



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 31 2008

Representative Nydia M. Velázquez
U.S. House of Representatives
2466 Rayburn Office building House
Washington, DC 20515

Dear Representative Velázquez:

Thank you for your letter of December 10, 2008, addressed to Environmental Protection Agency (EPA) Administrator Stephen L. Johnson, which has been forwarded to me for reply. Your letter expressed several concerns about areas in your congressional district which are currently under investigation by the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH). You requested that EPA consider new evidence regarding the presence of several plumes of chlorinated solvents that have been found in ground water in these areas. You also expressed your concern about the area designated by NYSDEC as the Meeker Avenue plumes posing "an imminent risk to the health of local residents."

NYSDEC and NYSDOH have undertaken a program to investigate the potential impact of volatile organic compounds (VOCs) on the residential structures located above the Meeker Avenue plumes and an additional area north of the Brooklyn-Queens Expressway. These compounds have the ability to migrate from ground water into buildings as vapors. You accurately indicated that NYSDEC has investigated only a few homes out of several hundred that are located above the contaminated ground water in these areas.

My staff contacted NYSDEC and ascertained that the agency has not yet completed its vapor intrusion investigation because many residents of the area have declined to provide access for testing. To date, NYSDEC has tested 12 homes associated with the Meeker Avenue plumes (all those that provided access) out of the 58 homes identified for testing. NYSDEC has sent letters and gone door-to-door in an effort to obtain access and has indicated that it will continue to work with the community to obtain access to additional homes. NYSDEC also targeted several hundred homes north of the Brooklyn-Queens Expressway for vapor intrusion testing. Access was granted for only 52 of these homes, and they were subsequently tested. Two homes in the area of the Meeker Avenue plumes had indoor air testing results above NYSDOH action levels and were offered mitigation systems to address this issue. One homeowner accepted the offer and the other declined. The indoor air in the remaining homes tested did not exceed the action levels, and NYSDEC will be following up with these homeowners about appropriate future responses.

Internet Address (URL) • <http://www.epa.gov>

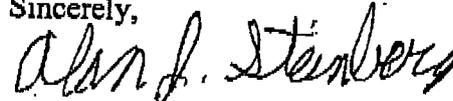
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NYSDEC is taking appropriate actions to investigate and delineate the ground water contamination and to respond to the migration of vapors into homes. Its actions are consistent with the approaches EPA would take if it were the investigating agency. EPA will not engage in a response at this time, but is available to do so in the future, if requested by NYSDEC.

With respect to evaluating Newtown Creek for the Superfund National Priorities List (NPL), EPA has been asked by you and other members of Congress to review New York State assessments and actions for four specific sites along Newtown Creek. EPA's review is ongoing, and once the Agency has completed this review, we expect to conduct sampling within Newtown Creek itself. Once the data is collected, EPA will evaluate what additional actions, if any, may be warranted under the Superfund program, including whether the site is potentially eligible for listing on the NPL, and if so, what areas might potentially be included.

If you have further questions, please let me know or your staff may contact Peter B. Brandt, Chief for Intergovernmental and Community Affairs, at 212-637-3657.

Sincerely,



Alan J. Steinberg
Regional Administrator

cc: Honorable Pete Grannis, Commissioner
New York State Dept. of Environmental Conservation