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Spotlight on Superfund: How Are New York’s Most Toxic Waste Sites Doing Under Trump’s E.P.A.

By Sarah Stein Kerr
December 2017

Introduction

No matter where you venture in New York City, you are never far from toxic pollution. And if you are in Brooklyn or Queens, you may be a stone’s throw from a federal Superfund, our nation’s most polluted sites.

For New York City’s Superfunds– Newtown Creek, the Gowanus Canal and the Wolff-Alport Chemical Company in Ridgewood, Queens – change is underfoot.

In February, President Donald J. Trump appointed former Oklahoma Attorney General Scott Pruitt to head the Environmental Protection Agency.

Pruitt, who made a career for himself suing and attacking the E.P.A, has already instituted sweeping changes as part of his “back-to-basics” agenda for the agency. Programs have been cut, enforcement mechanisms weakened and staff morale is said to be low.

So, what does Pruitt believe the E.P.A. *should do*?

Superfund cleanups.

In this three-part series, we explore how New York City’s Superfund sites are faring under Trump and E.P.A’s new direction.

Chapter I: Newtown Creek

For a Superfund Site with a Sewage Problem, Trump E.P.A. May Further Slow Cleanup

Dewey Thompson, president of The North Brooklyn Boat Club in Greenpoint, Brooklyn, estimates his club cancels 20 percent of events because of raw sewage in Newtown Creek.

“For us as paddlers, the tides, the wind and combined sewer overflow, those are the three things that determine if it is safe to go out,” said Thompson.

New York, along with an estimated 800 other cities nationwide, has what is called a “combined sewer system”, meaning that sewage, waste water and storm water all end up in the same pipe en route to our wastewater treatment facilities.

When it rains, these pipes can fill quickly and the combined wastewater, known as “combined sewer overflow” or C.S.O., is often pushed through emergency outfall pipes that empty into nearby waterways.

To combat this long-standing problem, the city’s Department of Environmental Protection is in the process of designing new sewer infrastructure to curb the estimated 20-billion gallon annual C.S.O. flow.

But environmental advocates say that the city and state are designing the plans using an antiquated water quality standard that will leave the water unfit for human use, even once it is “clean.”

“The standards that New York state has right now are decades out of date and E.P.A. has failed to force the state to update them,” said Larry Levine, a senior attorney with the National Resources Defense Council.

As a result, Levine and a coalition of groups are [suing the Environmental Protection Agency](#) (E.P.A.) for neglecting to make the state, and in turn the city, use current standards – forcing a three-way confrontation between advocates, Trump administration officials and budget-worried city and state leaders.

These kinds of lawsuits from environmental interests are common — and advocates say they are simply trying to push New York state to comply with the Clean Water Act.

But under the Trump administration, the case may face a new obstacle. In November, E.P.A. administrator Scott Pruitt announced that the agency will begin treating suits brought by environmental groups differently than past administrations.

Pruitt has [accused activists of using these so-called "sue and settle" suits](#) to force the creation of new regulation through the courts, a notion widely debunked by legal scholars.

Instead of settling suits where E.P.A. is in violation, Pruitt has vowed to fight them in court, which could prove costly and time-consuming.

At Newtown Creek, Sewage and Superfund

A serpentine waterway dividing Brooklyn and Queens, Newtown Creek absorbs around one billion gallons of sewage per year destined for the Greenpoint Wastewater Treatment Plant, a facility that processes sewage created by around one million New Yorkers across Brooklyn, Manhattan and Queens.

Willis Elkins, program manager for the Newtown Creek Alliance, a local community organization, tests the water quality weekly and frequently captures video of the mucky brown sewage outfalls which he posts to the group's Facebook page.

“There is a lot of opportunity, but right now the contamination prevents the ability of people to utilize the creek for anything, really,” said Elkins.

C.S.O, has been an issue in New York City since the construction of the city's modern sewer system in the 1850s.

Work by government agencies over the last 40 years has helped curtail the quantity of overflow. In the 1980s, it was estimated that 120 billion gallons of sewage entered NYC waterways annually – 100 billion gallons more than today.

These are big gains, but water advocates say the amount of sewage is still unacceptable.

“It's frustrating because it's a coastal city,” said ,” said Korin Tangtrakul, a member of S.W.I.M., a coalition of over 40 water advocacy groups across the city. “We have 520 miles of coastline and people are using the waterways all of the time.”

Although perhaps under the radar for many New Yorkers, waterways like Newtown Creek remain arteries of activity – and can pose serious health hazards.

“After C.S.O. release, the water is full of raw sewage. Any contact with it is potentially risky,” said Thompson.

Exposure to sewage can lead to gastroenteritis, pink eye, rashes, meningitis, hepatitis and other maladies. Children, pregnant women, the elderly or anyone with a weakened immune system are vulnerable to more serious health risks.

“I think when we look at how much this is going to cost and how much it has improved over the last 40 years, we've lost sight of what people are experiencing and what people who are using the waterways are already dealing with and seeing,” said Tangtrakul.

On a sunny early September morning, Elkin's motorboat glides over dark water of Newtown Creek, piercing through the surface's oily sheen, a remnant of the creek's other polluter – industry.

Originally home to the Lenape, the creek was an active waterway before the arrival of Europeans. In the 1700 and 1800s, the area became a hub of industrial activity, with tanneries, animal rendering plants and eventually oil refineries lining its banks – and dumping their dregs into its waters.

Since the 1970s, the practice of emptying industrial waste into the creek has decreased and some wildlife has returned.

“The creek is in a better place now, environmentally, than it has been in anyone’s life time who is still alive,” said Elkins.

But there remains plenty of work to do. In 2010, Newtown Creek was named a federal Superfund site by the E.P.A., a designation reserved for areas with high levels of industrial pollution in need of extensive cleanup.

To make Newtown Creek safe for recreational use and animal wildlife, industrial pollutants will need to be removed from the waterway and C.S.O. outflows lessened.

This will require work by the city, state and federal government under both the Clean Water Act of 1972 and Superfund law.

“Ostensibly Superfund is about chemicals of concern and the Clean Water Act is more focused on biological issues,” said Elkins. “They are looking at different kinds of pollution, but one of the joining concerns is C.S.O.”

For the moment, the two processes are moving forward simultaneously at the creek: a city-led process to reduce C.S.O and the federal Superfund clean-up.

“There is some lack of clarity about how the two processes interact,” said Elkins. “We want a clean creek and we don’t care what acronym of federal jurisdiction is behind that.”

How Clean is Clean Enough?

Levine and others involved in the lawsuit contend that when it comes to enforcing New York state’s responsibility to clean up the water, E.P.A. has been asleep at the wheel.

“Even when there has been relatively strong leadership at E.P.A., they have been deferential to the state when it comes to this issue of sewage overflows in N.Y.C.,” said Levine.

Recreational water quality is measured via the presence of selected bacteria, known as fecal indicator bacteria, dissolved oxygen levels and other factors. Before the mid-1980s, most states nationwide and the E.P.A. used fecal coliform as an indicator bacteria, which reflects the amount of human and animal sewage in a given waterbody.

But scientists soon produced evidence that monitoring instead for enterococcus, an indicator bacteria present in the human gut was a more rigorous standard for evaluating water quality, since it reflects the amount of human sewage present in the water. As a result, the source that can be more precisely measured and controlled.

States began following suit and in 2012, the E.P.A. made enterococcus the standard nationwide.

Five years later, the New York State Department of Environmental Conservation, the body that sets the state's water quality standards, is still using fecal coliform as the state's indicator bacteria, one of a small remaining handful of states that have not made the change.

Citing the pending litigation D.E.C. and E.P.A. declined to comment in-depth on why the standard remained— although some advocates said they suspect fiscal concerns may be at the root of the state's reluctance.

“The E.P.A. is working close with New York State and New York City on water quality management to protect and improve the quality of life for all New Yorkers,” said Tayler Covington, spokesperson for E.P.A. Region 2. “We are committed to using a variety of tools and programs to achieve our clean water goals.

At the same time, the state has mandated that the city do more to tackle sewage overflow issues and as a result the city's Department of Environmental Protection (D.E.P.) has overseen the creation of “long-term control plans” for 12 waterways throughout the city, including Newtown Creek.

These plans aim to cut down the flow into waterways by absorbing more storm water back into the ground through green infrastructure, such as parks and rain gardens and capturing water in new diversion tanks before it overflows.

At Newtown Creek, a new overflow pipe to divert storm water, waste water and sewage, will be completed in 2042, along with other portions of the plan.

On a chilly mid-November evening, over 100 New Yorkers, many from community water groups throughout the five boroughs, packed into an auditorium at the CUNY School of Law to attend D.E.P.'s annual public water quality meeting.

In almost two hours of presentations, D.E.P. representatives gave an overview of their progress in designing and implementing the long-term control plans, and responded to questions from the engaged, and at times seemingly frustrated, audience.

For each waterway, they provided figures comparing compliance under the two standards. For most places, compliance with the fecal coliform standard was close to 100 percent – meaning the water would be “clean” by this measure nearly all of the time, but under enterococcus, compliance, on average, fell around 50 percent.

“So what we end up with is these plans where they are able to put up these bar graphs and say ‘our plans meet the standards,’ but if they were held to that higher standard, their plan would be nowhere near meeting the standard,” said Levine.

Under the new plans, the city will invest close to 4.5 billion dollars and reduce the amount of sewage entering waterways from 20 billion to around 18 billion gallons in the 2040s.

“We’re trying to hit this point home, we’re coming to this point of diminishing returns,” said Angela Licata, the deputy commissioner of sustainability for DEP. (1:20:36)

To significantly reduce sewage, the city estimates it will need to spend around \$30 billion, but argues that the reductions carried out through the plans will be good enough to bring them into compliance with the current state water quality standards, and that re-working them for enterococcus isn’t worth it.

“Although the Long-Term Control Plans evaluated compliance with the enterococcus criteria, if the water quality criteria were changed, the approved L.T.C.P. projects would likely need to be changed or in some cases entirely new projects would need to be developed at significant expense, with potentially only marginal improvement in water quality,” said Ted Timbers, director of communications for D.E.P.

The group of plaintiffs in the suit disagree.

“D.E.P. long-term control plans are going to get to existing water quality standards already decades old and out of dates, and get to them 25 years from now,” said Levine.

Now, it will fall to a federal judge to decide whether or not the E.P.A. must force the state to update the standard.

“Sue and Settle”?

The idea of “sue and settle” dates back to the Reagan administration, but gained additional momentum in conservative circles during the Obama years, heralded by groups like the right-leaning [U.S. Chamber of Commerce](#).

Under this “practice” environmental groups sue the E.P.A. for things they want, such as policy changes or new regulations. E.P.A., which conservatives assert is filled with environmentalist allies, welcomes these suits and then quickly settles and makes new policy – all outside of proper legislative channels.

“This is all P.R. by Pruitt,” said Professor Robert Percival, director of the environmental law program at the University of Maryland School of Law. “It’s sort of a fantasy to think the E.P.A. was regularly colluding with environmental groups.”

Experts, [including a group of 57 former E.P.A. attorneys](#), say this is not how these suits work – and is a fundamental misinterpretation of their possible outcomes. Under the law, groups can only sue when the E.P.A. misses deadlines or fails to uphold laws that are already on the books, not when they think a policy is wrong or unfavorable.

“I heard someone describe Pruitt’s memo as ‘a solution in search of a problem,’ because the problem didn’t really exist,” said Percival.

Pruitt's memo vows to fight suits brought by environmental groups, instead of settling when the agency is at fault and paying the plaintiff's legal fees, which is the current practice.

"When the federal government breaks the law, it has no defense," said Scott Slesinger, the director of the environmental law program at the Natural Resources Defense Council.

The memo also pledges to do more to include states when they are involved or affected by suits, which environmental groups worry may be problematic in cases where states themselves are the party that have failed to enact federal standards.

"It's great to be working cooperatively when they can, but the whole point of our lawsuit is that it hasn't been effective for E.P.A. to try to cajole the state – and years and years have passed and decisions are being made about these long-term plans for what is going to happen for the next 20 years to clean up sewage and they're being made under the wrong standard," said Levine.

Groundwork for this suit began in 2016 and was officially filed in July 2017.

"The original violation by EPA wasn't under Trump but it falls to Trump to see how they're going to deal with it," said Levine.

At the end of November, Joon H. Kim, the acting United States attorney for the Southern District of New York representing E.P.A., requested a stay of the case, citing that the state and the E.P.A. were working actively to update the standards and asked for more time.

But Levine and his fellow plaintiffs are skeptical that E.P.A. and the state will update the standards – or at least do it soon, a move which he sees as deference to the state, and not to national law.

"They had a long time already, we don't take them at they're say so that there are going to do this in a timely manner," said Levine.

The plaintiffs expect their chance of settlement are low and are preparing to go to trial.

At Newtown Creek, the road ahead is long, but things are moving slowly.

"I am just happy they are doing something," said Dewey Thompson.

Chapter 2: The Wolff-Alport Chemical Company

Trump E.P.A. Pledges to Clean Up N.Y.C's Most Radioactive Site – But Funding is in Question

By Annie Nova and Sarah Stein Kerr

Teaser: *The Trump administration recently announced a \$40 million cleanup for the city's newest Superfund. What happens next will be a test for E.P.A head Scott Pruitt.*

The Trump administration is taking on its first Superfund cleanup in New York City – that is, assuming it has the money.

Last month, a \$40 million plan to remediate a long radioactive site in Queens where highly toxic materials were once poured into city sewers was unveiled by local officials of the Environmental Protection Agency. Known as Wolff-Alport for the chemical firm that was once located there, the site sits on an industrial stretch in the Ridgewood neighborhood of Queens. About three-quarters of an acre in size, the site currently houses a deli, an auto-shop and four other businesses. The E.P.A. counts a public school, a bar and some 300 residences within the site's immediate vicinity.

Wolff-Alport, the newest of the city's three designated Superfunds, was added to the E.P.A.'s Superfund priority list in 2014. The move came after surveys identified radioactivity throughout the property, including below public sidewalks and streets, and in nearby sewers.

Going after such sites has been declared a priority for new E.P.A. administrator Scott Pruitt, a former attorney general of Oklahoma who's views on the environment make him one of the President's most controversial appointees. Before assuming the post, Pruitt sued the agency repeatedly and still maintains that climate change is not the result of human activity.

But if he's a climate change doubter, Pruitt has proclaimed himself a Superfund believer. In a memo this summer, Pruitt wrote: "My goal as Administrator is to restore the Superfund program to its rightful place at the center of the agency's core mission."

Judith Enck, former regional E.P.A. administrator for New York who pushed to get Wolff-Alport on the Superfund list, said she remains skeptical of Pruitt's public declarations in support of cleaning up these hazardous waste sites.

"You can't be the E.P.A. administrator and not stand for anything," Enck said. "So he's latched on to Superfunds. But at the same time, he's cutting the budget, so it kind of rings hollow."

President Donald J. Trump has proposed cutting \$327 million – or around a third – of the nation's annual Superfund budget. Regardless, spokeswoman for the E.P.A Taylor Covington, said that the agency is committed to cleaning up Wolff-Alport.

“There are no plans to change any of the cleanups for the three New York City Superfund sites,” said Covington. “We are in the budgetary process and final funding levels will not be settled until Congress acts.”

But experts on the Superfund program contend that even the current funding levels are still well below what is needed to clean up the nation’s many contaminated sites.

The E.P.A. announced the cleanup plan for Wolff-Alport in late September. The site’s remediation calls for all tenants to be permanently relocated, all buildings to be demolished and sewers to be replaced. The contaminated soil will be transported to a waste landfill.

All told, the cleanup will cost \$39.9 million. But exactly where those funds will come from remains a question.

The E.P.A. maintains an account for each Superfund in which money allocated for the cleanup are held. The Wolff-Alport-designated bank account currently holds just a little over \$650,000, Thomas Mongelli, E.P.A. project manager of the site, told WNYC.

Usually, it’s the original polluters who are responsible for picking up the tab for cleanups.

At Newtown Creek, a heavily polluted waterway that borders Brooklyn and Queens, six potentially responsible polluters have been identified. The Gowanus Canal in southern Brooklyn has more than 30 known polluters. Wolff-Alport, on the other hand, is considered in E.P.A. terminology an “orphan,” which means that the original polluter is defunct and can’t be relied upon for payment.

“There is a good chance that most of this money is going to need to come from the federal Superfund program and federal Superfund is running on fumes,” Enck said. Beginning in the 1980s, a tax on Superfund polluters amassed funds for cleanup in a trust account. But that provision expired around 1995, and the account has since languished. Although there are no official estimates of the cost to clean up all of the country’s polluted sites, Kate Probst, author of a report to Congress, “Superfund’s Future: What Will It Cost?,” said the \$280 million account balance is woefully insufficient.

Although annual congressional appropriations for Superfunds were meant to compensate for the trust account’s decline, these appropriations have also steadily dwindled. Federal contributions for Superfund cleanup have fallen from \$2.1 billion in 1999, to an annual budget of \$1.2 billion by 2013, according to the Office of Government Accountability.

This has stunted the cleanup work at the nation’s most contaminated sites, Probst said. “If they had more money, they probably would have cleaned up more sites, or gotten construction completed on more sites. We know the number of cleanups are slowing,”

she said, adding that she expects there will be more disruptions due to the funding shortages. "That is the tip of the iceberg," Probst said.

City officials are also worried that the feds may be low-balling the costs of cleaning up Wolff-Alport. In an August letter to the E.P.A., Haley Stein, a lawyer with the New York City's law department, stated that the city "believes that E.P.A. significantly underestimates the cost and feasibility of implementing its preferred alternative."

City officials declined to detail the reasons for their skepticism.

At an E.P.A. meeting about the site in Queens this summer, a handful of residents also expressed concerns about the Trump administration's plan to cut the Superfund budget and how that would affect Wolff-Alport's cleanup.

Walter Mugdan, acting deputy regional administrator for E.P.A. region 2, was frank in his response.

"Do I know how this site will rank against others? I don't," Mugdan told residents, according to a transcript of the meeting. "But I do know radioactive materials are [a] serious concern and what we do know is that people are actually being exposed."

Indeed, *The New Yorker* dubbed Wolff-Alport, "The most radioactive place in New York City," in a 2014 [video story](#), which recounts the site's fascinating history.

In the 1920s, two business partners Harry Wolff and Max Alport founded the Wolff-Alport Chemical Company. At the factory, workers processed monazite sand to extract rare earth metals – a highly toxic procedure. By the 1940s, the Atomic Energy Commission, the successor of the Manhattan Project, started buying radioactive thorium from the site. In the 1950s, the factory shuttered.

Norman Kleiman, director of the Eye Radiation and Environmental Laboratory at Columbia University, said the E.P.A. had an obligation to clean up the site. Radiation there is "well above the average terrestrial exposure even in New York City," Kleinman told WNYC.

"People are especially concerned about exposure," Kleinman added, "and from a public policy and public health point of view, it's important to allay fear."

Risks to passersby and casual visitors to the site are likely minimal, however, he said. "We get radiation from the sun, from the stars, so we live and are bathed in a radioactive world."

But for those who labor at the site everyday, the risks associated with Wolff-Alport's radiation are higher.

On a sunny, autumn afternoon, Alberto Rodriguez, owner of Los Primos Auto Body Repair and Sale, was especially busy with cars to fix. His shop is one of the businesses

that the E.P.A. has said will need to relocate. Rodriguez said he has yet to hear from the federal agency as to when he has to move or how much compensation he'll receive.

He's also concerned about the years he's spent at the radioactive site.

"I'm worried because this doesn't just happen immediately, especially things like cancer," Rodriguez, who is originally from the Dominican Republic, said in Spanish. "It happens over time."

Over the years, there were numerous warnings about the site's toxicity. In the 1980s, the E.P.A. reviewed the old chemical site but did not take immediate action. But in 2012, a [report](#) by the federal Department of Health and Human Services found that "pedestrians who frequently use the sidewalks of Irving Avenue may have an elevated cancer risk from exposure to ionizing radiation."

After reading that report, Enck said she rushed to convene city, state and E.P.A. officials to begin working on a cleanup plan. "It seems like government agencies knew about the contamination for quite a long time," Enck said.

In 2014, the E.P.A. installed large steel and concrete slabs over hotspots where radioactive waste remains buried.

The federal agency estimates that the cleanup will take 17 months – a pretty quick timeline. One of Pruitt's main priorities at Superfunds is redevelopment, and he says his first goal in this effort is "expediting cleanup."

Although this focus on speed and development has some environmental experts concerned.

"I, like many people, was struck by the number of recommendations that had to do with redevelopment and reuse," Probst said, referring to Pruitt's Superfund [task force](#). "Are they going to decrease cleaning standards? To the extent that you're allocating funds to redevelopment and reuse, and you don't have as much money as you need, it's a zero sum game – if they're going to reuse, they're not going to something else."

Besides being an "orphan" in the technical sense, Wolff-Alport is also an orphan in terms of neighborhood concern. There are few residents involved at the site and no organized community groups.

While the other two city Superfunds – Newtown Creek and Gowanus Canal – are farther along in the cleanup process, residents and nonprofits are monitoring the work there.

For example, the Gowanus Canal has an active [community advisory group](#) and residents who meet regularly to discuss the site.

Katia Kelly, who lives nearby, runs a [blog](#) where she chronicles the stages of the Gowanus's cleanup.

“If residents are involved and care enough to take part in the process, cleanups move forward quicker,” Kelly said. “We still try to have the community's voice heard against the special interest groups and organizations.”

Although the E.P.A. declared Wolff-Alport a Superfund three years ago, the City [only lists](#) The Gowanus and Newtown Creek as its Superfunds.

Chapter III: The Gowanus Canal

Trump's E.P.A. Could “Spell Trouble for the Gowanus”

By Annie Nova and Sarah Stein Kerr

Due to the industrial and human waste floating through it, the Gowanus Canal was dubbed a public nuisance in 1877.

Since, it has only become filthier.

Today the almost 2-mile long waterway that snakes through three Brooklyn neighborhoods poses an “unacceptable ecological and human health risk,” according to the Environmental Protection Agency, which declared it a national Superfund, or one of the country's most polluted sites, in 2010.

Finally, 150 years later, the canal is starting to be cleaned.

But this work begins just as the Trump administration is weakening the E.P.A.'s ability to go after polluters, and this could encourage these parties, who are supposed to pay for and carry out the long-awaited cleanup, to neglect their responsibilities at the site, according to lawyers, former E.P.A. employees and local activists who have been monitoring the cleanup effort.

In 2013, the E.P.A. issued a so-called record of decision for the Gowanus Canal, a legal document that commits the government to cleaning a hazardous site. But the quality and timeline of a Superfund's cleanup is often largely determined by the polluters that the E.P.A. identifies, since they come up with the project's funding as well as plan and implement how to clean up the site.

The E.P.A. is supposed to supervise the work and hold the polluters to account. Without such enforcement, companies are unlikely to take the project seriously, said John Cruden, former assistant attorney general for the Department of Justice's Environment and Natural Resources Division. “If they think they can delay because nothing bad is going to happen to them, they're likely to do that,” Cruden said.

Judith Enck, former regional E.P.A. administrator for New York, said that enforcement is a critical part of the Superfund program. “Rarely does a polluter come forward and raise their hand, and say ‘Yes, this is my pollution’,” Enck said. “And I’m going to pay a certain percentage’.”

The Gowanus Canal is an illustration of that frequent, and fervent, denial. The E.P.A. has singled out some 30 companies that it claims are responsible for the canal’s contamination. The majority deny wrongdoing.

One of those companies is Kraft Foods. The company’s predecessors are reported to have discharged toxins into the waterway through its uses of tartaric acid on the canal from 1883 to 1945. But in an interview, Kraft lawyer Daniel Riesel suggested that the company was being targeted by the government because of its resources. “If you want to recover money to build out your \$600 million project, who would you sue? Mom and pop? Or a Fortune 500 company?”

Riesel, an environmental lawyer, said his research shows that Kraft’s predecessors discharged only harmless substances into the canal and “would resist lawfully and legally if it comes to the courts.”

Chevron is another company that the E.P.A. says is a responsible party because of its predecessors, but denies culpability. Leah Casey, a spokeswoman for the company, said “extensive research” on the operations of Pure Oil Company has excluded it “as a liable party for the conditions at the Gowanus Canal Superfund.”

Bob McGee, a spokesman for Con Edison, another company blamed for the canal’s pollution, contradicted the E.P.A.’s conclusion.

“No determination of liability or the extent of responsibility has been made at this time,” McGee said. “Con Edison had no operations on the Gowanus Canal and no direct discharges into the canal.”

Walter Mugdan, regional director of the E.P.A.’s Superfund division for New York, said the agency doesn’t need all of the identified polluters to acknowledge their role for the work to get done. It only needs enough funds and participation for the cleanup to move forward.

“At the moment, we’re aware that there are people who’re uncomfortable with the way the process is going, or with the process itself,” Mugan said, speaking about the identified polluters. “But the most important thing is there are two major potentially responsible parties who’re doing the actual work.” (National Grid and New York City). And the design of the cleanup, he said, was moving ahead smoothly so far.

Under Trump, Environmental Enforcement Fades

In September, *The New York Times* reported that Pruitt's proposed fiscal year 2018 budget slyly slashed funding for Cruden's former division within the Department of Justice that handles Superfund litigation on behalf of the E.P.A. — a key enforcement mechanism for the agency when polluters are not complying.

The proposed cuts were not honored in draft budgets proposed by Congress and the Senate, however the effort sends a clear signal to environmentalists about this administration's priorities, said Justin Pidot, an associate professor at the University of Denver focused on environmental law. "It seems like a very strange place to be trying to put pressure, other than the goal is to let companies off the hook," Pidot said.

But the Trump administration doesn't even need to get its wishes turned into law to fulfil parts of them, Enck said. "I think it's really hard to get a bill through Congress to repeal an environmental statute," Instead, she said, "they're doing a strategy of death by one thousand cuts."

Indeed, since Trump's inauguration, over 700 employees have left the E.P.A. Only a small fraction have been replaced and morale within the agency is said to be low. "It isn't just enough to have money, you have to have people who do oversight," Cruden said.

In addition, during the first six months of their presidencies, the Justice Department under Trump collected on average 60 percent less civil penalties from polluters than Barack Obama or George W. Bush, according to a report by the [Environmental Integrity Project](#).

Last spring, Trump nominated lawyer Susan Bodine to be head of the E.P.A.'s Office of Enforcement and Compliance Assurance. Before joining the government, Bodine represented companies accused of pollution. She also was a partner at Barnes & Thornburg, a firm which has lobbied for more lenient Superfund laws, and [lists](#) two of the Gowanus's polluters as its clients: CitiBank and Beazer Homes.

Enck said that all of these changes to the agency could complicate the historic work at the Gowanus. The agency has cleaned up only around 20 waterways since its birth in 1970, according to Cruden. That's because the remediation of waterways is incredibly complex and expensive. The canal's cleanup is expected to cost more than \$500 million.

"This moment when E.P.A. staff is being cut and Pruitt is trying not to pay for the lawyers at the D.O.J could really spell trouble for the Gowanus Canal," Enck said.

Polluters delay

Two primary polluters, National Grid and the City of New York, are leading the Gowanus Canal cleanup, with a handful of other parties showing cooperation. But, at times, their way of doing things has slowed the process.

“We, E.P.A., have had a different management approach than the P.R.P. (potentially responsible parties) group has had,” said Christos Tsiamis, E.P.A.’s project manager for the Gowanus. “With our approach things could move at a faster pace and we are trying to figure that out with the P.R.P group.”

Some worry these delays may get worse under Trump.

Katia Kelly, an activist who sits on the Gowanus Canal’s community advisory group, attended a meeting in May 2017 with residents and E.P.A. officials, where she felt the new political climate was ushering in signs of further slowdown.

“Obviously the P.R.P.s are taking full advantage of the Trump administration's gutting of the EPA,” Kelly wrote in her blog [Pardon Me for Asking](#) after the meeting. “The Gowanus community should be outraged by any possible delays in the clean-up of our toxic waterways and should voice its protest loudly and clearly.”

Marlene Donnelly, another [vocal activist](#), said that even the leading polluters could become a problem. “[National Grid] wanted to do studies that aren't necessary,” she said. “They've been dragging their feet.”

And she expressed concern about a weaker E.P.A. under Trump. “Enforcement is the only way to make sure that what is in the record of decision actually takes place.” New York City is another leading polluter that has shown signs of resistance at the Gowanus Canal. It is responsible for the canal’s contamination because of its combined sewer system. Built in the mid-1800s, the sewers were designed to discharge directly into the ocean. When it rained, the pipes overflowed sewage, industrial discharge and stormwater into the canal. When wastewater treatment plants were built and sewers were upgraded in the 20th century, levels of sewage in the canal decreased, but were not fully eliminated.

The city left the canal in its putrid state for decades. When the E.P.A. began investigating the waterway, both former Mayor Michael Bloomberg and then-councilman Bill de Blasio insisted the city could clean the canal without federal leadership. Some critics claimed that the city didn’t want the “Superfund” title in an area it hoped to develop.

But in the end the E.P.A. intervened and the Gowanus became a Superfund site in 2012. Now, as a polluter, the city is undertaking a lengthy and expensive route to fill its requirements at the site, which [critics say](#) is unnecessary and yet another way to drag out the process.

“It’s all about money, this is the city’s M.O. all the time,” said Enck. “They try to slow-walk things, so they don’t have to pay as much money as quickly as is needed.”

But it’s more important than ever that the canal be cleaned, Kelly said. The city has signalled that it might [rezone](#) the neighborhood. At the same time, the boroughs [expect](#)

to be visited by more natural disasters like Superstorm Sandy, which spilled the Gowanas Canal's toxic waters onto sidewalks and into people's basements.

“The city is pushing for development,” Kelly said, “and bringing more people that will be in contact with the water.”