



# GOWANUS CANAL COMMUNITY ADVISORY GROUP (CAG)

*your local voice for Superfund*

For more information: [www.GowanusCAG.org](http://www.GowanusCAG.org)

*The Gowanus Canal Community Advisory Group (CAG) is the official community forum for dialogue between representatives of all segments of the community about the federal Superfund clean-up of the Gowanus Canal. The following CAG resolution requests formal consideration by the indicated parties to conduct activities related to the Gowanus Canal Cleanup with regard to the concerns and interests of the Gowanus community.*

**TITLE:** Further coordination between NYCDCP and NYCDEP to address additional loading of contaminated CSO solids as a result of the proposed rezoning in order to protect the Superfund Remedy

**TO:** Marisa Lago, Director of the NYC Department of City Planning  
Vincent Sapienza, Commissioner, NYC Department of Environmental Protection

**DATE:** May 22, 2019; Amended May 31, 2019

**Resolved,** As the proposed Gowanus neighborhood rezoning could impact the Superfund process and remedy through increased loading of contaminated CSO solids in the Canal, the Gowanus CAG hereby requests that the Department of City Planning (NYCDCP) and Department of Environmental Protection (NYCDEP) work closely together to coordinate mitigation of negative impacts. To ensure agency compliance, we further request regular updates on coordination efforts by providing written answers to questions unaddressed at the March 26 general CAG meeting (below) and responding to our comments on the impacts of the Gowanus Neighborhood Rezoning and Related Actions (attached).

#### **Questions from March 26 CAG Meeting:**

1. Will the proposed increase in density as a result of the rezoning impact the annual volume and frequency of CSO contaminated solids discharged into the Gowanus Canal and throughout the East River and New York Harbor?
2. How will the timeline and phasing of eventual construction projects as a result of the rezoning impact and overlap with Superfund clean-up efforts?
3. In order to accurately assess the impact of the proposed rezoning on the Superfund Remedy, will DEP calculate CSO discharge volume and frequency by each CSO-shed, incorporate data from real-time water quality monitoring and data collection, and model impact based on both Projected and Potential development sites in the Gowanus Draft Scope of Work?
4. Can DEP commit to providing a current and ongoing publicly accessible record of infrastructure upgrades and system improvements as well as a mechanism for tracking



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proposed mitigation measures identified in the Final Environmental Impact Statement for the Gowanus rezoning?

5. There have been several infrastructure upgrades that include direct discharge of treated stormwater into the Canal. Their performance needs to be proven in pilot projects, in order to adequately support the Superfund remedy. At the general CAG meeting on March 26, 2019, DEP made a commitment to reporting on monitoring results for Sponge Park and the High Level Storm Sewer. What is the timeline for these monitoring programs, and when will the CAG have access to the results?
6. The Superfund Record of Decision specifically requires that new development mitigate additional sewer loads that could compromise the Superfund remedy (p. iii, par. 4). Which City agency(ies) or PRP(s) will be responsible for ensuring compliance with this, or will it be passed to the private developer, as was the case with 363-365 Bond? If so, how will the developer be monitored for compliance?
7. The Superfund Record of Decision specifically requires that CSO retention tanks are sized to *"accommodate projected additional loads to the combined sewer system that result from current and future residential development, as well as periods of high rainfall, including future rainfall increases that may result from climate change."* (p. 8, par. 5) How will added density impact plans for the CSO infrastructure required under the Superfund ROD?

**Cc:**

Honorable Brad Lander, Council Member, District 39

Honorable Stephen Levin, Council Member, District 33

Honorable Eric Adams, Brooklyn Borough President

Honorable Nydia Velazquez, Congresswoman, NY 7th District

Honorable Velmanette Montgomery, State Senator, 25th District

Honorable Jo Anne Simon, Assemblymember, Assembly District 52

Selvin Southwell, Regional Water Lead, Department of Environmental Conservation, Region 2

James Tierney, Deputy Commissioner for Water Resources, Department of Environmental Conservation

Steve Zahn, Regional Director, Department of Environmental Conservation, Region 2

Angela Licata, Deputy Commissioner of Sustainability, Department of Environmental Protection

Kevin Clarke, Portfolio Manager, Department of Environmental Protection

Michael DeLoach, Deputy Commissioner, Public Affairs & Communications, Department of Environmental Protection

Winston Von Engel, Brooklyn Borough Office, Director, Department of City Planning

Jonathan Keller, Senior Planner, Department of City Planning



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