

**QUEENS MEDALLION LEASING  
21-03 44<sup>th</sup> AVENUE  
LONG ISLAND CITY, QUEENS  
COUNTY, NEW YORK 11101**

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**CITIZEN PARTICIPATION PLAN  
NYSDEC BCP SITE NO. C241144**

Prepared For

Exclusive Realty Services, LLC

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**1.0 WHAT IS NEW YORK'S BROWNFIELD CLEANUP PROGRAM?**

New York's Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. 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 a 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 that conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. 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 New York State BCP, please go online at: <http://www.dec.ny.gov/chemical/8450.html>.

**2.0 CITIZEN PARTICIPATION ACTIVITIES**

**Why NYSDEC Involves the Public and Why It Is Important**

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social wellbeing. NYSDEC provides opportunities for citizen

involvement and encourages early two-way communication with citizens before decision-makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment;
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process;
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process;
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community; and
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision-making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

### **Project Contacts**

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The NYSDEC project contacts include the designated Project Manager as well as the designated Citizen Participation Specialist. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

### **Locations of Reports and Information**

Four (4) document repositories have been established at the locations below, where all applicable project documents will be made available to the public.

Electronic copies of all files and/or reports associated with the environmental activities at the site will be maintained and available for review at the following local document repository locations:

<b><u>Document Repository 1</u></b>	<b><u>Document Repository 2</u></b>
Queens Borough Public Library Court Square 2501 Jackson Avenue Long Island City, NY 11101 Telephone: (718) 937-2790 Hours of Operation: Mon., Thur. & Fri. - 11 a.m. to 7 p.m. Tue. & Wed. - 1 p.m. to 7 p.m. Sat. & Sun. - Closed	Queens Community Board No. 2 43-22 50 <sup>th</sup> Street 2 <sup>nd</sup> Floor, Room 2B Woodside, NY 11377 Telephone: (718)-533-8773 e-mail - <a href="mailto:qn02@cb.nyc.gov">qn02@cb.nyc.gov</a> <i>By Scheduled Appointment</i> Hours of Operation: Mon. - Fri. - 9 a.m. to 5 p.m. Sat. & Sun. - Closed

These document repositories will be regularly inspected to ensure that all material related to the site investigation and remediation activities are available for review. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC website. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate. The locations of the document repositories maintaining information related to the Site's investigation and cleanup program also are identified in Appendix A.

### **Site Contact List**

A site contact list has been generated and is on file with the NYSDEC Regional Citizen Participation Specialist (see Appendix A). This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork),

as well as availability of project documents and announcements about public comment periods. The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties 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 or near the site for purposes of posting and/or dissemination of information at the facility; and
- location(s) of reports and information.

The 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. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

### **CP Activities**

Notices and fact sheets help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up the site.

Public forums, comment periods and contact with project managers provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about the site's investigation and cleanup.

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix B shows how these CP activities integrate with the site investigation and cleanup process. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Public notices will be made at several key milestones during the remediation activities.

The initial public notice announcements for this project are being made through this mailing to the Site Contact List. It should be noted that the NYSDEC Division of Environmental Remediation (DER) is "going paperless". The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county e-mail listservs. As such, subsequent notices for this project will be issued electronically through the NYSDEC listserv distributions. Several key benefits of listserv distribution include:

- it is fast and convenient, coming right to your e-mail inbox;
- it is easy to share information with others;
- it is comprehensive; you receive updates on all sites in the counties you choose;
- it stretches taxpayer dollars by reducing labor, paper, printing and postage; and
- it helps the environment by reducing our "carbon footprint."

To receive site information by e-mail via listserv distribution, sign up through the GovDelivery service at the following website: <http://www.dec.ny.gov/chemical/61092.html>. It is quick, free, and it will help keep you better informed. Sign up for one or more contaminated sites county listservs and have site information sent right to your e-mail inbox. Sign-up can be completed as follows:

1. Enter your email address in the box below and click "submit".
2. You will be taken to the GovDelivery "New Subscriber page". Here you will confirm your e-mail, select how frequently you would like to receive updates and choose a password (optional). Once you have done this, click "submit".
3. You will see all the topics that you can subscribe to. Scroll down to the bottom of the list to category "*Environmental Site Cleanup and Permitting Information by County*".
4. Click on the + sign in the small box next to the category to expand it to see all the counties.



5. Click the box by the county name to select it (*i.e.*, *Queens for this BCP Site*). You may select as many counties as you want. Click the box again to un-select a county.
6. In the last step, you will be asked to give your zip code. Enter it and click "submit".

You will get an e-mail back from GovDelivery listing all the county listservs that you have subscribed to. You can easily change account information, such as your e-mail address or unsubscribe at any time. In instances where electronic delivery is not an option, the public can still request that they be notified by paper via regular mail delivery.

The public is encouraged to contact project staff at any time during the Site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

### **Technical Assistance Grant**

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying 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.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

For more information about TAGs, go online at <http://www.dec.ny.gov/regulations/2590.html>

*Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program are presented on the next page.*

Citizen Participation Requirements (Activities)	Timing of CP Activity(ies)
<b><u>Application Process:</u></b>	
<ul style="list-style-type: none"> <li>Prepare Site contact list</li> <li>Establish document repositories</li> </ul>	COMPLETED
<ul style="list-style-type: none"> <li>Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>Publish above ENB content in local newspaper</li> <li>Mail above ENB content to site contact list</li> <li>Conduct 30-day public comment period</li> </ul>	COMPLETED
<b><u>After Execution of Brownfield Site Cleanup Agreement:</u></b>	
<ul style="list-style-type: none"> <li>Prepare Citizen Participation (CP) Plan</li> </ul>	Before start of Remedial Investigation
<b><u>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</u></b>	
<ul style="list-style-type: none"> <li>Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>Conduct 30-day public comment period</li> </ul>	<p>Before NYSDEC approves RI Work Plan.</p> <p>If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet.</p> <p>Thirty-day public comment period begins/ends as per dates identified in fact sheet.</p>
<b><u>After Applicant Completes Remedial Investigation:</u></b>	
<ul style="list-style-type: none"> <li>Distribute fact sheet to site contact list that describes RI results</li> </ul>	Before NYSDEC approves RI Report
<b><u>Before NYSDEC Approves Remedial Work Plan (RWP):</u></b>	
<ul style="list-style-type: none"> <li>Distribute fact sheet to site contact list about proposed RWP and announcing 45-day public comment period</li> <li>Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>Conduct 45-day public comment period</li> </ul>	<p>Before NYSDEC approves RWP.</p> <p>Forty-five day public comment period begins/ends as per dates identified in fact sheet.</p> <p>Public meeting would be held within the 45-day public comment period.</p>
<b><u>Before Applicant Starts Cleanup Action:</u></b>	
<ul style="list-style-type: none"> <li>Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	Before the start of cleanup action.
<b><u>After Applicant Completes Cleanup Action:</u></b>	
<ul style="list-style-type: none"> <li>Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report (FER)</li> <li>Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC)</li> </ul>	At the time NYSDEC approves FER. These two fact sheets are combined if possible if there is not a delay in issuing the COC.

### **3.0 MAJOR ISSUES OF PUBLIC CONCERN**

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the Site's investigation and cleanup process.

The contamination beneath the site is the result of historical activities on the site. Based on previous investigations performed on the site, hexavalent chromium and volatile organic compounds (VOCs) were reported to be present in the subsurface (soil, groundwater and/or soil vapor).

The site is located within an Environmental Justice Area. Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.

The site is located in an area with a large Hispanic-American population. Therefore, all future fact sheets will be translated into Spanish as well.

In addition, there may be impacts with regards to noise, odor and/or truck traffic.

#### **Current Site Condition Contaminant Exposure Risks**

The analytical results from current site conditions as well as past remedial investigations indicate that there is no plausible offsite exposure scenario for the onsite soil and/or groundwater contamination present beneath the site. The current redeveloped status of the site which incorporates an impermeable cap throughout the entire site. The only exposure pathway via these media is through dermal contact and/or ingestion by visitors, trespassers or contractors. Currently there is no exposure pathway for soil and/or groundwater contamination at the site. Therefore, the potential exposure risk for residual contamination at the site to impact surrounding properties via ingestion and/or dermal contact is low.

Due to the current redeveloped status of the site which incorporates an impermeable cap throughout the entire site, the only contaminant exposure pathway currently at the site consists

of inhalation of VOCs through soil vapor intrusion. The most likely current contamination exposure pathway for people living and working at adjacent properties would be via soil vapor intrusion resulting in VOC impact to indoor air quality.

### **Potential Future Contaminant Exposure Risks**

As a result of the anticipated remedial actions (i.e., ground invasive activities), the possible contamination exposure on the site (to remediation and/or construction contractors) will be considered direct exposure whereby a product can find its way into food, water or air supplies by direct transfer. All Health and Safety precautions will be taken to ensure site workers exposed to onsite contamination use appropriate personal protection equipment (PPE) for respective site contaminants. Additionally, best practices will be followed with regards to all materials handling associated with ground invasive activities.

The potential future risk of contamination exposure to offsite surrounding properties via ingestion and/or dermal contact is low. The most likely contamination exposure pathway for people living and working at adjacent properties would be via offsite migration of VOCs and/or dust resulting from the institution of the remedial actions. Applicable site management measures will be implemented to prevent offsite impact resulting from the implementation of any future remedial actions.

## **4.0 SITE INFORMATION**

### **Introduction and Site Description**

This Exclusive Realty Services, LLC (heretofore referred to as “ERS” or the “Volunteer”) is undertaking the remediation and potential redevelopment of the former Bern Associates, Long Island City property located at 21-03 44<sup>th</sup> Avenue, Long Island City, New York (heretofore referred to as the “Site”). A Site Location Map is presented as figure 1. The Site property is listed as a two-story building and a small land area that was used for metal plating approximately 20 to 25 years ago. Presently, the Site is not used as an industrial facility and no industrial activities have taken place since 1996. The building at 21-03 44<sup>th</sup> Avenue is currently in use as commercial office space and as a taxi leasing business. The vicinity of the Site consists of a New York City high school located approximately 350 feet to the south,

isolated residential properties approximately 500 feet to the southeast and southwest along 44<sup>th</sup> Avenue and as a primarily residential block 700 feet to the north along 45<sup>th</sup> Avenue. The building has a concrete floor and a gravel covered alley is located to the east of the building. A Site Plan is presented as figure 2.

The Site is now the subject of an environmental remediation pursuant to the NYSDEC BCP. ERS has entered into the BCP with the NYSDEC and is listed as the volunteer for Site No. C241144. As per the Brownfield Cleanup Agreement (BCA), the Site was registered with the name “Queens Medallion Leasing”.

As a result of the historical property uses, the subsurface environmental condition at the Site has been negatively impacted by various contaminants. LBG Engineering Services, P.C. (LBGES) and Leggette, Brashears & Graham, Inc. (LBG) on behalf of ERS, have prepared a Supplemental Remedial Investigation (SRI) Work Plan and all related supplemental and governing documents to determine the extent of residual subsurface contamination (if present) beneath the Site. Following the SRI, a Remedial Action Work Plan (RAWP) will be prepared and implemented at the Site to address residual contamination present at the Site and to mitigate potential negative impacts to the Site.

ERS, in cooperation with the NYSDEC and New York State Department of Health (NYSDOH), will inform and involve the public during the investigation and remediation of the Site. The purpose of this CP Plan is to provide a framework for disseminating information to the public and provide the public with an opportunity to become informed and involved during the SRI and future remediation activities under the BCP program.

This CPP provides summary information regarding the background related to the contamination identified to date, different phases of the investigation and remediation process, the opportunities for citizen participation, the primary contacts for various State and Local agencies, information on how to find out and access available documents and, the list of affected and interested parties.

The SRI and remediation activities at the Site will be conducted under the NYSDEC BCP. This CP Plan is designed to provide an area-wide comprehensive approach to citizen participation and achieve the following objectives:

- keep the public informed of planned or ongoing actions, the nature of environmental conditions, the environmental and/or public health threats the contamination may pose, the responses under consideration and the progress being made;
- create opportunities for the public to provide information, opinions and perspectives on the work being conducted; and
- ensure open communication between the public and project staff throughout the investigation and remediation process.

ERS, in cooperation with the NYSDEC and the NYSDOH, will implement the activities described in this plan. Implementation of this CPP may evolve during the investigation and remediation process and changes may be made to the plan as conditions warrant.

### **History of Site Use, Investigation and Cleanup**

The Site is located in an urban setting in an area that has historically been used for manufacturing purposes. The Site is a two-story vacant industrial building and a small area of land that was historically used for metal plating approximately 20 to 25 years ago. Presently, the Site is not used as industrial facility and no industrial activity has taken place since 1996. A Site Plan is shown on figure 2. The contaminants of concern (COC) are chromium and tetrachloroethene (PCE) which is a chlorinated volatile organic compound (CVOC).

Prior investigations conducted by Vertex Engineering Services, Inc. (Vertex) in 2004 and (GFE) in 2005 identified the presence of chromium in soil beneath the Property and chromium and PCE in groundwater upgradient, beneath, and downgradient of the Property.

The Vertex investigation included installation of seven groundwater monitoring wells (MW-1 through MW-7), collection and analysis of groundwater samples and sediment samples from the Property and offsite.

The Vertex investigation concluded that chromium was present in soil and groundwater beneath the Property and PCE was detected in groundwater upgradient, beneath, and downgradient of the Property. The highest concentration of PCE in ground water was detected in a downgradient monitoring well (MW-1) located on the sidewalk outside the Property on

44<sup>th</sup> Avenue. Chromium was detected in residual sludge and sediment in several subsurface traps located inside of the building. The sludge and sediment were removed and post excavation soil samples showed that the remediation was successful in reducing the chromium concentrations.

The GFE investigation consisted of installation of seven soil borings, collection of soil and groundwater samples, laboratory analysis of soil and groundwater samples, determination of groundwater quality and direction of flow and investigation of a concrete vault located at the east side of the building. The GFE work also included the permanent closure of a 7,500-gallon underground No. 4 heating oil storage tank (UST). No petroleum contamination was found in the soil.

The results of the Vertex and GFE investigations were described in the following reports which are included on the attached CD.

- Vertex letter report titled "Structure Clean-out and Sewer Line Tracing," 21-03 44<sup>th</sup> Avenue, Long Island City, New York, dated July 30, 2004; and,
- GFE report titled "Report of Environmental Investigation and Remediation," 21-03 44<sup>th</sup> Avenue, Long Island City, NY, dated August 29, 2005 and prepared by GFE.

The results of a subsurface investigation completed by Leggette Brashears & Graham, Inc. (LBG) in 2007 suggested that there are two possible sources of VOC groundwater contamination located both upgradient and sidegradient of the Property.

A NYSDEC (also referred to as the "Department") Superfund investigation was performed by ARCADIS Malcolm Pirnie, Inc. in relation to the area-wide PCE groundwater contaminant plume. As a result of the investigation and conclusions of the Remedial Investigation Report (RIR) the Department has labeled the Property a contributor of hexavalent chromium contamination and a potential contributor to the chlorinated VOC contamination.

Most recently, based on communications between the Volunteer and the NYSDEC, NYSDEC is requiring limited supplemental remedial investigation activities to ensure that no residual contaminant source areas are present beneath the Property. Additionally, the

NYSDEC is requiring the development of a remedial action plan to ensure the onsite building is protected from impacts associated with the subsurface contamination (mitigation of potential soil vapor intrusion risk) as well as to address any source area contamination beneath the Property. As per the results of historical environmental characterization activities, the contamination beneath the Property consists of dissolved phase hexavalent chromium (likely attributed at least in part to historic operations at the Property) and chlorinated solvents (likely related to an upgradient property). The highest known concentrations of the dissolved phase contamination are located beneath the eastern perimeter (alley), the southeastern corner of the Property and immediately downgradient of the Property. These areas correlate with the location of a bedrock trough which encompasses the approximate outline of the alley (as delineated as part of the ARCADIS RIR).

## **5.0 INVESTIGATION AND CLEANUP PROCESS**

### **Application**

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 or whose ownership or operation of the Site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a qualitative exposure assessment, a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the Site and to contamination that has migrated from the Site.

The Applicant proposes that the Site will be used for restricted commercial purposes.

To achieve this goal, the Applicant will conduct investigation and cleanup activities at the Site with oversight provided by NYSDEC. The BCA executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the Site.

### **Investigation**

The partial Site investigation activities have been performed at the Site before it entered into the BCP. For the partial investigations, NYSDEC will determine if the data are useable.



The Applicant will conduct an investigation of the site officially called a “supplemental remedial investigation” (SRI). This investigation will be performed with NYSDEC oversight to supplement Site characterization data obtained from historical environmental Site investigation activities. The Applicant must develop a Supplemental Remedial Investigation Work Plan (SRIWP), which is subject to public comment.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and the environment; and,
- 4) provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the Site poses a significant threat to public health or the environment. If the Site is considered a significant threat, it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the Site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

### **Proposed Supplemental Remedial Investigation**

In order to address whether a potentially unidentified source area is present beneath the Site, an area-specific SRI will be performed at the Site. The SRI will be comprised of a limited subsurface investigation, which will consist of advancing one (1) soil boring at the Site in the location of the former subsurface structure VSS-9. The proposed soil boring will be in-

stalled using the GeoProbe drilling method. The location of the proposed soil boring is presented on figure 3.

During the drilling, continuous soil samples will be collected at 5-foot intervals from grade to approximately 25 ft bg (feet below grade) (or the top of the bedrock surface). The soil samples will be evaluated in the field and recorded on geologic logs by the onsite LBG hydrogeologist. The geologic log will also document the depth at which the groundwater interface is identified. Each sample will be screened for the presence of petroleum components using a photoionization detector (PID). Soil samples will be collected from the soil boring at two intervals: 1) one sample from the vertical interval which exhibits the highest PID concentration as observed during the field screening; and 2) one from the top of bedrock. In the event no significantly elevated PID concentrations are observed, the two (2) soil samples will be collected from the following two intervals: 1) one from the approximate groundwater interface; and 2) one from the top of bedrock. All soil samples will be collected in laboratory supplied sample jars and stored in a cooler on ice. Samples will be shipped under chain of custody to a New York State approved laboratory for analysis of VOCs and Target Analyte List (TAL) metals and hexavalent chromium. The analytical laboratory results for the soil sample will be compared to the Restricted Use Soil Cleanup Objectives (RUSCOs) in accordance with the Standards, Criteria and Guidance (SCGs) as outlined in 6 NYCRR Part 375-6.8(b) for the selected land use of Restricted Commercial.

Following the collection of the soil samples from the soil boring, the soil boring will be backfilled. In the event that the soil extracted from the boring does not exhibit elevated levels of VOCs (via the field PID screening) or visual evidence of impact, the cuttings will be used for backfilling the boring. In the event that elevated VOCs or visual evidence of impact is observed, the following procedure will be followed:

- all soil will be drummed onsite in a New York State Department of Transportation (NYSDOT) approved 55-gallon drum;
- the completed soil boring will be backfilled with clean sand to approximately 6 inches below grade;

- the drummed soil will be sampled and submitted to a New York certified laboratory for waste characterization analysis; and,
- following waste characterization, the soil cuttings will be shipped offsite to a certified disposal facility permitted for the waste.

Following the soil sampling and backfilling, the surface of the boring will be restored to its original condition as documented prior to the completion of the soil boring.

Following the SRI, a Remedial Investigation Report (RIR) investigation report describing the results of the subsurface investigation field activities will be prepared. The report will include methodologies and procedures of all field work, geologic log for the soil boring, laboratory analytical reports and results presented in tabular and map form. The results of the investigation will be used to evaluate the environmental status of the subsurface in the former location of VSS-9 and, if necessary, outline recommendations for additional work.

### **Alternatives Analysis and Remedial Selection**

Following NYSDEC approval of the RIR, a Remedial Action Work Plan (RAWP) will be submitted to NYSDEC for approval under the BCP agreement. The RAWP will include an Alternatives Analysis (AA) presenting the evaluation of potential remedial strategies for the Site. The AA will outline various remedial alternatives and will summarize the conceptual design of the Engineering Controls (ECs) to be installed and implemented at the Site (if applicable) as well as the Institutional Controls (ICs) that will address residual contamination that will be left in-place beneath the Site and to minimize the potential for human health exposure (if applicable). A preferred remedial action will be selected based on the AA.

The RAWP will be developed for the preferred remedy, and it will outline the scope of work for implementation. Tentatively, the RAWP will consist of the installation of the sub-slab depressurization system (SSDS) and/or soil vapor extraction (SVE) system for the Site to mitigate the potential impact to indoor air quality (via soil vapor intrusion) resulting from residual subsurface soil vapor contamination present beneath the Site. The RAWP will include the methodologies and procedures for the proposed field work. The RAWP will present the

detailed specifications that will be followed for its implementation. Tentatively, the primary scope for the RAWP will include:

- detailed construction specifications for the installation of the components of the SSDS/SVE system (extraction sumps, header pipes, discharge stack...);
- specifications for the extraction equipment (vacuum pump) that will facilitate the active operation of the SSDS/SVE system;
- the specifications for the anticipated vapor phase treatment; and,
- the operation, maintenance and monitoring plan (OM&M Plan) proposed for the SSDS/SVE system following installation and commencement.

### **Cleanup Action**

NYSDEC will consider public comments, and revise the draft RAWP if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH will oversee the activities.

Following NYSDEC approval of the RAWP, the field work required for the implementation of the approved remedy at the Site will commence.

When the Applicant completes cleanup activities, it will prepare a Final Engineering Report (FER) that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the Site.

A Site Management Plan (SMP) will be submitted with the FER to NYSDEC following implementation of the Remedial Action defined in the RAWP. Under the BCP, NYSDEC approval of a FER and SMP is required prior to the issuance of a Release and Covenant Not To Sue. The FER will provide the documentation that the remedial work required under the RAWP has been completed and has been performed in compliance with the plan. The FER will provide a comprehensive account of the locations and characteristics of all material re-

moved from the Site and surrounding properties including the surveyed map(s) of all sources. The FER will include as-built drawings for all constructed elements, certifications, manifests, bills of lading as well as the complete SMP (formerly the Operation and Maintenance Plan). The FER will provide a description of the changes in the Remedial Action from the elements provided in the RAWP and associated design documents. The FER will provide a tabular summary of all performance evaluation sampling results and all material characterization results and other sampling and chemical analysis performed as part of the Remedial Action. The FER will provide test results demonstrating that all mitigation and remedial systems are functioning properly. The FER will be prepared in conformance with DER-10. The FER will include written and photographic documentation of all remedial work performed under this remedy. The FER will include an itemized tabular description of actual costs incurred during all aspects of the Remedial Action.

### **Certificate of Completion**

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the Site, it will approve the FER. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the Site after it receives a COC.

### **Site Management**

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by the Applicant under NYSDEC oversight, if contamination will remain in place. Site management incorporates any IC/ECs required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a SMP.

An IC is a non-physical restriction on use of the Site, such as a deed restriction that would prevent or restrict certain uses of the property. An IC may be used when the cleanup action leaves some contamination that makes the Site suitable for some, but not all uses.

An EC is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Based on the analytical results from the past Superfund Remedial Investigation, it was determined that there are chlorinated VOC impacts to indoor air quality as a result of soil vapor intrusion to both onsite and offsite properties.

As a result, it is reasonable to conclude that following completion of the selected remedial action, ICs will be required for the Site. The ICs for the Site may consist of (but not be limited to):

1. an environmental easement preventing groundwater use at the Site will be required; and,
2. maintenance of a SMP regulating any future ground invasive activities.

In addition to any recorded ICs, ECs may be required at the Site to ensure protection of human health and the environment. The ECs for the Site may consist of (but not be limited to):

1. a SSDS and/or SVE system to mitigate the potential for soil vapor intrusion; and,
2. a soil vapor barrier to mitigate the potential for soil vapor intrusion.

As stated, the Superfund Remedial Investigation identified chlorinated VOC impacts to indoor air quality (as a result of soil vapor intrusion) to offsite properties. However, remedial actions to address offsite impacts are beyond the scope of the BCA.

Site management also may include the operation and maintenance of a component of the remedy, such as an active contaminant extraction and treatment system. Site management continues until NYSDEC determines that it is no longer needed.

Long-term management of EC/ICs and of residual contamination will be executed under the Site-specific SMP that will be developed and included in the FER. The SMP will be submitted as part of the FER but will be written in a manner that allows its removal and use as a complete and independent document. The SMP will describe appropriate methods and procedures required to ensure compliance with all ECs and ICs that are required by the Deed

Restriction. Once the SMP has been approved by the NYSDEC, compliance with the SMP will be required by the grantor of the Deed Restriction and grantor's successors and assigns. Site Management continues in perpetuity or until released in writing by NYSDEC. The property owner is responsible to ensure that all Site Management responsibilities defined in the Deed Restriction and the SMP are performed.

Site management activities, reporting, and EC/IC certification will be scheduled on a certification period basis. The certification period will be annually.

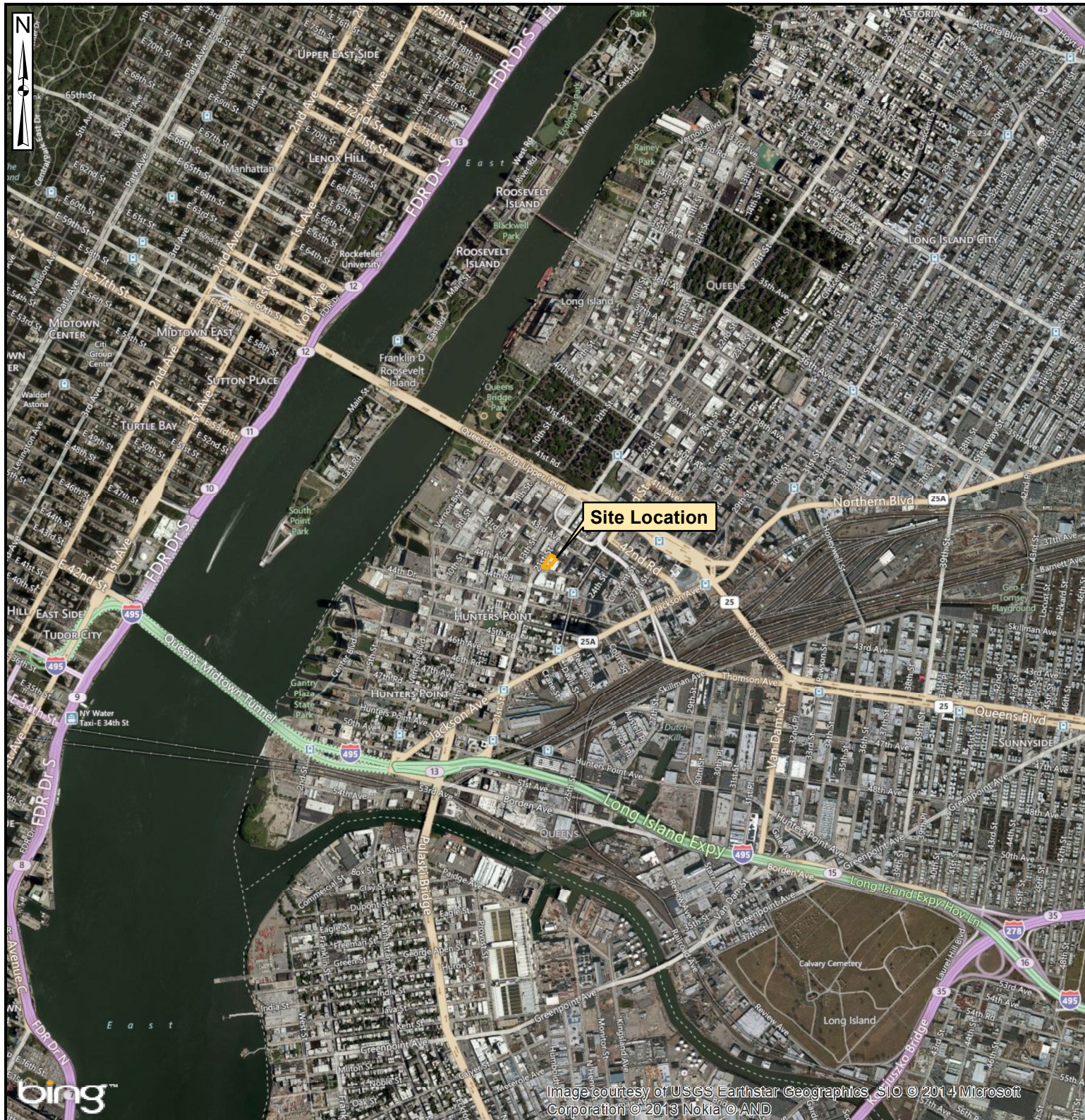
dmd

April 25, 2014

f:\reports\furman\exclusive\_realty\_bcp\2014\riwp\appendix - citizen participation plan\citizen participation plan - update 4-25-14.docx

## **FIGURES**

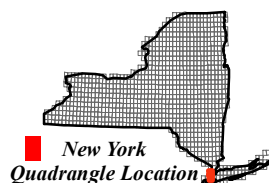




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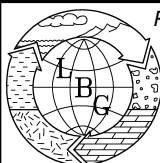
## Legend

Site Boundary



## QUEENS MEDALLION 21-03 44TH AVENUE LONG ISLAND CITY, NEW YORK

### SITE LOCATION



Prepared by:  
**LEGGETTE, BRASHEARS & GRAHAM, INC.**  
Professional Groundwater and Environmental Services  
4 Westchester Park Drive, Suite 175  
White Plains, New York 10604  
(914) 694-5711 [www.lbgweb.com](http://www.lbgweb.com)

DATE: 03/27/14

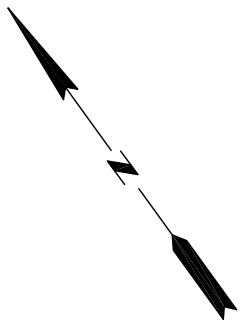
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DRAWN BY: ZT

CHECKED BY: SG

FIGURE: 1





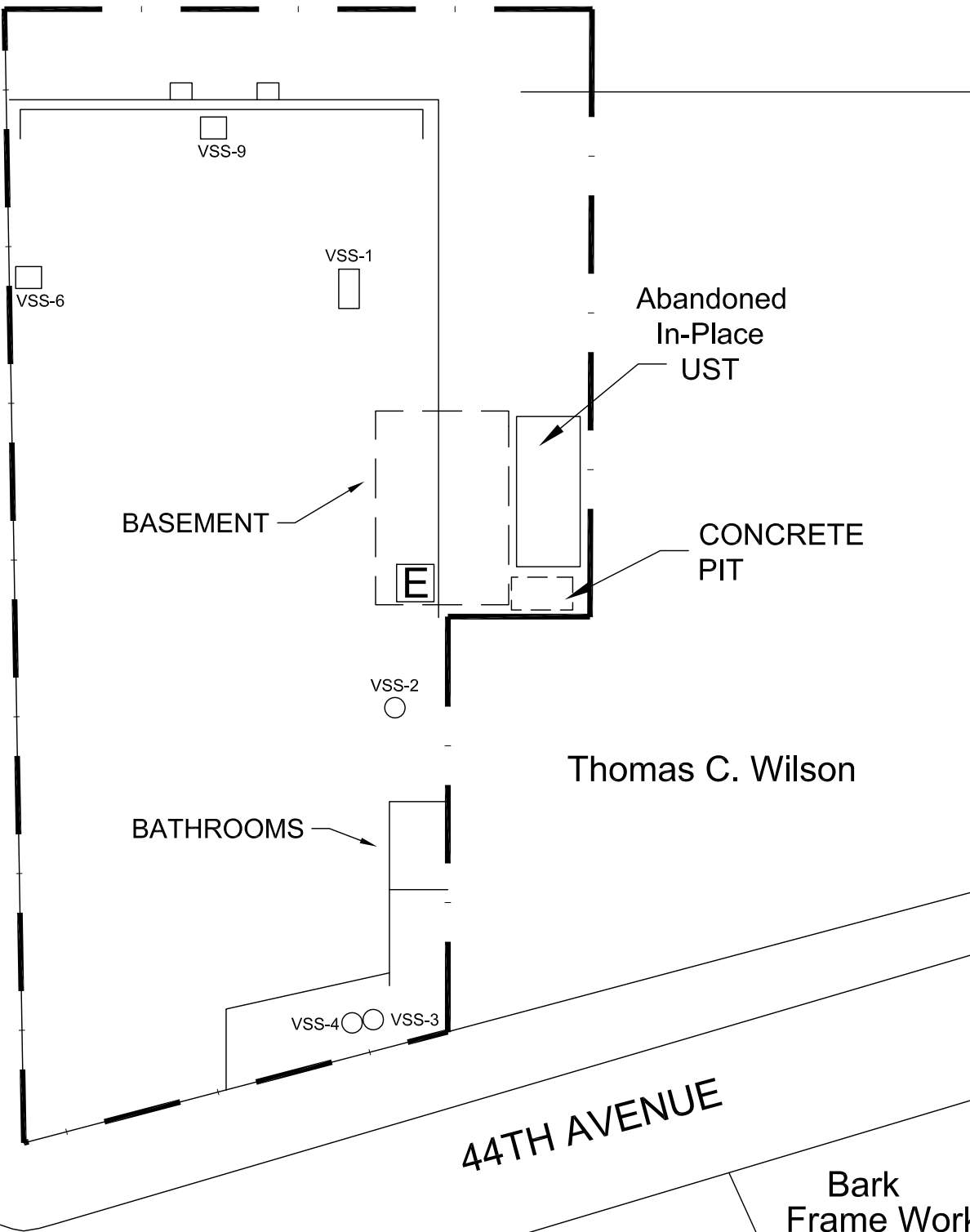
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Envelope

McQuay NY  
Air Conditioning  
Parts & Services

Limes  
Transmission  
21st Street  
Auto Repair, Inc.

21 ST STREET

Wills Building



44TH AVENUE

Bark  
Frame Works

VACANT  
Supertrend, Inc.

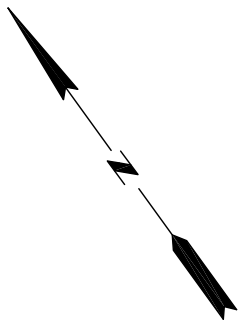
LEGEND

PROPERTY BOUNDARY



SCALE IN FEET

QUEENS MEDALLION 21-03 44TH AVENUE LONG ISLAND CITY, NEW YORK			
SITE PLAN			
	PREPARED BY: LEGGETTE, BRASHEARS & GRAHAM, INC. Professional Ground-Water and Environmental Services 110 Corporate Park Drive, Suite 112 White Plains, New York (914) 694-5711		
	FILE: white plains\bern	DRAWN BY: SCG	CHECKED BY: SG
			DATE: 5/22/13
			FIGURE: 2



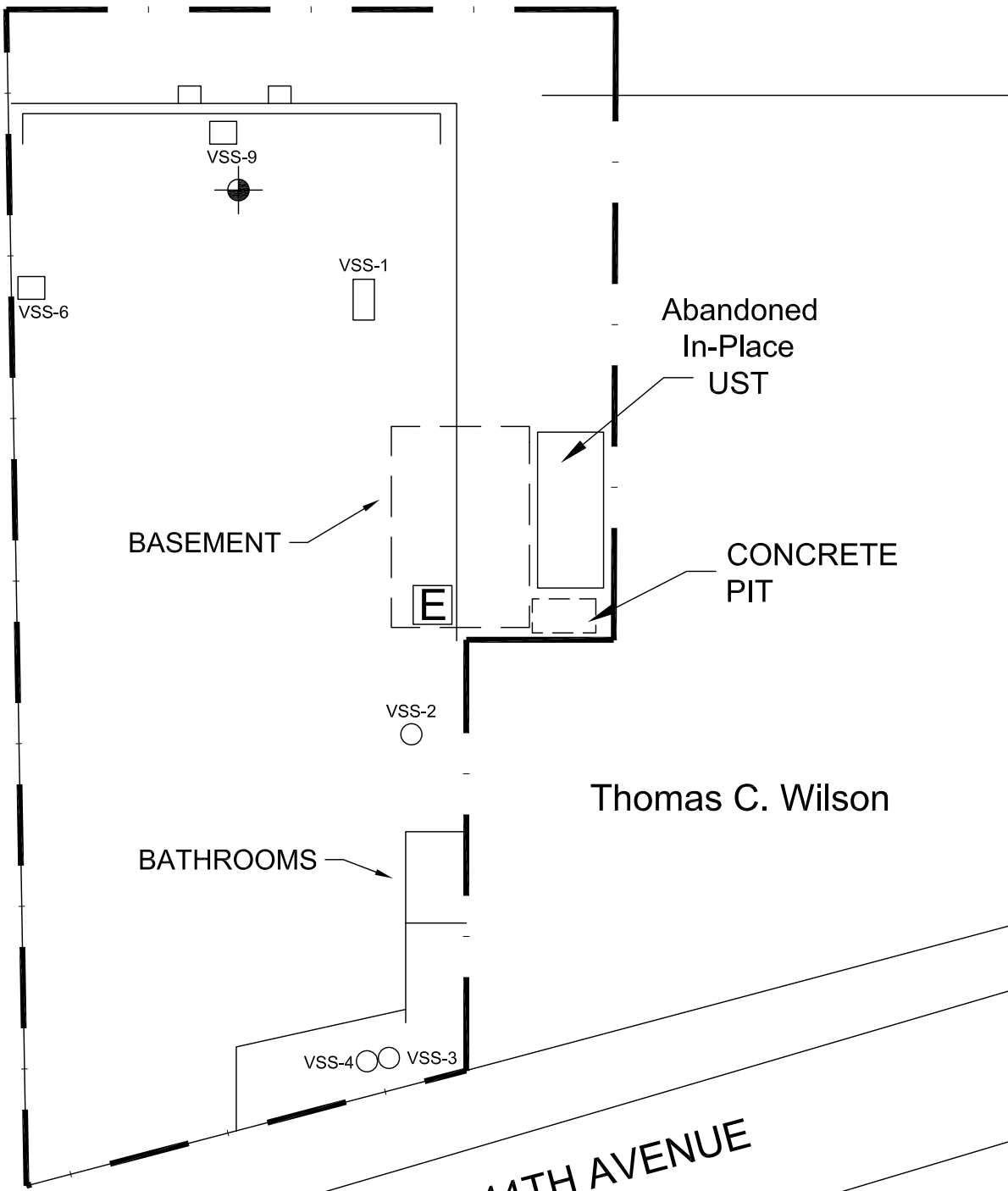
ARGO  
Envelope

McQuay NY  
Air Conditioning  
Parts & Services

Limes  
Transmission  
21st Street  
Auto Repair, Inc.

21 ST STREET

Wills Building



Thomas C. Wilson

BATHROOMS

44TH AVENUE

Bark  
Frame Works

VACANT/  
Supertrend, Inc.

LEGEND

PROPERTY BOUNDARY



PROPOSED GEOPROBE  
SOIL BORING LOCATION



SCALE IN FEET

QUEENS MEDALLION  
21-03 44TH AVENUE  
LONG ISLAND CITY, NEW YORK

PROPOSED SRIWP SAMPLE LOCATION MAP



PREPARED BY:  
LEGGETTE, BRASHEARS & GRAHAM, INC.  
Professional Ground-Water and Environmental Services  
110 Corporate Park Drive, Suite 112  
White Plains, New York  
(914) 694-5711

FILE: white plains\bern

DRAWN BY: SCG

CHECKED BY: SG

DATE: 5/22/13  
FIGURE: 3

## **APPENDIX A**

### **Project Contact List and Locations of Reports and Information**

## PROJECT CONTACT LIST

For information about the Site's investigation and cleanup program, the public may contact any of the following project staff:

### **New York State Department of Environmental Conservation (NYSDEC)**

#### **Project Manager**

Mr. Jonathan Greco  
NYSDEC -Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7016  
Telephone: (518) 402-9694  
Email address: [jxgreco@gw.dec.state.ny.us](mailto:jxgreco@gw.dec.state.ny.us)

#### **Regional Citizen Participation Specialist**

Mr. Thomas Panzone  
NYSDEC – Office of Communications Services  
Hunters Point Plaza  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101  
Tel: (718) 482-4953  
Email: [tvpanzon@gw.dec.state.ny.us](mailto:tvpanzon@gw.dec.state.ny.us)

### **New York State Department of Health**

#### **Public Health Specialist**

Dawn Hettrick, P.E.  
Public Health Engineer  
New York State Department of Health  
Bureau of Environmental Exposure Investigation  
Empire State Plaza - Corning Tower, Room 1787  
Albany, NY 12237  
Telephone:(518) 402-7860  
Email address: [BEEI@health.state.ny.us](mailto:BEEI@health.state.ny.us)

### **Queens Medallion Leasing**

#### **Site Owner**

Exclusive Realty Services, LLC  
Mr. Tony Georgiton  
21-03 44<sup>th</sup> Avenue  
Long Island City, NY 11101

#### **Project Environmental Counsel**

Scott Furman, Esq.  
Sive, Paget & Riesel, PC  
460 Park Avenue  
10<sup>th</sup> Floor  
New York, NY 10022  
Telephone: (212) 421-2150  
Email: [sfurman@sprlaw.com](mailto:sfurman@sprlaw.com)

#### **Project Consultant**

Sean Groszkowski, CPG  
Leggette Brashears & Graham, Inc.  
4 Westchester Park Drive, Suite 175  
White Plains, NY 10604  
Telephone:(914) 694-5711  
Email: [Groszkowski@lbgny.com](mailto:Groszkowski@lbgny.com)

## DOCUMENT REPOSITORIES

The facilities identified below are being used to provide the public with convenient access to important project documents:

#### **Queens Borough Public Library**

Reference Section  
Court Square  
2501 Jackson Avenue  
Long Island City, NY 11101

#### **Queens Community Board No. 2**

43-22 50<sup>th</sup> Street  
2<sup>nd</sup> Floor, Room 2B  
Woodside, NY 11377

## **APPENDIX B**

### **Brownfield Cleanup Program Process**

## Appendix     Brownfield Cleanup Program Process

