



NEW YORK STATE SENATOR

Brian Kavanagh

## Kavanagh, Niou, Brewer Call for More Time for Public Comment on Broome Street Environmental Remediation

BRIAN KAVANAGH June 29, 2020

| ISSUE: **ENVIRONMENT, CLIMATE, CONSTRUCTION, LAND USE, COMMUNITY ENGAGEMENT**



On June 29, 2020, Senator Kavanagh, Assemblymember Yuh-Line Niou, and Borough President Gale Brewer requested that the State Department of Environmental Conservation extend the public comment period for the Brownfield Cleanup Program's Remedial Investigation Work Plan for the 'GO Broome' site on Broome Street between Norfolk and Suffolk Streets in Manhattan. The request was intended to ensure an adequate opportunity for local residents and stakeholders to participate in spite of challenges presented by the COVID-19 pandemic, language barriers, and other issues that have arisen during the process. The text of the officials' letter is below; the original may be viewed via the link above.

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June 29, 2020

Meghan Medwin, Project Manager  
NYS Department of Environmental Conservation  
625 Broadway, 12th Floor  
Albany, NY 12233

Dear Ms. Medwin:

We are pleased to submit these comments for Broome Street Parking Lot, Site ID #C231137, a Brownfield Cleanup Program (BCP) Draft Remedial Investigation Work Plan (RIWP) by GO Broome LLC to the New York State Department of Environmental Conservation (DEC). The site is located on Broome Street between Norfolk and Suffolk Streets in Manhattan. We each represent the area in our respective offices.

As you are aware, the comment period for the RIWP was extended from the original date of May 29, 2020 to June 29, 2020. We urge the DEC to extend the comment period further, in consideration of the City's Covid-19 response. DEC's April 29, 2020 email asking for comments to be submitted by the original date of May 29, 2020 announced that all documents could only be accessed electronically. DEC's follow-up email on June 3, 2020 notified the public of the comment period's extension to June 29, 2020 and announced, "project documents would be made available...[at the New York Public Library's Seward Park Branch and Manhattan Community Board 3]... when they reopen after the Covid-19 Pause." This language is vague and did not specify the date when these documents would be available for public review. Many residents in the Lower East Side and Chinatown areas rely on the public library for printer and internet access; with public libraries currently closed during the Pause, these

residents are unable to view and comment on the documents released by the DEC during this period.

Translations of documents have still not been made available to the public. The April 29, 2020 DEC email notifying the public of the first comment period did not include Chinese translations of the fact sheet. Currently, the BCP documents including the Citizen Participation Plan (CPP), RIWP, and BCP reports are not available in Chinese or Spanish despite recognition in the CPP that there is a “sizable Hispanic-American and Chinese-American population nearby.”

In addition, there was inadequate communication about the BCP to stakeholders. There were no public notices about the open comment period or project timeline, and DEC to adjacent businesses, religious organizations, and residents, such as the Hong Ning Housing for the Elderly, which is listed as a sensitive receptor in the RIWP. DEC, through its Office of Environmental Justice, issued guidance on April 24, 2020 that ongoing actions should include printed informational flyers delivered to the home of every impacted resident. This vital step was not completed for this comment phase despite the fact that the neighborhood is referred to as a DEC designated Environmental Justice Area on page 9 of the Citizen Participation Plan.

There is insufficient information given in Parts 2 and 3 of the “Scoping Sheet for Major Issues of Public Concern” which does not identify the information needed from community individuals, groups, or organizations.

The “Appendix B – Site Contact List” in the Citizen Participation Plan needs to be updated to include local news outlets (i.e., The Lo-Down, The Village Sun, Bowery Boogie, and AM New York et al), as well as Spanish language news outlets (i.e. El Diario NY and La Voz Hispana NY) and Chinese language news outlets (i.e., Ming Pao Daily News and Sing Tao Daily). Please

also include information for where members of the public can sign up to receive future project updates.

It is for these reasons that the DEC should extend the comment period to improve public access to these documents amid the Covid-19 pandemic. The 250 Water Street BCP site extended the public comment period for almost four months before the pandemic. Considering the extenuating circumstances, the public should be given the same opportunity to review the RIWP at this time. We request that DEC address the concerns noted above as soon as possible and extend the public comment period to September 15, 2020.

We also request clarification as to why Lot 37, the former Beth Hamedrash Hagodol (BHH) synagogue site at 60 Norfolk Street, was not included in the released RIWP analysis. It is our understanding that there will be a Landmarks Preservation Commission (LPC) public hearing regarding the proposed rescission of BHH's New York City Landmark designation on June 30, 2020. Additionally, the Department of Buildings has allowed the developer to undertake essential work to stabilize and remove the former BHH synagogue following the tragic fire at the property in May 2017. After the completion of rubble removal from the site in June 2020, environmental and geotechnical investigative borings will be completed followed by an LPC and Department of City Planning approved archaeological investigation.

Because the environmental and geotechnical investigative borings and archaeological investigation for Lot 37 will not be completed until a later time, the RIWP is therefore incomplete in accounting for the entire geographic area of the project. The comment period for the RIWP must therefore be extended to allow for the investigative results for the area of Lot 37 to be posted. The results of these future investigations may require boring sites to be relocated for the RIWP assessment.

We request that DEC further communicate all details related to the Community Air Monitoring Program (CAMP) with the surrounding community in the Citizen Participation Plan. This includes precautions against off-site dust, vapors and odor emissions, and intrusive work that have the potential for unexpected emergencies or could affect the breathing zone of the site. Because the city is only just recovering from the impacts of Covid-19, the public must be informed in detail about protocols to monitor, treat and address respiratory particulates in the area that would be harmful to both surrounding area residents and field personnel.

We look forward to your responses to these community comments.

Sincerely,

Gale A. Brewer

Manhattan Borough President

Brian Kavanagh

State Senator

Yuh-Line Niou

State Assemblymember

cc: Alysha Lewis-Coleman, Chair, Manhattan Community Board 3

Susan Stetzer, District Manager, Manhattan Community Board 3

David Pickett, President and CEO, Gotham Organization

Wayne Ho, President and CEO, Chinese-American Planning Council

Basil Seggos, Commissioner, NYS Department of Environmental Conservation

Harry Bubbins, East Village & Special Projects Director, Village Preservation

Howard Teich, Co-Founder, Manhattan Jewish Historical Initiative