



Consolidated Edison Company
of New York, Inc.
4 Irving Place
New York, N.Y. 10003

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① C231012
② C231024

September 30, 2004

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Robert W. Schick, P.E.
Director
Remedial Bureau C
New York State Department of Environmental Conservation
625 Broadway
Albany, N.Y. 12233-7017

RE: West 42nd Street Works Site
Citizen Participation Plan
Brownfield Cleanup Program
Site IDs C231024 and C231012

Dear Mr. Schick:

The Consolidated Edison Company of New York, Inc. (Con Edison) and Silverstein Properties Inc. are submitting for your review and approval the Citizen Participation Plan (CPP) for West 42nd Street Works as required under the Brownfield Cleanup Program (BCP).

The CPP addresses the two West 42nd Street properties, 640 West 42nd Street and 533-543 11th Avenue in the Borough of Manhattan, County and City of New York.

As you are aware, the site characterization for these sites was performed under the provisions of the August 15, 2002 Voluntary Cleanup Agreement (Index No. D2-0003-02-08) between the New York State Department of Environmental Conservation (NYSDEC) and Con Edison. Therefore the citizen participation activities under the BCP were commenced with the submittal of the BCP applications.

If you have any questions or comments about this submittal please contact me at 212-460-4883, or via e-mail at mascuchl@coned.com.

Sincerely,


Laura Mascuch
MGP Communications Coordinator

cc: George Harris, NYSDEC, Albany (w/o encl)
A. Quartararo, Esq., NYSDEC, Albany (w/o encl)
J. O'Connell, NYSDEC, Region 2 (1 copy)
D. D'Ambrosia, NYSDEC, Region 3 (1 copy)
G. Litwin, NYSDOH (2 copies)

CITIZEN PARTICIPATION PLAN BROWNFIELD CLEANUP PROGRAM

INTRODUCTION

This Citizen Participation Plan ("Plan") has been developed by Consolidated Edison Company of New York, Inc. ("Con Edison"), River Place I LLC ("River Place I"), and River Place II LLC ("River Place II") in accordance with the requirements of Section 27-1417 of the New York Environmental Conservation Law, 6 NYCRR Part 375, and the Draft Brownfield Cleanup Program Guide (May 2004) of the New York State Department of Environmental Conservation ("NYSDEC"). This document outlines the community outreach activities and procedures that Con Edison, River Place I, and River Place II will implement to ensure that the public is informed of and given adequate opportunity to participate in the Brownfield Cleanup Program ("BCP") process for 640 West 42nd Street (NYC Tax Map Block 1089, Lot 1) and 533-543 11th Avenue (NYC Tax Map Block 1089, Lot 3) in the Borough of Manhattan, County and City of New York.

On August 15, 2002, the NYSDEC and Con Edison executed a Voluntary Cleanup Agreement ("VCA") under which Con Edison committed to investigate and, if necessary to protect public health and the environment, carry out remedial response plans for the sites of 45 former manufactured gas plants ("MGP") and manufactured gas storage holder facilities that Con Edison or its corporate predecessors operated before natural gas became widely available in the New York City metropolitan area.

MGPs were operated between the early-1800s and mid-1900s, before the development of natural gas systems, to convert coal and oil into gas for heating homes and lighting city streets. Holder stations were sites at which the manufactured gas was stored, using masonry, wooden, or steel tanks. Although the era of manufactured gas ended long ago, federal and state environmental agencies are now asking the utility industry nationally to investigate the sites of these former facilities. Con Edison has been working closely with the NYSDEC and New York State Department of Health ("NYSDOH") to develop an effective environmental evaluation and response program for sites of these former MGPs and gas holder facilities.

The properties located at 640 West 42nd Street and 533-543 11th Avenue were once part of the grounds of the West 42nd Gas Works – one of the former MGP sites covered by the VCA between the NYSDEC and Con Edison. Con Edison conducted environmental investigation work for 640 West 42nd Street and 533-543 11th Avenue which was approved by NYSDEC and NYSDOH under the VCA.

Con Edison has requested the NYSDEC to transition 640 West 42nd Street and 533-543 11th Avenue from the State Voluntary Cleanup Program to the BCP. Con Edison and River Place I, the present owner of 640 West 42nd Street, and Con Edison and River Place II, the present owner of 533-543 11th Avenue, have filed BCP Applications with the NYSDEC for these two parcels. Under the BCP, Con Edison is considered a "Participant" for both properties, while River Place I and River Place II are considered "Volunteers" for their respective properties. The remaining

portion of the West 42nd Street Gas Works Site and any off-site contamination, will be addressed under Con Edison's continuing responsibility under its VCA with the NYSDEC.

SITE LOCATION and DESCRIPTION

The former West 42nd Street Gas Works Site is located in the Borough of Manhattan, New York City, New York. The grounds of former MGP occupied approximately five acres, including all of modern-day Tax Block 1089, the Hudson River waterfront property located immediately west of Tax Block 1089 (now designated as modern-day Tax Block 1107), and the stretch of 12th Avenue currently separating Tax Blocks 1089 and 1107. Block 1089 is further divided into Tax Lots 1 and 3. Tax Lot 1 – 640 West 42nd Street - currently consists of a high-rise apartment building, which occupies approximately 90 percent of the lot. The remaining portion of the lot consists of a landscaped, park-like area and sidewalks. Tax Lot 3 - 533-543 11th Avenue - is currently used as a parking lot open to the public. Surface structures on Tax Lot 3 consist of a small wooden kiosk located in the central portion of the site to house the parking attendant. River Place II, the owner of Tax Lot 3, intends to construct a high-rise apartment building on the site after a remedial action plan has been completed for it under the BCP.

The area in which the West 42nd Street Gas Works Site is located maintains a high population density due to the presence of residential high-rises, office buildings, local attractions, and retail facilities as well as the influx of the workforce population on any given day of the workweek.

SITE HISTORY

Historical records indicate that the lands encompassing the former West 42nd Street Gas Works Site were originally part of the Hudson River and likely consisted of a shallow embayment, a tidal creek running through the present day Tax Block 1089, and associated tidal wetlands. By 1850, this portion of the Hudson River and associated wetlands appears to have been filled.

Con Edison's corporate predecessor, the Metropolitan Gas Light Company, began constructing the West 42nd Street MGP in 1860. The plant operated as a coal gasification plant from 1863 into the early 1920s and was likely demolished in approximately 1925. In 1932, the New York Central Railroad Company acquired the former MGP site and constructed a railroad yard with several small associated buildings and a gasoline service station. By the 1980s, the former MGP site was utilized as a parking lot. In 1999-2000, a high-rise apartment building was erected on Tax Lot 1.

SITE CHARACTERIZATION STUDY

Con Edison, with the cooperation of River Place I and River Place II, conducted a NYSDEC-approved Site Characterization Study ("SCS") for 640 West 42nd Street (Tax Block 1089, Lot 1) and 533-543 11th Avenue (Tax Block 1089, Lot 3). The primary objectives of the investigation included: locating the subsurface remnants of MGP structures or other structures that might exist

on these properties, that may be associated with waste source areas, or that serve as preferential pathways for the migration of MGP residuals or other contamination; delineating the lateral and vertical extent of potential MGP residuals in the soil and groundwater on the properties and; characterizing site-specific geology and hydrology.

As required by the VCA, Con Edison submitted to the NYSDEC a Site Characterization Report setting forth the findings and conclusions of the investigative activities completed on the 640 West 42nd Street and 533-543 11th Avenue properties. This report has been approved by NYSDEC and is available for public review in the document repositories located at the Manhattan Borough President's Office and the Mid-Manhattan Library.

The SCS identified MGP-related contamination at depth in the vicinity of the buried gas holder foundations located on the 533-543 11th Avenue property. In addition, contamination was found starting at approximately 8 feet beneath the park area of the 640 West 42nd Street property, and along the perimeter of the high-rise apartment building on that property. Coal-tar, an MGP byproduct, was found to the west of the apartment building on 640 West 42nd Street at depths of 18 – 32 feet below the surface of the sidewalk along 12th Avenue. A soil gas and indoor air study was also conducted at the River Place I apartment building. The results of this study indicated that the River Place I apartment building indoor air quality was not impacted by sub-surface intrusion of vapors related to MGP materials at this site.

Based on the results of the SCS, the NYSDEC has determined that the West 42nd Street Gas Work Site poses a significant threat to the environment and that remedial action is required. This determination is due to the fact that soil and groundwater contamination resulting from the operations of the MGP is present on the properties. Con Edison, River Place I, and River Place II have submitted for the NYSDEC's review a draft Remedial Work Plan ("RWP") describing the remedial activities proposed for the 640 West 42nd Street and the 533-543 11th Avenue properties. This document is available for public review in the document repositories discussed below. There is a 45-day public comment period during which a public meeting will be held to describe the RWP and address any comments or concerns.

ACTIVITIES TO DATE

As required under the VCA between Con Edison and the NYSDEC, Con Edison notified all owners of record for the properties that comprised all or a portion of the grounds of the 45 former MGP and gas holder facilities subject to the VCA. The notices provided to the property owners included general information regarding the history of MGPs and the general nature and character of these historic sites. They also provided appropriate contact information for representatives from Con Edison, the NYSDEC and the NYSDOH. The owners of properties used for residential purposes or as schools were also given the opportunity to request an initial soil gas and/or indoor air monitoring of their property, at no cost to the property owner, in order to provide an immediate assessment of any potentially harmful conditions. An indoor air/soil gas survey was conducted at River Place I. Sampling results indicated that indoor air quality did not appear to be impacted by sub-surface intrusion of vapors related to MGP materials at this site.

W. 42nd Street Activities:

Site History Report – August 2002

Approved Site Characterization Work Plan – June 2003

Site Characterization Work – August 2003 through October 2003

- A site characterization fact sheet was approved by NYSDEC and NYSDOH and issued July 2003.
- Fact sheet was provided to the property owner for resident notification.
- Fact sheet was sent to Community Board 4 and the local elected officials.
- No public comments were received.

Site Characterization Report – Issued April 2004

Indoor Air/Soil Gas River Place I – April 2003 and April 2004

- An indoor air/soil gas public notice was issued for April 22-23, 2004
- Public notice was provided to property owner for resident notification
- Public notice was also sent to Community Board 4 and the local elected officials.
- No public comments were received.

INTERESTED PUBLIC

The attached “Brownfield Site Contact List” (Appendix I) provides a “mailing list” of community contacts, elected officials, city and state agencies and local property owners. All communication materials (such as public notices and fact sheets) will be disseminated to the individuals and organizations on this list.

MAJOR ISSUES OF PUBLIC CONCERN

Con Edison, River Place I, and River Place II believe that the major issue of public concern will be understanding the scope of the Remedial Work Plan that the NYSDEC selects for 640 West 42nd Street and 533-543 11th Avenue and the protective measures that will be undertaken to safeguard the public from exposure to MGP-contaminated materials during the implementation of the RWP (no remedial construction work will take place within the existing River Place I apartment building). Con Edison, River Place I, and River Place II will strive to communicate the RWP effectively and address all public concerns before and during its implementation. Fact sheets and public notices will be issued, and a public meeting will be held, to assist the public in their understanding of the proposed work and to address any public comments or concerns.

DOCUMENT REPOSITORIES

Document Repositories have been set up in the locations listed below where interested citizens can review project documents.

Document Repository Locations:

Mid-Manhattan Library

455 Fifth Avenue

New York, NY 10016

212-340-0833

Hours of Operation: Mon /Wed/Thurs 9-9, Tues 11-7, Fri/Sat 10-6

Manhattan Borough President Virginia Fields Office

1 Centre Street

19th Floor South

New York, NY 10007

(212) 669-8300

M-F 9am-5pm

Repository Documents:

Site History Report

Site Characterization Study

Remedial Work Plan

Brownfield Cleanup Application

Brownfield Cleanup Agreement

Brownfield Citizen Participation Plan

Fact Sheets and Public Notices

DESCRIPTION/SCHEDULE OF PUBLIC PARTICIPATION ACTIVITIES

Con Edison, River Place I, and River Place II will use a number of vehicles to communicate with the public. This includes issuing fact sheets and public notices during the site remediation. Holding public meetings where is it mandated or needed due to public interest. Maintaining a toll-free hotline (877-602-6633) to ensure that all public concerns are adequately addressed in a timely fashion. Establishing Document Repositories for all approved NYSDEC reports, fact sheets and public notices to provide for on-going information on the project to the public.

Information has been and will continue to be disseminated to local elected officials, community board 4, local property owners and city and state agencies as detailed in the "Brownfield Site Contact List" (Appendix I). A West 42nd Street Fact Sheet has been developed for distribution and will continue to be updated as the project moves forward.

The Brownfield Cleanup Agreement (“BCA”) that Con Edison, River Place I, and River Place II that enter into with the NYSDEC will formalize their commitment to take action at 640 West 42nd Street and 533-543 11th Avenue.

Public Participation Activities:

Citizen Participation Plan

Within twenty days after the effective date of the BCA, this Citizen Participation Plan will be in effect. The CPP includes a Brownfield Site Contact List; identification of major issues of public concern; description of public participation activities already performed; establishment of document repositories; description and schedule of public participation activities required by law or needed to address public concern related to the site.

Final Remedial Investigation Report

In April 2004, a Site Characterization Study Report was submitted and approved by NYSDEC under the VCA.

Remedy Selection

A draft fact sheet will be submitted with the proposed Remedial Work Plan (RWP). Once the fact sheet is reviewed and approved by NYSDEC and the NYSDEC accepts the draft RWP as complete, the following activities will take place:

- A 45-day public comment period;
- Fact Sheet will be transmitted to the Brownfield Site Contact List;
- A copy of the Remedial Work Plan and Fact Sheet will be placed in the document repository;
- A certification will be provided to NYSDEC within 10 days of the mailing to evidence compliance with the CPP requirements;
- A public meeting will be held during the public comment period to describe the RWP and address public comments and concerns.

Pre-Construction

A draft Pre-Construction Notice will be submitted to the NYSDEC at least 20 days prior to the start of construction. Once the fact sheet is reviewed and approved by NYSDEC the following activities will take place:

- The public notice will be transmitted to the Brownfield Site Contact List;
- A copy of the design document and notice will be placed in the document repository;
- A certification will be provided to NYSDEC within 10 days of the mailing to evidence compliance with the CPP requirements;

Post-Construction

A proposed notice and fact sheet along with the Remedial Action Report will be submitted to NYSDEC. The fact sheet will describe the content of the report. Once the fact sheet is approved by NYSDEC the following activities will take place:

- Mail the notice and fact sheet to the parties on the Brownfield Site Contact List prior to the Department approval of the report;
- A certification will be provided to NYSDEC within 10 days of the mailing to evidence compliance with the CPP requirements;
- If institutional or engineering controls are necessary at the site, within 10 days of the issuance of the Certificate of Completion, a NYSDEC approved fact sheet must be issued to the Brownfield Site Contact List.

Project Phase	Document Repository	Notice	Fact Sheet	Comment Period	Other
Before Approval of Remedial Work Plan	Yes	Yes	Yes	45 day	Public Meeting
Before Construction Starts	NR	Yes	Yes	NR	
Before Approval of Remedial Action Report	Yes	Yes	Yes	NR	
Issuance of Certificate of Completion IC/EC part of remedy	NR	Yes	Yes	NR	Within 10 days of issuance

NR – Not Required

IC/EC – Institutional Controls/Engineering Controls

TECHNICAL ASSISTANCE GRANTS

Technical Assistance Grants (TAGs) are authorized pursuant to ECL Article 14 for the BCP program. TAGs are available to eligible community groups to increase public awareness and understanding of remedial activities taking place in their community. TAGs of up to \$50,000 are available to qualifying community groups to obtain independent technical assistance for BCP sites that present a significant threat to the public health and/or the environment. The issuing of TAGs will be done by the NYSDEC. Please refer to the NYSDEC's Division of Environmental Remediation website for additional information on eligibility and application procedures.

Frequently Asked Questions

What is the Brownfield Cleanup Program (BCP)?

The Brownfield Cleanup Program addresses the environmental, legal and financial barriers that often hinder the redevelopment and reuse of contaminated properties.

Under the BCP, a volunteer can enter into an agreement with the NYSDEC to investigate a site, remediate a site, or investigate and remediate a site. The volunteer agrees to remediate the site to a level which is protective of public health and the environment for the present or intended use of the property. Investigation and remediation is carried out under the oversight of NYSDEC and the New York State Department of Health. The volunteer pays a portion of the State's oversight costs. When the volunteer completes the remedial work, or if no remediation is necessary, the NYSDEC provides a release from liability for the work performed and the contaminants addressed, with standard reservations.

What is a Citizen Participation Plan?

This Citizen Participation Plan ("CPP") provides interested citizens with information on events that will occur during the investigation, testing and remediation process associated with the site. The plan is also used by state agencies to track public involvement and outreach that is required in accordance with the BCP.

Who creates the plan?

This CPP has been developed by Consolidated Edison Co. of New York ("Con Edison") in conjunction with the New York State Department of Environmental Conservation ("NYSDEC") and the New York State Department of Health ("NYSDOH"). This edition of the CPP, as well as every future edition, must be approved by the NYSDEC before it becomes official.

What documents are included in this Plan?

Site specific fact sheets detailing the steps involved in the investigation, testing and cleanup process occurring on and around the specific site;

Information on document repositories for site and the documents available within them;

A glossary of terms and acronyms you may encounter while learning about this program;

A list of groups interested or involved with this site ("Brownfield Site Contact List").

Your Involvement:

This plan describes activities that will occur at different stages of the site investigation and cleanup, including opportunities for public input. You can review the Citizen Participation Plan and other site-related documents at the "Document Repository" locations listed. If you have placed your name on a site mailing list then Con Edison will send you future updates to keep you informed and involved throughout the investigation and cleanup process.

We encourage you to contact representatives of Con Edison, the NYSDEC or the NYSDOH anytime with questions, comments or concerns. If you know someone who would like to be put on the mailing list, have them send in the attached mailer or contact one of the appropriate representatives listed below.

For Questions About:

Silverstein Properties Inc.

Managing Agent for River Place I, LLC and River Place II, LLC

Mr. William Dacunto
Vice President - Operations
Silverstein Properties, Inc.
530 Fifth Avenue
18th Floor
New York, NY 10036
(212) 551-7350

Con Edison Project Management and Communications:

Laura Mascuch
MGP Project Coordinator
4 Irving Place
New York, NY 10003
Toll-free: (877) 602-6633

Site-related Environmental Questions:

Joseph Moloughney
Project Manager
NYSDEC
625 Broadway
Albany, NY 12233-7014
(518) 402- 9564

Site-Related Health Concerns:

Dawn Hettrick, P.E.
NYSDOH, Environmental Investigations
Flanigan Square, 547 River Street, Rm 300
Troy, NY 12180
Toll-free (800) 458-1158 Ext. 2-7880

Leave your name, number and a brief message and a representative will return your call.

Con Edison BCP Mailer

Please feel free to use this mailer for any of the following purposes:

- ☐ 1. You would like to be placed on the West 42nd Street Site mailing list.
- ☐ 2. You would like to receive future fact sheets.
- ☐ 3. You would like to be taken off the West 42nd Street Site mailing list.
- ☐ 4. You would like to provide us with a change of name or address.
- ☐ 5. You would like to provide us with comments.

Please complete the form below and mail to address indicated below

Add the following name(s) and addresses:

_____	_____
_____	_____
_____	_____

Delete the following name(s):

_____	_____
_____	_____
_____	_____

Make the following changes:

(Old) _____	(New) _____
_____	_____
_____	_____

Mail To:

**Laura Mascuch
Con Edison
4 Irving Plaza, 1650-S
New York, NY 10003**

Glossary and Acronyms

GLOSSARY

This glossary defines terms associated with the citizen participation process of the New York State Brownfield Cleanup Program (BCP) and important elements of the BCP.

Availability Session	A meeting with the community with no formal agenda, which may or may not include staff from NYSDEC/NYSDOH. See public meeting.
Background	Refers to the concentrations of contaminants (compounds) existing in various media (soil, groundwater, sediment) that originated from either natural sources (non man-made) or resulting from normal off-site activities of the population and commercial/industrial activity in the vicinity of the site not specifically related to site process operations. Also included in this category are parent or breakdown constituents of these compounds.
Benzene	A common organic chemical compound made up of six carbon atoms arranged in a hexagonal ring, with hydrogen atoms attached to each corner. Benzene is a widely used chemical in industry, and is often found in gasoline.
Brownfield Cleanup Program	The Brownfield Cleanup Program address the environmental, legal and financial barriers that often hinder the redevelopment and reuse of contaminated properties. Under the BCP, a volunteer can enter into an agreement with the NYSDEC to investigate a site, remediate a site, or investigate and remediate a site. The volunteer agrees to remediate the site to a level which is protective of public health and the environment for the present or intended use of the property. Investigation and remediation is carried out under the oversight of NYSDEC and the New York State Department of Health. The volunteer pays a portion of the State's oversight costs. When the volunteer completes the remedial work, or if no remediation is necessary, the NYSDEC provides a release from liability for the work performed and the contaminants addressed, with standard reservations.
BTEX	An abbreviation for a group of chemical compounds: Benzene, Toluene, Ethylbenzene, and Xylene. Commonly found in MGP wastes and are also used as antiknock compounds in gasoline.

Carbureted Water Gas	Refers to a more sophisticated process for producing a higher quality gas. Either coke or coal was heated in a retort into which steam was injected. A chemical reaction took place that produced a flammable gas mixture. Petroleum products or oils were then sprayed into this hot gas mixture creating another chemical reaction to form methane, which increased the heating and lighting value of the gas.
Citizen Participation	A program of planning and activities to encourage communication among people affected by or interested in hazardous waste sites and the government agencies responsible for investigating and remediating them.
Coal Carbonization	Refers to the oldest and simplest process used for manufactured gas production. Coal was heated in closed ovens, or retorts, with no source of air. Volatile constituents of the coal were driven off as a gas. This low quality gas was collected, cooled and purified prior to being directed into a distribution system.
Coal Tar	A very viscous oily liquid that is one of the by-products of the manufactured gas process during production, purification and distribution.
Division of Environmental Remediation	Formerly the Division of Hazardous Waste Remediation, a major program unit within the New York State Department of Environmental Conservation created to manage the hazardous waste site remedial program from site discovery through Operation and Maintenance activities. Staff include: engineers, geologists, chemists, attorneys, citizen participation specialists, environmental program specialists and support staff.
DNAPL	Refers to Dense Non-Aqueous Phase Liquid. A DNAPL is a liquid that is immiscible and remains as a separate phase or layer in the environment and is heavier than water, thus making it sink through the groundwater.
Document Repository	A file of documents pertaining to a site's remedial and citizen participation programs which is made available for public review. The file generally is maintained in a public building near the MGP

Engineering Controls (EC)	<p>or gas holder site to provide access at a location and times convenient to the public.</p> <p>Engineering Control shall mean any physical barrier or method employed to actively or passively contain, stabilize or monitor hazardous waste or petroleum.</p>
Fact Sheet	<p>A written discussion about part or all of a site's investigation, prepared by Con Edison and provided to the public. A fact sheet may focus on: a particular element of the site's investigation; opportunities for public involvement; availability of a report or other information, or announcement of a public meeting or comment period.</p>
Gas Holder	<p>(Also known as a gasometer) is a large, expandable tank used to store gas at an MGP.</p>
Groundwater	<p>Refers to water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater in an unsaturated zone.</p>
Holder Station	<p>Gas holders were large storage tanks, either above or below ground that were used to maintain a supply of pressurized manufactured gas for introduction into the distribution system. The MGP would produce and purify the gas, and in some cases, because of the size of the distribution system or the area available for the plant, gas holders were located off the main plant site at other locations. Those places where just a gas holder was located are called holder stations.</p>
Inorganic	<p>Substances that do not contain carbon. Metals such as zinc and lead are inorganic substances.</p>
Interim Remedial Measure (IRM)	<p>Refers to an Interim Remedial Measure. This is a discrete set of activities which address both emergency or non-emergency conditions, which can be undertaken without extensive investigation and evaluation, to prevent, mitigate, or remedy human exposure and/or environmental damage or the consequences of human exposure and/or environmental damage attributable to a site.</p>
Institutional Controls (IC)	<p>Institutional control shall mean any non-physical means of enforcing a restriction on the use of real property that limits human or environmental exposure.</p>
LNAPL	<p>Refers to Light Non-Aqueous Phase Liquid. A LNAPL is a liquid</p>

that is immiscible and remains as a separate phase or layer in the environment and is lighter than water, thus making it float or reside near the top of the groundwater.

Mailing List

Names, addresses and/or telephone numbers of individuals, groups, organizations, government officials and media affected by or interested in a particular hazardous waste site. The size of a mailing list and the categories included are influenced by population density, degree of interest in a site, the stage of the remedial process and other factors.

MGP

Refers to a Manufactured Gas Plant. This was an industrial facility at which gas was produced from coal, oil and other feedstock. The gas was used for heating and lighting.

Monitoring Well

A hole drilled into the soil or bedrock which enables officials to collect samples of groundwater at a specific horizontal and vertical location. The samples can then be tested to look for contaminants.

NAPL

Refers to Non-Aqueous Phase Liquid. A NAPL is an immiscible liquid that remains as a separate phase or layer in the environment.

Natural Attenuation

A variety of natural processes by which contaminant concentrations decrease in soil or groundwater. For example, some bacteria break down contaminants into non-toxic substances like water and carbon dioxide.

**New York State
Department of Health**

Agency within the executive branch of New York State government which works closely with DEC to evaluate potential health impacts and human exposures, reviews all site investigations, conducts health-related community outreach around sites, and reviews remedial actions to assure that public health concerns are adequately addressed.

Operable Unit

An administrative term used to identify a discrete portion of a site that can be addressed by a distinct investigation and/or cleanup approach. For example, groundwater contamination at a site may be considered as one operable unit, and soil contamination at the same site may be dealt with as a second operable unit. An Operable Unit can receive specific investigation, and a particular

	remedy may be proposed.
Operation, Maintenance and Monitoring	A period in which remedial action may be conducted following construction at a site (for example, operation of a “pump and treat” system), or which is performed after a remedial action to assure its continued effectiveness and protection of people’s health and the environment. Activities can include site inspections, well monitoring and other sampling.
PAH	Polycyclic aromatic hydrocarbons are a group of semivolatile organic compounds found in coal tar, asphalt and diesel fuel
Permeability	The extent to which a liquid or gas can move through a substance. For example, different types of soil have different permeabilities: water moves easily through some sandy soils (a high permeability soil) and slowly through clay (a low permeability soil).
Plume	An area of chemicals moving away from its source in a feather-like (hence the name, plume) shape. For example, a plume can be a column of smoke drifting away from a chimney or an area of dissolved chemicals moving with groundwater.
PPB/PPM	The concentration of a substance in air, water, or soil. The abbreviations stand for part per billion (ppb) and part per million (ppm). One ppb means there is one part of a substance for every billion parts of the air, water or soil in which it is measured. One ppb is 1,000 times less than 1 ppm.
Public Meeting	A scheduled gathering of agency staff and the public to give and receive information, ask questions and discuss concerns about a site’s investigation. Staff from other NYSDEC divisions, legal and health staff, and staff from consultants and a responsible party often attend. A public meeting, unlike an availability session, generally features a formal presentation and a detailed agenda.
Purifier Waste	(Also known as box waste) is a solid MGP waste that was produced during purification of the manufactured gas. It is typically found as a dark mixture of wood chips with a very strong, unpleasant burnt odor.
Receptor	Means any humans or biota that are, or may be expected to be, or have been, exposed to or affected by a contaminant from a site.

Remedial Action	Refers to those actions taken at or near a site as may be required by the NYSDEC, including without limitation, removal, treatment, containment, transportation, securing, or other engineering or institutional controls, whether of a permanent nature or otherwise, designed to ensure that any discharged contamination is remediated in compliance with applicable New York State standards, criteria, and guidelines.
Remedial Construction	The implementation of the remedial alternative selected to remediate (clean up) a site. A soil removal, installation of a groundwater treatment system, or installation of a landfill cap are all examples of remedial construction. Construction follows the Remedial Design stage of a site's remedial program.
Remedial Design	Refers to the development and presentation of the details necessary to implement a remedial action requiring construction or other physical work in the field.
Remedial Investigation	Refers to actions taken to investigate contamination and determine the nature and extent of the contamination presented by a discharge or disposal at the site.
Responsible Party	An individual or business who: currently owns or operates a former MGP or gas holder site; or historically owned or operated this type of site when waste was disposed; or generated waste at a site; or transported hazardous waste to a site.
Sediment	Refers to soils or organic material in water, as found in lakes, rivers, streams, and other water bodies and in or close proximity to wetland areas. Material found in enclosed sumps, sewers, or piping systems not accessible to fish and wildlife and not forming any benthic or aquatic habitat are not considered sediments for the purpose of comparison to New York State requirements for sediment.
Semi-Volatile Organic Compounds	A group of chemicals similar to Volatile Organic Compounds that do not evaporate as easily.
Site Characterization	Generally refers to the first or initial phase or stage of the process of identifying potential areas of concern at a site. This is not as detailed or encompassing as a remedial investigation that may be conducted at a site.

Soil Boring	A circular hole made in the ground by a drill to collect soil samples deep in the ground. Samples are collected for testing to see if the subsurface soil has been contaminated. Sometimes these borings are converted into groundwater monitoring wells.
Soil Gas	Refers to the air and other gases found in the pore spaces of soils above the water table. (Below the water table, these pore spaces are filled with water)
Soil Gas Survey	A method for investigating the underground distribution of volatile organic compounds by looking for their vapors in the soil gas (air trapped between soil particles). In a soil gas survey, a small amount of soil gas is collected from various locations and tested for the presence of contaminants.
Technical Assistance Grant (TAG)	Technical Assistance Grants are provided by NYSDEC to eligible community groups to increase public awareness and understanding of remedial activities taking place in their community.
Tar Well	Refers to any subsurface tank or vessel used to accumulate or store tar. It is common to find these structures, partially or totally full of tar, during MGP investigations.
Volatile Organic Compounds (VOCs)	Carbon-containing chemicals that readily evaporate, such as some cleaning solvents and chemicals in gasoline.
Voluntary Cleanup Agreement	New York State's Voluntary Cleanup Program is a cooperative approach between NYSDEC, property owners, and responsible parties to investigate and/or remediate contaminated sites. Under the Voluntary Cleanup Program, a volunteer enters into an agreement and performs investigation and/or remedial activities pursuant to NYSDEC approved work plans. Investigation and/or remediation is carried out under the oversight of NYSDEC and the NYSDOH and the volunteer pays the State's oversight costs. The Volunteer signs up to a Voluntary Cleanup Agreement with NYSDEC that contains the administrative requirements for executing the work at the site.

ACRONYMS

BCP	Brownfield Cleanup Program
BCA	Brownfield Cleanup Agreement
BTEX	Benzene, Toluene, Ethylbenzene and Xylene
C & D	Construction and Demolition Debris
CP	Citizen Participation
DEC	New York State Department of Environmental Conservation
DER	Division of Environmental Remediation, formerly the Division of Hazardous Waste Remediation (NYSDEC)
DNAPL	Dense Non-Aqueous Phase Liquids
DOH	Department of Health (New York State)
DOW	Division of Water (NYS Department of Environmental Conservation)
EC	Environmental Control
ENB	Environmental Notice Bulletin
EPA	United States Environmental Protection Agency
F & W	Division of Fish and Wildlife (NYSDEC)
FOIL	Freedom of Information Law
FS	Feasibility Study
GPM	Gallons Per Minute
HeLP	Health Liaison Program (NYS Department of Health)
IC	Institutional Control
IRM	Interim Remedial Measure
MGP	Manufactured Gas Plants
mg/kg	milligrams per kilogram
NAPL	Non-Aqueous Phase Liquid
ND	Non-Detect
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
OM & M	Operation, Maintenance and Monitoring

OU	Operable Unit
PAH	Polycyclic Aromatic Hydrocarbon
PCB	Poly-Chlorinated Biphenyl
POTW	Publicly Owned Treatment Works (sewage treatment plant)
ppm/ppb/ppt	parts per million/parts per billion/parts per trillion
QA/QC	Quality Assurance/Quality Control
RA	Remedial Action
RAR	Remedial Alternatives Report
RAS	Remedial Action Selection Report
RCRA	Resource Conservation and Recovery Act (Federal Law)
RD	Remedial Design
RHWRE	Regional Hazardous Waste Remediation Engineer
RI	Remedial Investigation
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
RP	Responsible Party
SCGs	Standards, Criteria and Guidance Values
SVOCs	Semi-Volatile Organic Compounds
TAG	Technical Assistance Grant
TAGM	Technical and Administrative Guidance Memorandum
TSDF	Treatment, Storage and Disposal Facility
ug/l	micrograms per liter
UST	Underground Storage Tank
VCA	Voluntary Cleanup Agreement
VCP	Voluntary Cleanup Program
VOC	Volatile Organic Compound

APPENDIX I

JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC and RIVER PLACE II LLC

BROWNFIELD SITE CONTACT LIST

Chief Executive Officer and Zoning Board Chairperson

<u>Chief Executive Officer</u>	Honorable Michael R. Bloomberg Mayor of the City of New York City Hall New York, NY 10007
<u>NYC Director of Zoning</u>	Michael Weil NYC Department of City Planning 22 Reade Street New York, NY 10007
<u>Manhattan Borough Office</u>	Vishaan Chakrabarti Director, Manhattan Office NYC Department of City Planning 22 Reade Street New York, NY 10007

Owners and Occupants of Site and Properties Adjacent to Site

<u>River Place I</u>	River Place I Residents 640 W. 42 nd Street New York, NY 10036
<u>South of Site</u>	NYC Transit Authority 525 11 th Avenue New York, NY 10018 (MTA Bus Depot)
<u>West of Site</u>	Pier 83 at West 42 nd Street New York City Department of Business 110 William Street New York, NY 10038 (Sightseeing Boat Marina)
<u>East of Site</u>	Mercedes Benz Manhattan 514 11 th Avenue New York, NY 10018 (Auto Dealership)

Owners and Occupants of Properties Adjacent to Site (cont.)

East of Site

Federal Express Corporation
554 11th Avenue
New York, NY 10036
(Truck Garage and Offices)

Massachusetts Mutual Life Insurance Co.
555 West 42nd Street
New York, NY 10036
(High-Rise Apartment Building)

North of Site

Peoples Republic of China
520 Joe DiMaggio Highway
New York, NY 10036
(Consulate Building)

Kandila Realty Corp.
647 West 42nd Street
New York, NY 10036
(Restaurant)

627 Associates LLC
627 West 42nd Street
New York, NY 10036
(Vacant Commercially Zoned Property)

DFF 37th Street Associates
621 West 42nd Street
New York, NY 10036
(Vacant - Former NYPD Mounted Unit Horse Stable)

Verizon New York Inc.
603 West 43rd Street
New York, NY 10036
(Garage)

Mobil Oil Corp.
553 11th Avenue
New York, NY 10036
(Gas Station)

VCA Contacts

Robert W. Schick, P.E.
Chief, MGP Remedial Section
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dale A. Desnoyers, Esq.
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Joseph Moloughney, P.E.
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dan Walsh
NYSDEC
47-20 21st Street
Long Island City, NY 11101

Denise D'Ambrosia
NYSDEC
200 White Plains Road
Tarrytown, NY 10591

Gary Litwin
Bureau of Environmental Exposure Investigation
New York State Department of Health
Flanigan Square
547 River Street
Troy, NY 12180-2216

Dawn Hettrick, P.E.
Environmental Investigations
New York State Department of Health
Flanigan Square
547 River Street
Troy, NY 12180-2216

Public Officials and Community Contacts

Hon. C. Virginia Fields
Manhattan Borough President
Municipal Building, 19th Floor South
One Centre Street
New York, NY 10007

Hon. Thomas Duane
New York State Senator
29th State Senatorial District
494 Eighth Avenue
New York, NY 10001

Hon. Richard N. Gottfried
New York State Assembly Member
64th Assembly District
242 West 27th Street
New York, NY 10007

Hon. Christine Quinn
New York City Council Member
City Council District 3
224 West 30th Street
New York, NY 10001

Anthony Borelli
District Manger
Manhattan Community Board No. 4
330 West 42nd Street
New York, NY 10036

Document Repositories

Office of Manhattan Borough President C. Virginia Fields
Municipal Building, 19th Floor South
One Centre Street
New York, NY 10007

Mid-Manhattan Library
455 Fifth Avenue
New York, NY 10016

CITIZEN PARTICIPATION PLAN BROWNFIELD CLEANUP PROGRAM

INTRODUCTION

This Citizen Participation Plan ("Plan") has been developed by Consolidated Edison Company of New York, Inc. ("Con Edison"), River Place I LLC ("River Place I"), and River Place II LLC ("River Place II") in accordance with the requirements of Section 27-1417 of the New York Environmental Conservation Law, 6 NYCRR Part 375, and the Draft Brownfield Cleanup Program Guide (May 2004) of the New York State Department of Environmental Conservation ("NYSDEC"). This document outlines the community outreach activities and procedures that Con Edison, River Place I, and River Place II will implement to ensure that the public is informed of and given adequate opportunity to participate in the Brownfield Cleanup Program ("BCP") process for 640 West 42nd Street (NYC Tax Map Block 1089, Lot 1) and 533-543 11th Avenue (NYC Tax Map Block 1089, Lot 3) in the Borough of Manhattan, County and City of New York.

On August 15, 2002, the NYSDEC and Con Edison executed a Voluntary Cleanup Agreement ("VCA") under which Con Edison committed to investigate and, if necessary to protect public health and the environment, carry out remedial response plans for the sites of 45 former manufactured gas plants ("MGP") and manufactured gas storage holder facilities that Con Edison or its corporate predecessors operated before natural gas became widely available in the New York City metropolitan area.

MGPs were operated between the early-1800s and mid-1900s, before the development of natural gas systems, to convert coal and oil into gas for heating homes and lighting city streets. Holder stations were sites at which the manufactured gas was stored, using masonry, wooden, or steel tanks. Although the era of manufactured gas ended long ago, federal and state environmental agencies are now asking the utility industry nationally to investigate the sites of these former facilities. Con Edison has been working closely with the NYSDEC and New York State Department of Health ("NYSDOH") to develop an effective environmental evaluation and response program for sites of these former MGPs and gas holder facilities.

The properties located at 640 West 42nd Street and 533-543 11th Avenue were once part of the grounds of the West 42nd Gas Works – one of the former MGP sites covered by the VCA between the NYSDEC and Con Edison. Con Edison conducted environmental investigation work for 640 West 42nd Street and 533-543 11th Avenue which was approved by NYSDEC and NYSDOH under the VCA.

Con Edison has requested the NYSDEC to transition 640 West 42nd Street and 533-543 11th Avenue from the State Voluntary Cleanup Program to the BCP. Con Edison and River Place I, the present owner of 640 West 42nd Street, and Con Edison and River Place II, the present owner of 533-543 11th Avenue, have filed BCP Applications with the NYSDEC for these two parcels. Under the BCP, Con Edison is considered a "Participant" for both properties, while River Place I and River Place II are considered "Volunteers" for their respective properties. The remaining

portion of the West 42nd Street Gas Works Site and any off-site contamination, will be addressed under Con Edison's continuing responsibility under its VCA with the NYSDEC.

SITE LOCATION and DESCRIPTION

The former West 42nd Street Gas Works Site is located in the Borough of Manhattan, New York City, New York. The grounds of former MGP occupied approximately five acres, including all of modern-day Tax Block 1089, the Hudson River waterfront property located immediately west of Tax Block 1089 (now designated as modern-day Tax Block 1107), and the stretch of 12th Avenue currently separating Tax Blocks 1089 and 1107. Block 1089 is further divided into Tax Lots 1 and 3. Tax Lot 1 – 640 West 42nd Street - currently consists of a high-rise apartment building, which occupies approximately 90 percent of the lot. The remaining portion of the lot consists of a landscaped, park-like area and sidewalks. Tax Lot 3 - 533-543 11th Avenue - is currently used as a parking lot open to the public. Surface structures on Tax Lot 3 consist of a small wooden kiosk located in the central portion of the site to house the parking attendant. River Place II, the owner of Tax Lot 3, intends to construct a high-rise apartment building on the site after a remedial action plan has been completed for it under the BCP.

The area in which the West 42nd Street Gas Works Site is located maintains a high population density due to the presence of residential high-rises, office buildings, local attractions, and retail facilities as well as the influx of the workforce population on any given day of the workweek.

SITE HISTORY

Historical records indicate that the lands encompassing the former West 42nd Street Gas Works Site were originally part of the Hudson River and likely consisted of a shallow embayment, a tidal creek running through the present day Tax Block 1089, and associated tidal wetlands. By 1850, this portion of the Hudson River and associated wetlands appears to have been filled.

Con Edison's corporate predecessor, the Metropolitan Gas Light Company, began constructing the West 42nd Street MGP in 1860. The plant operated as a coal gasification plant from 1863 into the early 1920s and was likely demolished in approximately 1925. In 1932, the New York Central Railroad Company acquired the former MGP site and constructed a railroad yard with several small associated buildings and a gasoline service station. By the 1980s, the former MGP site was utilized as a parking lot. In 1999-2000, a high-rise apartment building was erected on Tax Lot 1.

SITE CHARACTERIZATION STUDY

Con Edison, with the cooperation of River Place I and River Place II, conducted a NYSDEC-approved Site Characterization Study ("SCS") for 640 West 42nd Street (Tax Block 1089, Lot 1) and 533-543 11th Avenue (Tax Block 1089, Lot 3). The primary objectives of the investigation included: locating the subsurface remnants of MGP structures or other structures that might exist

on these properties, that may be associated with waste source areas, or that serve as preferential pathways for the migration of MGP residuals or other contamination; delineating the lateral and vertical extent of potential MGP residuals in the soil and groundwater on the properties and; characterizing site-specific geology and hydrology.

As required by the VCA, Con Edison submitted to the NYSDEC a Site Characterization Report setting forth the findings and conclusions of the investigative activities completed on the 640 West 42nd Street and 533-543 11th Avenue properties. This report has been approved by NYSDEC and is available for public review in the document repositories located at the Manhattan Borough President's Office and the Mid-Manhattan Library.

The SCS identified MGP-related contamination at depth in the vicinity of the buried gas holder foundations located on the 533-543 11th Avenue property. In addition, contamination was found starting at approximately 8 feet beneath the park area of the 640 West 42nd Street property, and along the perimeter of the high-rise apartment building on that property. Coal-tar, an MGP byproduct, was found to the west of the apartment building on 640 West 42nd Street at depths of 18 – 32 feet below the surface of the sidewalk along 12th Avenue. A soil gas and indoor air study was also conducted at the River Place I apartment building. The results of this study indicated that the River Place I apartment building indoor air quality was not impacted by sub-surface intrusion of vapors related to MGP materials at this site.

Based on the results of the SCS, the NYSDEC has determined that the West 42nd Street Gas Work Site poses a significant threat to the environment and that remedial action is required. This determination is due to the fact that soil and groundwater contamination resulting from the operations of the MGP is present on the properties. Con Edison, River Place I, and River Place II have submitted for the NYSDEC's review a draft Remedial Work Plan ("RWP") describing the remedial activities proposed for the 640 West 42nd Street and the 533-543 11th Avenue properties. This document is available for public review in the document repositories discussed below. There is a 45-day public comment period during which a public meeting will be held to describe the RWP and address any comments or concerns.

ACTIVITIES TO DATE

As required under the VCA between Con Edison and the NYSDEC, Con Edison notified all owners of record for the properties that comprised all or a portion of the grounds of the 45 former MGP and gas holder facilities subject to the VCA. The notices provided to the property owners included general information regarding the history of MGPs and the general nature and character of these historic sites. They also provided appropriate contact information for representatives from Con Edison, the NYSDEC and the NYSDOH. The owners of properties used for residential purposes or as schools were also given the opportunity to request an initial soil gas and/or indoor air monitoring of their property, at no cost to the property owner, in order to provide an immediate assessment of any potentially harmful conditions. An indoor air/soil gas survey was conducted at River Place I. Sampling results indicated that indoor air quality did not appear to be impacted by sub-surface intrusion of vapors related to MGP materials at this site.

W. 42nd Street Activities:

Site History Report – August 2002

Approved Site Characterization Work Plan – June 2003

Site Characterization Work – August 2003 through October 2003

- A site characterization fact sheet was approved by NYSDEC and NYSDOH and issued July 2003.
- Fact sheet was provided to the property owner for resident notification.
- Fact sheet was sent to Community Board 4 and the local elected officials.
- No public comments were received.

Site Characterization Report – Issued April 2004

Indoor Air/Soil Gas River Place I – April 2003 and April 2004

- An indoor air/soil gas public notice was issued for April 22-23, 2004
- Public notice was provided to property owner for resident notification
- Public notice was also sent to Community Board 4 and the local elected officials.
- No public comments were received.

INTERESTED PUBLIC

The attached “Brownfield Site Contact List” (Appendix I) provides a “mailing list” of community contacts, elected officials, city and state agencies and local property owners. All communication materials (such as public notices and fact sheets) will be disseminated to the individuals and organizations on this list.

MAJOR ISSUES OF PUBLIC CONCERN

Con Edison, River Place I, and River Place II believe that the major issue of public concern will be understanding the scope of the Remedial Work Plan that the NYSDEC selects for 640 West 42nd Street and 533-543 11th Avenue and the protective measures that will be undertaken to safeguard the public from exposure to MGP-contaminated materials during the implementation of the RWP (no remedial construction work will take place within the existing River Place I apartment building). Con Edison, River Place I, and River Place II will strive to communicate the RWP effectively and address all public concerns before and during its implementation. Fact sheets and public notices will be issued, and a public meeting will be held, to assist the public in their understanding of the proposed work and to address any public comments or concerns.

DOCUMENT REPOSITORIES

Document Repositories have been set up in the locations listed below where interested citizens can review project documents.

Document Repository Locations:

Mid-Manhattan Library

455 Fifth Avenue

New York, NY 10016

212-340-0833

Hours of Operation: Mon /Wed/Thurs 9-9, Tues 11-7, Fri/Sat 10-6

Manhattan Borough President Virginia Fields Office

1 Centre Street

19th Floor South

New York, NY 10007

(212) 669-8300

M-F 9am-5pm

Repository Documents:

Site History Report

Site Characterization Study

Remedial Work Plan

Brownfield Cleanup Application

Brownfield Cleanup Agreement

Brownfield Citizen Participation Plan

Fact Sheets and Public Notices

DESCRIPTION/SCHEDULE OF PUBLIC PARTICIPATION ACTIVITIES

Con Edison, River Place I, and River Place II will use a number of vehicles to communicate with the public. This includes issuing fact sheets and public notices during the site remediation. Holding public meetings where is it mandated or needed due to public interest. Maintaining a toll-free hotline (877-602-6633) to ensure that all public concerns are adequately addressed in a timely fashion. Establishing Document Repositories for all approved NYSDEC reports, fact sheets and public notices to provide for on-going information on the project to the public.

Information has been and will continue to be disseminated to local elected officials, community board 4, local property owners and city and state agencies as detailed in the "Brownfield Site Contact List" (Appendix I). A West 42nd Street Fact Sheet has been developed for distribution and will continue to be updated as the project moves forward.

The Brownfield Cleanup Agreement (“BCA”) that Con Edison, River Place I, and River Place II that enter into with the NYSDEC will formalize their commitment to take action at 640 West 42nd Street and 533-543 11th Avenue.

Public Participation Activities:

Citizen Participation Plan

Within twenty days after the effective date of the BCA, this Citizen Participation Plan will be in effect. The CPP includes a Brownfield Site Contact List; identification of major issues of public concern; description of public participation activities already performed; establishment of document repositories; description and schedule of public participation activities required by law or needed to address public concern related to the site.

Final Remedial Investigation Report

In April 2004, a Site Characterization Study Report was submitted and approved by NYSDEC under the VCA.

Remedy Selection

A draft fact sheet will be submitted with the proposed Remedial Work Plan (RWP). Once the fact sheet is reviewed and approved by NYSDEC and the NYSDEC accepts the draft RWP as complete, the following activities will take place:

- A 45-day public comment period;
- Fact Sheet will be transmitted to the Brownfield Site Contact List;
- A copy of the Remedial Work Plan and Fact Sheet will be placed in the document repository;
- A certification will be provided to NYSDEC within 10 days of the mailing to evidence compliance with the CPP requirements;
- A public meeting will be held during the public comment period to describe the RWP and address public comments and concerns.

Pre-Construction

A draft Pre-Construction Notice will be submitted to the NYSDEC at least 20 days prior to the start of construction. Once the fact sheet is reviewed and approved by NYSDEC the following activities will take place:

- The public notice will be transmitted to the Brownfield Site Contact List;
- A copy of the design document and notice will be placed in the document repository;
- A certification will be provided to NYSDEC within 10 days of the mailing to evidence compliance with the CPP requirements;

Post-Construction

A proposed notice and fact sheet along with the Remedial Action Report will be submitted to NYSDEC. The fact sheet will describe the content of the report. Once the fact sheet is approved by NYSDEC the following activities will take place:

- Mail the notice and fact sheet to the parties on the Brownfield Site Contact List prior to the Department approval of the report;
- A certification will be provided to NYSDEC within 10 days of the mailing to evidence compliance with the CPP requirements;
- If institutional or engineering controls are necessary at the site, within 10 days of the issuance of the Certificate of Completion, a NYSDEC approved fact sheet must be issued to the Brownfield Site Contact List.

Project Phase	Document Repository	Notice	Fact Sheet	Comment Period	Other
Before Approval of Remedial Work Plan	Yes	Yes	Yes	45 day	Public Meeting
Before Construction Starts	NR	Yes	Yes	NR	
Before Approval of Remedial Action Report	Yes	Yes	Yes	NR	
Issuance of Certificate of Completion IC/EC part of remedy	NR	Yes	Yes	NR	Within 10 days of issuance

NR – Not Required

IC/EC – Institutional Controls/Engineering Controls

TECHNICAL ASSISTANCE GRANTS

Technical Assistance Grants (TAGs) are authorized pursuant to ECL Article 14 for the BCP program. TAGs are available to eligible community groups to increase public awareness and understanding of remedial activities taking place in their community. TAGs of up to \$50,000 are available to qualifying community groups to obtain independent technical assistance for BCP sites that present a significant threat to the public health and/or the environment. The issuing of TAGs will be done by the NYSDEC. Please refer to the NYSDEC's Division of Environmental Remediation website for additional information on eligibility and application procedures.

Frequently Asked Questions

What is the Brownfield Cleanup Program (BCP)?

The Brownfield Cleanup Program addresses the environmental, legal and financial barriers that often hinder the redevelopment and reuse of contaminated properties.

Under the BCP, a volunteer can enter into an agreement with the NYSDEC to investigate a site, remediate a site, or investigate and remediate a site. The volunteer agrees to remediate the site to a level which is protective of public health and the environment for the present or intended use of the property. Investigation and remediation is carried out under the oversight of NYSDEC and the New York State Department of Health. The volunteer pays a portion of the State's oversight costs. When the volunteer completes the remedial work, or if no remediation is necessary, the NYSDEC provides a release from liability for the work performed and the contaminants addressed, with standard reservations.

What is a Citizen Participation Plan?

This Citizen Participation Plan ("CPP") provides interested citizens with information on events that will occur during the investigation, testing and remediation process associated with the site. The plan is also used by state agencies to track public involvement and outreach that is required in accordance with the BCP.

Who creates the plan?

This CPP has been developed by Consolidated Edison Co. of New York ("Con Edison") in conjunction with the New York State Department of Environmental Conservation ("NYSDEC") and the New York State Department of Health ("NYSDOH"). This edition of the CPP, as well as every future edition, must be approved by the NYSDEC before it becomes official.

What documents are included in this Plan?

Site specific fact sheets detailing the steps involved in the investigation, testing and cleanup process occurring on and around the specific site;

Information on document repositories for site and the documents available within them;

A glossary of terms and acronyms you may encounter while learning about this program;

A list of groups interested or involved with this site ("Brownfield Site Contact List").

Your Involvement:

This plan describes activities that will occur at different stages of the site investigation and cleanup, including opportunities for public input. You can review the Citizen Participation Plan and other site-related documents at the "Document Repository" locations listed. If you have placed your name on a site mailing list then Con Edison will send you future updates to keep you informed and involved throughout the investigation and cleanup process.

We encourage you to contact representatives of Con Edison, the NYSDEC or the NYSDOH anytime with questions, comments or concerns. If you know someone who would like to be put on the mailing list, have them send in the attached mailer or contact one of the appropriate representatives listed below.

For Questions About:

Silverstein Properties Inc.

Managing Agent for River Place I, LLC and River Place II, LLC

Mr. William Dacunto
Vice President - Operations
Silverstein Properties, Inc.
530 Fifth Avenue
18th Floor
New York, NY 10036
(212) 551-7350

Con Edison Project Management and Communications:

Laura Mascuch
MGP Project Coordinator
4 Irving Place
New York, NY 10003
Toll-free: (877) 602-6633

Site-related Environmental Questions:

Joseph Moloughney
Project Manager
NYSDEC
625 Broadway
Albany, NY 12233-7014
(518) 402- 9564

Site-Related Health Concerns:

Dawn Hettrick, P.E.
NYSDOH, Environmental Investigations
Flanigan Square, 547 River Street, Rm 300
Troy, NY 12180
Toll-free (800) 458-1158 Ext. 2-7880

Leave your name, number and a brief message and a representative will return your call.

Con Edison BCP Mailer

Please feel free to use this mailer for any of the following purposes:

- ____ 1. You would like to be placed on the West 42nd Street Site mailing list.
- ____ 2. You would like to receive future fact sheets.
- ____ 3. You would like to be taken off the West 42nd Street Site mailing list.
- ____ 4. You would like to provide us with a change of name or address.
- ____ 5. You would like to provide us with comments.

Please complete the form below and mail to address indicated below

Add the following name(s) and addresses:

_____	_____
_____	_____
_____	_____

Delete the following name(s):

_____	_____
_____	_____
_____	_____

Make the following changes:

(Old) _____	(New) _____
_____	_____
_____	_____

Mail To:

**Laura Mascuch
Con Edison
4 Irving Plaza, 1650-S
New York, NY 10003**

Glossary and Acronyms

GLOSSARY

This glossary defines terms associated with the citizen participation process of the New York State Brownfield Cleanup Program (BCP) and important elements of the BCP.

Availability Session	A meeting with the community with no formal agenda, which may or may not include staff from NYSDEC/NYSDOH. See public meeting.
Background	Refers to the concentrations of contaminants (compounds) existing in various media (soil, groundwater, sediment) that originated from either natural sources (non man-made) or resulting from normal off-site activities of the population and commercial/industrial activity in the vicinity of the site not specifically related to site process operations. Also included in this category are parent or breakdown constituents of these compounds.
Benzene	A common organic chemical compound made up of six carbon atoms arranged in a hexagonal ring, with hydrogen atoms attached to each corner. Benzene is a widely used chemical in industry, and is often found in gasoline.
Brownfield Cleanup Program	The Brownfield Cleanup Program address the environmental, legal and financial barriers that often hinder the redevelopment and reuse of contaminated properties. Under the BCP, a volunteer can enter into an agreement with the NYSDEC to investigate a site, remediate a site, or investigate and remediate a site. The volunteer agrees to remediate the site to a level which is protective of public health and the environment for the present or intended use of the property. Investigation and remediation is carried out under the oversight of NYSDEC and the New York State Department of Health. The volunteer pays a portion of the State's oversight costs. When the volunteer completes the remedial work, or if no remediation is necessary, the NYSDEC provides a release from liability for the work performed and the contaminants addressed, with standard reservations.
BTEX	An abbreviation for a group of chemical compounds: Benzene, Toluene, Ethylbenzene, and Xylene. Commonly found in MGP wastes and are also used as antiknock compounds in gasoline.

Carbureted Water Gas	Refers to a more sophisticated process for producing a higher quality gas. Either coke or coal was heated in a retort into which steam was injected. A chemical reaction took place that produced a flammable gas mixture. Petroleum products or oils were then sprayed into this hot gas mixture creating another chemical reaction to form methane, which increased the heating and lighting value of the gas.
Citizen Participation	A program of planning and activities to encourage communication among people affected by or interested in hazardous waste sites and the government agencies responsible for investigating and remediating them.
Coal Carbonization	Refers to the oldest and simplest process used for manufactured gas production. Coal was heated in closed ovens, or retorts, with no source of air. Volatile constituents of the coal were driven off as a gas. This low quality gas was collected, cooled and purified prior to being directed into a distribution system.
Coal Tar	A very viscous oily liquid that is one of the by-products of the manufactured gas process during production, purification and distribution.
Division of Environmental Remediation	Formerly the Division of Hazardous Waste Remediation, a major program unit within the New York State Department of Environmental Conservation created to manage the hazardous waste site remedial program from site discovery through Operation and Maintenance activities. Staff include: engineers, geologists, chemists, attorneys, citizen participation specialists, environmental program specialists and support staff.
DNAPL	Refers to Dense Non-Aqueous Phase Liquid. A DNAPL is a liquid that is immiscible and remains as a separate phase or layer in the environment and is heavier than water, thus making it sink through the groundwater.
Document Repository	A file of documents pertaining to a site's remedial and citizen participation programs which is made available for public review. The file generally is maintained in a public building near the MGP

Engineering Controls (EC)	<p>or gas holder site to provide access at a location and times convenient to the public.</p> <p>Engineering Control shall mean any physical barrier or method employed to actively or passively contain, stabilize or monitor hazardous waste or petroleum.</p>
Fact Sheet	<p>A written discussion about part or all of a site's investigation, prepared by Con Edison and provided to the public. A fact sheet may focus on: a particular element of the site's investigation; opportunities for public involvement; availability of a report or other information, or announcement of a public meeting or comment period.</p>
Gas Holder	<p>(Also known as a gasometer) is a large, expandable tank used to store gas at an MGP.</p>
Groundwater	<p>Refers to water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater in an unsaturated zone.</p>
Holder Station	<p>Gas holders were large storage tanks, either above or below ground that were used to maintain a supply of pressurized manufactured gas for introduction into the distribution system. The MGP would produce and purify the gas, and in some cases, because of the size of the distribution system or the area available for the plant, gas holders were located off the main plant site at other locations. Those places where just a gas holder was located are called holder stations.</p>
Inorganic	<p>Substances that do not contain carbon. Metals such as zinc and lead are inorganic substances.</p>
Interim Remedial Measure (IRM)	<p>Refers to an Interim Remedial Measure. This is a discrete set of activities which address both emergency or non-emergency conditions, which can be undertaken without extensive investigation and evaluation, to prevent, mitigate, or remedy human exposure and/or environmental damage or the consequences of human exposure and/or environmental damage attributable to a site.</p>
Institutional Controls (IC)	<p>Institutional control shall mean any non-physical means of enforcing a restriction on the use of real property that limits human or environmental exposure.</p>
LNAPL	<p>Refers to Light Non-Aqueous Phase Liquid. A LNAPL is a liquid</p>

that is immiscible and remains as a separate phase or layer in the environment and is lighter than water, thus making it float or reside near the top of the groundwater.

Mailing List

Names, addresses and/or telephone numbers of individuals, groups, organizations, government officials and media affected by or interested in a particular hazardous waste site. The size of a mailing list and the categories included are influenced by population density, degree of interest in a site, the stage of the remedial process and other factors.

MGP

Refers to a Manufactured Gas Plant. This was an industrial facility at which gas was produced from coal, oil and other feedstock. The gas was used for heating and lighting.

Monitoring Well

A hole drilled into the soil or bedrock which enables officials to collect samples of groundwater at a specific horizontal and vertical location. The samples can then be tested to look for contaminants.

NAPL

Refers to Non-Aqueous Phase Liquid. A NAPL is an immiscible liquid that remains as a separate phase or layer in the environment.

Natural Attenuation

A variety of natural processes by which contaminant concentrations decrease in soil or groundwater. For example, some bacteria break down contaminants into non-toxic substances like water and carbon dioxide.

**New York State
Department of Health**

Agency within the executive branch of New York State government which works closely with DEC to evaluate potential health impacts and human exposures, reviews all site investigations, conducts health-related community outreach around sites, and reviews remedial actions to assure that public health concerns are adequately addressed.

Operable Unit

An administrative term used to identify a discrete portion of a site that can be addressed by a distinct investigation and/or cleanup approach. For example, groundwater contamination at a site may be considered as one operable unit, and soil contamination at the same site may be dealt with as a second operable unit. An Operable Unit can receive specific investigation, and a particular

	remedy may be proposed.
Operation, Maintenance and Monitoring	A period in which remedial action may be conducted following construction at a site (for example, operation of a “pump and treat” system), or which is performed after a remedial action to assure its continued effectiveness and protection of people’s health and the environment. Activities can include site inspections, well monitoring and other sampling.
PAH	Polycyclic aromatic hydrocarbons are a group of semivolatile organic compounds found in coal tar, asphalt and diesel fuel
Permeability	The extent to which a liquid or gas can move through a substance. For example, different types of soil have different permeabilities: water moves easily through some sandy soils (a high permeability soil) and slowly through clay (a low permeability soil).
Plume	An area of chemicals moving away from its source in a feather-like (hence the name, plume) shape. For example, a plume can be a column of smoke drifting away from a chimney or an area of dissolved chemicals moving with groundwater.
PPB/PPM	The concentration of a substance in air, water, or soil. The abbreviations stand for part per billion (ppb) and part per million (ppm). One ppb means there is one part of a substance for every billion parts of the air, water or soil in which it is measured. One ppb is 1,000 times less than 1 ppm.
Public Meeting	A scheduled gathering of agency staff and the public to give and receive information, ask questions and discuss concerns about a site’s investigation. Staff from other NYSDEC divisions, legal and health staff, and staff from consultants and a responsible party often attend. A public meeting, unlike an availability session, generally features a formal presentation and a detailed agenda.
Purifier Waste	(Also known as box waste) is a solid MGP waste that was produced during purification of the manufactured gas. It is typically found as a dark mixture of wood chips with a very strong, unpleasant burnt odor.
Receptor	Means any humans or biota that are, or may be expected to be, or have been, exposed to or affected by a contaminant from a site.

Remedial Action	Refers to those actions taken at or near a site as may be required by the NYSDEC, including without limitation, removal, treatment, containment, transportation, securing, or other engineering or institutional controls, whether of a permanent nature or otherwise, designed to ensure that any discharged contamination is remediated in compliance with applicable New York State standards, criteria, and guidelines.
Remedial Construction	The implementation of the remedial alternative selected to remediate (clean up) a site. A soil removal, installation of a groundwater treatment system, or installation of a landfill cap are all examples of remedial construction. Construction follows the Remedial Design stage of a site's remedial program.
Remedial Design	Refers to the development and presentation of the details necessary to implement a remedial action requiring construction or other physical work in the field.
Remedial Investigation	Refers to actions taken to investigate contamination and determine the nature and extent of the contamination presented by a discharge or disposal at the site.
Responsible Party	An individual or business who: currently owns or operates a former MGP or gas holder site; or historically owned or operated this type of site when waste was disposed; or generated waste at a site; or transported hazardous waste to a site.
Sediment	Refers to soils or organic material in water, as found in lakes, rivers, streams, and other water bodies and in or close proximity to wetland areas. Material found in enclosed sumps, sewers, or piping systems not accessible to fish and wildlife and not forming any benthic or aquatic habitat are not considered sediments for the purpose of comparison to New York State requirements for sediment.
Semi-Volatile Organic Compounds	A group of chemicals similar to Volatile Organic Compounds that do not evaporate as easily.
Site Characterization	Generally refers to the first or initial phase or stage of the process of identifying potential areas of concern at a site. This is not as detailed or encompassing as a remedial investigation that may be conducted at a site.

Soil Boring	A circular hole made in the ground by a drill to collect soil samples deep in the ground. Samples are collected for testing to see if the subsurface soil has been contaminated. Sometimes these borings are converted into groundwater monitoring wells.
Soil Gas	Refers to the air and other gases found in the pore spaces of soils above the water table. (Below the water table, these pore spaces are filled with water)
Soil Gas Survey	A method for investigating the underground distribution of volatile organic compounds by looking for their vapors in the soil gas (air trapped between soil particles). In a soil gas survey, a small amount of soil gas is collected from various locations and tested for the presence of contaminants.
Technical Assistance Grant (TAG)	Technical Assistance Grants are provided by NYSDEC to eligible community groups to increase public awareness and understanding of remedial activities taking place in their community.
Tar Well	Refers to any subsurface tank or vessel used to accumulate or store tar. It is common to find these structures, partially or totally full of tar, during MGP investigations.
Volatile Organic Compounds (VOCs)	Carbon-containing chemicals that readily evaporate, such as some cleaning solvents and chemicals in gasoline.
Voluntary Cleanup Agreement	New York State's Voluntary Cleanup Program is a cooperative approach between NYSDEC, property owners, and responsible parties to investigate and/or remediate contaminated sites. Under the Voluntary Cleanup Program, a volunteer enters into an agreement and performs investigation and/or remedial activities pursuant to NYSDEC approved work plans. Investigation and/or remediation is carried out under the oversight of NYSDEC and the NYSDOH and the volunteer pays the State's oversight costs. The Volunteer signs up to a Voluntary Cleanup Agreement with NYSDEC that contains the administrative requirements for executing the work at the site.

ACRONYMS

BCP	Brownfield Cleanup Program
BCA	Brownfield Cleanup Agreement
BTEX	Benzene, Toluene, Ethylbenzene and Xylene
C & D	Construction and Demolition Debris
CP	Citizen Participation
DEC	New York State Department of Environmental Conservation
DER	Division of Environmental Remediation, formerly the Division of Hazardous Waste Remediation (NYSDEC)
DNAPL	Dense Non-Aqueous Phase Liquids
DOH	Department of Health (New York State)
DOW	Division of Water (NYS Department of Environmental Conservation)
EC	Environmental Control
ENB	Environmental Notice Bulletin
EPA	United States Environmental Protection Agency
F & W	Division of Fish and Wildlife (NYSDEC)
FOIL	Freedom of Information Law
FS	Feasibility Study
GPM	Gallons Per Minute
HeLP	Health Liaison Program (NYS Department of Health)
IC	Institutional Control
IRM	Interim Remedial Measure
MGP	Manufactured Gas Plants
mg/kg	milligrams per kilogram
NAPL	Non-Aqueous Phase Liquid
ND	Non-Detect
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
OM & M	Operation, Maintenance and Monitoring

OU	Operable Unit
PAH	Polycyclic Aromatic Hydrocarbon
PCB	Poly-Chlorinated Biphenyl
POTW	Publicly Owned Treatment Works (sewage treatment plant)
ppm/ppb/ppt	parts per million/parts per billion/parts per trillion
QA/QC	Quality Assurance/Quality Control
RA	Remedial Action
RAR	Remedial Alternatives Report
RAS	Remedial Action Selection Report
RCRA	Resource Conservation and Recovery Act (Federal Law)
RD	Remedial Design
RHWRE	Regional Hazardous Waste Remediation Engineer
RI	Remedial Investigation
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
RP	Responsible Party
SCGs	Standards, Criteria and Guidance Values
SVOCs	Semi-Volatile Organic Compounds
TAG	Technical Assistance Grant
TAGM	Technical and Administrative Guidance Memorandum
TSDF	Treatment, Storage and Disposal Facility
ug/l	micrograms per liter
UST	Underground Storage Tank
VCA	Voluntary Cleanup Agreement
VCP	Voluntary Cleanup Program
VOC	Volatile Organic Compound

APPENDIX I

JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC and RIVER PLACE II LLC

BROWNFIELD SITE CONTACT LIST

Chief Executive Officer and Zoning Board Chairperson

<u>Chief Executive Officer</u>	Honorable Michael R. Bloomberg Mayor of the City of New York City Hall New York, NY 10007
<u>NYC Director of Zoning</u>	Michael Weil NYC Department of City Planning 22 Reade Street New York, NY 10007
<u>Manhattan Borough Office</u>	Vishaan Chakrabarti Director, Manhattan Office NYC Department of City Planning 22 Reade Street New York, NY 10007

Owners and Occupants of Site and Properties Adjacent to Site

<u>River Place I</u>	River Place I Residents 640 W. 42 nd Street New York, NY 10036
<u>South of Site</u>	NYC Transit Authority 525 11 th Avenue New York, NY 10018 (MTA Bus Depot)
<u>West of Site</u>	Pier 83 at West 42 nd Street New York City Department of Business 110 William Street New York, NY 10038 (Sightseeing Boat Marina)
<u>East of Site</u>	Mercedes Benz Manhattan 514 11 th Avenue New York, NY 10018 (Auto Dealership)

Owners and Occupants of Properties Adjacent to Site (cont.)

East of Site

Federal Express Corporation
554 11th Avenue
New York, NY 10036
(Truck Garage and Offices)

Massachusetts Mutual Life Insurance Co.
555 West 42nd Street
New York, NY 10036
(High-Rise Apartment Building)

North of Site

Peoples Republic of China
520 Joe DiMaggio Highway
New York, NY 10036
(Consulate Building)

Kandila Realty Corp.
647 West 42nd Street
New York, NY 10036
(Restaurant)

627 Associates LLC
627 West 42nd Street
New York, NY 10036
(Vacant Commercially Zoned Property)

DFF 37th Street Associates
621 West 42nd Street
New York, NY 10036
(Vacant - Former NYPD Mounted Unit Horse Stable)

Verizon New York Inc.
603 West 43rd Street
New York, NY 10036
(Garage)

Mobil Oil Corp.
553 11th Avenue
New York, NY 10036
(Gas Station)

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