



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 7/12/2012

Site Code:	224003	Site Name:	Fountain Avenue Landfill
City:	Brooklyn	Town:	New York City
Region:	2	County:	Kings
Current Classification:	02	Proposed Classification:	04
Estimated Size (acres):	297.00	Disposal Area:	Landfill
Significant Threat:	Previously	Site Type:	
Priority ranking Score:		Project Manager:	Michael Mason

Summary of Approvals

Originator/Supervisor: Gerard Burke	05/17/2012
RHWRE: Jane O'Connell:	06/26/2012
BEEI of NYSDOH:	06/25/2012
CO Bureau Director: Michael Cruden, Director, Remedial Bureau E:	07/09/2012
	07/10/2012
Assistant Division Director: Robert W. Schick, P.E.:	

Basis for Classification Change

Hazardous waste disposal at this site was addressed by implementation of the remedy identified for the site by the Record of Decision (ROD). The Final Engineering Report(s) (FER) (or its equivalent) confirms that the remedy has been constructed consistent with the requirements in the ROD. The FER(s) (or its equivalent) is/are in edocs. Management of contamination remaining at the site, including any required monitoring, is and has been controlled pursuant to a Site Management Plan (SMP) (or its equivalent). Institutional controls are required to ensure the protectiveness of the site. The required control, in the form of an Environmental Notice, is in place. The site is properly remediated and requires site management; therefore, it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

Site Description - Last Review: 06/19/2012

Location: The Fountain Avenue Landfill (FAL) is located along the northern shore of Jamaica Bay in the Borough of Brooklyn of the City of New York, Kings County, New York. The FAL is located on property that is owned by the National Park Service, south of the Belt Parkway between Hendrix Creek and Old Mill Creek. The site is bounded by the Belt Parkway to the northwest, Hendrix Creek on the southwest, Old Mill Creek on the northeast and Jamaica Bay on the southeast.

Site Features: The landfill site measures 297 acres and extends into Jamaica Bay. The landfill entrance is located at the southern end of Fountain Avenue below the Belt Parkway. Security is provided by security



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guards on duty 24 hours a day. Trailers and a Butler building that is sporadically used by the New York City Department of Sanitation (NYCDOS) as a storage facility are located onsite. Several office and storage trailers, a locker room building, and underground storage tanks, which were once present on the site, were demolished as part of a scheduled interim remedial measure. The foundations for all the demolished buildings still exist on the site.

Current Zoning/Use(s): The site is currently zoned Park (open space and recreation). South of the site is Jamaica Bay. To the immediate east the area is zoned Park (the Pennsylvania Avenue Landfill) and further east is a low density residential area, to the north is an area of combined commercial zoning and industrial/manufacturing. The area west is also zoned Park.

Historic Use(s): The Fountain Avenue landfill received municipal and industrial waste from February 1961 to December 1985. Landfill operations were conducted under the responsibility of the NYCDOS. Solid waste disposed of at the site generally consisted of garbage, rubbish, street dirt, commercial waste, construction and demolition debris, incinerator ash, and residue. The method of disposal included filling wastes into tidal wetlands which had been enclosed by dredged sand berms.

From 1961 to the early 1970s, the landfill site increased in size from 150 to 297 acres. In 1974, FAL received 22% of New York City's solid waste; by late 1978, 5,000 to 6,000 tons of waste was received per day; and by 1984, the site received approximately 35% of the City's total solid waste disposal, or 9,500 tons per day. An estimated 29 million cubic yards of waste have been disposed at the landfill.

In addition to solid waste, waste oil was used for control of roadway dust. The waste oils used for dust control are alleged to have contained hazardous substances. FAL was permitted by New York State Department of Environmental Conservation (NYSDEC) to receive asbestos containing waste for disposal. Prior to burial, this waste was required to be containerized, or double-bagged, and then was unloaded by hand at a designated area and immediately covered. An inspection of the asbestos disposal area by SCS Engineers in March 1984 found many of the black plastic disposal bags to be ruptured and the depth of cover material inadequate or nonexistent in some areas.

Between 1974 and 1980 waste oil, sludges, and plating materials were disposed at New York City (NYC) landfills, including Fountain Avenue Landfill. The quantities and locations of hazardous wastes which may have been disposed are unknown. The following waste materials were reported to have been illegally dumped at the landfill in liquid form: acetone, alcohols, acids, alkyl phenols, benzene, chlorides, cyanide, dichlorobenzene, dioctylphthalate, ethylbenzene, fuel oil, industrial oil, lacquer, lubricating oil, mercaptans, metals, naphthalene, sewage sludge, toluene, wastewater, and xylenes.

Site Geology and Hydrogeology: The site area is underlain primarily by outwash plains and sediments and tidal marsh deposits. The site is bordered by wetlands on the south, east and western sides. The landfill was created by building sand berms around the perimeter of the wetlands and then filling in behind them with municipal solid waste.

The stratigraphy of the site includes, in order of increasing depth, municipal fill, dredged sand fill (DSF), tidal marsh deposits (TMD), and upper glacial aquifer (UGA).

Depth to water at the site ranges from 10 to 70 ft below ground surface.



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Contaminants of Concern (Including Materials Disposed)	Quantity Disposed
OU 01	
CADMIUM	0.00
LEAD	0.00
MERCURY	0.00
PHENOLS	0.00
	0.00
	0.00
	0.00

Analytical Data Available for : Air, Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Air, Groundwater, Surface Water

Site Environmental Assessment- Last Review: 06/19/2012

Prior to remediation:

Soils: Surface Soil and Subsurface Soil/Fill

Surface soil and subsurface fill samples around the southern half of the large fill mound exhibited the greatest number and highest concentrations of contaminants due to the presence of a floating product layer above the water table. Acetone was the only volatile compound frequently detected above State Standards, Criteria, and Guidance (SCGs). These SCG exceedances were in subsurface fill samples and samples on the top of Tidal Marsh Deposit (TMD). Most exceedances of SCGs in the semivolatile fraction were PAHs. SCG exceedances occurred in surface soil/fill and subsurface fill samples. Metals were detected above SCGs in surface soil/fill and surface fill. Chromium, copper, iron, lead, magnesium, mercury, nickel, and zinc were frequently detected above SCGs in both media. In addition, cadmium and arsenic were detected frequently above SCGs in surface soil/fill. Pesticides and PCBs were not frequently detected above SCGs in either surface soil/fill or subsurface fill samples.

Groundwater: Exceedances of SCGs was most widespread in the leachate mound (U-wells). Chemicals exceeding SCGs most frequently included volatiles (i.e. BTEX, chlorobenzene and 1,2-Dichloroethene), the more soluble semi-volatiles (i.e. phenols and naphthlene), PCBs, and metals (i.e. antimony, arsenic, chromium, iron, lead, and magnesium).

SCG exceedances were much less frequent in the shallow UGA (S-wells). Chemicals most frequently in exceedance of SCGs included BTEX and metals (i.e. iron, lead and magnesium).

The only significant exceedances of SCGs in the deep (D-wells) were iron and magnesium.

Surface Water/Sediment: VOCs and SVOCs, with the exception of chlorobenzene, were detected infrequently above SCGs. Chlorobenzene exceeded SCGs in Old Mill Creek and Jamaica Bay.

Exceedances of the SCGs for metals were more frequent in surface water. Copper, lead, and nickel were detected most frequently above SCGs, and were found in all water bodies. Cyanide was frequently detected above the SCG in Hendrix Creek and Jamaica Bay.

DDE was detected frequently above the SCG in Hendrix Creek and Jamaica Bay. SCG exceedances in Jamaica Bay were significantly less than in Old Mill and Hendrix Creek. SCG exceedances for VOCs were



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infrequent. There were a significant number of SCG exceedances for PAHs, pesticides, PCBs and metals. In general, PAHs exceeded human health SCGs, pesticides and PCBs exceeded both human health and ecological SCGs, and metals exceeded ecological SCGs. The highest concentrations of contaminants occur in sediment with total organic carbon (TOC) above 1%. These locations are primarily in Hendrix and Old Mill Creeks.

Post-Remediation: Construction of the landfill cap was completed in 2007. The site has entered the site management phase with annual monitoring for groundwater and landfill gases. An Environmental Notice limits the property use to a landfill.

Site Health Assessment - Last Update: 06/11/2012

The landfill was properly capped thus preventing contact with contaminated subsurface soils. Also, measures in place to maintain and prevent disturbance of the cap will minimize the potential for future exposure to contaminants present in the subsurface. People are not drinking the contaminated groundwater since the area is served by a public water supply not affected by this contamination. An active gas collection system vents/flares landfill gases at the site prevents soil gas from leaving the site.

	Start		End	
OU 00				
Periodic Review	5/16/13	PLN	6/30/13	PLN
Site Management	3/30/12	ACT	3/30/42	PLN
OU 01				
OGC Docket - Environmental Notice	12/28/10	ACT	6/28/11	PLN
Reclass Pkg.	5/17/12	ACT	2/28/13	PLN
Remedial Action	10/10/00	ACT	3/30/12	ACT
Remedial Design	2/1/95	ACT	12/11/00	ACT
Remedial Investigation	1/1/93	ACT	2/1/95	ACT

Remedy Description and Cost

Remedy Description for Operable Unit 01

Based on the results of the RI/FS for the Fountain Avenue Landfill and the criteria for selecting a remedy, the NYSDEC signed the ROD in 1995 which selected the remedy consisting of landfill capping with active gas collection and long term environmental monitoring.

Prior to the ROD, Interim Remedial Measures were performed via an Order of Consent, consisting of:

- Placement of interim cover to prevent casual contact with exposed waste,
- Installation of rip rap shoreline protection at locations that were potentially subject to wave and storm erosion.

Components of completed remedy were as follows:

- Regrading of certain areas of the Site to provide proper site drainage and minimize erosion.



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- Installation of an actively vented impermeable final cover, consistent with NYCRR Part 360 regulations for Solid Waste Management Facilities (effective date - December 31, 1988 and revised May 28, 1991), to minimize surface infiltration of precipitation and to collect gases generated by the wastes. The major elements of the cover include (top to bottom) a vegetated topsoil layer, a barrier (soil) protection layer, a geocomposite drainage layer, a 40 ml- thick geomembrane liner, and a grading fill layer.
- Installation of a stormwater collection system including drainage swales, subdrains, conveyance piping, and outfalls.
- Installation and operation of an active gas collection system, which collects and conveys landfill gases through piping to a flare station located at the southeast area of the Site.
- Construction of a pier at the Site to accommodate off-loading of barged closure construction material.
- Planting of warm season grasses and approximately 29,000 shrubs and trees at the Site.

Total Cost \$94,900,000

OU 00

Site Management Plan Approval: 03/30/2012

Status: ACT



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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
7/12/2012

SITE DESCRIPTION

SITE NO. 224003

SITE NAME Fountain Avenue Landfill

SITE ADDRESS: Fountain Avenue and Shore Parkway **ZIP CODE:** 11208

CITY/TOWN: Brooklyn

COUNTY: Kings

ALLOWABLE USE:

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan } G

Monitoring Plan } G

Operation and Maintenance (O&M) Plan } G

Periodic Review Frequency: once a year

Periodic Review Report Submittal Date: 05/16/2013



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Site Name: Fountain Avenue Landfill

Description of Institutional Control

Fountain Ave and Shore Parkway

Environmental Notice

Block:

Lot:

Sublot:

Section:

Subsection:

S_B_L Image:

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

Fountain Ave and Shore Parkway

Environmental Notice - Institutional Control Instrument

Block:

Lot:

Sublot:

Section:

Subsection:

S_B_L Image:

Cover System



PUBLIC NOTICE

State Superfund Program

Receive Site Information by Email. See "For More Information" to Learn How.

Site Name: Fountain Avenue Landfill

August 6, 2012

Site No. 224003 **Tax Map No.** BK-4452-002

Site Location: Fountain Avenue and Shore Parkway, Brooklyn, Kings County 11208

Inactive Hazardous Waste Disposal Site Classification Notice

The Inactive Hazardous Waste Disposal Site Program (the State Superfund Program) is the State's program for identifying, investigating, and cleaning up sites where the disposal of hazardous waste may present a threat to public health and/or the environment. The New York State Department of Environmental Conservation (Department) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (the "Registry"). The site identified above, and located on a map on the reverse side of this page, was recently reclassified on the Registry as a Class 4 site as it no longer presents a significant threat to public health and/or the environment for the following reason(s):

Remedial actions have been implemented and the landfill has been capped and an active gas collection system was installed to prevent the off-site migration of gas/vapor generated in the landfill. Human exposures to contamination remaining at the site are being addressed through land use, redevelopment, and groundwater use restrictions in the form of an Environmental Notice as well as with periodic reviews. The site is properly remediated and requires site management; therefore, it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

The Department will keep you informed throughout the investigation and cleanup of the site.

If you own property adjacent to this site and are renting or leasing your property to someone else, please share this information with them. If you no longer wish to be on the contact list for this site or otherwise need to correct our records, please contact the Department's Project Manager listed below.

FOR MORE INFORMATION

Additional information about this site can be found using the Department's "Environmental Site Remediation Database Search" engine which is located on the internet at:

www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3

Comments and questions are always welcome and should be directed as follows:

Project Related Questions

Michael Mason, Project Manager

NYS Department of Env. Conservation

Div. of Environmental Remediation, Bureau E

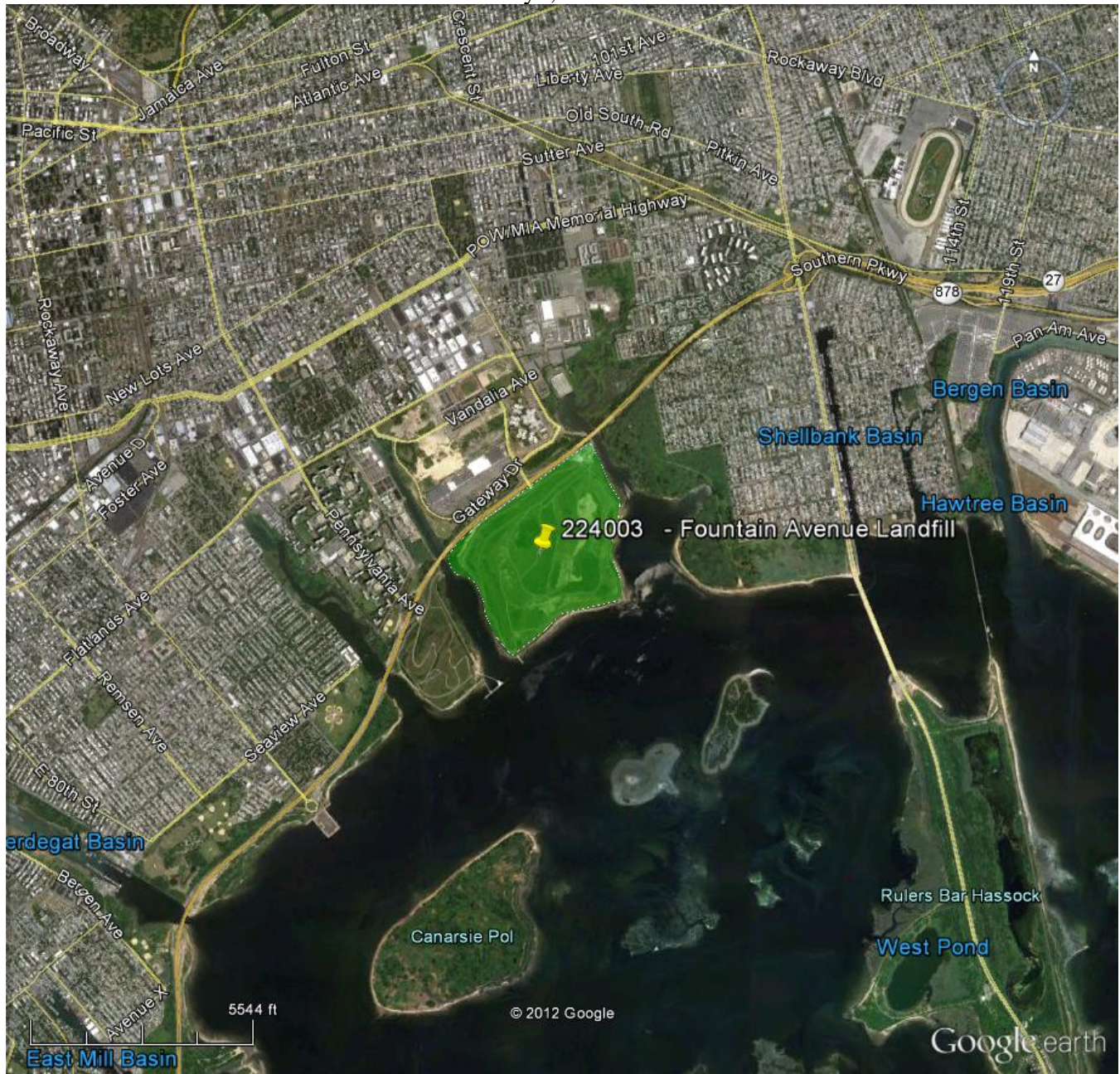
625 Broadway, 12th Floor

Albany, NY 12233-7017

518-402-9814

mamason@gw.dec.state.ny.us

Approximate Site Location
Fountain Avenue Landfill
Site ID# 224003
Fountain Avenue & Shore Parkway
Brooklyn, NY 11208



Receive Site Updates by Email

Have site information such as this public notice sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: www.dec.ny.gov/chemical/61092.html . It's *quick*, it's *free*, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you received this notice by way of a county email listserv.

Electronic copies:

R. Schick, Director, Division of Environmental Remediation
A. English, Director, Bureau of Technical Support
K. Lewandowski, Chief, Site Control Section
M. Cruden, Director, Remedial Bureau E
J. O'Connell, RHWRE, Region 2
J. Cryan, Regional Permit Administrator, Region 2
T. Panzone, Regional CPS, Region 2
K. Anders, NYSDOH
L. Ennist, DER, Bureau of Program Management
M. Mason, Project Manager
B. Anderson, Site Control Section

New York State Department of Environmental Conservation

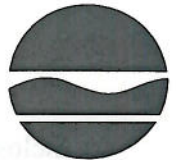
Division of Environmental Remediation

Bureau of Technical Support, 11th Floor

625 Broadway, Albany, NY 12233-7020

Phone: (518) 402-9553 • Fax: (518) 402-9547

Website: www.dec.ny.gov



Joe Martens
Commissioner

July 16, 2012

National Park Service
900 Ohio Drive Southwest
Washington, DC 20242

Dear Sir/Madam:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (Department) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that this Department notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

Our records indicate that you are the owner or part owner of the site listed below. Therefore, this letter constitutes notification of change in the classification of such site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

DEC Site No.: 224003

Site Name: Fountain Avenue Landfill

Site Address: Fountain Avenue and Shore Parkway

Classification change from: Class 2 to Class 4

The reason for the change is as follows:

Hazardous waste disposal at this site was addressed by implementation of the remedy identified for the site by the Record of Decision (ROD). The landfill has been capped and an active gas collection system was installed to prevent off-site migration of gas/vapor generated in the landfill. Management of contamination remaining at the site, including any required monitoring, is and has been controlled pursuant to a Site Management Plan (SMP) (or its equivalent). Institutional controls which include land use are required to ensure the protectiveness of the site. The required control, in the form of an Environmental Notice, is in place. The site is properly remediated and requires site management; therefore, it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

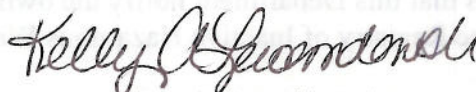
Enclosed is a copy of the Department's Inactive Hazardous Waste Disposal Site Report form as it appears in the Registry. An explanation of the site classifications is available at <http://www.dec.ny.gov/chemical/8663.html>. The Law allows the owner and/or operator of a site listed in the Registry to petition the Commissioner of the New York State Department of Environmental Conservation for deletion of such site, modification of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition.

Such petition may be addressed to:

Honorable Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact Michael Mason, the project manager at (518) 402-9814.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

KAL/BA/sls
Enclosure

cc: R. Schick
D. Weigel
A. English
K. Lewandowski



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Inactive Hazardous Waste Disposal Report**



Site Code	224003		
Site Name	Fountain Avenue Landfill	Address	Fountain Avenue and Shore Parkway
Classification	04	City	Brooklyn
		Zip	11208
Region	2	County	Kings
		Town	New York City
Latitude	40 degrees, 38 minutes, 48.13 seconds		Estimated Size 297.0000
Longitude	-73 degrees, 51 minutes, 51.41 seconds		
Site Type	Disposal Area Landfill		

Site Description

Location: The Fountain Avenue Landfill (FAL) is located along the northern shore of Jamaica Bay in the Borough of Brooklyn of the City of New York, Kings County, New York. The FAL is located on property that is owned by the National Park Service, south of the Belt Parkway between Hendrix Creek and Old Mill Creek. The site is bounded by the Belt Parkway to the northwest, Hendrix Creek on the southwest, Old Mill Creek on the northeast and Jamaica Bay on the southeast.

Site Features: The landfill site measures 297 acres and extends into Jamaica Bay. The landfill entrance is located at the southern end of Fountain Avenue below the Belt Parkway. Security is provided by security guards on duty 24 hours a day. Trailers and a Butler building that is sporadically used by the New York City Department of Sanitation (NYCDS) as a storage facility are located onsite. Several office and storage trailers, a locker room building, and underground storage tanks, which were once present on the site, were demolished as part of a scheduled interim remedial measure. The foundations for all the demolished buildings still exist on the site.

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From 1961 to the early 1970s, the landfill site increased in size from 150 to 297 acres. In 1974, FAL received 22% of New York City's solid waste; by late 1978, 5,000 to 6,000 tons of waste was received per day; and by 1984, the site received approximately 35% of the City's total solid waste disposal, or 9,500 tons per day. An estimated 29 million cubic yards of waste have been disposed at the landfill.

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The stratigraphy of the site includes, in order of increasing depth, municipal fill, dredged sand fill (DSF), tidal marsh deposits (TMD), and upper glacial aquifer (UGA).

Depth to water at the site ranges from 10 to 70 ft below ground surface.

7/16/2012

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Contaminants of Concern (Including Materials Disposed)	Quantity
OU 01	
CADMIUM	0.00
LEAD	0.00
MERCURY	0.00
PHENOLS	0.00
	0.00
	0.00
	0.00

Analytical Data Available for : Air, Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Air, Groundwater, Surface Water

Site Environmental Assessment

Prior to remediation:

Soils: Surface Soil and Subsurface Soil/Fill

Surface soil and subsurface fill samples around the southern half of the large fill mound exhibited the greatest number and highest concentrations of contaminants due to the presence of a floating product layer above the water table. Acetone was the only volatile compound frequently detected above State Standards, Criteria, and Guidance (SCGs). These SCG exceedances were in subsurface fill samples and samples on the top of Tidal Marsh Deposit (TMD). Most exceedances of SCGs in the semivolatile fraction were PAHs. SCG exceedances occurred in surface soil/fill and subsurface fill samples. Metals were detected above SCGs in surface soil/fill and surface fill. Chromium, copper, iron, lead, magnesium, mercury, nickel, and zinc were frequently detected above SCGs in both media. In addition, cadmium and arsenic were detected frequently above SCGs in surface soil/fill. Pesticides and PCBs were not frequently detected above SCGs in either surface soil/fill or subsurface fill samples.

Groundwater: Exceedances of SCGs was most widespread in the leachate mound (U-wells). Chemicals exceeding SCGs most frequently included volatiles (i.e. BTEX, chlorobenzene and 1,2-Dichloroethene), the more soluble semi-volatiles (i.e. phenols and naphthlene), PCBs, and metals (i.e. antimony, arsenic, chromium, iron, lead, and magnesium). SCG exceedances were much less frequent in the shallow UGA (S-wells). Chemicals most frequently in exceedance of SCGs included BTEX and metals (i.e. iron, lead and magnesium). The only significant exceedances of SCGs in the deep (D-wells) were iron and magnesium.

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Exceedances of the SCGs for metals were more frequent in surface water. Copper, lead, and nickel were detected most frequently above SCGs, and were found in all water bodies. Cyanide was frequently detected above the SCG in Hendrix Creek and Jamaica Bay.

DDE was detected frequently above the SCG in Hendrix Creek and Jamaica Bay. SCG exceedances in Jamaica Bay were significantly less than in Old Mill and Hendrix Creek. SCG exceedances for VOCs were infrequent. There were a significant number of SCG exceedances for PAHs, pesticides, PCBs and metals. In general, PAHs exceeded human health SCGs, pesticides and PCBs exceeded both human health and ecological SCGs, and metals exceeded ecological SCGs. The highest concentrations of contaminants occur in sediment with total organic carbon (TOC) above 1%. These locations are primarily in Hendrix and Old Mill Creeks.

Post-Remediation: Construction of the landfill cap was completed in 2007. The site has entered the site management phase with annual monitoring for groundwater and landfill gases. An Environmental Notice limits the property use to a landfill.

Site Health Assessment

The landfill was properly capped thus preventing contact with contaminated subsurface soils. Also, measures in place to maintain and prevent disturbance of the cap will minimize the potential for future exposure to contaminants present in the subsurface. People are not drinking the contaminated groundwater since the area is served by a public water supply not affected by this contamination. An active gas collection system vents/flares landfill gases at the site prevents soil gas from leaving the site.

7/16/2012

Owners

Operators

Current Owner(s)

NATIONAL PARK SERVICE

900 OHIO DRIVE SOUTHWEST

WASHINGTON

DC 20242

Starrett City Inc.
c/o Starrett City Associates
150 E. 58th St., Fl 23
New York, NY 10155

United States of America
Dept. of Transportation
Federal Highway Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Department RE-City of NY
2 Lafayette St., Fl 17
New York, NY 10007

NYC Department of General Services
Division of Real Property
2 Lafayette St.
New York NY 10007

Camba Gateway Housing Dev Fund
Corp
1720 Church Ave.
Brooklyn, NY 11226

Spring Creek Recreational Fund
150 E. 58th St., Fl 23
New York, NY 10155

Parks & Recreation (General)
16W 61st St.
Arsenal West
New York, NY 10023

MartyMarkowitz
Brooklyn Borough President
209 Joralemon St.
Brooklyn, NY 11201

New York City Water Board
Brooklyn Water Department
250 Livingston St., 8th Floor
Brooklyn, NY 11201

NYS Office of General Services
Corning Tower, 39th Floor
Empire State Plaza
Albany, NY 12242

Empire State Development Corporation
633 Third Avenue, 31st Floor
New York, NY 10017

Gateway Center Properties, LLC
60 Columbus Circle, 19th Fl
New York, NY 10023

SMR Gateway III, LLC
c/o The Related Companies, L.P.
60 Columbus Circle
New York, NY 10023

Home Depot USA, Inc.
3096 Hamilton Blvd.
South Plainfield, NJ 7080

US Department of the Interior
Office of the Solicitor
One Gateway Center, Suite 612
Newton, MA 02458-2881

National Park Service
900 Ohio Drive Southwest
Washington, DC 20242

The Honorable MichaelBloomberg
Mayor, New York City
City Hall
New York, NY 10007

AmandaBurden
Chair, NYC Planning Commission
22 Reade St.
New York, NY 10007-1216

Carter H.Strickland, Jr.
Commissioner, NYC DEP
59-17 Junction Blvd.
Flushing, NY 11373

Adrian Benepe
Commissioner, NYC Dept of Parks &
Recreation
830 Fifth Avenue
New York, NY 10065

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

June 25, 2012

Mr. Michael Cruden, Director
Remedial Bureau E
Division of Environmental Remediation
NYS Dept. of Environmental Conservation
625 Broadway – 12th Floor
Albany, NY 12233

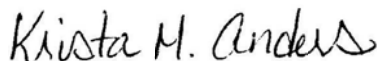
Re: **Site Reclassification Package**
Fountain Avenue Landfill
Site #224003
Brooklyn, Kings County

Dear Mr. Cruden:

Per your request, we have reviewed the New York State Department of Environmental Conservation's (NYSDEC's) proposal to reclassify the referenced site from Class 2 to Class 4 on the NYSDEC's Registry of Inactive Hazardous Waste Disposal sites. Specifically, we have reviewed the proposal to determine whether this reclassification is protective of public health. I understand that remedial actions have been implemented and the landfill has been capped and an active gas collection system was installed to prevent the off-site migration of gas/vapor generated in the landfill. I also understand that human exposures to contamination remaining at the site are being addressed through land use, redevelopment, and groundwater use restrictions, as well as with periodic reviews.

Based on this information, I believe the proposal is protective of public health and concur with the Class 4 (requires continued site management) classification. If you have any questions, please contact Mr. Joseph Crua or me at (518) 402-7880.

Sincerely,



Krista M. Anders, Acting Director
Bureau of Environmental Exposure Investigation

ec: A. Salame-Alfie, Ph.D.
J. Crua / M. Schuck / A. DeMarco / File
B. Devine – NYSDOH MRO
C. D'Andrea – NYCDOH
K. Lewandowski - NYSDEC Central Office
J. O'Connell - NYSDEC Region 2

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Site #: 224003

Site Name: Fountain Avenue Landfill



ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 16th day of MAY 2012, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

WHEREAS, a parcel of real property indentified as Fountain Avenue Landfill (Site 224003), located on Fountain Avenue and Shore Parkway and Pennsylvania Avenue Landfill (Site 224002), located on Pennsylvania Avenue and Shore Parkway in the City of Brooklyn, County of Kings, State of New York, which is part of lands conveyed by the City of New York, a municipal corporation of the State of New York to the United States of America by Memorandum of Understanding dated March 1, 1974 and recorded in the Kings County Clerk's Office on July 22, 1974 in Reel 724 of Deeds at Page 369 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of a remedial program executed by the Department as part of the Department's State Superfund Program; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property's subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the Sate and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

Pennsylvania Avenue and Fountain Avenue Landfills
Site No. 224002 & 224003
Pennsylvania Avenue and Shore Parkway
& Fountain Avenue and Shore Parkway
Kings County, NY
Tax Map ID: Block 4452, Lot 2

FOURTH, the remedy was designed to be protective for the following uses: **its current use as a landfill**. Therefore, any use for purposes other than as a landfill without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: _____

Robert W. Schick, P.E.,
Acting Director
Division of Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 16th day of May, in the year 2012, before me, the undersigned, personally appeared Robert Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

Notary Public – State of New York

Appendix A

METES and BOUNDS Description Pennsylvania Avenue Landfill

A certain tract of land situated in the Borough of Brooklyn, County of Kings, State of New York, and more particularly bounded and described as follows:

Beginning at the point of intersection of the U.S. Pierhead and Bulkhead Line with the southerly boundary of the Shore Parkway, the coordinates of which point are S 71,180.241 and E 49,844.627;

- 1) thence along said line of Shore Parkway N 08° 29' 13.5" W, 800.00 feet to a point;
- 2) thence N 81° 30' 46.5" E, 400.00 feet;
- 3) thence N 08° 29' 13.5" W, 1,817.63 feet to a point;
- 4) thence S 58° 31' 21.3" E, 2,995.96 feet to a point on the U.S. Pierhead and Bulkhead Line;
- 5) thence S 20° 39' 14.7" W, 1,919.02 feet;
- 6) thence N 69° 19' 51.5" W, 2,017.35 feet to the point of Beginning, containing 117.593 Acres, more or less.

METES and BOUNDS Description
Fountain Avenue Landfill

A certain tract of land situated in the Boroughs of Brooklyn and Queens, Counties of Kings and Queens, State of New York, respectively, and more particularly bounded and described as follows:

Beginning at the point of intersection of the westerly line of the reservation with the southerly line of the Shore Parkway, the coordinates of which point are S 68, 039, 263 and E 49, 623, 776;

- 1) thence along said line of Shore Parkway on a curve to the right having a radius of 5,255.88 feet, 1,542.36 feet to the point of tangency,
- 2) thence N 25° 57' 22.4" E, 1,592.49 feet to the point of curvature;
- 3) thence on a curve to the left having a radius of 16,763.04 feet, 1,483.14 feet to a point on curve;
- 4) thence S 54° 03' 53.7" E, a distance of 1,947.65 feet to a point;
- 5) thence S 10° 45' 45.6" E, 1,099.97 feet;
- 6) thence S 54° 45' 33.2" E, a distance of 1,337.86 feet to a point on the U.S. Pierhead and Bulkhead Lines;
- 7) thence along said line S 50° 14' 27.2" W, 1,712.23 feet to a point;
- 8) thence S 20° 39' 15.6" W, 1,903.53 feet to a point on the westerly line of the reservation;
- 9) thence N 58° 31' 21.3" W, a distance of 3,086.88 feet to the point of Beginning, containing 316.883 acres, more or less.

Pennsylvania Avenue and Fountain Avenue Landfills

Site No. 224002 & 224003

Pennsylvania Avenue and Shore Parkway
& Fountain Avenue and Shore Parkway

Kings County, NY

Tax Map ID: Block 4452, Lot 2

Appendix B



AREA 1

ZONED - RESIDENTIAL AND COMMERCIAL:
SPRING CREEK TOWERS APARTMENT
COMPLEX AND RELATED FACILITIES, PS 346
SCHOOL BUILDINGS, ETC.

AREA 2

ZONED - MANUFACTURING:
NYCDEP'S 26TH WARD WATER POLLUTION
CONTROL PLANT, ETC.

AREA 3

ZONED - RESIDENTIAL:
UNDEVELOPED

AREA 4

ZONED - RESIDENTIAL:
NEHEMIAH HOUSING DEVELOPMENT
TOWNHOUSES

AREA 5

ZONED - COMMERCIAL:
UNDEVELOPED

AREA 6

ZONED - COMMERCIAL:
HOME DEPOT, TOYS "R" US, BJ'S
WHOLESALE, BEST BUY, OLIVE GARDEN, RED
LOBSTER, ETC.

AREA 7

ZONED - RESIDENTIAL:
NEW YORK STATE MENTAL HYGIENE LEGAL
SERVICES

AREA 8:

ZONED - PARK:
FRESH CREEK PARK, SPRING CREEK PARK

AREA 9:

ZONED - COMMERCIAL/PARK:
UNNAMED PARKS

ZONING SOURCE: NYC PLANNING COMMISSION MAPS

DATES: MAY 19, 2009 & JUNE 30, 2009

AERIAL SOURCE: GOOGLE™

IMAGERY DATE: JUNE 18, 2010

NOT TO SCALE

Starrett City Inc. c/o Starrett City Associates 150 E. 58th St., Fl 23 New York, NY 10155	United States of America Dept. of Transportation Federal Highway Administration 1200 New Jersey Ave., SE Washington, DC 20590	Department RE-City of NY 2 Lafayette St., Fl 17 New York, NY 10007
NYC Department of General Services Division of Real Property 2 Lafayette St. New York, NY 10007	Camba Gateway Housing Dev Fund Corp 1720 Church Ave. Brooklyn, NY 11226	Spring Creek Recreational Fund Fl 23 150 E. 58th St. New York, NY 10155
Starrett City Inc. Seaview Ave. Brooklyn, NY 11207	Parks & Recreation (General) Arsenal West 16W 61st St. New York, NY 10023	Marty Markowitz Brooklyn Borough President 209 Joralemon St. Brooklyn, NY 11201
Nancy T. Sunshine Kings County Clerk 360 Adams St., Rm 189 Supreme Court Building Brooklyn, NY 11201	Nathan Bradley Community Board Chair Brooklyn Community Board - 5 127 Pennsylvania Ave. Brooklyn, NY 11207	Walter Campbell Brooklyn Community Board - 5 127 Pennsylvania Ave. Brooklyn, NY 11207
Dept of Environmental Protection 59-17 Junction Boulevard, 13th Floor Flushing, NY 11373	New York City Water Board -Brooklyn 8th Floor 250 Livingston St. Brooklyn, NY 11201	The Brooklyn Paper Newspaper Suite 1001 One Metrotech Center Brooklyn, NY 11201
NYS Office of General Services Empire State Plaza 39th Floor Corning Tower Albany, NY 12242	Empire State Development Corporation 31st Floor 633 Third Avenue New York, NY 10017	Gateway Center Properties, LLC 19th Fl 60 Columbus Circle New York, NY 10023
SMR Gateway III, LLC c/o The Related Companies, L.P. 60 Columbus Circle New York, NY 10023	Home Depot USA, Inc. 3096 Hamilton Blvd. South Plainfield, NJ 7080	US Department of the Interior Office of the Solicitor Suite 612 One Gateway Center Newton, MA 02458-2881
National Park Service 900 Ohio Drive Southwest Washington, DC 20242	The Honorable Michael Bloomberg Mayor, New York City City Hall New York, NY 10007	Amanda Burden Chair, NYC Planning Commission 22 Reade St. New York, NY 10007-1216
Carter H. Strickland, Jr. Commissioner, NYC DEP 59-17 Junction Blvd. Flushing, NY 11373	NYC DEP 2nd Floor, Low-Rise Building 96-05 Horace Harding Expressway Corona, NY 11368-5107	Adrian Benepe, Commissioner NYC Dept of Parks & Recreation 830 Fifth Avenue The Arsenal New York, NY 10065
Dr. Thomas Farley, Commissioner NYC Dept of Health and Mental Hygiene 42-09 28th Street Long Island City, NY 11101		