



New York State Department of Environmental Conservation

State Superfund Program

Citizen Participation Plan

for

Operable Unit # 1 of the Brooklyn Navy Yard 13-Acre Parcel

Flushing and Kent Ave.
Brooklyn
Kings County, New York

February 2009

Contents

<u>Section</u>	<u>Page Number</u>
1. What is New York’s State Superfund Program?	3
2. Citizen Participation Activities.....	3
3. Major Issues of Public Concern.....	5
4. Site Information.....	5
5. Remedial Process.....	6
Appendix A – Project Contacts and Locations of Reports and Information.....	9
Appendix B – Site Contact List.....	11
Appendix C – Identification of Citizen Participation Activities.....	17
Appendix D – Site Location Map.....	18

* * * * *

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

Responsible Party: **City of New York (“Responsible Party”)**
Site Name: **Brooklyn Navy Yard 13-Acre Parcel Operable Unit No. 1 (“site”)**
Site Address: **Kent and Flushing Ave.**
Site County: **Kings**
Site Number: **224019A**

1. What is New York’s State Superfund Program?

New York’s State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health or the environment, such as the site identified above, go through a process of investigation, evaluation, cleanup, and monitoring.

The New York State Department of Environmental Conservation (NYSDEC) administers the SSF Program with assistance and input from the New York State Department of Health (NYSDOH). When the parties responsible for the contamination are known (“responsible parties”), they often pay for and perform the investigation and evaluation of cleanup options under an enforceable consent order. At sites where responsible parties cannot be found or are unable or unwilling to fund an investigation, the State pays for the investigation and may try to recover costs from a responsible party after the investigation and cleanup are complete.

The SSF contains investigation and remediation¹ (cleanup) requirements, ensuring that cleanups protect public health and the environment. For more information about the SSF, go online at: <http://www.dec.ny.gov/chemical/8439.html> .

2. Citizen Participation Activities

This Citizen Participation (CP) Plan provides members of the affected and interested public with information about how NYSDEC will inform and involve them during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance from the responsible party.

Project Contacts

Appendix A identifies DEC project contact(s) to whom the public should address questions or request information about the site’s remedial program. 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.

Location of Reports and Information

¹ “Remediation”, “remediation activities”, and “remedial action” are defined as all activities or actions undertaken to eliminate, remove, treat, abate, control, manage, or monitor contaminants at or coming from a contaminated site.

The location of the reports and information related to the site's remedial program also is identified in Appendix A. This location provides convenient access to important project documents for public review and comment.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and remediation process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These may include notifications of upcoming remedial activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- chief executive officer and official(s) principally involved with relevant zoning and planning matters 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 the purposes of posting and/or dissemination of information at the facility;
- document repositories.

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 on a site-specific basis at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

CP Activities

Appendix C identifies the CP activities conducted during the site's remedial program. The public is informed about these CP activities through fact sheets and notices developed at significant points in the site's remedial process.

- **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 remediate a 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 a site's investigation and remediation.

The public is encouraged to contact project staff at any time during the site's remedial process with questions, comments, or requests for information about the remedial program.

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 remedial activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

The site identified above poses a significant threat to public health or the environment, so that a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

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> .

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern, if any, that relate to the site. Additional major issues of public concern may be identified during the site's remedial and citizen participation processes.

At the time of this writing, no major issues of public concern had been identified.

4. Site Information

Appendix D contains a map identifying the location of the site.

Site Description

The Brooklyn Navy Yard 13-Acre Parcel site is on the north-east portion of the Brooklyn Navy Yard Development Corp. (BNYDC) Industrial Park and is operated by the New York City Department of Sanitation. The site is bordered by the East River on the north and west, by Kent Avenue on the east, and by the remainder of the BNYDC industrial park on the south (see figure 1).

The site includes a barge basin, the Building 419 transformer substation, two former drum storage areas, a former boat shop area and a former coal gasification plant area. The surrounding area includes industrial, commercial and residential uses.

The site is generally comprised of fill material (e.g., coal ash, demolition debris, etc.), now overlain by pavement and buildings. Groundwater occurs at approximately six-feet below grade and

groundwater flow is towards the Barge Basin locally and to the East River regionally.

Operable Unit (OU) No. 1, which is the subject of this document, consists of approximately 9.5 acres of the 13 acre site and includes the two former drum storage areas, a railroad siding area and the Building 419 transformer substation. An operable unit represents a portion of the site remedy that for technical or administrative reasons can be addressed separately to eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination. The remaining operable unit for this site is the “Former Brooklyn Navy Yard MGP” site (a.k.a., OU 2 or the “Nassau Works MGP” site), which occupies approximately 3.5 acres of the 13-Acre Parcel. This portion of the site formerly housed the Nassau Works manufactured gas plant and is currently being investigated for contamination related to that use. Wastes associated with OU 2 of the 13-Acre will be addressed under a separate study.

The site is currently used for the storage of salt and, to a lesser extent, vehicles.

The surrounding area includes industrial, commercial and residential uses.

Site History

From 1890s to 1940s, the northern part of the site was occupied by the coal gasification plant, identified as the Nassau Works. Such plants often generated tar-like wastes containing several semi-volatile organic compounds. The two drum storage areas and the transformer substation also have demonstrable levels of lead and/or PCB contamination.

Environmental History

The Department and the City of New York entered into a Consent Order for Operable Unit 1 on October 12, 2006. The Order obligates the responsible party to implement a full remedial program. Keyspan Energy Corporation entered into a separate Consent Order on October 12, 2006 which commits it to the investigation and remediation of Operable Unit 2. The two orders together replace an earlier 1996 order with New York City alone. That order predated the site being listed on the hazardous waste site registry, and was not as expansive in remedial scope.

Environmental investigations done prior to the 2006 order are not included in the document repositories, as they were not in full accordance with the Superfund process. However, information generated during those studies was vetted against current practices and was used as a basis for future studies. The NYSDEC project manager can assist you in accessing these historic studies if you are interested.

5. Remedial Process

Investigation

A detailed study of the site has been performed by the City of New York, with oversight by

NYSDEC and NYSDOH. This detailed study is officially called a “Remedial Investigation”. The investigation work plan is officially called a “Remedial Investigation Work Plan” and is available for public review at the “Location of Reports and Information” identified in Appendix A.

The site investigation had 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.

NYSDOH reviews and recommends activities that will be performed during the investigation to ensure that a complete picture of potential health impacts is understood. Such activities include identifying the ways contamination can reach people, such as through direct contact, eating, drinking, or breathing.

The results of the investigation can be found in the Remedial Investigation report.

Feasibility Study

After the site investigation has begun, the responsible party, with oversight by NYSDEC conducted a “Feasibility Study.” This study uses information developed during the site investigation to develop and evaluate potential ways to clean up contamination related to the site. Another possibility is that the information collected during a site investigation may support the conclusion that no action, or no further action, is needed to address site-related contamination.

Proposed Remedy

The outcome of the selection process is the recommendation of a remedy that effectively eliminates the threat posed by contaminants at the site. NYSDEC approves or prepares this proposal, officially called a “Proposed Remedial Action Plan”. The proposed cleanup plan describes the remedy preferred by NYSDEC, or a no action or no further action alternative. The proposed cleanup plan summarizes the decision that led to the preferred remedy by discussing each alternative and the reasons for choosing or rejecting it. The goal of any cleanup plan is to ensure the protection of public health and the environment. NYSDEC will present the proposed cleanup plan to the public for its review and comment during a 30-day comment period and at a public meeting.

Selected Remedy

The selected remedy will be described in a document officially called a “Record of Decision” that will explain why the remedy was selected and respond to public comments. This document will be placed in the location of reports and information. If the selected remedy is no action or no

further action, NYSDEC may then take steps to reclassify the site or remove the site from its list of contaminated sites.

Cleanup Action

If the Record of Decision for the site call for cleanup action, the project then moves to designing and performing the cleanup activities to address the site contamination. When cleanup activities have been completed, NYSDEC will approve or prepare a final engineering report that describes the cleanup activities completed and certifies that cleanup requirements have been achieved or will be achieved.

Site Management

After remediation of the site, continued site management may be conducted by NYSDEC, or by the responsible party under NYSDEC oversight. Site management incorporates any institutional and engineering controls required for the site. An institutional control 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 institutional control may be used when the remedial action leaves some contamination that makes the site suitable for some, but not all uses.

An engineering control is a physical barrier or method to manage contamination. Examples include: operation of a water treatment plant, maintenance of a cap or vapor barrier, and monitoring of groundwater quality.

During the Site Management phase, NYSDEC may also take steps to reclassify the site or remove the site from the Registry.

Appendix A – Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site’s remedial program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Jonathan Greco
Project Manager
NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016
(518) 402-9694 or (888) 212-9586

Thomas V. Panzone
Citizen Participation Specialist
Division of Public Affairs and Education
NYSDEC - Region 2
(718) 482-4953
Mr. Thomas Panzone

New York State Department of Health (NYSDOH):

Ms. Bridget Callaghan
Project Manager
NYSDOH
Flanigan Square
547 River Street
Troy, NY 12180-2216
Phone: (800)458-1158 ext. 27860

Locations of Reports and Information

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

New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233-7014 Attn: Jonathan Greco, Project Manger (518) 402-9694 or, 1-888-212-9586	Monday though Friday: By appointment
--	---

Brooklyn Community Board #2 Shirley McRae, Chairperson 350 Jay Street, 8 th floor Brooklyn, NY 11201	Monday through Friday: 9:00 AM – 5:00 PM
--	---

Brooklyn Public Library
Central Library
Grand Army Plaza
Brooklyn, NY 11238
(718) 230-2100

Monday 9 AM – 6 PM
Tues – Thurs 9 AM – 9 PM
Friday 9 AM – 6 PM
Saturday 10 AM – 6 PM

Brooklyn Community Board #1
Mr. Gerald A. Esposito - District Manager
435 Graham Avenue
Brooklyn, NY 11211
(718) 389-0009

Monday through Friday:
9:00 AM – 5:00 PM

Appendix B – Site Contact List

Residents Near The 13-Acre Parcel Site

The residential mailing list is maintained by the NYSDEC and is not published in this document to protect the privacy of those living near the site.

Business Addresses Near The 13-Acre Parcel Site

Consolidated Edison
Kent Avenue
Brooklyn, NY 11211

Kent Village Housing Co Inc.
539 Wythe Avenue
Brooklyn, NY 11211

New York City Housing Authority
70 Clymer Street
Brooklyn, NY 11211

New York City Housing Authority
30 Taylor Street
Brooklyn, NY 11211

New York City Housing Authority
626 Wythe Avenue
Brooklyn, NY 11211

New York City Housing Authority
100 Taylor Street
Brooklyn, NY 11211

New York City Housing Authority
55 Ross Street
Brooklyn, NY 11211

The Simcha Herman Irrevocable Trust
25 Rodney Street
Brooklyn, NY 11211

Mariano Pastor Inc.
63 Flushing Avenue, Unit 181
Brooklyn, NY 11211

AMS Press Inc.
63 Flushing Avenue, Unit 221
Brooklyn, NY 11211

Arplast Corp
63 Flushing Avenue, Unit 225
Brooklyn, NY 11211

Del Express Inc.
63 Flushing Avenue, Unit 258
Brooklyn, NY 11211

Eastern Jewelry Manufacturing Co.
63 Flushing Avenue, Unit 262
Brooklyn, NY 11211

Famous Express Inc.
63 Flushing Avenue, Unit 272
Brooklyn, NY 11211

GFD Courier Corporation
63 Flushing Avenue, Unit 275
Brooklyn, NY 11211

HITN, Inc.
63 Flushing Avenue, Unit 281
Brooklyn, NY 11211

Jasco Designs
63 Flushing Avenue, Unit 290
Brooklyn, NY 11211

Roche International LLC
63 Flushing Avenue, Unit 317
Brooklyn, NY 11211

Scenic Corp of New York
63 Flushing Avenue, Unit 334
Brooklyn, NY 11211

Shiel Medical Laboratory
63 Flushing Avenue, Unit 336
Brooklyn, NY 11211

Silver Line Imports
63 Flushing Avenue, Unit 337
Brooklyn, NY 11211

Intl. Union of Operating Engineers/Local 891
63 Flushing Avenue, Unit 358
Brooklyn, NY 11211

Gedi Sibony
63 Flushing Avenue, Unit 200
Brooklyn, NY 11211

Burke Supply Company
63 Flushing Avenue, Unit 293
Brooklyn, NY 11211

Agger Fish Company
63 Flushing Avenue, Unit 313
Brooklyn, NY 11211

DCAS Auction
1 Centre Street, 17th Floor
New York, NY 10007

Governmental Officials

Borough Of Brooklyn, Kings County
Marty Markowitz, Brooklyn Borough President
209 Joralemon Street
Brooklyn, NY 11201

Hon. Michael R. Bloomberg
Mayor of the City of New York
City Hall, New York
New York, 10007

Hon. Amanda M. Burden
Chair
New York City Planning Commission
22 Reade Street
New York, New York
10007-1216

Hon. Charles Schumer
U.S. Senator
757 Third Avenue, Room 1702
New York, NY 10017

Hon. Kirsten Gillibrand
U.S. Senate
Dirksen 531
Washington, DC 20501

Hon. Nydia Velazquez
U.S. House of Representatives
266 Broadway, Suite 201
Brooklyn, NY 11211

Hon Daniel Squadron
New York State Senator
C/o Brooklyn Borough Hall
209 Joralemon Street
Brooklyn, NY 11201

Hon. Joseph Lentol
New York State Assemblyman
619 Lorimer Street
Brooklyn, NY 11211

Hon. David Yassky
New York City Councilman
114 Court Street, 2nd Floor
Brooklyn, NY 11201

Brooklyn Community Board #1
435 Graham Avenue
Brooklyn, NY 11211
Attn: Gerald A. Esposito, District Manager

Brooklyn Community Board # 1
435 Graham Avenue
Brooklyn, NY 11211
Attn: Mr. Vincent Abate, Chairperson

Brooklyn Community Board # 2
350 Jay Street
Brooklyn, NY 11201
Attn: Mr. John Dew, Chairperson

Brooklyn Community Board # 2
350 Jay Street
Brooklyn, NY 11201
Attn: Mr. Robert Perris, District Manager

Steven Lawitts
Acting Commissioner
NYC Department of
Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

John Wuthenow
Office of Environmental Planning & Assessment
NYC Department of
Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Robert Kulikowski, Director
Mayor's Office of
Environmental Coordination
253 Broadway, 14th Floor
New York, NY 10007

Local News Media

CBS 2 News
524 West 57 Street
New York, NY 10019
Att: Planning Desk

Wins Radio - 1010
888 7th Avenue, Floor 10
New York, NY 10106

The New York Post
1211 Avenue Of The Americas
New York, NY 10036-8701

New York Daily News
450 West 33rd Street
New York, NY 10001

Brooklyn Papers
55 Washington Street, # 624
Brooklyn, NY 11201

NY 1 News
75 Ninth Avenue
New York, NY 10011

Courier-Life Publications
1733 Sheepshead Bay Rd.
Brooklyn, NY 11235

Brooklyn Eagle Publications
30 Henry Street
Brooklyn, NY 11201

Document Repositories

Brooklyn Community Board #2
John Dew, Chairperson
350 Jay Street, 8th floor
Brooklyn, NY 11201

Brooklyn Public Library
Central Library
Grand Army Plaza
Brooklyn, NY 11238
(718) 230-2100

Brooklyn Community Board #1
Mr. Gerald A. Esposito - District Manager
435 Graham Avenue
Brooklyn, NY 11211
(718) 389-0009

New York State Department of Environmental Conservation
Attn: Jonathan Greco, Proj. Mgr.
625 Broadway
Albany, NY 12233-7016

Public Water Supplier of the Site area

New York City Department of Environmental Protection
59-17 Junction Boulevard 10th Floor
Flushing, NY 1 1373

Schools and Daycare Facilities

Be'ikvei Hatsoin Girl School
31 Division Ave
Brooklyn, NY 11211
Attn: Shaindy Gross

Williamsburg Collegiate Charter School
157 Wilson Street
Brooklyn, NY 11211
Attn: Julie Trott

Public School 16
Leonard Dunkly School
157 Wilson Street
Brooklyn, NY 11211
Attn: Virginia Berrios, Principal

Junior High School 265 Susan S McKinney
101 Park Ave
Brooklyn, NY 11205
Attn: Paula Holmes

P.S. 287 Bailey K Ashford School
50 Navy St
Brooklyn, NY 11201
Attn: Michele Rawlins

Community, Civic, Religious and other Educational Institutions

Caribbean American Chamber of Commerce & Industry
Brooklyn Navy Yard
63 Flushing Avenue
Brooklyn, NY 11205

Hispanic Information and Telecommunications Network
Building #292, Suite #211
63 Flushing Avenue, Unit 281
Brooklyn, NY 11205 – 1078

United Talmudical Academy
45 Williamsburg St W
Brooklyn, NY 11211

UTA of Mesivta
160 Ross St
Brooklyn, NY 11211

Chesed Leabraham Inc
131 Keap St
Brooklyn, NY 11211

Sacred Heart Church
41 Adelphi St
Brooklyn, NY 11205

Appendix C – Identification of Citizen Participation Activities

SSF Citizen Participation Requirements	CP Requirement(s) Occur at This Point
Before Start of Remedial Investigation (RI):	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation (CP) Plan • Place RI Work Plan in document repository 	<p>Before start of RI. Note: Under current regulations, a Draft CP Plan must be submitted to NYSDEC within 20 days of effective date of Consent Order. CP Plan must be approved by NYSDEC before distribution. This regulation did not exist at the beginning of remedial activities at this site, and CP was less formalized.</p>
Before NYSDEC Proposes a Remedy :	
<ul style="list-style-type: none"> • Place approved RI and FS reports in document repository 	<p>Before NYSDEC prepares the Proposed Remedial Action Plan.</p>
When NYSDEC Issues Proposed Remedial Action Plan (PRAP):	
<ul style="list-style-type: none"> • Place PRAP in document repository • Mail fact sheet to site contact list that describes PRAP and announces 30-day comment period • Conduct 30-day public comment period • Hold public meeting about PRAP 	<p>When NYSDEC issues PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.</p>
When NYSDEC Issues Record of Decision (ROD):	
<ul style="list-style-type: none"> • Place ROD in document repository • Mail fact sheet to site contact list that announces availability of ROD and describes selected remedy. ROD includes responsiveness summary of significant comments about PRAP 	<p>When NYSDEC issues ROD.</p>
Before Start of Remedial Action:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes upcoming remedial action 	<p>Before the start of remedial action at the site.</p>
After Remedial Action Completed:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list announcing that remedial action has been completed 	<p>At the time NYSDEC approves Final Engineering Report.</p>

Appendix D – Site Location Map

{Instruction to preparer: Insert a map locating the site under the above heading.
Alternately, replace this page with such a map. Be sure to label the page/map as Appendix D
– Site Location Map and number the page consecutively with the others.}

