



New York State Department of Environmental Conservation

Brownfield Cleanup Program

Citizen Participation Plan for 220 Water Street

Site #C224098
220 Water Street
Brooklyn
Kings County, New York

August 2005

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Note: *The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the Site’s remedial process.*

Applicant: **Hawthorne Village, LLC**
Site Name: **220 Water Street**
Site Number: **C224098**
Site Address: **220 Water Street**
Site County: **New York, NY**

1. What is New York's Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage the private sector to investigate, remediate (clean up) and redevelop brownfields. A brownfield is any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal and financial burdens on a community. If the brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants accepted into the BCP as they conduct brownfield Site remedial activities. The BCP contains strict investigation and remediation (cleanup) requirements, ensuring that cleanups protect public health and the environment based on the intended use of the brownfield Site. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use. For more information about the BCP, go online at: www.dec.state.ny.us/webSite/der/bcp

2. Citizen Participation Plan Overview

A Citizen Participation (CP) Plan provides members of the affected and interested public with information about how NYSDEC will inform and involve them during the investigation and remediation (cleanup) of a Site under the BCP.

This CP Plan has been developed for the Site under the BCP. Appendix D contains a map locating the Site. NYSDEC is committed to informing and involving the public concerning the investigation and remediation (cleanup) of the Site. This CP Plan describes the public information and involvement program that will be carried out with assistance from the Applicant.

Appendix A of this CP Plan identifies NYSDEC project contact(s) to whom the public may address questions or request information about the Site's remedial program. The locations of the Site's document repositories also are identified in Appendix A. The document repositories provide convenient access to important project documents for public review and comment.

Appendix B contains the brownfield Site contact list. This list has been developed to keep the community informed about, and involved in, the Site's investigation and remediation process. The brownfield Site contact list includes, at a minimum:

- chief executive officer and zoning board of each county, city, town and village in which the Site is located;
- residents on and/or adjacent to the Site;
- the public water supplier which services the area in which the Site is located;
- any person who has requested to be placed on the Site contact list;
- the administrator of any school or day care facility located on and/or adjacent to the Site for purposes of posting and/or dissemination at the facility;
- document repositories and their contacts.

The brownfield Site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project, including notifications of upcoming remedial activities at the Site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The brownfield Site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the Site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A.

Appendix C identifies the CP activities that have been and will be conducted during the Site's remedial program.

The CP activities are designed to achieve the following objectives:

- Help the interested and affected public to understand contamination issues related to a brownfield Site, and the nature and progress of an Applicant's efforts, under State oversight, to investigate and, if appropriate, remediate (clean up) a brownfield Site.
- Ensure open communication between the public and project staff throughout a brownfield Site's remedial process.
- Create opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a brownfield Site's investigation and remediation (cleanup).

This CP Plan may be revised due to changes in major issues of public concern or in the nature and scope of remedial activities. Modifications may include additions to the Site contact list, updates to major issues of concern to the public, and changes in planned citizen participation activities. The public is encouraged to discuss its ideas and suggestions about the citizen participation program with the project contact(s) listed in Appendix A.

3. Site Information

Site Description

The Site is located in Brooklyn, New York on Block 41, Lot 17. The Site, which is bounded by Front Street, Bridge Street and Water Street to the south, east and north, respectively, has two current addresses: 220 Water Street and 201 Front Street. A Site location map is presented as Appendix D. The entire Site, with the exception of the sidewalk area, is covered by buildings. The Site is approximately 1.1 acres. There is no exposed soil at the Site with the exception of a two foot by two foot area of missing concrete in the basement.

The Site is located in an urban location that is zoned as a mixed commercial/industrial area, M1-2. According to the City of New York Department of Zoning, an M1-2 zone is designated as a Light Manufacturing District (High Performance). The properties immediately adjacent to the Site to the north, east and west are all also located in an M1-2 zone. The property to the south is zoned as M1-2/R-8. A city-initiated rezoning action to change this designation to R-8A (General Residence District) is now pending and is expected to be adopted some time in 2005.

According to a Phase I Environmental Site Assessment (ESA) prepared by KTR Newmark dated June 2004, adjacent property use includes: the former Kirkman and Sons industrial building to the north, which has been converted to a residential loft apartment building; an undeveloped parking lot and an undeveloped construction Site to the south; a former industrial building converted into a residential loft apartment building to the east; and a fenced, vacant lot followed by a 1-story commercial/industrial building at 173-177 Water Street to the west.

Site History

The Site is occupied by a five-story building, which was built in two phases according to the New York City Building Department records: the eastern portion was constructed in 1905 and the western side was constructed in 1952. Based on review of available historical Sanborn Fire Insurance Maps, the portions of the Site have been used for industrial purposes since at least the 1887. In that year, the eastern portion of the Site was occupied by a two-story industrial building housing the Union White Lead Works, which reportedly burned down in the late 1800s. The current eastern building was then constructed in 1905. The eastern building then housed the Hanan & Sons Shoe Factory, whose operations ceased between 1915 and 1938. In 1952, the concrete building was constructed on the western side of the wood building. The buildings were then used by a number of manufacturers and commercial distributors, such as Gotham Furniture and Frame Company, Starlite Lampshade Company, Saw Television Company, Star Fastener Company, Modern Box Company, Dance Togs Company, Crown Set Curtains Company, Snocap Outerwear Company, Melcon Design, Embassy Archives, A.J. Cutting, and Manhattan Fruitier. (KTR Newmark, 2004) DLX Industries, a manufacturer of flexible

PVC products (such as portfolios) operated at the Site on the ground floor and basement levels from 1972 until May 2005.

The Site is currently owned by Hawthorne Village LLC. The top two floors house residential loft apartments, including two home-based businesses, Klass Photographs Inc., and South Pole. There are currently residents on the top two floors of the building.

Under current future redevelopment plans, the current Site basement would be converted into a parking garage with approximately 60 spaces, and floors one through four would be converted to residential apartments. A residential roof top addition of up to four additional floors is also being considered. Previous Site investigations identified asbestos containing building material (ACBM) and lead-based paint at the Site. Although these media will not be part of the scope of this remedial investigation, they will be addressed appropriately during the redevelopment in a manner consistent with all federal, state, and local requirements. The main contaminant of concern at the Site is lead in subsurface soil.

Environmental History

A Phase II ESA was conducted by KTR Newmark in July 2004, which evaluated soil conditions beneath the sidewalks and the existing building. The sampling indicated lead in soil as a potential contaminant of concern. Based upon discussions with the NYSDEC, to further evaluate soil, groundwater, and soil vapor conditions, environmental samples of these media will be collected and analyzed.

These additional activities will be conducted following NYSDEC approval of the RIWP. Once these activities have been completed, a Remedial Investigation Report (RIR) will be prepared to summarize sampling and analytical results.

4. Remedial Process

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants and whose ownership or operation of the Site took place after the discharge or disposal of contaminants

The Applicant in its Application proposes that the Site will be used for restricted purposes.

To achieve this goal, the Applicant will conduct remedial activities at the Site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement provides the responsibilities of each party in conducting a remedial program at the Site.

The Applicant will conduct a remedial investigation (RI) of the Site with NYSDEC oversight, and with the following goals:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other impacted media;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and/or the environment; and
- 4) Provide information to support the development of a Remedial Work Plan to address the contamination, or to support a conclusion that the contamination does not need to be addressed.

The Applicant will prepare an RI Report after it completes the RI. This report will summarize the results of the RI and will include the Applicant's recommendation of whether remediation (cleanup) is needed to address Site-related contamination. The RI Report is subject to review and approval by NYSDEC. Before the RI Report is approved, a fact sheet that describes the RI Report will be sent to the Site's contact list.

NYSDEC determines whether the Site poses a significant threat to public health and/or the environment. If NYSDEC determines that the Site is a "significant threat," a qualifying community group may apply for a TAG. The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the Site and the development/implementation of a remedy.

For more information about the TAG Program and the availability of TAGs, go online at: www.dec.state.ny.us/webSite/der

After NYSDEC approves the RI Report, the Applicant will be able to develop a Remedial Work Plan. The Remedial Work Plan describes how the Applicant would address the contamination related to the Site.

The public would have the opportunity to review and comment on the remediation (cleanup) proposal. The Site contact list would be sent a fact sheet that describes the Remedial Work Plan and announces a 45-day public comment period. NYSDEC would factor this input into its decision to approve, reject or modify the Remedial Work Plan.

Approval of the Remedial Work Plan by NYSDEC would allow the Applicant to design and construct the alternative selected to remediate (clean up) the Site. The Site contact list would receive notification before the start of Site remediation. When the Applicant completes remedial activities, it will prepare a Remedial Action Report that certifies that remediation (cleanup) activities have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the remediation is protective of public health and the environment for the intended use for the Site. The Site contact list would receive a fact sheet that announces the completion of remedial activities and the review of the Remedial Action Report.

NYSDEC would then issue the Applicant a Certificate of Completion. This Certificate states that remediation (cleanup) goals have been achieved, and relieves the Applicant from future remedial liability, subject to statutory conditions. If the Applicant used institutional controls or engineering controls to achieve remedial objectives, the Site contact list would receive a fact sheet discussing such controls.

An institutional control is a non-physical means of enforcing a restriction on the use of real property that limits human or environmental exposure, restricts the use of groundwater, provides notice to potential owners, operators, or members of the public, or prevents actions that would interfere with the effectiveness of a remedial program or with the effectiveness and/or integrity of Site management at or pertaining to a brownfield Site. An example of an institutional control is an environmental easement.

An engineering control is a physical barrier or method employed to actively or passively contain, stabilize, or monitor contamination, restrict the movement of contamination to ensure the long-term effectiveness of a remedial program, or eliminate potential exposure pathways to contamination. Examples include caps and vapor barriers.

Site management will be conducted by the Applicant as required with appropriate NYSDEC oversight.

Activities required to be conducted to inform and involve the public during the Site's remedial process are introduced in section 5 and identified in the chart in Appendix C.

5. Citizen Participation Activities

CP activities that have already occurred and are planned during the investigation and remediation of the Site under the BCP are included in Appendix C: Summary of Citizen Participation Activities. NYSDEC will ensure that these CP activities are conducted, with appropriate assistance from the Applicant.

All CP activities seek to provide the public with significant information about Site findings and planned remedial activities, and some activities announce comment periods and request public input about important draft documents such as the Proposed Remedial Work Plan.

The CP Plan for the Site may be revised based on changes in the Site's remedial program or major issues of public concern.

All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed.

6. Major Issue of Public Concern

There are no major issues of public concern as they relate to the Site. Major issues of public concern may be identified during the Site's remedial process if they arise.

Appendix A – Project Contacts and Document Repositories

Project Contacts

For information about the Site’s remedial program, the public may contact the following NYSDEC project contacts:

Mr. Jonathan Greco

Project Manager
NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016
(518) 402-9694

Document Repositories

The document repositories identified below have been established to provide the public with convenient access to important project documents:

Walt Whitman
93 Saint Edwards St.
Brooklyn, NY 11205
Attn: Branch Librarian Jeffrey Vining
Phone: (718) 935-0244
Hours:
Monday: 10:00am – 6:00pm
Tuesday: 1:00pm – 6:00pm
Wednesday: 1:00pm – 8:00pm
Thursday: 1:00pm – 6:00pm
Friday: 10:00am – 6:00pm
Saturday and Sunday: closed

Regional Office removed as document repository.

Appendix C - Site Contact List

Site Contact List is kept in Non-Foilable files with NYSDEC Project Manager due to privacy concerns.

Appendix C – Identification of Citizen Participation Activities

Required Citizen Participation Activity	CP activity(ies) occur at this point	Date Completed
Application Process:		
<ul style="list-style-type: none"> • Prepare brownfield Site contact list (BSCL) • Establish document repositories 	At time of preparation of application to participate in BCP	N/A N/A
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day comment period • Publish above ENB content in local newspaper • Mail above ENB content to BSCL 	When NYSDEC determines that BCP application is complete. The 30-day comment period begins on date of publication of notice in ENB. End date of comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice and notice to the BSCL should be provided to the public at the same time.	October 27, 2004 October 27, 2004 October 27, 2004
After Execution of Brownfield Site Cleanup Agreement:		
<ul style="list-style-type: none"> • Prepare citizen participation (CP) plan 	Draft CP Plan must be submitted within 20 days of entering Brownfield Site Cleanup Agreement. CP Plan must be approved by NYSDEC before distribution	Draft submitted December 2004. Revisions submitted July 29, 2004 and August 23, 3005.
After Remedial Investigation (RI) Work Plan Received:		
<ul style="list-style-type: none"> • Mail fact sheet to BSCL about proposed RI activities and announcing 30-day public comment period on draft RI Work Plan 	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. 30-day comment period begins/ends as per dates identified in fact sheet.	September 14, 2005
After RI Completion:		
<ul style="list-style-type: none"> • Mail fact sheet to BSCL describing results of RI 	Before NYSDEC approves RI Report	February 6, 2007
After Remedial Work Plan (RWP) Received:		
<ul style="list-style-type: none"> • Mail fact sheet to BSCL about proposed RWP and announcing 45-day comment period • Public meeting by NYSDEC about proposed RWP (if requested by public) 	Before NYSDEC approves RWP. 45-day comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day comment period.	June 15, 2007
After Approval of RWP:		
<ul style="list-style-type: none"> • Mail fact sheet to BSCL summarizing upcoming remedial construction 	Before the start of remedial construction	July 2, 2008
After Remedial Action Completed:		
<ul style="list-style-type: none"> • Mail fact sheet to BSCL announcing that remedial construction has been completed • Mail fact sheet to BSCL announcing issuance of Certificate of Completion (COC) 	At the time NYSDEC approves Final Engineering Report. These two fact sheets should be combined when possible if there is not a delay in issuance of COC	TBD

Appendix D- Site Location Map

