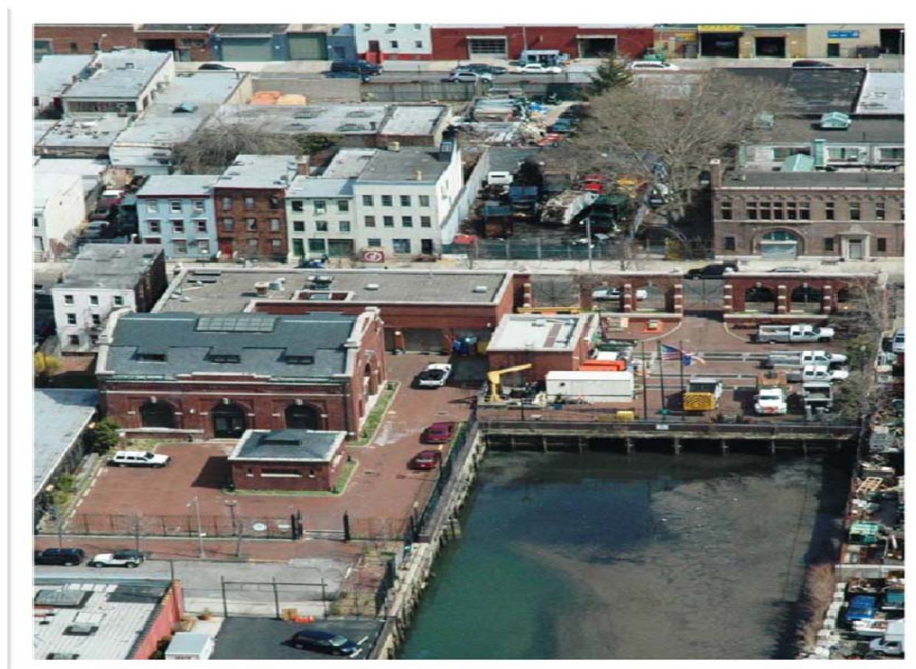


# **Gowanus Canal**

## **Public Meeting on Proposed EPA Administrative Settlement Agreement and Order Regarding Siting, Design and Site Preparation for RH-034 CSO Retention Tank**



**U.S. Environmental Protection Agency**  
**Region 2**  
**April 25, 2016**

# Project History

- **Gowanus Canal placed on the National Priorities List – March 2010**
- **Remedial Investigation Report – January 2011**
- **Feasibility Study – December 2011**
- **Proposed Plan – December 2012**
- **Record of Decision – September 2013**
- **Remedial Design administrative orders – Spring 2014**
- **EPA pilot *in situ* sediment stabilization project – Spring/Summer 2015**

# Gowanus Canal Project Area



Gowanus Canal Project Area

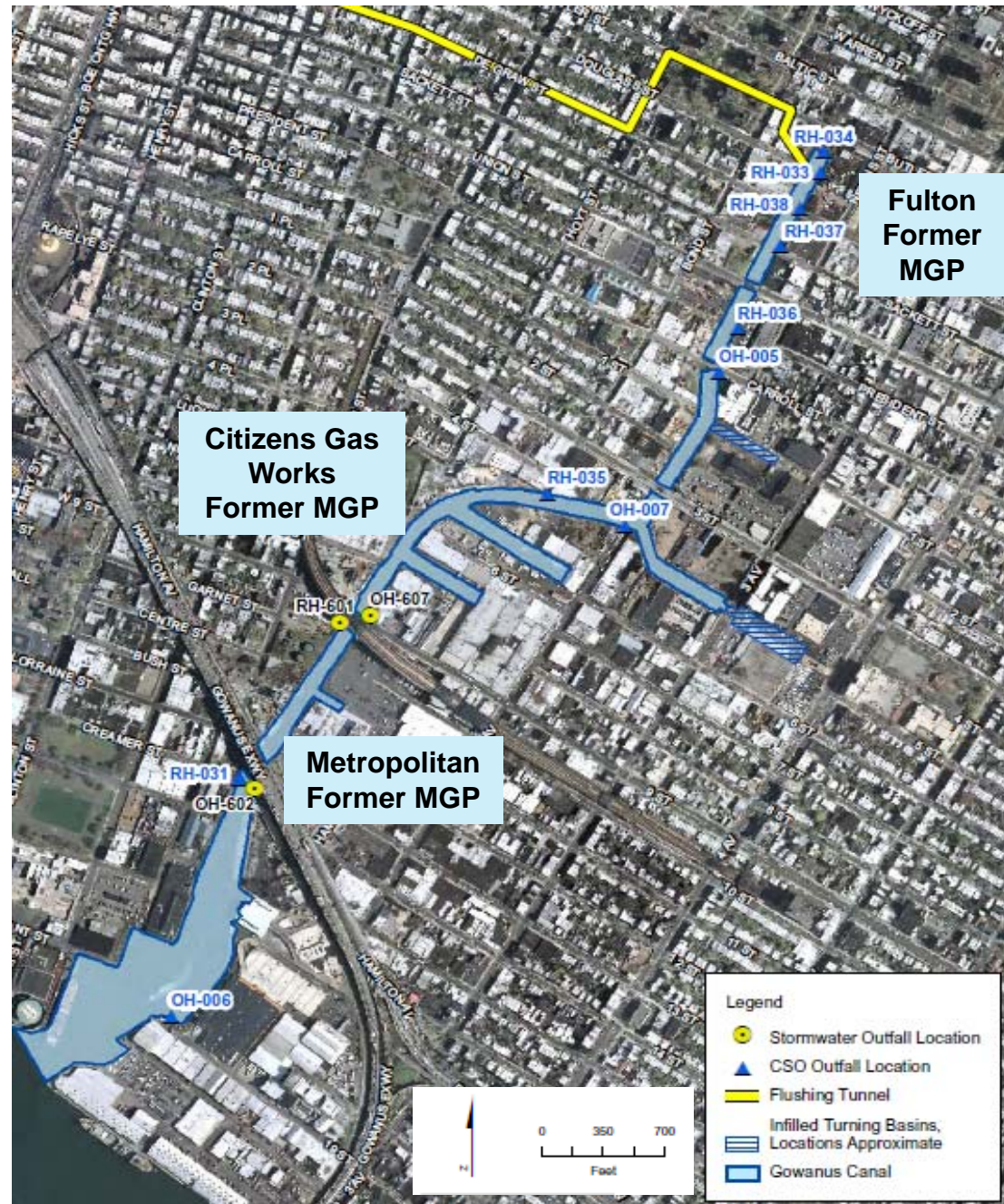


# **Selected Remedy: Dredging, Capping, and Source Controls**

- ◆ **Dredge all soft sediment from Canal (~600,000 cubic yards)**
  - *In-situ* stabilization of native sediment in selected target areas
  - Capping with 3-layer cap
- ◆ **Remedy also includes**
  - Excavation of 1<sup>st</sup> Street basin
  - **Source Controls:**
    - ◆ **Former MGPs (under NYSDEC jurisdiction)**
    - ◆ **CSOs**
  - **Institutional Controls**



# Source Control – Locations of Former MGPs and CSOs



# Source Controls – MGP Sites

## ◆ Former MGPs

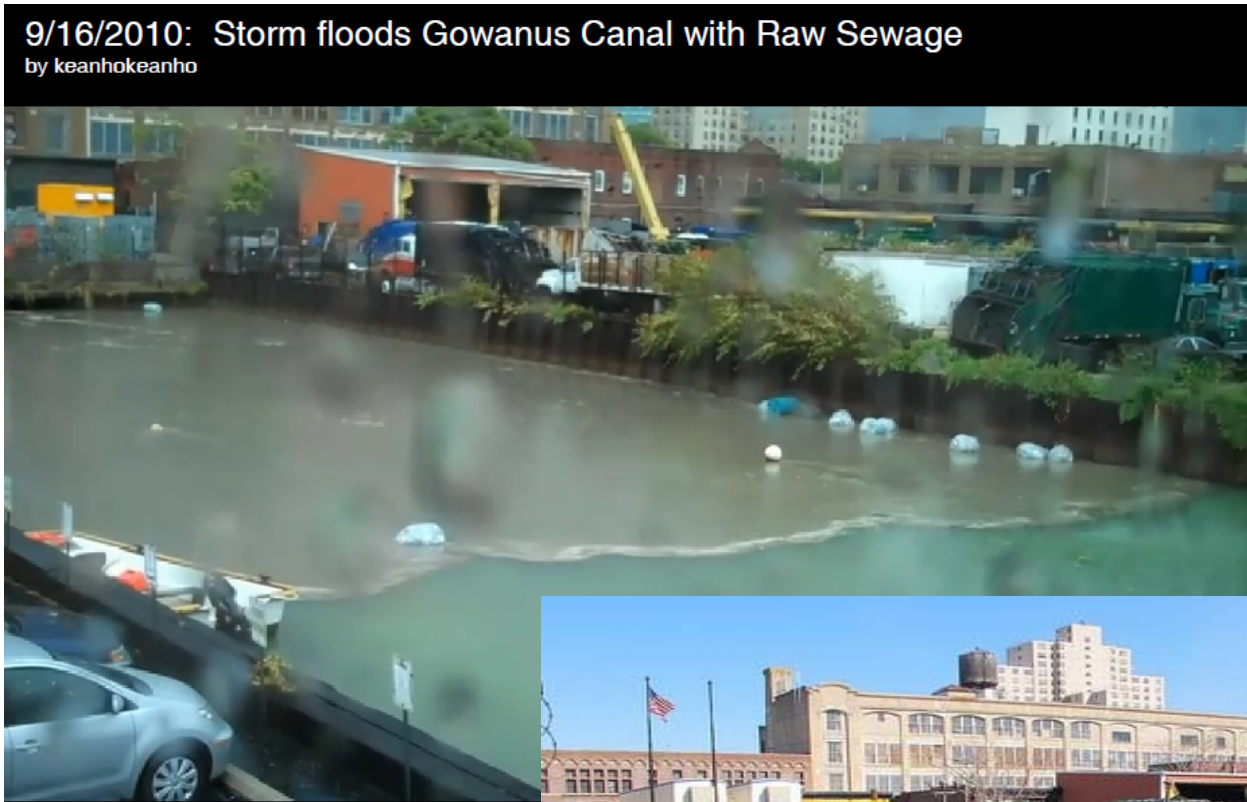
- Being addressed/evaluated by NYSDEC
- Remedy for Fulton MGP includes:
  - ◆ Cut-off wall between site and canal
  - ◆ Removal of major mobile coal tar sources when properties are redeveloped
  - ◆ Recovery wells on approach to cut-off wall
- EPA will require removal of coal tar contaminated soil from (among other locations) beneath Thomas Greene Park



# Combined Sewer Overflows

RH-034  
Outfall

Sediment Mounds



<http://www.youtube.com/watch?v=HzWOOqPAEgs>

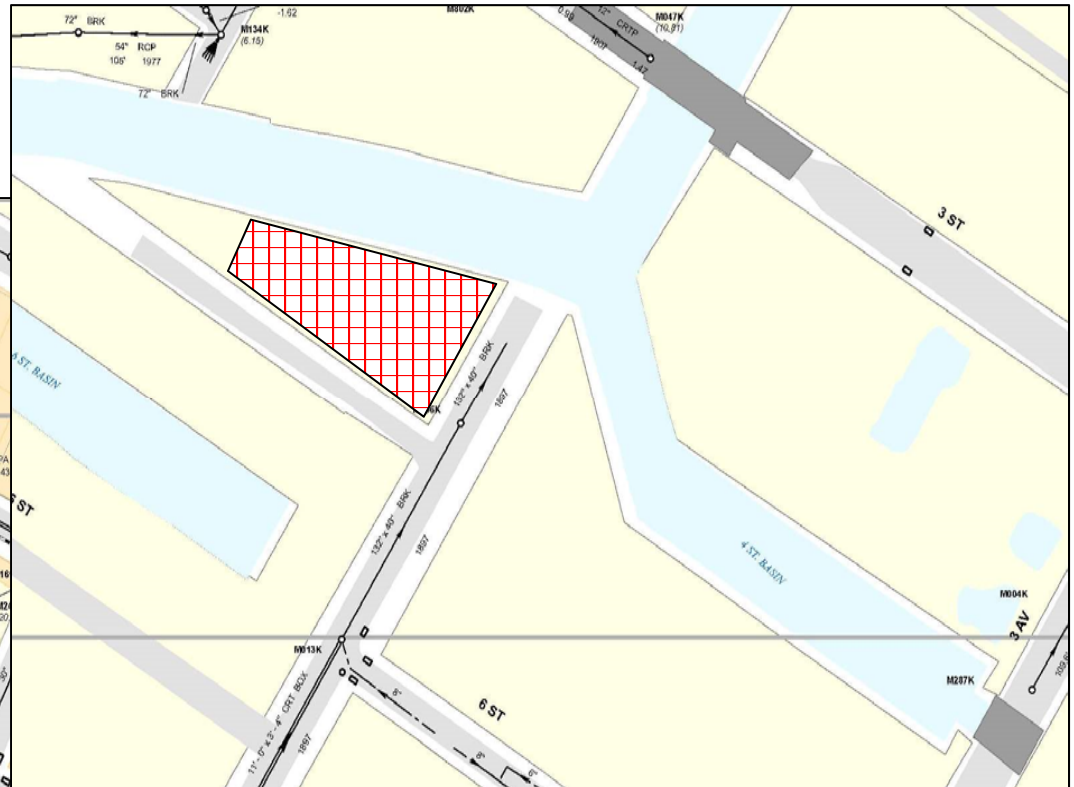
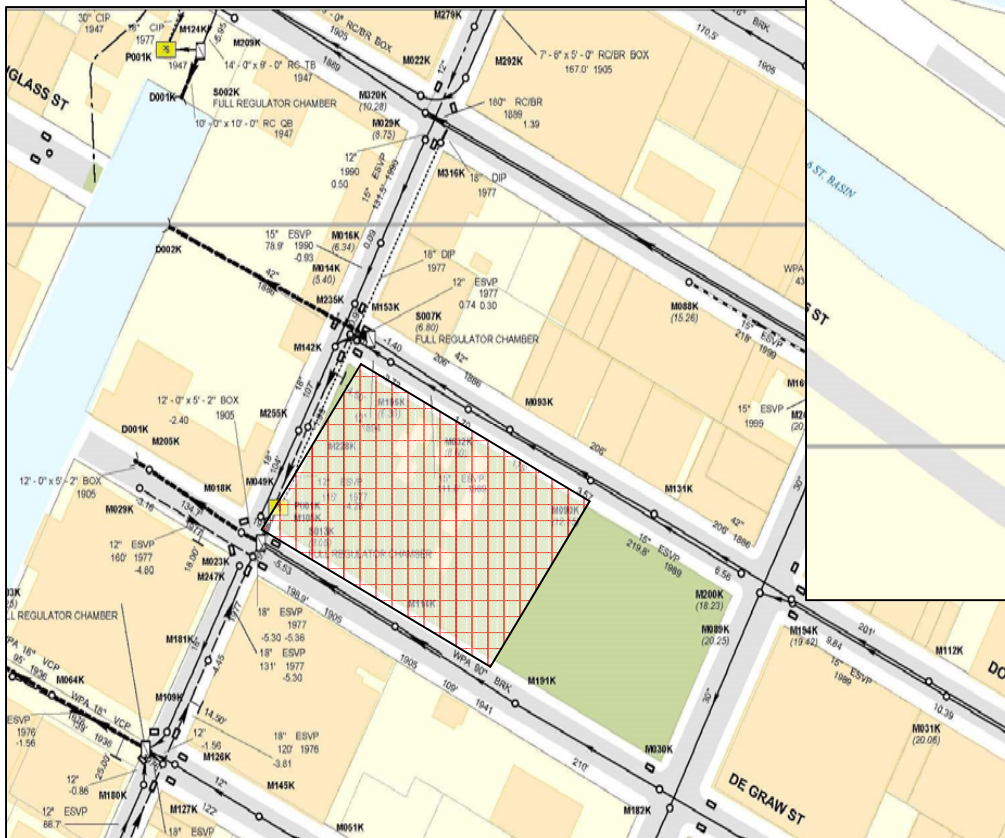
# Source Controls – CSO Discharges

## EPA Record of Decision (ROD):

- ◆ Solids reduction at two major outfalls
- ◆ In-line retention tanks at RH-034 and OH-007
- ◆ For cost estimating in ROD, EPA assumed --
  - OH-007: 4 million gallon tank located on Sanitation Department salt storage lot site
  - RH-034: 8 million gallon tank located on west side of Thomas Greene Park
    - ◆ *Identified as a “potentially suitable” location due to synergies associated with anticipated removal of coal tar from beneath the Park site; ROD noted these synergies “potentially could save time in Site acquisition and permitting and save significant construction costs.”*



# CSO RH-034



**CSO OH-007**

# Tank Siting

- ◆ **EPA 2014 Unilateral Order required NYC to evaluate sites and propose a tank site by June 30, 2015**
- ◆ **For OH-007, NYC proposed Sanitation Department salt storage lot location**
  - **EPA agrees and is directing NYC to design tank for that location**
  - **Design will continue under Unilateral Order**
- ◆ **For RH-034, NYC proposed Head-of-Canal location (Nevins St. between Butler & Degraw Sts.)**

# **RH-034 Tank Siting**

- **EPA has considered benefits and drawbacks of the Park and Head-of-Canal locations**
- **Discussed at October 26, 2015 Community Board 6 meeting and at January 19, 2016 Community Advisory Group (CAG) meeting**
- **EPA discussed siting with NYC and NYSDEC**

# RH-034 Tank Siting





# **RH-034 Tank Siting**

- ◆ **EPA believes construction of RH-034 tank at Park location could be done more quickly, more easily, and at less expense than at Head-of-Canal location.**
- ◆ **EPA understands NYC's strong policy reasons for avoiding longer disruption and potential permanent loss of space at Thomas Greene Park if tank and associated head house were built there.**
- ◆ **EPA also recognizes that building tank at Head-of-Canal location would result in creation of additional open space for community.**
- ◆ **EPA advised NYC: EPA prepared to accept Head-of-Canal location under certain conditions.**
- ◆ **EPA and NYC negotiated Administrative Settlement Agreement and Order ("Agreement") incorporating RH-034 tank siting decision and key EPA conditions.**
  - **EPA announced proposed Agreement on April 14, 2016**
  - **EPA taking public comment until May 16, 2016 on actions called for under Agreement**

# **Proposed Agreement**

- ◆ **Identifies Head-of-Canal location for RH-034 tank and requires NYC to design tank for this site.**
- ◆ **Requires NYC to simultaneously design tank for Park location as contingency.**
- ◆ **Requires NYC to carry out Superfund removal activities to remove contaminated soil and prepare Head-of-Canal location for construction of tank.**
- ◆ **Establishes schedule for property acquisition, including ULURP and environmental review; acquisition must occur by April, 2020.**
- ◆ **If NYC fails to meet specified scheduled events, EPA may require NYC to “pivot” from Head-of-Canal to Park location for tank.**

# **Proposed Agreement, con't.**

- ◆ **Scheduled dates for certain NYC obligations follow actions to be taken by National Grid related to removal of coal-tar contaminated soil at both location**
- ◆ **EPA expects to enter into administrative order with National Grid for required removal work at both locations**
- ◆ **NYC must cooperate and coordinate with National Grid in its performance of such work, including creation of temporary pool during time Park is closed due to removal work**
- ◆ **NYC and National Grid will share responsibility for removal work at Head-of-Canal location: National Grid will perform necessary removal outside footprint of CSO tank; NYC will perform necessary removal within footprint of CSO tank**

## **Proposed Agreement, con't.**

- ◆ **Memorializes NYC commitment to a future settlement to perform maintenance dredging, if necessary, to remove CSO-related sediment that accumulates after Canal remedy is constructed but before CSO tank is completed**
- ◆ **Stipulated penalties for NYC's failure to comply**
- ◆ **Favorable *force majeure* provisions**
- ◆ **Favorable dispute resolution procedure**
- ◆ **NYC agrees to reimburse EPA for oversight costs**



# Proposed Agreement, con't.

- ◆ **NYC waives its right to any legal challenge of EPA's selection of CSO controls in ROD ...**
  - ... including challenges based on differences in costs attributable to placement of tank at Head-of-Canal rather than the Park location \*
- ◆ **Agreement reflects NYC's willingness to implement CSO retention tank element of EPA's ROD**
- ◆ **\*Waiver does not apply if EPA makes certain specified changes to ROD.**

# **Questions & Public Comments**

# RH-034 Tank Siting

