

## RE: Follow up to Commissioner Sapienza's August 12, 2020, letter; request for additional information

Clarke, Kevin <kclarke@dep.nyc.gov>

Mon 8/24/2020 4:09 PM

To: Tsiamis, Christos <Tsiamis.Christos@epa.gov>

Cc: Carr, Brian <Carr.Brian@epa.gov>; 'King, Christopher' <cking@law.nyc.gov>; Mulvihill, Daniel <DMulvihill@dep.nyc.gov>

Christos –

Thank you for your follow-up to DEP's proposal to Regional Administrator Lopez. As for your first request, below please find the estimated individual component contract for both the RH-034 and OH-007 tanks. We are also providing the Fiscal Year in which all of the costs for each contract for the RH-034 tank and the OH-007 bulkhead would be encumbered.

<u>Contract</u>	<u>\$\$M</u>	<u>FY*</u>
RH CP1 Construction Management	\$3.5	20
RH CP1 Construction	\$20	22
RH CP1A Construction	\$12	23
RH CP2/CP3 Construction Management	\$44	25
RH CP2 Construction	\$415	25
RH CP3 Construction	\$254	29
OH Property Acquisition	\$100	TBD
OH Bulkhead Construction	\$10	22
OH Design	\$44	TBD
OH CP1 Construction Management	\$3.5	TBD
OH CP1 Construction	\$16	TBD
OH CP2/CP3 Construction Management	\$40	TBD
OH CP2 Construction	\$241	TBD
OH CP3 Construction	\$104	TBD
<b>Total Costs</b>	<b>\$1,307</b>	

\*NYC's Fiscal Year (FY) is July 1 – June 30

As for milestones relating to the design and construction of the OH-007 tank, the design completion date that DEP provided to EPA on July 2, 2020 was based on DEP's initial request for an 18-month pause on work relating to the OH-007 tank. However, as we have continued to review and evaluate the impact of the pandemic on our finances and revenues, and given the unknowns that remain, DEP has determined that it is unable to commit to milestones relating to the OH-007 tank at this time. Thus, for the reasons set forth in Commissioner Sapienza's letter to Regional Administrator Lopez, we reiterate our request that EPA and DEP negotiate milestones for the design and construction of the OH-007 in six months or more, when the City, the Water Board and DEP have a better view on the City's finances and our water revenues.

Please let me know if you have any questions relating to the information provided above. We appreciate your consideration of our requests.

Sincerely,

Kevin

**KEVIN CLARKE, P.E. | PORTFOLIO MANAGER |**  
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**From:** Tsiamis, Christos <Tsiamis.Christos@epa.gov>  
**Sent:** Monday, August 17, 2020 5:59 PM  
**To:** Clarke, Kevin <kclarke@dep.nyc.gov>  
**Cc:** Carr, Brian <Carr.Brian@epa.gov>; 'King, Christopher' <cking@law.nyc.gov>; Mulvihill, Daniel <DMulvihill@dep.nyc.gov>  
**Subject:** Follow up to Commissioner Sapienza's August 12, 2020, letter; request for additional information

Kevin,

EPA is in receipt of DEP's August 12, 2020 response to EPA's July 28, 2020 letter from Regional Administrator Pete Lopez to Commissioner V. Sapienza, seeking information to assess DEP's request for additional time to complete the CSO remedy at the Gowanus Canal due to COVID-19-related budget impacts. I am contacting you for some additional clarifying information, that was sought in EPA's July 28<sup>th</sup> letter, but was not provided in the Commissioner's response.

DEP's response did not identify the approximate contract cost over the life of each individual identified contract, as EPA's July 28<sup>th</sup> letter specifically requested. Instead, DEP provided a total project budget. To arrive at the total project budget, presumably, the estimated component costs are known. Please provide the estimated individual component contract costs, as requested, for both tanks.

Similarly, DEP provided only a small portion of the requested milestones for the OH-007 tank. DEP's response did not include a design completion date that DEP had provided to EPA on July 2, 2020. Please provide all of the remaining schedule milestones for the design and construction of the OH-007 tank, as requested in EPA's July 28<sup>th</sup> letter.

As noted in EPA's July 28<sup>th</sup> letter, all of the requested information is necessary for EPA to assess the amount and timing of the expenditures DEP would incur for the tanks and, thereby, document the basis for our granting any extension.

Please provide the information requested above by Monday, August 24, 2020.

Please let me know if you have any questions.

Sincerely,

**Christos Tsiamis**

**Senior Project Manager**

**New York Remediation Branch**

**USEPA, Region 2**

New York, NY