Draft Resolution Supporting Assemblymember Simon Regarding the Citizens/Public Place Site

What members are voting on
By voting in favor of this resolution, members are expressing support for Assemblymember Jo Anne August 19, 2025, and January 4, 2026, letters to NYSDEC. The resolution urges NYSDEC to reject the proposed Brownfield Cleanup Agreement amendment and to place Parcels I, II and III of the Citizens/Public Place site into the NY State Superfund Program, so that this significant threat manufactured gas plant site is managed under a unified, enforceable framework appropriate for its level of contamination and long-term risk.

Background
The former Citizens/Public Place manufactured gas plant site contains deep coal tar contamination that poses a long-term threat to both nearby residents and the success of the Gowanus Canal cleanup. NYSDEC has designated the site as a significant threat, and NYSDEC and EPA investigations have documented mobile coal tar and contaminated groundwater extending across parcel boundaries, requiring off-site monitoring and long-term source control.

The site is divided into four parcels. Parcels I, II, and III are currently in New York State's Brownfield Cleanup Program, Parcel IV is in the State Superfund Program, and the Gowanus Canal is in the federal Superfund Program. Although the site functions as a single contamination system, it is governed under these multiple programs, agreements, and owners.

In June 2025, the site applicants submitted an application to NYSDEC to amend its Brownfield Cleanup Agreement, requesting that the existing Brownfield site (C224012, aka Parcels I & II) be subdivided into two separate Brownfield sites to facilitate redevelopment (to become C224012 and C224012C). NYSDEC opened a public comment period on the proposed amendment, which closed on January 4, 2026.

Cleanup relies on engineered controls and monitoring systems that must operate and be maintained for decades. These controls will sit beneath multiple buildings, including housing, a potential school, and public spaces, and responsibility will eventually be distributed among multiple owners and operators. This creates long-term legal and practical challenges for ensuring that monitoring continues, systems are maintained, corrective action occurs when needed, and accountability does not weaken as properties change hands.

In her August 19 letter, Assemblymember Simon stated that this former manufactured gas plant site was improperly placed in the Brownfield program and urged that it be moved into the New York State Superfund Program, citing off-site coal tar migration, weaker Brownfield enforcement tools, and the need for long-term, enforceable oversight. In her January 4 letter, she further urged NYSDEC to reject the proposed Brownfield amendment, warning that it would formalize an approach that has already delayed remediation and allowed responsible parties to spread cleanup costs to ratepayers.

Resolution
The Land Use Committee supports Assemblymember Jo Anne Simon's August 19, 2025, and January 4, 2026, letters regarding the Citizens/Public Place site.

The Land Use Committee urges the New York State Department of Environmental Conservation to reject the proposed Brownfield Cleanup Agreement amendment for Parcels I and II, and to stop further parcel carve-outs and restructuring that weaken accountability at this connected contamination site.

Consistent with Assemblymember Simon's August 19 letter, the Land Use Committee supports transitioning Parcels I, II, and III into the New York State Superfund Program so that cleanup is governed under a unified, enforceable framework appropriate for a former manufactured gas plant.

The Land Use Committee further supports Assemblymember Simon's call for NYSDEC to hold responsible parties fully accountable for timely remediation and to prevent continued delays and the shifting of cleanup costs from polluters to ratepayers.

Why this matters now
NYSDEC is currently considering a proposed amendment to the Brownfield Cleanup Agreement for Parcels I and II. Approval of this amendment would confirm continued reliance on the Brownfield framework for managing what it has determined is a significant-threat contaminated site.

The proposed amendment represents a critical decision point. If approved, it effectively sets the regulatory path for how this contamination will be managed for decades. This is the moment to ensure that responsibility remains unified, enforceable, and appropriate for the site's long-term risks before that framework becomes locked in.