FACT SHEET
EXPLANATION OF SIGNIFICANT DIFFERENCE
WATERPOINTE-WHITESTONE SITE

Whitestone / Queens County / Site No. C241091 / September 2017

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

1.0 INTRODUCTION

The purpose of this notice is to describe the progress of the cleanup at the *Waterpointe-Whitestone* Site ("Site") and to inform you about a change in the Site remedy. *The Waterpointe-Whitestone* Site is located at 151-45 6th Road, Whitestone, NY. On June 9, 2010, the New York State Department of Environmental Conservation (DEC) issued a decision document which selected a remedy to clean up the Site. The original remedy required a Soil Vapor Intrusion (SVI) evaluation be completed at the Site following the cleanup, before any development began. The SVI evaluation has since been completed. The evaluation supported that all new buildings constructed on the Site will need to have a Sub-Slab Depressurization (SSD) System installed. All SSD systems will need to be evaluated periodically and a certification provided to the DEC confirming that the systems were evaluated and remain operational and functional. In order to ensure that all the SSD systems continue to operate and that certification is provided by one entity only (vs. separate certifications for every building), the Site owner will be required to retain ownership of the land or establish a mechanism for a single entity to provide such certification.

Also, the original remedy anticipated that all contaminated soil would be removed, and the Site would achieve a "Track 2" residential cleanup. Since that time, however, material was brought in as fill to grade the Site and the fill does not meet the Residential Soil Cleanup Objectives (RSCOs). Therefore, the remedy is being modified to allow a Track 4 restricted residential use. Under this scenario, to the extent it is not already present, a minimum two foot cover with a demarcation barrier between the fill and the cover will now be required at the Site. Restricted residential use provides for common ownership or a single owner/managing entity of the Site, however, single-family housing is prohibited. Thus, this use will accommodate the SSD system certification discussed above, as well as other required certifications (see Section 4.2).

This Explanation of Significant Difference (ESD) is intended to address these two issues. It will become part of the Administrative Record for this Site. The information here is a summary of what can be found in greater detail in documents that have been placed in the following repositories:

Queens Public Library, Whitestone Branch
151-10 14th Road
Whitestone, NY 11357

(718) 767-8010
Mon & Thurs., 12 pm – 8 pm; Tues., 1 pm – 6 pm
Wed. & Fri., 10 am – 6 pm
Sat., 10 am – 5 pm; Sun., closed

Queens Community Board 7
133-32 41st Road Suite 3B
Flushing, NY 11355

Although this is not a request for comments, interested persons are invited to contact the DEC's Project Manager for this site to obtain more information or have questions answered.
NYSDEC Project Manager
James Drumm
625 Broadway
Albany, NY 12233-7016
Phone: 518-402-9768
Email:James.Drumm@DEC.ny.gov

NYSDOH Project Manager
Steven Lawrence
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza - Room 1787
Albany, NY 12237
Phone: 518-402-7860
Email: BEEI@health.ny.gov

2.0 SITE DESCRIPTION AND ORIGINAL REMEDY

2.1 Site History, Contamination, and Selected Remedy

The Waterpointe-Whitestone site is an 11.77 acre parcel located in an urban portion of the Whitestone area of Queens County, at 151-45 6th Road. The Site is generally flat. The structures present at the Site have been demolished and contaminated soil/historic fill had been removed under the NYS Brownfield Cleanup Program prior to the placement of the new fill exceeding residential SCOs.

Currently, the Site is zoned R3-2 and M1-1. R3-2 districts are general residence districts that allow a variety of housing types, including low-rise attached houses, small multi-family apartment houses, and detached and semi-detached one- and two-family residences. M1-1 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Offices, hotels and most retail uses are also permitted. The Site is presently vacant. Future use is expected to be restricted residential. The Site is surrounded by residences to the south and east, the East River to the north, and industrial uses to the west.

Prior uses of the Site that appear to have led to Site contamination include: a metal shop; boat manufacturer and shooting range until circa 1950; an asphalt plant which operated from approximately 1952 to 1992; and concrete manufacturing which was conducted concurrently with the asphalt operations until the late 1980's. From the early 1980's to 2009, a maintenance garage for trucks and buses also operated on-site.

The soils are glacial till. Bedrock is reported to be 175 ft. below grade. Depth to groundwater is approximately seven feet. Groundwater flows north, towards the East River.

The primary contaminants of concern observed at the Site included Polycyclic Aromatic Hydrocarbons (PAHs) and petroleum products. Lower levels of Perchloroethylene (PCE) were found in groundwater collected from temporary points. PCE was not found in the permanent monitoring wells on site. Data indicated the PCE was from an upgradient source. As noted below, the original remedy called for excavation of the contaminated soil and the backfilling with clean fill. After the excavation, unapproved and contaminated fill was brought in to raise the site grade. A subsequent consent order was signed by the remedial party and DEC to remove the contaminated fill. The site owner removed approximately 40,000 cubic yards (cy) of unapproved fill under the consent order.

The original remedy included the following elements:

1. Excavation and off-site disposal of all soil exceeding the residential SCOs listed in table 375-6.8(b);

2. Soil sampling beneath Building 1 after its demolition in accordance with the Post Excavation Sampling Plan. Further if, during demolition of Building 2, there is evidence of floor drains, then sampling plan will be presented to the Department for approval and implementation;

3. Excavation and removal of the existing storm water lines on-site. Samples will be collected from beneath the storm water lines after demolition and removal in accordance with the Post Excavation Sampling plan;

4. Excavation and removal of petroleum impacted soils that are contributing to the soil vapors and separate phase product on the groundwater;

5. Collection and off-site disposal of separate phase petroleum on the groundwater;

6. Collection and analysis of end point samples to evaluate the performance of the remedy with respect to attainment of the residential SCO's;

7. Import of clean soil to be used for backfill. Clean soil will constitute soil that meets the Division of Environmental Remediation's criteria for backfill, as per 6 NYCRR Part 375-6.7;

8. Post remedial soil vapor sampling and an assessment of the need to install vapor intrusion control systems beneath any proposed structures (active sub-slab depressurization systems);

9. Imposition of an institutional control in the form of an environmental easement that will (a) restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the New York State Department of Health; and (b) require compliance with the Department approved Site Management Plan;

10. Development of a site management plan which would include the following institutional and engineering controls: (a) continued evaluation of the potential for vapor intrusion for any buildings developed on the site, including provisions for mitigation of any impacts identified; (b) monitoring of groundwater; (c) identification of any use restrictions on the site; and (d) provisions for the

continued proper operation and maintenance of the components of the remedy; and

11. The property owner or their representative will provide a periodic certification of institutional and engineering controls, prepared and submitted by a professional engineer or such other expert acceptable to the Department, until the Department notifies the property owner in writing that this certification is no longer needed.

3.0 CURRENT STATUS

The following remedial elements have been completed with noted exceptions;

1. Excavation and off-site disposal of all soil exceeding the residential SCOs listed in table 375-6.8(b), this element had been completed but the fill brought to raise the grade at the site did not meet the residential use SCOs;

2. Buildings 1 and 2 have been demolished and disposed off-site. The buildings had no evidence of floor drains, so no sampling plan was submitted;

3. Excavation and removal of the existing storm water lines on-site. Samples were collected from beneath the storm water lines after demolition and removal in accordance with the Post Excavation Sampling plan;

4. Excavation and removal of petroleum impacted soils that were contributing to the soil vapors and separate phase product on the groundwater was completed;

5. Collection and off-site disposal of separate phase petroleum on the groundwater was completed;

6. Collection and analysis of end point samples to evaluate the performance of the remedy with respect to attainment of the residential SCO's, see #1;

7. Import of clean soil that was used for backfill. Clean soil constitutes soil that meets the Division of Environmental Remediation's criteria for backfill, as per 6 NYCRR Part 375-6.7;
   As stated above, the fill brought in was unapproved and did not meet the requirements of the remedy. Approximately 40,000 cubic yards were subsequently removed under the consent order mentioned above. Approximately 5,000 yards remained with concentrations less than restricted residential SCOs;

8. The evaluation of the potential for SVI was completed in 2011 and led to the decision to require SSD systems in all future buildings constructed on the site;

9. Development of a site management plan which includes the following institutional and engineering controls: (a) continued evaluation of the potential for vapor intrusion for any buildings developed on the site, including provisions for mitigation of any impacts identified; (b) monitoring of groundwater; (c) identification of any use restrictions on the site; and (d) provisions for the continued proper operation and maintenance of the components of the remedy.
   This SMP will have to be revised as per the new remedy.

Currently, the site does not have a two foot soil cover. The two foot soil cover will be installed prior to the issuing of the Certificate of Completion (COC) for the site

4.0 DESCRIPTION OF SIGNIFICANT DIFFERENCE

4.1 New Information

The evaluation of the SVI on-site in 2011, identified elevated levels of Perchloroethylene in the soil gas and it was determined that SSD systems will need to be installed for on-site buildings. This engineering control (EC) necessitates the development and implementation of a Site Management Plan (SMP) to ensure their continued operation, maintenance, inspection, and reporting of any mechanical or physical components of the active vapor mitigation systems, and provisions for periodic certification that all SSD system remain operational. The placement of an environmental easement on the site (i.e., an institutional control or IC), will also be required.

As required in Part 375-1.8(h)(3), the owner or the remedial party at a site at which ICs or ECs are employed as part of a remedy must periodically submit a written certification that all ICs and ECs (i.e., the easement and all SSDSs) are in place and performing effectively. Only one such certification shall be filed per site. If a site is comprised of multiple properties or parcels, the remedial party shall arrange to file one consolidated certification. A COC may be modified or revoked by the Department upon a finding that the remedial party has failed to manage the controls or monitoring in full compliance with the terms of the remedial program.

Given these facts, it is appropriate that the remedy be modified to a "Track 4" restricted residential cleanup. The restricted residential category is intended for sites developed for residential uses, specifically multi-family residential housing with restrictions that prohibit single family housing (i.e., housing without a common controlling entity for the ICs and ECs). This will require that all the buildings constructed on the site have common ownership and/or control.

Additionally, to ensure that any the unapproved fill brought onto the Site that may remain is not exposed at ground surface, a two foot soil cover is required at the Site pursuant to regulatory requirements for such cleanups.

4.2 Comparison of Changes with Original Remedy

1. The original remedy required the excavation and off-site disposal of all soil exceeding the residential SCOs listed in table 375-6.8(b). See section 3.0 #1

2. The original remedy required that clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) for residential use will be brought in to replace the excavated soil and establish the designed grades at the Site. This original requirement has been modified such that the fill will meet the restricted residential use criteria.

3. The revised remedy includes a site cover over the entire site that will allow for restricted residential use of the Site. The site cover may consist of paved surface parking areas, sidewalks, or a soil cover. Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Any fill material brought to the Site, including soil cover material, will meet the restricted residential SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d). Any soil reused on-site will be tested to ensure it meets the applicable SCOs.

4. The revised remedy will also include a demarcation barrier between the fill and the soil cover.

5. The original remedy required that post remedial soil vapor sampling and an assessment be completed. The evaluation has been completed resulting in the decision that any new on-site buildings are required to have an SSDS, or other acceptable measures, to mitigate the migration of vapors into the building from the soil.

6. The original remedy required the following: imposition of an institutional control in the form of an environmental easement that will (a) restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the New York State Department of Health; and (b) require compliance with the Department approved Site Management Plan. This original requirement stands.

7. The original remedy required the following: development of a site management plan which would include the following institutional and engineering controls: (a) continued evaluation of the potential for vapor intrusion for any buildings developed on the Site, including provisions for mitigation of any impacts identified; (b) monitoring of groundwater; (c) identification of any use restrictions on the Site; and (d) provisions for the continued proper operation and maintenance of the components of the remedy. The revised remedy will include provisions (b) through (d) as well as a soil management plan.

8. The original remedy required the following: the property owner or their representative will provide a periodic certification of institutional and engineering controls, prepared and submitted by a professional engineer or such other expert acceptable to the Department, until the Department notifies the property owner in writing that this certification is no longer needed. This original requirement stands.

9. The original Decision Document would allow the Site to be restricted to Track 2 residential use; the new remedy will restrict the Site to a Track 4 restricted residential use.

5.0 SCHEDULE AND MORE INFORMATION

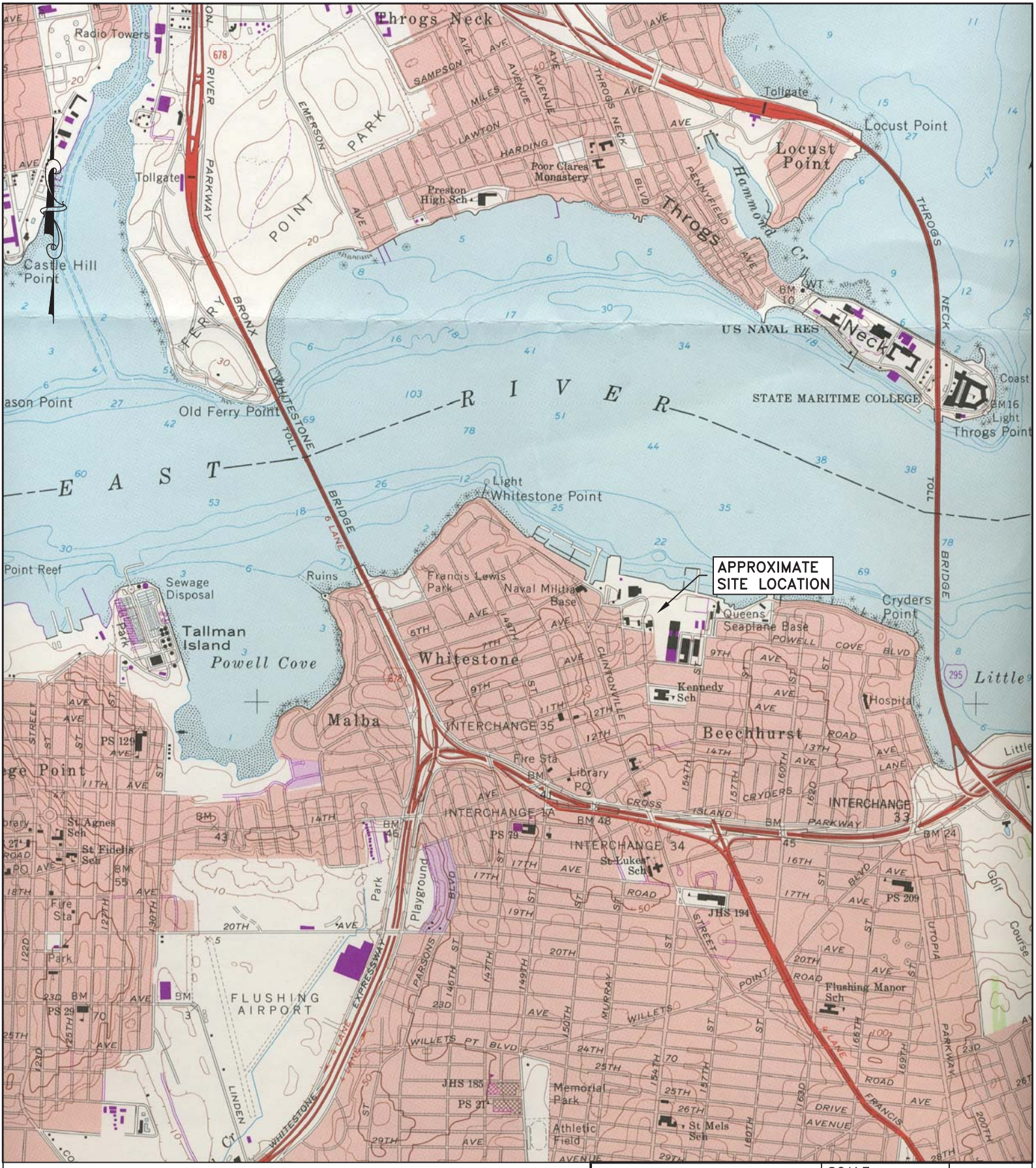
The next step is for the owner's consultant to complete the soil removal, install a demarcation barrier, place the two foot cap, and submit the SMP as well as the Final Engineering Report (FER). As soon as those are finalized, a COC will be issued by the Department. It is expected to complete the project by the end of 2017.

If you have questions or need additional information you may contact any of the following:

James Drumm, NYSDEC, 625 Broadway, Albany, NY 12233-7016 Phone: 518-402-9768

Thomas Panzone, NYSDEC, 1 Hunter's Point Plaza. 47-40 21st Street. Long Island City, NY, 11101 Phone: 718-482-4953

Stephen Lawrence, New York State Department of Health, Empire State Plaza - Room 1787, Albany, NY 12237, Phone: 518-402-7860



GRAPHIC SCALE

0 0.5 1 MILE

(IN MILES)

SOURCE: USGS FLUSHING, N.Y. 7.5 MINUTE QUADRANGLE

Environmental Waste Management Associates, LLC
P.O. Box 5430
Parsippany, NJ 07054
Tel: (973) 560-1400

SCALE: 1" = 2,000'	PROJECT# 204494
DATE: 7/28/06	
DRAWN BY: RR	
CHECKED BY: SB	
FILE: k:\drawings\204000\204494\08RIR\204494f1.dwg	

SITE LOCATION
151-45 SIXTH ROAD WHITESTONE PARTNERS LLC
6TH ROAD & 152ND STREET
WHITESTONE BOROUGH, QUEENS CNTY, NEW YORK CITY, NY

FIGURE# 1