

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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IN THE MATTER OF THE	:
GOWANUS CANAL SUPERFUND SITE	:
	:
Brooklyn Union Gas Co. d/b/a National Grid New York	:
City of New York	:
Consolidated Edison Co. of New York, Inc.	:
Hess Corp.	:
Honeywell International Inc.	:
The Brooklyn Improvement Co.,	:
	:
Respondents,	:
	:
Proceeding under Section 106 of the	:
Comprehensive Environmental Response,	:
Compensation, and Liability Act, as amended,	:
42 U.S.C. § 9606.	:
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INDEX NO.
CERCLA-02-2020-2003

AMENDMENT TO
ADMINISTRATIVE ORDER
FOR REMEDIAL ACTION

I. JURISDICTION AND GENERAL PROVISIONS

1. This amendment (“Amendment”) to the Administrative Order for Remedial Action, Index Number CERCLA-02-2020-2003 (“Order”), dated January 20, 2020, is issued to the above-captioned Respondents by the United States Environmental Protection Agency, Region 2 (“EPA”) and requires Respondents to undertake the Remedial Action (“RA”) to implement another portion of the dredging and capping remedy selected in EPA’s September 27, 2013 Record of Decision (“ROD”) for the Gowanus Canal Superfund Site (“Site”), Brooklyn, New York. For purposes of the planning and implementation of the ROD, EPA divided the Gowanus Canal (“Canal”) into three Remediation Target Areas (“RTAs”). RTA 1 extends from Butler Street to 3rd Street; the RA for RTA1 was addressed under the original Order. This Amendment requires implementation of the RA for RTA 2. RTA 2 extends from 3rd Street to Hamilton Avenue. Implementation of the RA for RTA 3 will be the subject of one or more future enforcement documents.
2. This Amendment is issued to Respondents by EPA pursuant to the authority vested in the President of the United States under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9606(a), and delegated to the Administrator of EPA on January 23, 1987, by Executive Order No. 12580, 52 Federal Register 2926 (January 29, 1987), and was further delegated to the EPA Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B, dated May 11, 1994, and to the EPA Region 2 Director of the Emergency and Remedial Response Division by Regional Delegation R-1200, dated January 19, 2017. Effective April 28, 2019, the Emergency and Remedial Response Division has been renamed the Superfund and Emergency Management Division. All delegations to the Director of the Emergency and Remedial Response Division were conferred upon the Director of the Superfund and Emergency Management Division in a memorandum by the EPA Regional Administrator dated March 27, 2019.
3. As revised by this Amendment, the Order remains in full force and effect.
4. EPA has notified the New York State Department of Environmental Conservation (“NYSDEC”) of this Amendment pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. AMENDMENT

RTA 2 Remedial Action

5. Paragraph 53 of Section VIII. (Work to be Performed) of the Order is amended as follows: 1) Subparagraphs b, d, and g are amended to address the RTA 2 Work; and 2) the addition of the following subparagraph at the end of the Paragraph:

h. Following EPA approval of the RTA 2 100% remedial design (“RD”) pursuant to the Dredging RD UAO, Respondents shall implement the work pursuant to the EPA-approved schedule set forth in RTA 2 100% RD.

III. OPPORTUNITY TO CONFER, EFFECTIVE DATE

6. Respondents may, within fifteen (15) days after receipt of this Amendment, request a conference with EPA to discuss this Amendment. If requested, the conference shall occur within fourteen (14) days of Respondents’ request for a conference. The conference may be held in person or by telephone or videoconference.

7. This Amendment shall be effective five (5) days after receipt by Respondents (“Amendment Effective Date”), unless a conference is timely requested pursuant to Paragraph 6, above. If such a conference is timely requested, this Amendment shall become effective three (3) days following the date the conference is held, unless the Amendment Effective Date is modified by EPA. All times for performance of ordered activities shall be calculated from the Amendment Effective Date.

IV. NOTICE OF INTENT TO COMPLY

8. Each Respondent shall provide, not later than fourteen (14) days after the Amendment Effective Date, written notice to EPA stating whether it will comply with the terms of this Amendment. If a Respondent does not unequivocally commit to perform the work required by this Amendment, it shall be deemed to have violated this Amendment and to have failed or refused to comply with this Amendment. Each Respondent's written notice shall describe, using facts that exist on or prior to the Amendment Effective Date, any "sufficient cause" defenses asserted by Respondent under Sections 106(b) and 107(c)(3) of CERCLA. Each Respondent's written notice shall be sent via email to Brian Carr, Assistant Regional Counsel, Office of Regional Counsel at carr.brian@epa.gov. The absence of a response by EPA to the notice required by this paragraph shall not be deemed to be an acceptance of a Respondent's assertions.

By: Evangelista, Pat
PAT EVANGELISTA
Director
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
Region 2

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Evangelista, Pat
Date: 2024.06.27 17:02:34
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June 27, 2024
Date