



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

September 16, 2024

In Reply Refer to:

EPA Complaint No: 01R-24-R2

Sean Mahar
Interim Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010
sean.mahar@dec.ny.gov
Federal.Rights@dec.ny.gov

Re: **(b)(6) Privacy, (b)(7)(C) Enf. Privacy** Correspondence with U.S. EPA

Dear Interim Commissioner Sean Mahar:

The U.S. EPA Office of External Civil Rights Compliance (OECRC) is writing in relation to the letter sent to you on July 10, 2024, concerning correspondence received on behalf of the **(b)(6) Privacy, (b)(7)(C) Enf. Privacy**

The correspondence alleged that the New York State Department of Environmental Conservation (DEC) excluded residents of the Melrose neighborhood in the South Bronx from meaningful participation in the process for remediating a New York State Superfund site in the community (the "Melrose Avenue Dry Cleaner Remediation Project").

Several events took place following OECRC's receipt of **(b)(6) Privacy, (b)(7)(C)** correspondence. On August 8, 2024, DEC notified MEAC that they will implement the attached *Enhanced Community Engagement Plan for the Former Melrose Avenue Dry Cleaner Remediation Project* (the "DEC Engagement Plan"). The *DEC Engagement Plan* was developed in consultation with the State Department of Health, DEC's Office of Environmental Justice, and DEC's Division of Communications, Education, and Engagement. It serves to identify the project, the clean-up

Sean Mahar
Interim Commissioner

objectives and requirements, the project team members, and the community surrounding the site.

On August 13, 2024, OECRC conducted a call with (b)(6) Privacy, (b)(7)(C) members, during which (b)(6) Privacy, (b)(7)(C) members clarified that the goal in engaging the U.S. EPA through its correspondence was to ensure that:

- (1) The *DEC Engagement Plan* is expanded upon, as appropriate, to include greater specificity about project timelines, agency points of contact, and how DEC will reach the full community with information about work to be performed at the site; and
- (2) The U.S. EPA remains involved in the Melrose Avenue Dry Cleaner Remediation Project so that the enhanced *DEC Engagement Plan* is fully implemented.

Following this call with (b)(6) Privacy, (b)(7)(C), OECRC contacted colleagues within the U.S. EPA to determine which office is best suited to effectively and efficiently address the relief that (b)(6) Privacy, (b)(7)(C) is requesting. Given their relevant expertise as well as proximity to the Melrose community, OECRC is forwarding this matter to U.S. EPA-Region 2, so that U.S. EPA-Region 2 may follow up with (b)(6) Privacy, (b)(7)(C) and DEC, as appropriate.

The primary contact at U.S. EPA-Region 2 for this matter will be:

Alyssa Arcaya
Deputy Regional Administrator
U.S. EPA Region 2
(212) 637-3730
Arcaya.Alyssa@epa.gov

Please feel free to reach out to Alyssa Arcaya to discuss appropriate next steps to address (b)(6) Privacy, (b)(7)(C) concerns.

In light of the foregoing information, OECRC is administratively closing this matter effective as of the date of this letter. If you have any questions, please contact Al Sweeney at (202) 564-7949, or by email at sweeney.alfred@epa.gov.

Sean Mahar
Interim Commissioner

Sincerely,

ADAM
WILSON

Digitally signed by
ADAM WILSON
Date: 2024.09.16
12:49:29 -04'00'

Adam Wilson
Acting Deputy Director
Office of External Civil Rights Compliance
Office of Environmental Justice &
External Civil Rights

cc: Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office
Office of General Counsel

Alyssa Arcaya
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 2

Paul Simon
Regional Counsel
US EPA Region 2

Enclosure