

The Gowanus Protection Framework: Coordinating Protections Across Multiple Agencies, Sites, Contractors and One Neighborhood

The Rationale For A Framework

The Owl's Head excavation will soon be joined by remediation activities at the former Citizen's MGP site (459 Smith Street, Building A, and potentially the balance of Parcels 1 and 2), and the dredging of the Canal in RTA 2. Taken together, these overlapping remediation activities represent a high level of ground disturbance linked to one MGP-related source, with the risk of contamination exposure, and quality of life (odors, dust) impacts in the same densely populated stretch of the neighborhood.

The Gowanus neighborhood already has direct experience with what happens when coal tar-contaminated material is disturbed: during the Red Hook CSO tank excavation beginning in 2023, residents reported strong mothball odors almost immediately, and numerous complaints were documented. The experience was deeply frustrating. The Owl's Head, Citizens MGP excavation and the forthcoming RTA 2 dredging of the Gowanus Canal will disturb coal tar-contaminated material at a scale that makes a repeat of that experience possible, if not likely.^[1]

The Gowanus Canal Community Advisory Group (CAG) has therefore turned its attention to the standards and procedures that NYC DEP (Owl's Head), NYS DEC (Citizen's sites) and the EPA (RTA 2) will use to control and monitor contaminants, odors and dust that can put residents' health and quality of life at risk. Recent CAG discussions with the EPA and NYC DEP for the Owl's Head site clarified how air quality and odors are monitored, what are the critical data, and what remediation actions are triggered by those data. NYC DEP also made clear the single point of contact should community residents have complaints, and if frustrated, to whom to escalate those complaints. Lastly, AECOM--NYC DEP's Owl's Head contractor--has been reaching out to the nearby community with postcards to forewarn residents and businesses about the upcoming remediation activities.

Together, these elements--the number and array of monitoring instruments around a site, the data that's monitored, the data thresholds that escalate remediation actions, single points of contact for complaints, and pre-work outreach--have modeled a protective framework not just for Owl's Head, but for the Citizen's site and RTA 2. The CAG is seeking the engagement and agreement of the EPA, NYS DEC and NYC DEP to make this framework a reality.

The Framework

1. *Unified Pre-Work Transparency:* The NYC DEP (Owl's Head) and the EPA (Thomas Greene Park) have made presentations at the CAG General Meetings in advance of planned remediation activities. We ask that this become the standard--that CAG General Meetings be the venue for NYC DEP, NYS DEC, and the EPA to share project details before breaking ground on the Citizen's site or RTA 2, covering such things as the scope of activities, expected timeline, how those threats to health and quality of life will be monitored and actions that will be triggered should threats be realized, and the single point of contact for questions, issues and complaints.

2. *Standardized Outreach & Preparation:* The CAG asks that all three agencies adopt the proactive “postcard and direct messaging” model used by NYC DEP/AECOM for Citizen’s and RTA 2 to reach residents, businesses, schools and day care facilities with information that includes clear contact information for reporting issues.
3. *Air quality monitoring:* We ask that each agency deploy a monitoring network not only at the site perimeter but at a sample of nearest sensitive receptor locations — schools, daycares, and playgrounds. If an agency determines this is not necessary, we ask for an explanation.
4. *PM10 monitoring:* Particulate matter monitoring is a component of each agency's air monitoring framework. The thresholds that trigger dust suppression and work stoppage vary by regulatory framework. We ask each agency to publicly disclose:
 - Action levels that trigger dust suppression and work stoppage;
 - If stations are placed at sensitive receptor locations as well as at the site perimeter, and if more conservative thresholds apply at the sensitive receptor locations than at the site perimeter.
5. *Odor monitoring:* Odor monitoring is the dimension of community protection most directly experienced by residents, businesses, schools, and daycares. Yet it is also the least standardized across the three agencies' frameworks. We ask each agency to publicly disclose:
 - How odor monitoring is conducted--instrument-based, field observation, etc.;
 - Whether odor monitoring occurs at sensitive receptor locations beyond the site perimeter or only within the work zone and at the site boundary;
 - What constitutes a confirmed off-site odor event and who makes that determination;
 - The specific response timeline and pre-positioned suppression measures ready for deployment.
6. *Thresholds:* Each agency uses numerical thresholds - for total VOCs, for PM10, and for odors - that trigger increasingly protective responses, from initial work modification through work stoppage and ultimately to tented containment. These thresholds vary significantly across the three sites and three regulatory frameworks. We ask each agency to publicly disclose its full escalation framework for VOCs, PM10 and odors, from work modification to work stoppage and full tented containment.
7. *Near Real-Time Data Transparency:* We ask the NYC DEP, NYS DEC, and the EPA to commit to making monitoring data currently reported by contractors publicly available in near real-time. This allows the community to verify air quality and odor conditions as they occur.
8. *Single point of contact:* Following the model established by the NYC DEP, we ask that the NYS DEC and EPA clearly designate a primary point of contact for complaints and include the escalation contact if a timely response is not received.

9. *Public Reports:* We ask that the NYS DEC and NYC DEP join the EPA in presenting monthly remediation progress reports at CAG General Meetings. These briefings are essential for the community to track milestones, ask questions, and raise critical neighborhood issues.

What The CAG Commits To

By putting forth this framework and seeking the agreement of the EPA, NYS DEC and NYC DEP, the CAG has four objectives:

- 1) To be a central forum for the EPA, NYS DEC and NYC DEP to share information with the community on a regular basis about their plan and progress during the excavation of contamination at Owl's Head, Citizens and RTA2;
- 2) To play a productive role in messaging to the community what to expect and what businesses, schools, day care centers and residents can do should they have questions or complaints during the upcoming and overlapping excavations;
- 3) To be an efficient and open channel of communication with the NYC DEP, NYS DEC, and the EPA to address issues, concerns, questions or complaints that may come up during the excavations;
- 4) To reduce the risk that community concerns will not be addressed in a timely way, or that conflicting responses from multiple contractors and multiple oversight agencies will leave the neighborhood in limbo while its quality of life is suffering.

Summary

The nine points, taken together, establish the community's expectations for how its safety and quality of life will be protected during the excavation of Owl's Head, Citizen's and RTA 2. At the same time, each point articulates what are the parameters for mitigation actions should either/both of these happen: a) Excavation exposes toxins/odors that exceed thresholds; b) Contractor practices violate standards.

With the above in mind, the CAG has crafted the Gowanus Protection Framework for the NYC DEP, NYS DEC and the EPA's Gowanus Team to agree to so that their remediation activities at Owl's Head, the Citizen's sites, and RTA 2 are understood by the community, create shared expectations, and provide a central forum for tracking progress and resolving issues.

^[1] The CAG has been informed by the EPA and NYC DEP that the Owl's Head site has a low likelihood of triggering strong odors. RTA 1 and past excavation activity at the Citizen's site released strong odors.