



May 26, 2026

Leslie Boghosian Murphy, Chair  
Jesse R. Bodine, District Manager  
Manhattan Community Board 4  
630 9<sup>th</sup> Avenue, Suite 208  
New York, NY 10036

Dear Leslie Boghosian Murphy and Jesse R. Bodine:

Commissioner Lefton asked me to respond to your letter regarding the Brownfield Cleanup Program (BCP) application for the Elliott-Chelsea Houses (RBEC1, 441 West 26th St., BCP site no. C231168). The New York State Department of Environmental Conservation (DEC) has reviewed your comments and offers the following responses. Note that your comments have been edited for brevity.

**Comment #1:**

The NYCHA residents and school communities have raised serious concerns about the migration of contaminants through dust, soil vapor, and groundwater into adjacent buildings and the surrounding community when soil is disturbed.

Community concerns include contaminated dust and soil vapor entering homes and classrooms, seepage of contaminated groundwater into basements, inadequate air monitoring and real-time notification, etc.

**Response #1:**

DEC regulates the soil, groundwater, and soil vapor beneath the site (the “environmental media”). The BCP is a voluntary remedial program focused on reducing the public’s exposure to contaminants in these environmental media. Demolition of the above grade structures is regulated exclusively by the New York City Department of Buildings (DOB), not by DEC.

Once accepted into the BCP, all future work at the site that includes soil disturbance would be completed under DEC-approved work plans, which includes a robust Community Air Monitoring Plan (CAMP) that is prepared in consultation with the New York State Department of Health (DOH). The CAMP monitors dust and organic vapors in the air to ensure the surrounding community is protected from potential exposures resulting from ground intrusive activities. Any identified sensitive receptors will be accounted for in the CAMP.

The remaining concerns raised in this comment, such as rodent and insect infestation, truck routing, idling and vibration, traffic congestion, noise during school hours, the lack of consistent and clear communication with NYCHA officials and the Related Companies and Essence Development (the Development Team), and declining enrollment at P.S. 33 are outside the scope of the BCP and the jurisdiction of DEC.

DEC will keep the public informed throughout the BCP process via fact sheets.

**Comment #2:**

MCB4 urges DEC, DOH, NYCHA, the Development Team and Langan to adopt the following:

- Contamination Control
- Air Monitoring
- Building Protection — NYCHA Residential Buildings and Schools
- Community Engagement

**Response #2:**

Community engagement is a central component of the BCP, and periodic fact sheets will be distributed to the public for information and comment at specific milestones throughout the investigation, remedy selection, and remedy implementation processes. Following the completion of the application comment period and execution of a Brownfield Cleanup Agreement, the first required submittal is a Community Participation Plan (CPP) which outlines the public outreach requirements, identifies project contacts, and establishes the document repositories.

The site will then undergo a comprehensive investigation to define the full nature and extent of soil, groundwater, and soil vapor contamination on the site. A draft Remedial Investigation Work Plan (RIWP) was included with the application and is available at: <https://www.dec.ny.gov/data/DecDocs/C231168/>.

Once the data is collected and analyzed, a Remedial Investigation Report (RIR) will be prepared which will include conclusions and recommendations to address any identified contamination. The RIR will address all the items outlined in your letter under the "Contamination Control" heading, will be posted to the publicly accessible document repositories, and a fact sheet will be issued which summarizes the conclusions. The consultant will evaluate various alternatives to remediate the contamination in an Alternatives Analysis/Remedial Work Plan (AA/RWP), which will be subject to a 45-day public comment period. DEC will consider public comments, revise the AA/RWP as needed, and issue a final Decision Document. DOH must concur with the proposed cleanup.

The RWP will identify all engineering controls to be implemented on-site during the remedial action to ensure that contaminants do not migrate because of the remediation. This will include implementing continuous air monitoring during ground

intrusive activities. The intent is that the remedy can be implemented without the need for off-site engineering controls. All CAMP monitoring data will be included with daily reports submitted to DEC and DOH.

DEC is committed to open community engagement with respect to the BCP process. A public meeting can be conducted during the comment period on the AA/RWP. As noted above, a CPP will be developed as the first required submittal once a Brownfield Cleanup Agreement is executed.

As to the "Building Protection" items, the Remedial Investigation will identify whether or not there are any off-site impacts from the site. If there are, remedial actions will be implemented to mitigate those off-site impacts, if identified.

**Comment #3:**

MCB4 raises a fundamental question: if something goes wrong, who is responsible? Clear, enforceable accountability must be established in advance. This includes identifying responsible parties, defining response protocols, outlining consequences for non-compliance, and ensuring continuous oversight with meaningful community involvement.

**Response #3:**

DEC will oversee the implementation of the remedial program at the site. All remedial activities will be carried out in accordance with applicable standards, regulations, and protocols to ensure safety of all on-site workers and the surrounding community. Once accepted into the BCP, all future work at the site that includes soil disturbance will be completed under DEC and DOH approved work plans, which include continuous CAMP during ground intrusive activities. The approved workplans are incorporated into, and enforceable under, the Brownfield Cleanup Agreement (BCA). The applicant is ultimately responsible for all ground intrusive work implemented on the site once the BCA is executed.

We appreciate your continued engagement on this project. If you have any additional questions, please contact DEC's project manager, Mandy Yau, at [mandy.yau@dec.ny.gov](mailto:mandy.yau@dec.ny.gov).

Sincerely,



Antonia F. Pereira  
Regional Director,  
NYSDEC Region 2