifics on how much easier
5 it would be that you can put on the record, or with
6 you today?

7 MR. MUGDAN: The numbers we made in the
8 ROD an estimate of the costs. The City argued in
9 its comments on the proposed plan that those costs
10 were too low; and that seems to still be the City's
11 position.

12 In terms of the timing, we have made
13 projections into how long things will take, but the
14 actual schedule is subject to the remedial
15 negotiations.

16 MR. DIXON: Thanks for that answer.

17 MR. MUGDAN: See you tomorrow night at
18 the CAG meeting.

19 My colleague Tom reminds me that the
20 April 2020 is a deadline. There are possibilities
21 of having that date earlier, and that includes a
22 consensual acquisition of property, or it can
23 include getting to the point of being able to
24 exercise eminent domain more quickly than the four
25 year schedule.

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2 MR. SHAMES: Mark Shames. It's a
3 pleasure to be at this pre-CAG meeting.

4 (Laughter.)

5 What Sean was talking about was
6 essentially what I wanted to talk about, so I'm not
7 going to repeat any of that. What I did want to
8 note is the first milestone is April 2016, the
9 beginning of the EIS. Have we met that first
10 milestone or have we missed the first milestone?

11 MR. MUGDAN: The order has not yet gone
12 into effect; therefore the City's obligation to
13 give us monthly status reports hasn't yet started.
14 Nevertheless, my understanding is those actions
15 have started. The answer is yes.

16 MS. DE LA UZ: Michelle De La Uz from the
17 Fifth Avenue Committee. First, I just want thank
18 EPA and its staff for a tremendous amount of work,
19 honestly; and I think taking a pretty complex
20 situation and agreeing to break it down for us, I
21 really appreciate that.

22 I have three questions. Just talking a
23 little bit more about the administrative order with
24 National Grid. If you can talk a little bit more
25 about its timing, the status that you are at in

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2 negotiations with National Grid, and some of the

3 high points. I think that would be helpful.

4 Do you want all three at once?

5 MR. MUGDAN: Sure.

6 MS. DE LA UZ: The next one has to do with

7 the community involvement for input and the design

8 of the temporary and permanent parks. Where would

9 that be handled? Is it in the National Grid

10 administrative order, is it in the next remedial

11 agreement? I think it would be really helpful.

12 That's a primary concern that a lot of folks have,

13 and it would be helpful to know where it gets

14 reflected.

15 Then, finally, it's obviously come up a

16 couple different times about the importance of the

17 conversation that DEP has with Alloy. I know you

18 may not have details on that, but I think

19 especially during this public comment period, it

20 would be helpful to hear directly from DEP about

21 the status of those conversations, because I think

22 it may give some folks either more cause for hope

23 or more cause for concern, depending on how that's

24 trending. Because I think obviously if we have a

25 situation where eminent domain can be avoided and

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2 we can extend open space, and the worst case
3 scenario that EPA has tried to mitigate against
4 doesn't happen, that would be a tremendous win-win.

5 So it would be helpful to hear from the
6 DEP. Thank you.

7 MR. MUGDAN: Thanks. Your first
8 question was timing of the plan's administrative
9 order with National Grid. As soon as this process
10 is completed that's next on our to-do list. I
11 would assume that that process might take four or
12 five months, give or take.

13 The second question was what about
14 community involvement regarding the design of the
15 temporary and permanent parks, pools? That would
16 be a subject for inclusion in the National Grid
17 administrative order. They need to do some of
18 that, you'll have to figure out how to coordinate
19 with the City. Ultimately it's the City's Parks
20 Department that's obliged to insure the designs are
21 satisfactory and probably to oversee the handling
22 and management of park facilities and things of
23 that sort.

24 So we'll have to work that through in
25 our discussions with Grid and interactions with the

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2 City.

3 As for the Alloy discussions, it will be
4 up to the City if they want to come in some forum
5 share what they're doing with Alloy. I will say
6 following that because we have several, about 100
7 foot setback, there may not be a great deal of
8 opportunity for a joint utilization of the
9 property. Alloy, if they were going to use part of
10 the property would have to have it face Nevins
11 Street rather than behind the tank on the Canal.
12 That strikes me as being more plausible. I
13 shouldn't make a final decision on that.

14 But the City and Alloy are discussing
15 where the tank would be on the property, what that
16 would leave, if anything, for Alloy to use for
17 development purposes.

18 Again, I'm not a party to those
19 discussions. EPA has no role in those discussions
20 other than to say, Here's what you need to do on
21 the setback.

22 Again, I will be there at the CAG
23 tomorrow night, if you'll be there we can talk
24 about that.

25 Eric Landau, from the New York City DEP

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2 will step forward and say a few words. We're
3 running out of time.

4 MR. LANDAU: Thank you, Walter. I'm
5 Eric Landau from the New York City Department of
6 Environmental Protection. Just very, very quickly,
7 Michelle, to your question, and Brad Cooke from
8 Alloy is with us tonight as well.

9 Since the December CAG meeting when
10 Alloy made its thoughtful presentation, the City of
11 New York, both the Parks Department and Department
12 of Environmental Protection have been in regular
13 conversations with Alloy about those properties,
14 and about looking at ways we can both be on the
15 Canal properties and achieve our shared goals.

16 Obviously, a setback that Walter was
17 talking about is part of that conversation now.
18 That's not the only option we're looking at, we're
19 looking at lots of others.

20 But the bottom line message is this:
21 That, yes, eminent domain is part of this
22 conversation. Certainly we talked about a lot
23 tonight. But it is not where we are right now.
24 It's a tool, but one that we hope we never have to
25 use. It's really a last resort, and one that we

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2 hope we never have to use.

3 We're very hopeful and confident that
4 productive conversations that Alloy and the City
5 are having can continue and reach an agreement to
6 meet our shared goals.

7 Thank you all.

8 MR. MUGDAN: Thank you.

9 Next speaker.

10 MR. ALEXIOU: Hello, my name is Joseph
11 Alexiou.

12 My few questions, not to repeat everyone
13 else's questions. Specifically, the first one has
14 to do with, if the tank location is going to take
15 place on private land, there was mention that there
16 should be more open land created on one of the
17 sites. Can we see that slide, or what was that
18 specifically?

19 MR. MUGDAN: It's long been understood,
20 not specifically written anywhere, it's understood
21 that the City doesn't want any commercial or
22 residential development on top of a tank -- it
23 doesn't want any kind of development on top of a
24 tank.

25 And the flip side is, developers don't

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2 want to build residential or commercial property on
3 top of a tank.

4 So wherever the tank gets built, setting
5 aside the question of the head house, wherever the
6 tank gets built, any portion above the tank that
7 doesn't have the head house on it will almost by
8 definition become open space.

9 MR. ALEXIOU: So you answered my
10 question, how can you talk about the head house
11 taking away open park land, and at the same time
12 say that that land will be open space? Those two
13 things seem quite -- they don't go together very
14 well.

15 MR. MUGDAN: It was a little obscure.
16 If the tank were placed under the park, then the
17 logical place, not the only place, but a logical
18 place for the head house is above the tank, and it
19 would occupy some space within the current
20 footprint of the park.

21 If the tank is created at the head of
22 Canal location, which currently is not part of the
23 park, then the majority of the footprint of the
24 tank will have above it nothing. It will be open
25 space. But some fraction of that footprint will

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2 have the head house on top of it.

3 That will create a net increase in open
4 space, because it would be an addition to the
5 current footprint of Thomas Greene Park.

6 MR. ALEXIOU: Right. I have to say
7 that, while I understand your answer, I find the
8 math there to be a little bit -- this is the
9 problem that I have in general with this entire
10 process, is that, as long as we argue about it, we
11 can continue to come up with explanations for why
12 one thing is another, just like we have this idea
13 we're spending -- someone, several people said
14 we're spending more people's tax money to do
15 greater -- not to buy this land, it's not tax
16 money, it's the raising of the water rate; is that
17 correct?

18 The raising of the water rate comes from
19 business owners and real estate owners who are
20 there. Those water rates were earmarked before
21 this decision was ever even made, if I'm correct
22 about that, and that the City had planned this
23 before the decision was ever made.

24 So before the decision was made, this
25 has already been factored into the City's budget

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2 for next year. Isn't that the case?

3 MR. MUGDAN: The water rates are paid by
4 everybody who uses water. It's the water rates
5 that pay this, both sewage management and clean
6 drinking water. The City has a ten year capital
7 plan that the Water Board is subject to. Every two
8 years it gets updated, is my understanding.

9 So at a time when a commitment is
10 legally made to carry out a certain capital
11 project, at that point the ten year plan certainly
12 has to include the cost estimate for that activity.

13 I don't know exactly at what point in
14 the budgetary cycle the costs for this tank were
15 put into the capital -- I think it was last month.

16 MR. ALEXIOU: I'm right.

17 MR. MUGDAN: So that's the budgetary
18 process. And by March the City was pretty well
19 underway in negotiations, which is why they didn't
20 put it in.

21 MR. ALEXIOU: Thank you for clarifying
22 that.

23 And so, again I want to point something
24 we were talking about before, is that the entire
25 cost the City estimates for this tank is

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2 approximately 506 to \$510 million for acquisition
3 and everything else. And 506 to \$510 million was
4 the EPA's projected cost for the entire clean-up
5 process, including two tanks and the removal of all
6 this stuff.

7 So there's a huge discrepancy between
8 what the EPA says and what the City says the cost
9 should be and the plan should be.

10 And finally, you have also pointed out
11 now -- and I want to make sure I get the language
12 right -- effectively, the City sort of has the
13 power to challenge in court the decision of the
14 EPA, which is something you wanted to avoid in
15 order to get to where we are now. Which to me, the
16 subtext here is that the City did threaten to go to
17 court if we didn't negotiate with them.

18 And that's what I'm seeing playing out
19 here. Whether or not I'm right, and I may be
20 totally wrong about that, I think that's what all
21 the people who are angry are most angry about.

22 And I want to on the record say these
23 discrepancies, including what we just talked about,
24 the head house taking away green space, but
25 suddenly giving us green space as private land,

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2 these things are troubling to me. And I don't
3 think necessarily it's all that the City is wrong
4 and the EPA is right.

5 I think it could be even more clear and
6 open a conversation with actual numbers and facts
7 like the ten years that it's going to take for us
8 to get to the point of tank construction before we
9 actually begin. All those things should be said
10 more clearly, and we've asked for that in general.
11 I think that's what the EPA did up to a certain
12 point, and that is, again, where things get
13 complicated and upsetting.

14 Thank you so much for your time.

15 (Applause.)

16 MR. MUGDAN: To answer directly, the
17 City did not threaten litigation; but litigation is
18 always a possibility when we move to enforce any
19 instrument at all. That's one of the things we are
20 concerned about.

21 Next speaker?

22 ASSEMBLYWOMAN SIMON: Assemblywoman
23 Joanne Simon.

24 I just wanted to say that I'm very
25 pleased that this meeting is being held and that

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2 it's being held in this format, that people are
3 able to ask questions that they have to ask, and
4 that Mr. Mugdan has been so gracious in answering
5 these questions as well as he has.

6 I know that many of you are concerned
7 about this agreement, just as many of you have been
8 concerned that the advocacy around keeping the
9 space, park space, has perhaps been viewed as a
10 less than hearty support for cleaning up the Canal.

11 I can assure you that that's not the
12 case. I have been concerned about the loss of this
13 park space since before I was elected; I worked on
14 this park, on keeping this park a park, and having
15 more and more people enjoy this park, which is
16 critical and essential to so many communities.

17 And I think it is very important that we
18 maintain as much public park space as we can. I
19 think the net open space is a real positive here.
20 And while we can debate the costs of which we don't
21 really know what they're going to be, in any event,
22 the timetables that are set out in this agreement
23 are very important protections for everyone here,
24 both those who want to retain as much park space
25 and use of the pool as possible, as well of those

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2 of you who are concerned about the passage of time
3 and the clean-up of the Canal area.

4 I also want to say that while -- and I
5 certainly hope there's an agreement to be reached
6 and we don't have to get to the point of eminent
7 domain --there is a reason eminent domain exists,
8 and that's for public use. And I can't think of
9 anything that's more for public use than cleaning
10 up our environment and providing open space for our
11 children to play.

12 So I want to thank everybody for being
13 here, and I've been listening to everybody's
14 comments this evening, and I'll stay to the end of
15 the meeting, and I look forward to continuing the
16 dialogue. Thank you.

17 (Applause.)

18 MR. MUGDAN: Thank you, Assemblywoman.

19 Who's the next speaker?

20 MR. WARREN: My name is Philip Warren, I
21 manage Eastern Effects Studios, which is a facility
22 directly south of the head of Canal location.

23 My question is, will any of the
24 properties or businesses outside of the yellow
25 square be affected by either of the tank sites

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2 construction?

3 MR. MUGDAN: Fair question. Again, I
4 will show the piece of property that you alluded
5 to, right here.

6 (Indicating screen projection.)

7 MR. WARREN: We also have an office
8 within head of the Canal.

9 MR. MUGDAN: Right here?

10 MR. WARREN: I'm mainly concerned about
11 the first one.

12 MR. MUGDAN: So, for any construction
13 project of this magnitude, a staging area is
14 necessary and highly desirable. That's where
15 equipment and materials can be staged, necessary to
16 the construction of the project itself.

17 Regardless of which site is selected for
18 the tank, the City has identified and we have
19 agreed that this is a logical location for the
20 staging area. That means that this area would have
21 to be acquired as well. It could be through a
22 voluntary purchase agreement or it could be through
23 eminent domain.

24 In addition, there is underneath this
25 property, we believe, a considerable amount of coal

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2 tar. So when and if that property is acquired --
3 the buildings would then be removed. At that point
4 there would be an opportunity and obligation for
5 National Grid to come in and remove the coal tar
6 underneath it, even before the site is used as a
7 staging area.

8 So whether the tank goes here or there,
9 a staging area needs to be selected. That's the
10 current target the City has identified. We have no
11 objection to it, it makes sense. If the head of
12 Canal location is where the tank gets built, the
13 City told us what they'll probably do is close off
14 this last block of Degraw Street between Nevins and
15 the Canal. That would give them a free and clear
16 access between the staging area and the
17 construction site.

18 Again, those are all parts of the design
19 yet to come.

20 MR. DEFIBAUGH: My name is Ian
21 Defibaugh.

22 In the event that the property just
23 south of the location is acquired for staging,
24 which you said it has to be, in the event of
25 eminent domain, what sort of rights do we have as a

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2 long term lessee? Because we made a significant
3 investment in this facility, over a million
4 dollars, and we actually provide a significant
5 stimulus to the local environment.

6 The Americans -- the FX show the
7 Americans is filmed at this location, has been
8 there the last several years, four years. And it's
9 been estimated that we provide almost a \$4 million
10 stimulus to the local economy through these
11 individuals, about a hundred people a day, who are
12 using local businesses, going to Lowe's, some of
13 the new restaurants that opened in the area.

14 One of the reasons they're receiving so
15 much business is because of our studio. We've
16 actually been in the Brooklyn area for almost 16
17 years. We actually have, we lease four different
18 properties. With this plan we will be losing two
19 of our properties. The Degraw Street production
20 offices will be acquired for the tank building; and
21 also our extremely expensive investment that we
22 currently have a 12 year lease on, and we would
23 have a significant loss if this was acquired
24 through eminent domain.

25 What is the responsibility of the City

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2 or the EPA with regards to any sort of compensation
3 to local businesses for this?

4 MR. MUGDAN: A landowner or a tenant has
5 rights to compensation. That is all part of the
6 eminent domain process, if eminent domain is
7 utilized. And obviously the investment in a piece
8 of property dictates or affects very directly what
9 the value of that property is.

10 And we certainly are aware of the
11 economic benefit from the existence of the studio
12 there. We're familiar with the number of jobs that
13 are involved. I believe the City is familiar with
14 that as well.

15 MS. SIMMONS: I'm Cynthia Simmons. I
16 just want to dovetail very quickly on what Marlene
17 said about putting in ULUR. I think I heard a fear
18 expressed, and we need some type of assurances that
19 ULUR would be specific to this site, and it can't
20 be expanded to include a rezoning or something.

21 MR. MUGDAN: The question is whether the
22 ULUR process would be required as part of eminent
23 domain or acquisition, if ULUR is necessary for
24 voluntary acquisition, the City is a different
25 matter -- and the question is whether that process

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2 can be also used for general rezoning.

3 The City can do what it wants, but it
4 needs to adhere to the schedule in this document
5 for completing the ULUR process. And if it goes
6 through the process as a general area-wide
7 rezoning, it will not happen, it will not meet its
8 deadline. So I predict they will not do that.

9 Next.

10 MR. HIGGINS: My name is Michael
11 Higgins, Jr., I'm an organizer at -- for equality.
12 We have members in Gowanus Houses, we've been doing
13 work around the Superfunds since the storm
14 happened. We were on the ground when the first
15 responders, to give residents food, water,
16 medicine, whatever they needed we tried to make
17 that happen.

18 I have to make sure that we continue to
19 put the equity issue in front. The Gowanus Houses,
20 in addition to Wyckoff Gardens and -- houses have
21 4500 residents in the vicinity of the Canal. We're
22 talking about the poorest residents of this
23 community, who often have severe asthma issues,
24 respiratory issues, health issues while living in
25 the vicinity of the Canal.

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2 And while I don't doubt this will be a
3 very expensive undertaking, I think that this is
4 the right decision; and that we shouldn't
5 necessarily take this little bit of park land that
6 they have, that's accessible and in walking
7 distance of their homes, to make this happen
8 quicker.

9 That said, I will say my question more
10 quickly. I want to be very clear. Who would be
11 responsible for the construction and maintenance of
12 the temporary and permanent facilities at Thomas
13 Greene Park while the clean-up happens?

14 I'd also like to ask -- I see that the
15 Assemblywoman is in the building -- is there still
16 any legal requirement for the state legislature to
17 pass a resolution regarding the alienation of park
18 land?

19 Last but not least. What is the
20 estimated length for disruption for remediation and
21 reconstruction within the park?

22 MR. MUGDAN: So, the question of who is
23 responsible for building and maintaining the
24 temporary and permanent park. National Grid is
25 going to be responsible for building the temporary

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2 park. The City will be responsible for operating
3 it, as they would with any other park.

4 And likewise the permanent park. Once
5 the disruption is over and the park is restored,
6 Grid and probably the City will share some of those
7 costs. That will depend on negotiations between
8 them, and the City ultimately will be responsible
9 for operating it, just as it does today.

10 In terms of the legal requirements
11 regarding alienation, I think --

12 MR. HIGGINS: Is there any legal
13 requirement for the state legislature --

14 MR. MUGDAN: Whether the state
15 legislature has to get involved in alienation.
16 That was actually a difference of opinion between
17 ourselves and the City of New York. The City of
18 New York said yes. The normal requirement for
19 state legislative approval of any alienation of
20 park land would apply.

21 We took the position and we take the
22 position that if the tank were placed in the park,
23 it would be in furtherance of a federal Superfund
24 mandate; and therefore there would be no need to go
25 to the state legislature.

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2 That was a point of difference of
3 opinion, of legal opinion between ourselves and the
4 City; and the prospect for litigation is there.
5 That is one of the things I alluded to earlier.

6 So that's an open question, but it was
7 part of what we thought of --

8 The question about how long the park
9 disruption will take, that is going to be a subject
10 for these further negotiations, first an
11 administrative order with National Grid to remove
12 the coal tar contamination from underneath the
13 park.

14 Again, in the sequence of events, the
15 first thing they have to do is site the temporary
16 park; and the pool, the second thing it has to do
17 is remove the current pool, remove the coal tar
18 contaminated soil from below. And then in
19 coordination with the City there has to be a
20 restoration of the existing park.

21 Grid's obligation would be to pay the
22 amount of money that would be appropriate to
23 restore the existing pool facility. It may very
24 well be that in consultation with the community the
25 City decides at that point, since the pool has been

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2 dismantled in any event, it may be time to build a
3 better pool.

4 Yes, the pool is used heavily. We're
5 told it had 40,000 users last year. But I looked
6 at it, and it's not the best pool facility in the
7 City of New York. So this may be an opportunity to
8 build a better pool, and that would be something I
9 assume the City will work together with the
10 community on.

11 Is that correct, Commissioner?
12 Commissioner Jeffrey is here from the Parks
13 Department.

14 He's nodding his head yes.

15 Next speaker.

16 MS. PARKER: Andrea Parker, Gowanus
17 Canal Conservancy.

18 A) I very much appreciate the fact this
19 is all finally starting to wrap up, first of all,
20 to get to a decision. I think there's a lot more
21 enormous decisions that we're going to have to make
22 in the next however many years as the process goes
23 on.

24 A couple questions. A) It's great to
25 have a schedule and a timeline and have a better

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2 understanding of how this work is actually going to
3 happen. I do not totally understand why we need
4 four years to come up with a design; and I fear
5 it's because it's enabling eminent domain instead
6 of allowing an agreement with the property owner.

7 MR. MUGDAN: You're right. The four
8 years is for the ULUR and CEQR process to go
9 through, and to provide some period of time during
10 which the administrative action, make a choice to
11 go into eminent domain to carry it out, and the
12 possible litigation at that stage of the game.
13 Before eminent domain occurs, that's what the four
14 year schedule is there to do, enable.

15 So yes, you're absolutely right, it's
16 there because of the acquisition process. Whether
17 it's a voluntary acquisition, which still requires
18 in their judgment the ULUR process, or whether it's
19 eminent domain, which however then also runs the
20 risk of litigation; prior to the time the City can
21 actually take title.

22 After that, there's a second possibility
23 for litigation, as I said earlier, but that one
24 doesn't stop the transfer of title.

25 MS. PARKER: So since we may have four

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2 years, I think it would be fantastic instead of
3 just having the design presented in four years, we
4 actually have a robust discussion between now and
5 then about what this tank is going to be like, what
6 the head house is going to be like, and what the
7 open space is going to be like, and who is going to
8 build it, who is going to invest it, and who is
9 going to manage it?

10 And I would echo Sean's comment to have
11 more robust language around actually making an open
12 space on top of the tank.

13 Number 3 --

14 MR. MUGDAN: In answer to your question
15 there, the schedule does require the design to be
16 carried out earlier than April 2020. It actually,
17 the first step in the design process, a major step
18 in the design process has to be completed, for
19 example, by June 30 of 2017; another major step.

20 MS. PARKER: That's the demo, not the
21 design.

22 MR. MUGDAN: No, that's the design
23 package. It requires the demolition and then, you
24 are correct, in 2019 is the design package that
25 actually designs the tank. But there are earlier

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2 steps along the way towards those design packages.
3 There's a 35 percent design and a 65 percent
4 design.

5 So some of the key decisions will be
6 made earlier in the process, in order to be able to
7 have the final design done by April 2019. You are
8 right about the sequence, but there are earlier
9 steps in the process to get us to those end days.

10 MS. PARKER: I think that the more the
11 community can actually see those schedules, because
12 it seems that they exist, the more comfortable I
13 will feel with this.

14 Finally, I would love to see a similar
15 schedule for the 007 tank. We can talk about that
16 tomorrow.

17 MR. MUGDAN: Thank you.

18 Next speaker.

19 MR. WILEY: Dan Wiley from Congresswoman
20 Nydia Velazquez's Office. I just wanted to
21 acknowledge the statement you made, that this is an
22 unprecedented Superfund clean-up record of
23 decision, where you had CSO controls as part of the
24 clean-up, which is unprecedented.

25 And I think we should also recognize

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2 maybe not baby steps, but the steps the City has
3 taken that opposed that for years. And I think
4 many in the community are very frustrated with the
5 City for its opposition to the requirements that
6 they actually address the CSO's in a deeper way;
7 that as part of this agreement, they are actually
8 agreeing to do those controls and not challenge
9 those controls. So I just want to acknowledge
10 that.

11 I think we all can probably get a
12 master's if not a Ph.D. in Superfund law; because
13 every time we come to one of these we should be
14 getting AP credit for learning new things. And I
15 in fact learned a new thing in Katia Kelly's
16 questioning, on what about the requirements of what
17 they're putting in the hole that they dig for the
18 tank.

19 And so we learned that there's two
20 species, there's the removal action and there's the
21 remedial action; and that the agreement you have
22 here is something that is an administrative order
23 that can deal with removal actions, but remedial
24 actions need judicial consent decrees with the U.S.
25 District Court order.

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2 So the question is, what is the time
3 frame for that? And obviously the cart can't go
4 before the horse. So the cart has to be finalized,
5 which is this first one. And you also have to get
6 a cart with National Grid.

7 But once National -- I think you said a
8 couple months with National Grid -- how long does
9 this judicial consent decree, which I think goes to
10 a lot of the questions people are asking, it sounds
11 like you can't answer that question because we're
12 not there yet, even though we're getting there.

13 And the last thing is, no one has said
14 environmental justice. But I do want to
15 acknowledge the CAG did pass resolutions asking for
16 EPA to do everything in the kitchen sink. And I
17 think we should acknowledge it's kind of hard for
18 an agency to be able to keep to its original
19 schedule and address some of the environmental
20 justice concerns about access to open space and
21 amenities for lower income people in developments
22 that rely on this pool.

23 So I think it's a lot to ask EPA to be
24 able to both keep to its original time frame and
25 accommodate people who still need access to these

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2 amenities.

3 So I wanted to acknowledge that might be
4 an impossible thing. But that said, we still want
5 to keep this time frame going as fast as possible.

6 MR. MUGDAN: Thank you.

7 You all will be keeping our feet to the
8 fire, I have no doubt. I used to call the removal
9 and remedial action two different flavors of
10 Superfund response action, not two different
11 species. I don't think flavor was a good word here
12 anymore.

13 Next speaker.

14 MS. OLESKER: I'm Lizzy Olesker.

15 I live just a couple blocks away, and I
16 have lived with our Canal for many years, like all
17 of us in the community.

18 I first want to thank you for always
19 being accessible and communicating with us about
20 what's happening. I guess I don't know if I have a
21 question as much as a concern.

22 We're all very wary of negotiations with
23 the City because they have always, or certainly in
24 the beginning, resisted the EPA clean-up, and
25 finally we're getting closer and closer. I guess

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2 my concern is that, you talk about the site at the
3 Thomas Greene Park as ideal, as faster, as less
4 expensive, less complicated.

5 And it seems like it was presented to
6 the community, like it was either or, you would
7 lose the pool, you lose the park land. But that in
8 fact is not the case at all. That park needs to be
9 remediated, it's highly toxic and polluted, and
10 that remediation is going to happen and go forward,
11 and that the park will be disrupted anyway, and
12 that it will be renovated, remediated, and that the
13 building of the tank could happen, in fact, in that
14 space; that you talked about that there can be open
15 space once that tank is there -- so I guess -- and
16 that the pool is inadequate anyway.

17 So my question is, how did this happen?
18 Why are we contemplating another area? I know I'm
19 going backward to the beginning of the meeting.
20 When we talked about that the City said no, no, no,
21 it can't happen in the park space. And why did
22 that happen?

23 Is it because they're saying we have to
24 retain that park space? When in fact it's going
25 to be disrupted, and that's a good thing, because

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2 it's highly polluted. And when we talk about
3 environmental justice --

4 (Applause.)

5 -- and trying to protect that land for
6 the people who need it and for that pool that is
7 very necessary. I just go, why is this happening?
8 And it makes me worried, and to go back to the
9 first comment about the process being boondoggled
10 and being postponed and disruption in the EPA
11 process. That's my concern.

12 MR. MUGDAN: It has to do with the
13 length of the disruption and whether or not the
14 placement of the head house in the park would be a
15 permanent loss. But I will be at the CAG tomorrow
16 night, and I hope you will be able to be there, and
17 we can talk about it further.

18 MS. OLESKER: My question is, why not?
19 Why is this happening?

20 MR. MUGDAN: Again, the answer I gave
21 earlier -- the administrative record, you may not
22 agree. We will be able to talk about it further
23 tomorrow night. I want to make sure that we have
24 opportunity for people to make comments now.

25 I realize I neglected to answer Dan

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2 Wiley's question, actually, which is how long the
3 -- negotiations -- when they start, how long they
4 will take?

5 AS I SAID, the negotiations that we
6 anticipate with National Grid, perhaps four to six
7 months, take us to the third or fourth quarter of
8 the calendar year. And then probably sometime
9 thereafter we will start on negotiations for the
10 consent decree.

11 Again, it's going to be extremely
12 complicated, but we hope to have a consent decree
13 in place for the Canal portion of the remedy, in
14 time for the work on the Canal portion of the
15 remedy to start in 2018, I think --

16 Christos, is it 2018 we hope the Canal
17 work will start?

18 MR. TSIAMIS: We hope earlier on the --
19 basin and by 2018 --

20 MR. MUGDAN: Again, the hope was
21 actually even earlier, maybe start in 2017 and in
22 2018 for the head end of the Canal area, what we
23 call RTA-1 work to begin. We have to have a
24 consent decree in place. If this is going to be
25 done pursuant to a consent decree, which we hope,

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2 we have to have in place before the work actually
3 begins.

4 MR. BOGEL: Jim Bogel from Senator
5 Montgomery's office.

6 The fact that we're here tonight hearing
7 that there's a lot of sturm und drang with the
8 negotiations with the City shouldn't be a surprise
9 to any of us.

10 Think back to all those lovely nights
11 when we were here, Cas Holloway -- just suppose.
12 We're not just supposing anything with this
13 agreement. It would be nice to get this all done
14 more quickly. But from what I understand, correct
15 me if I'm wrong, you outlined a series of
16 deadlines, which are the worst possible timetables,
17 not actually what might actually happen.

18 I don't want to go Cas Holloway and say,
19 "Now, just suppose" -- but we could get lucky on
20 this. But the fact is, you guys have muscled the
21 City into committing to doing more under threat of
22 eminent domain and worse than I can recall anybody
23 having gotten out of the City in the last 25 years,
24 and that's something.

25 It's been a very educational process,

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2 everybody is understandably impatient for it to get
3 underway and to get done for all the reasons that
4 they've all been talking about tonight.
5 Environmental justice is not the least of it.

6 But when I heard the commitments to,
7 first we have to have a place for the pool, you
8 know. I see all that stuff has been in your
9 calculations, and I fully appreciate that.

10 It's always education. That
11 clarification about the purpose of the head house
12 was very useful. Let's just get going with it.

13 MR. MUGDAN: Thank you.

14 Next speaker?

15 That's it?

16 MS. LONEY: Thank you, everyone, for
17 coming out. I want to point out a couple major
18 items.

19 Number 1, the comment period, we are now
20 on record the comment period has been extended to
21 May 31. You can send your comments via e-mail to
22 mugdan.walter@epa.gov. The comments that you made
23 tonight are part of the record. So if your comment
24 was what you said tonight, you don't necessarily
25 have to resubmit it.

1 EPA Public Meeting 4/26/16

2 In addition, tomorrow night is the
3 monthly Gowanus Canal Community Advisory Group
4 meeting. It's taking place at the Mary Star of the
5 Sea Senior Apartments, that's 41 First Street, at
6 6:30 p.m. You will get to see me again --

7 (Laughter.)

8 -- you'll see Walter again.

9 I expect to see all of you there
10 tomorrow night.

11 MR. MUGDAN: Thank you all very much.
12 Thank you for coming.

13 MS. LONEY: I got a card from Anna --
14 community liaison from Comptroller Scott Stringer's
15 office. She heard your comments and I'm sure
16 she'll be transmitting it to him.

17 Thank you so much.

18 (Matter concluded.)

19 (Time noted: 8:56 p.m.)

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C E R T I F I C A T I O N

I, Jeffrey Shapiro, a Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on Monday, April 25, 2016, at P.S. 32, 327 Hoyt Street, Brooklyn, New York, and that this is an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of May, 2016.

JEFFREY SHAPIRO

