

**New York State Department of Environmental Conservation
Division of Environmental Remediation**

Remedial Bureau B, 12th Floor

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Joe Martens
Commissioner

May 30, 2013

Ms. Tracey Bell
Assistant Vice President
NYC Economic Development Corporation
110 William Street
New York, NY 10038

Re: Parcel E, OU3, Hunts Point Food Distribution Center
Site ID No. V00682
City of New York, Bronx County
Remedial Work Plan & Decision Document

Dear Ms. Bell:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Remedial Work Plan (RWP) for the Parcel E, OU3, Hunts Point Food Distribution Center site dated April 19, 2013 and prepared by HDR on behalf of the New York City Economic Development Corporation. The RWP is hereby approved. Please ensure that a copy of the approved RWP is placed in the document repository(ies). The draft plan should be removed.

Attached is a copy of the Department's Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repository(ies).

Please contact the Department's Project Manager, Ronnie E. Lee, P.E., at (518) 402-9768 or rslee@gw.dec.state.ny.us at your earliest convenience to discuss next steps. Please recall the Department requires five (5) days notice prior to the start of field work.

Sincerely,

Robert J. Cozzy
Director
Remedial Bureau B
Division of Environmental Remediation

Enclosure

ec w/attachments:

R. Schick, DEC

R. Cozzy, DEC

J. Moras, DEC

R. Lee, DEC

J. Crua, DOH

S. Selmer, DOH

A. Aguilar, NYCEDC

A. Stowe, HDR

D. Greene, Esq., NYCLD

DECISION DOCUMENT

Parcel E, OU3, Hunts Point Food Distribution Center
Voluntary Cleanup Program
Bronx, Bronx County
Site No. V00682
May 2013



Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

Parcel E, OU3, Hunts Point Food Distribution Center
Voluntary Cleanup Program
Bronx, Bronx County
Site No. V00682
May 2013

Statement of Purpose and Basis

This document presents the remedy for the Parcel E, OU3, Hunts Point Food Distribution Center site, a voluntary cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and applicable guidance.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Parcel E, OU3, Hunts Point Food Distribution Center site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the remedy are as follows:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;
 - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
 - Reducing direct and indirect greenhouse gases and other emissions;
 - Increasing energy efficiency and minimizing use of non-renewable energy;
 - Conserving and efficiently managing resources and materials;
 - Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
 - Maximizing habitat value and creating habitat when possible;
 - Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
 - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.
2. A Site cover will be required to allow for commercial use of the site. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site

development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of one foot of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use. The soil cover will be placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

3. Imposition of an institutional control in the form of a deed restriction for the controlled property that:

- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- requires compliance with the Department approved Site Management Plan.

4. A Site Management Plan is required, which includes the following:

- a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Deed Restriction discussed in Paragraph 3 above.

Engineering Controls: The soil cover discussed in Paragraph 2.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the deed restriction including any land use, and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the

institutional and/or engineering controls.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

May 30, 2013



Date

Robert Cozy, Director
Remedial Bureau B

DECISION DOCUMENT

Parcel E, OU3, Hunts Point Food Distribution Center
Bronx, Bronx County
Site No. V00682
May 2013

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The Voluntary Cleanup Program (VCP) is a voluntary program. The goal of the VCP is to enhance private sector cleanup of brownfields by enabling parties to remediate sites using private rather than public funds and to reduce the development pressures on "greenfields." This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

New York Public Library
Attn: Ms. Hetley
877 Southern Boulevard
Bronx, NY 10459
Phone: 718-617-0338

New York City Economic Development Corporation
Attn: Tracey Bell
110 William Street
New York, NY 10038
Phone: (212) 312-3752

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <http://www.dec.ny.gov/chemical/61092.html>

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:

The 6-acre Site is located in the northwestern portion of the Hunts Point Food Distribution Center (HPFDC) in NYSDEC Region 2, Bronx County. It is bounded to the north by the Con Ed Gas Compressor Station Voluntary Cleanup Program (VCP) Site (VCP Site No. V00605), to the west by Halleck Street, to the east by HPFDC Site E, Operable Unit No. 2 (VCP Site No. V00681), and to the south by HPFDC Site A (VCP Site No. V00233).

Site Features:

The land is flat and graded. The western portion of the Site is covered with approximately 6 inches or more of gravel and vegetation. The central portion of the Site contains a vegetated area, and the eastern portion of the Site contains a large concrete pad which is surrounded by a nearly finished concrete foundation wall on the north, west and east sides.

Current Zoning/Uses:

The Site is currently inactive and zoned for commercial use. The surrounding parcels within the HPFDC are used for a combination of commercial and heavy manufacturing uses.

Historic Uses:

Contamination exists on the site due to the historical occupancy of the HPFDC by the Consolidated Edison coal gasification facility or manufactured gas plant (MGP) which operated from 1925 through the early 1950s. The MGP process has been known to yield large quantities of by-products including polycyclic aromatic hydrocarbons (PAHs), light aromatic hydrocarbons, phenolic compounds, miscellaneous organic compounds, and various inorganic compounds such as iron, lead, copper, zinc, sulfides, cyanides and nitrates. The site is located upgradient of the former location of the main MGP facility, and, therefore, does not appear to be significantly impacted by MGP wastes.

Site Geology and Hydrogeology:

Generally, a 6-inch to 1.5-foot gravel layer overlays most of the site. Under the gravel is a 2.5 to 5-foot thick layer of fill containing brown sand/silt which is underlain by 2 to 6 feet fill primarily consisting of coal ash. Below the coal ash layer is the native clay layer which appears at various depths below the ground surface (bgs). On-site groundwater flows towards the east in the general direction of the Bronx River, and is typically encountered just above the clay layer at a depth of approximately 7 to 12 feet bgs.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, at a minimum, alternatives (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in DER-10, Technical Guidance for Site Investigation and Remediation were/was evaluated.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The voluntary cleanup agreement is with a Volunteer. If the Volunteer elects not to complete the remedial program under the VCP, the Department will make a determination if the site poses a significant threat to human health and the environment. If the site is determined to pose a significant threat, the Department will approach the potentially responsible parties (PRPs) to implement the remedy. PRPs are those who may be legally liable for contamination at a site. This may include past or present owners and operators, waste generators, and haulers.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess

groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: <http://www.dec.ny.gov/regulations/61794.html>

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

Methyl-tert-butyl ether (MTBE)	Benzo(a)pyrene
Polychlorinated biphenyls (PCB)	Benzo(b)fluoranthene
Benzo(a)anthracene	Chrysene

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater
- soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

The following IRM(s) has/have been completed at this site based on conditions observed during the RI.

IRM PCB Removal

Based on the results of the site investigation, it was determined that on-site soils in a targeted area were impacted with polychlorinated biphenyls (PCBs). An Interim Remedial Measure (IRM) was conducted in February 2012 which included the excavation of approximately 200 tons of soil that contained significant levels of PCB contamination. All on-site soils which exceeded commercial Soil Cleanup Objective (SCOs), as defined by 6 NYCRR Part 375-6.8, were excavated and transported off-site for disposal. Recycled concrete aggregate (RCA) from a NYSDEC-permitted facility was brought in to backfill the excavation to grade.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:

Based on the Remedial Investigation, the primary contaminants of concern at the site include polychlorinated biphenyls (PCBs), methyl tert-butyl ether (MTBE), benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, and chrysene.

Groundwater - MTBE was found in groundwater at concentrations exceeding the groundwater standard (10 parts per billion [ppb]), with a maximum concentration of 370 ppb which was found in piezometer PZ-2. The MTBE concentration level in PZ-2 appears to be an isolated area of contamination. Its origin is not known but it does not appear to be on-site. All soil samples collected near this location did not show any detectable levels of MTBE or related compounds.

Soils - Concentrations of PCBs found in surface soils on-site (as high as 15 parts per million [ppm]) exceeded the Track 2 soil cleanup objective (SCO) for commercial use (1 ppm). Concentrations of benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene and chrysene were found in on-site soils at levels slightly above the Track 2 SCO for commercial use.

Soil Vapor - The soil vapor samples were collected in February 2005, prior to the October 2006 Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York, so the sampling procedures used may not be consistent with what is included in the October 2006 Final

Guidance. The February 2005 soil vapor results indicated that volatile organic compound (VOC) concentrations were very low in each sample with a maximum concentration of 51 µg/m³ of benzene in one sample.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

The site is completely fenced, which restricts public access. However, persons who enter the site could contact contaminants in the soil by digging or otherwise disturbing the soil. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not contaminated by the site. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Because the site is vacant, the inhalation of site-related contaminants due to soil vapor intrusion does not represent a current concern.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface

water contamination.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation.

The selected remedy is referred to as the Site Cover remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;
 - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
 - Reducing direct and indirect greenhouse gases and other emissions;
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 - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.
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- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
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- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- requires compliance with the Department approved Site Management Plan.

4. A Site Management Plan is required, which includes the following:

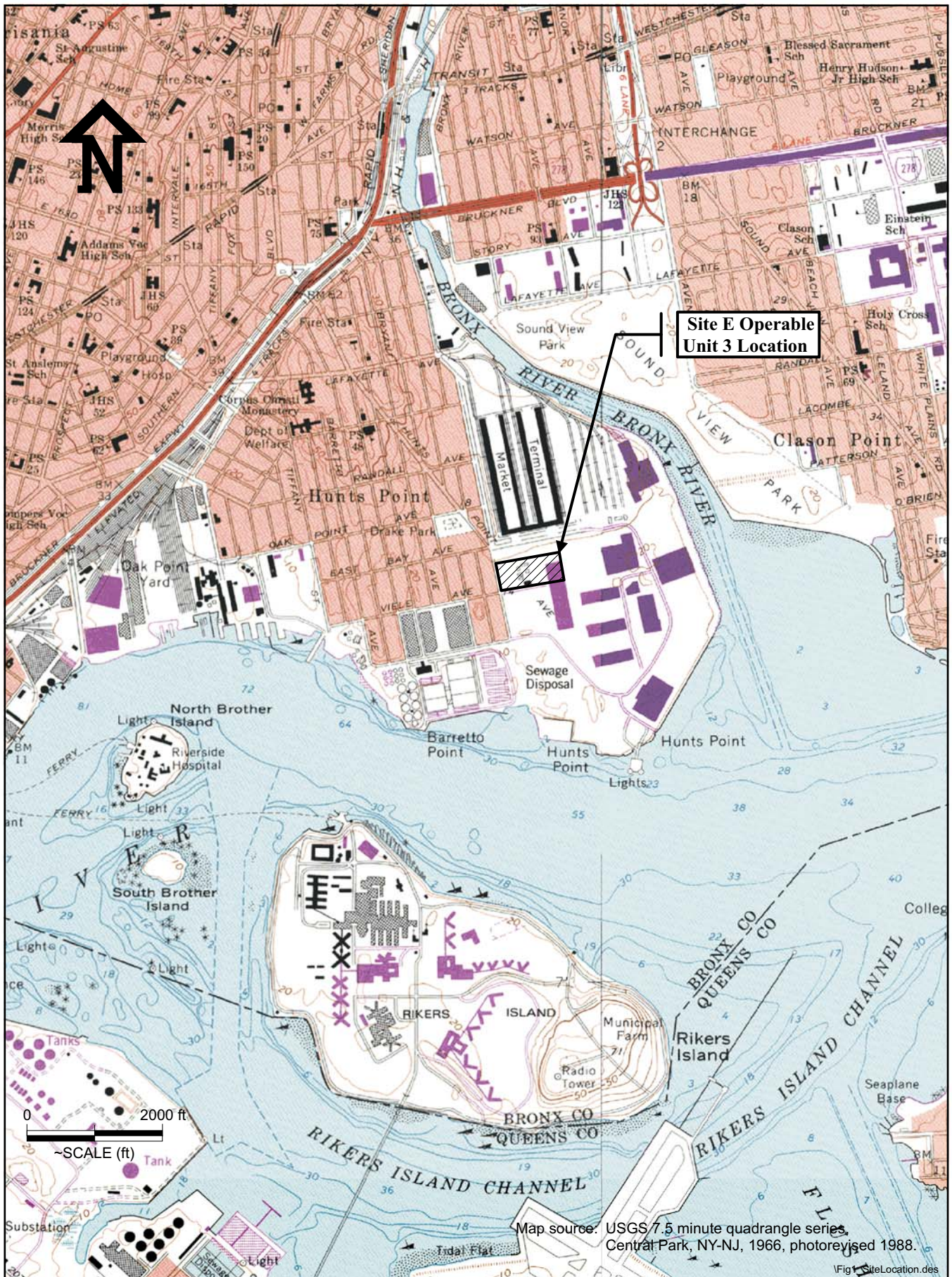
- a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

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Engineering Controls: The soil cover discussed in Paragraph 2 above.

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- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.



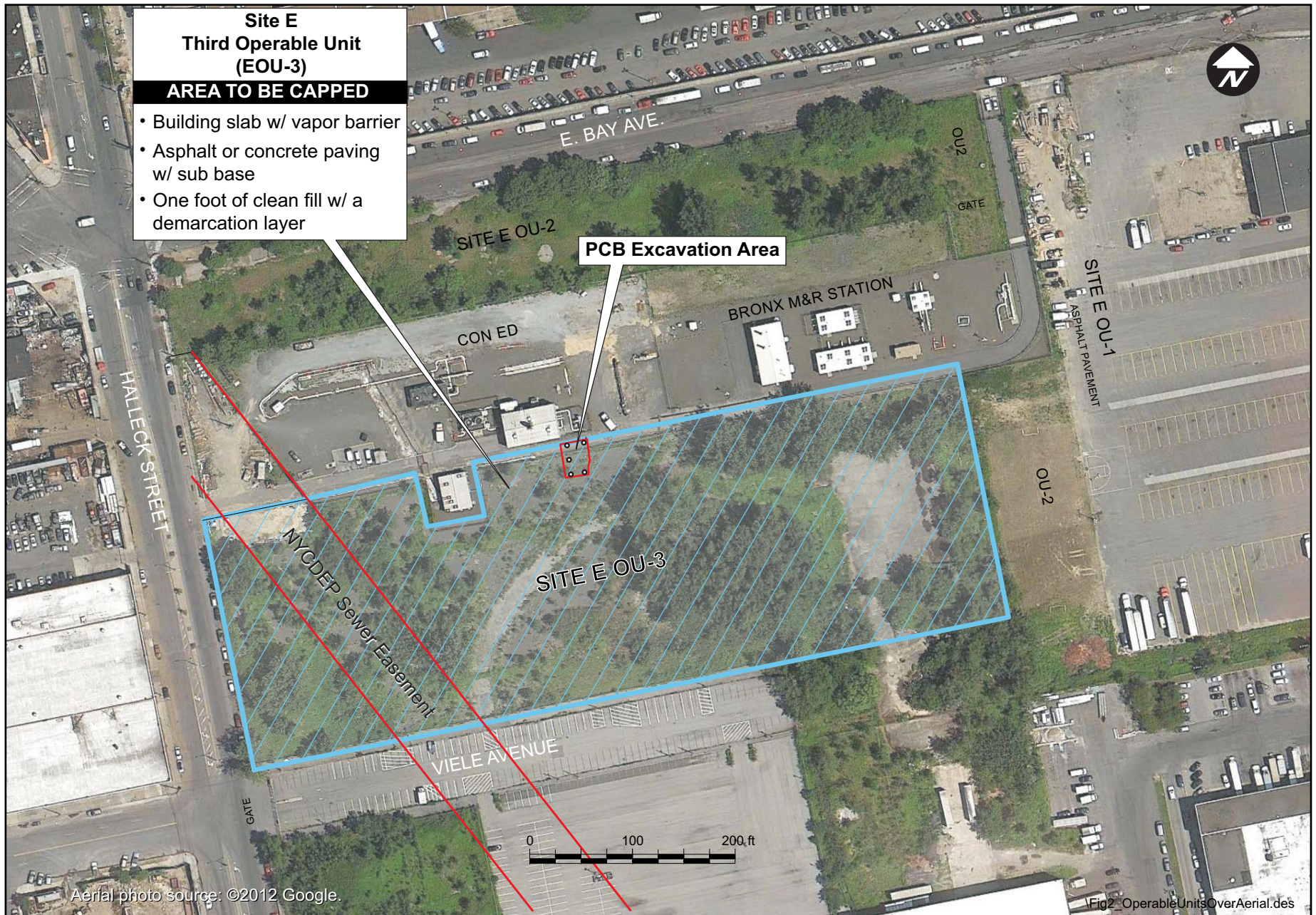
Henningson, Durham & Richardson
Architecture and Engineering, P.C.

One Blue Hill Plaza
Pearl River, NY 10965

Site Location Map

Hunts Point • Site E OU-3

**Figure
1**



Henningson, Durham & Richardson
Architecture and Engineering, P.C.

One Blue Hill Plaza
Pearl River, NY 10965

Site E Operable Units

Hunts Point • Site E OU-3

**Figure
2**