



Joint Comments of Assemblymember Harvey Epstein, Congressman Dan Goldman, State Senator Brian Kavanagh, and Councilmember Carlina Rivera regarding the DEC Remedial Investigation at CE - E. 11th St. MGP (Site Code: 231110)

May 22, 2023

Mistrust in the Remediation Plan and Process

The remedial investigations of the E. 11 Street MGP have taken nearly two decades, beginning in 2006. In 2008, residents of the NYCHA Jacob Riis Houses learned that contaminants were found in the soil that could be harmful to their health. In the fifteen years since these initial reports, residents have developed a deep sense of mistrust with this plan, and a lack of understanding of what the plan entails, due in part to a lack of communication from DEC. In August 2022, the general mistrust and confusion were compounded when NYCHA announced that lab results found arsenic in the drinking water at the Riis Houses, results that were later found to be false through extensive re-testing. This error, following many years of public disinvestment in capital maintenance and repairs at Riis and a general failure of government to address resident complaints and concerns, public trust in NYCHA, DEC and DEP's ability to keep residents safe and informed has been severely damaged.

Community Engagement and Addressing Public Health Concerns

Residents who live in and near the location of the E 11 St. MGP have been given confusing information about their exposure to toxins, whether in the air from soil vapor or directly from the soil. It is vital to clarify the details of the remediation plan and address the concerns of residents in order for this process to be successful. This has already been a very lengthy process and with the most invasive portion of the process beginning soon, many of our constituents are concerned and unclear about the design and implementation of the remediation plan. Residents of Riis Houses have already undergone years of Sandy Recovery & Resiliency work (storm hardening) and now will have to prepare for more intrusive work. There must be community engagement and education throughout this process from the planning design to implementation. This includes making the health risk and environmental concerns easy to understand so that residents can make informed decisions and advocate for their needs.

Important Next Steps

We are concerned about the potential public health risks and need additional details about how the remedial plan will impact residents daily, as well as what are the potential health risks, both the most and least likely. Riis residents deserve a full picture of the project and its impacts before a final decision on the plan design occurs. This includes NYSDOH clearly articulating and educating residents about any risks to residents during the remediation implementation process. We are glad to see that DEC is consulting closely with NYSDOH, but we think it is vital to ensure someone from NYSDOH regularly checks in at the site and assesses the state of progress and provides

regular updates about the potential health impacts for residents. We need to receive a clear plan on how the agencies will keep the public informed of progress throughout the work. We respectfully request that DEC and NYSDOH identify a community engagement liaison for residents to bring concerns and questions to. We hope the agency will consider having this liaison on site periodically throughout the remediation process.

Lastly, we are aware that multiple projects may be happening at once, including your own remediation, continuation of the storm hardening work, and sewer pipe replacements. All of these plans need to be laid out clearly to community members, and considerations for residents' needs should be at the center of this project's design. We encourage you to coordinate with the other major construction projects to minimize the impacts on residents, and to maintain robust direct communication with residents about the project. You should provide a phone number and email address for residents to report concerns over construction work and regularly update residents on progress of the project through email, paper flyers, and in-person participation at meetings. We have a responsibility to ensure residents understand the risks as well as the benefits to the work while also providing a reasonable timeline and ongoing communication.

Thank you for the opportunity to submit these comments and we look forward to hearing more about the agency's plans to ensure the health and safety of residents who live on the E 11th St. MGP and nearby.