



New York Senator  
**Velmanette Montgomery**  
18th Senate District

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May 1, 2009

Mr. Dennis Munhall  
United States Environmental Protection Agency  
290 Broadway  
New York, NY 10007



Dear Mr. Munhall;

I would first like to thank the United States Environmental Protection Agency (EPA) for extending the comment period for the proposed Superfund designation of the Gowanus Canal in Brooklyn. This issue is of critical importance and many residents and businesses wish to make considered statements. I am grateful the EPA clearly appreciates the importance of the depth of local concern.

Since one-half of the Gowanus Canal lies within the 18<sup>th</sup> New York Senate District, the development and health of the area, for both the current and future residents and businesses are my top priorities. While the economic development of this artery is crucial to the future of New York City sustainable, healthy development is only possible in a sustainable, healthy environment.

Much of the development proposed for the areas surrounding the Gowanus Canal, such as the **Public Place project**, envision much needed affordable housing with parks and playgrounds for the families living there. However I cannot in good conscience support development on contaminated land. The area must be made safe for current and future generations.

**Therefore I support the cleanup of the Gowanus Canal and its designation as a Superfund site. However there are a number of questions and concerns that I would like to have addressed prior to designation.**

Please describe your proposed project management plan for coordinating the City, State, and Federal remediation and reclamation efforts. Please clarify particularly:

- How will the Superfund and local operations involve the water in the canal, the accumulated sediments, and the surrounding soil? What will be the degree of remediation?
- How will the Superfund designation impact requirements for New York City to address problems stemming from Combined Sewage Overflows? To what extent will Superfund designation address the CSO repair efforts? Will the Superfund process work in partnership and hopefully expedite the efforts of the Army Corps of Engineers?
- How will contaminants be removed or remediated? Will it be by barge or truck, and how will the surrounding community be protected during the removal and transport process?
- What is the anticipated structure for ongoing community participation within the process?
- What is the anticipated funding schedule and mechanism for the cleanup?

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I further request:

- **An expedited schedule** for the cleanup and remediation efforts.
- **That the Federal government guarantee the money necessary for the cleanup effort**, and not wait for the acquisition of penalty money from polluters. This community has already waited decades. It cannot wait any longer.
- **An assurance that the Superfund remediation process will not interrupt current remediation programs** being conducted by the Army Corps of Engineers, the City and State of New York, and others. Ideally these efforts will be optimally coordinated to speed the recovery of this contaminated area.

I thank you for your consideration and look forward to your timely response.

Sincerely,



New York State Senator Velmanette Montgomery  
18<sup>th</sup> New York Senate District

## GOWANUS SUPERFUND LISTING FACT SHEET

### **SUPERFUND IS NEEDED, NOW!**

"Superfund" is the easy name for a program the Federal Environmental Protection Agency (EPA) uses to clean the most polluted areas of our country. The NYS Dept. of Environmental Conservation asked the EPA to consider listing the Gowanus Canal after finding the incredibly high degree of pollution in the area.

### **THE CANAL IS VERY DANGEROUSLY POLLUTED**

The level of pollution necessary for EPA Superfund listing is measured in "parts per million." Heavy metals and certain other pollutants in the Gowanus Canal pollution registers in parts per HUNDRED. That's 10,000 times more polluted than the lowest emergency listing! In addition, every time it rains raw sewage overflows into the canal. The bacteria count in a recent study is shocking, more than 25 times the unsafe level.

### **PROPERTY VALUES WILL INCREASE**

Land surrounding a clean, safe canal will be far more valuable. A thorough and expeditious cleanup will be the best thing for everyone!

### **A SUPERFUND CLEAN-UP WILL BE THOROUGH, AND WON'T TAKE FOREVER**

Progress should be seen quickly once work starts, but the complete cleanup will take time. The cleanup has to be thorough and consistent or the canal will return to the current dangerous state. Federal designation commits the cleanup to professional, uninterrupted effort.

### **RESPONSIBLE PARTIES PAY, AND WORK STARTS IMMEDIATELY**

Superfund cleanups are funded by the people who caused the pollution. The EPA believes much if not most of the cleanup will be the responsibility of National Grid. It won't cost the community money. It won't cost home owners. The EPA starts work immediately from Federal funds set aside for this purpose. Congress budgets \$320 million dollars annually for the Superfund, and President Obama is reviving the funding stream that will place an additional billion dollars in the Superfund. The EPA is ready to go.

### **THE CITY PLAN**

New York City has proposed an alternative plan they believe will accomplish a similar clean canal, but the City is not in the business of cleaning toxic sites. While well meaning, the City plan is completely untested and contains questionable assumptions. The City plan depends on polluters voluntarily doing the work themselves, to their own standards; but these polluters haven't done anything up to now. The City plan doesn't intend to clean the whole canal, and a partial cleanup will not be safe. The City plan has no guarantees that the funding will actually happen; it relies on the idea that Congress will give substantial special money for years to come for this one project, which is very unlikely.

The EPA has been doing this for decades and knows what it is doing. The EPA has said Superfund listing will incorporate all City programs and not delay any efforts currently in progress. Superfund listing guarantees action in ways the City plan cannot.

### **JOBS**

The cleaning process itself will produce new, Green jobs. And a clean Gowanus Canal and vicinity will be a much better employment area!

### **HOUSING**

Current plans for building housing in the Gowanus area would expose families to a life next to dangerous contamination. For the sake of all, the area must be thoroughly cleaned to Superfund standards so housing for all can be responsibly built.

### **MORE INFORMATION**

More factual information is available online from the EPA website. You can dig into the history of the site, the initial plans, details as far as they are now known and see online presentations about both the EPA and City plans. <http://www.epa.gov/region02/superfund/npl/gowanus/additionaldocs.html>

### **LET THE EPA KNOW WHAT YOU THINK!**

**The EPA wants to know what you think. You have until July 8<sup>th</sup> to send in your comments. You can do so by regular mail or email. To obtain information on where to mail your comments, visit [www.epa.gov/superfund/sites/npl/pubcom.html](http://www.epa.gov/superfund/sites/npl/pubcom.html)**