

**New York State Department of Environmental Conservation  
Brownfield Cleanup Program**

**Citizen Participation Plan**

**FOR**

**48 SEWELL STREET, LLC.**

**Site No.: C130143**

**Index No.: W1-1073-05-08**

**APRIL 2006**

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## **1.0 INTRODUCTION AND OVERVIEW OF THE CITIZEN PARTICIPATION PLAN**

**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 Brownfield site's remedial process.

**Applicant: 48 Sewell Street, LLC. ("Applicant")**

**Site Name: Former Husslein Plating Corporation ("site")**

**Site Number: C130143**

**Site Address: 48 Sewell Street Hempstead, New York**

**Site County: Nassau County**

### **What is New York's Brownfield Cleanup Program?**

New York's Brownfield Cleanup Program (BCP) is designed to encourage the private sector to investigate, remediate (clean up) and redevelop brownfields. A brownfield is any real property where redevelopment or reuse may be complicated by the presence or potential presence of a contaminant. 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 the 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 remedial activities.<sup>1</sup> An Applicant is a person whose request to participate in the BCP has been accepted by NYSDEC. The BCP contains investigation and remediation (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.

## **2.0 CITIZEN PARTICIPATION PLAN OVERVIEW:**

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 remediation of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

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

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<sup>1</sup> "Remedial activities", "remedial action" and "remediation" are defined as all activities or actions undertaken to eliminate, remove, treat, abate, control, manage, or monitor contaminants at or coming from a brownfield site.

### *Project Contacts*

Appendix B identifies NYSDEC 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.

### *Document Repositories*

The locations of the site's document repositories also are identified in Appendix B. The document repositories provide convenient access to important project documents for public review and comment.

### *Site Contact List*

Appendix C contains the brownfield 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 brownfield site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project, including 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 brownfield site contact list includes, at a minimum:

- chief executive officer and zoning 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; document repositories.

Where the site or adjacent real property contains multiple dwelling units, the Applicant will work with the Department to develop an alternative method for providing such notice in lieu of mailing to each individual. For example, the owner of such a property that contains multiple dwellings may be requested to prominently display fact sheets and notices required to be developed during the site's remedial process. This procedure would substitute for the mailing of such notices and fact sheets, especially at locations where renters, tenants and other residents may number in the hundreds or thousands, making the mailing of such notices impractical.

The brownfield 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 B. Other additions to the brownfield 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 D identifies the CP activities, at a minimum, that have been and will be conducted during the site's remedial program. The flowchart in Appendix E shows how these CP activities integrate with the site remedial process. 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 brownfield site, and the nature and progress of efforts to investigate and remediate a brownfield 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 brownfield site's investigation and remediation.

The public is encouraged to contact project staff anytime 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 6. 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.

### **3.0 SITE INFORMATION**

#### *Site Description*

The subject property is a former plating facility located at 48 Sewell Street, Village of Hempstead, New York. It is situated on the southeast corner of the intersection formed by Sewell and Mirschel Streets in the Incorporated Village of Hempstead. The Nassau County Tax Map Designation is Section 35 Block 638 Lots 21 thru 28, inclusive. The approximately 15,000 square foot property currently consists of a concrete paved lot with restricted access. Currently the site is essentially vacant as it is "occupied" by a tenant who only uses it for equipment storage. 48 Sewell Street, LLC. now owns the subject property. The site is part of an EN-Zone and is located within the County of Nassau, Town of Hempstead, Census Tract 4067, Block Group 3 and Block 3008.

#### *Site History*

This parcel was operated as Husslein Electroplating Corp. from 1972 to 1995. Prior historical use includes a suburban bus garage (Semke Bus) from on or about 1945 to 1972. The approximately 15,000 square foot property currently consists of a concrete paved lot; currently the site is



essentially vacant as it is "occupied" by a tenant who only uses it for equipment storage. 48 Sewell Street, LLC. now owns the subject property.

Several fires occurred over the course of the site's active tenancy. The fire in September 1995 resulted in a release of plating solutions (Spill 95-07338). The New York State Department of Environmental Control (the "Department") determined that this release affected local soils. These soils were promptly removed under the oversight of the Department with supplemental testing indicating the absence of Nickel and Chromium above action levels and the spill was deemed closed.

The plating operation was in the process of winding down its business prior to the September 1995 fire. According to the Department records, the 1995 incident released an estimated 400 gallons of nickel plating solution to the soils located proximate to the former plating facility's exterior western wall. Additionally, the Department noted puddling of liquid within the facility in and around the plating firm's floor drain system. These pooled liquids were vacuumed up and removed.

#### *Environmental History*

After the building was demolished as a result of extensive fire damage, the site was put up for sale. In or about 2001, a consultant retained by a potential purchaser conducted Phase I and Phase II Environmental Assessments. Review of the environmental data available for the site indicated that on-site soils and shallow groundwater have been impacted by heavy metals. Specifically, Nickel and Chromium were detected in the soils predominantly along the site's western quarter. To a lesser extent, Arsenic, Mercury, Zinc, and Copper were also found in the soils in this area. Additionally, concentrations of Nickel and Chromium were found in groundwater. Little, if any, volatile organic compound (VOC) contamination was identified in site soils or on-site groundwaters.

Subsequently, follow up subsurface testing was done. In August, the current site owner's professional engineer, William J. Lahti, PE, had occasion to evaluate the site for tax certiorari purposes. This latest evaluation required that, for the first time, the site be evaluated utilizing Toxic Compound Leachate Procedure (TCLP) protocol. As a result of that testing, Mr. Lahti concluded that the site's contamination was such as to warrant notifications to the Department. Mr. Lahti reported the contamination to the Department and the Department assigned Spill Number 04-055991 to the site.

The Participant proposes to remediate and control this contamination. While awaiting acceptance in the BCP, the Participant voluntarily initiated a preliminary groundwater treatment program in 2005 that consisted of the injection of Metal Remediation Compounds ("MRC") designed specifically for the heavy metals in question. A groundwater monitoring program was also initiated to monitor baseline and subsequent groundwater quality relative to the preliminary treatment program which indicates an approximate 50 percent reduction in nickel and chromium concentrations. Soil remediation will consist of removal. Site groundwater contamination will be further investigated to determine the optimum control strategy.

Source control (soil removal) and groundwater monitoring will commence immediately upon Department's approval of the Volunteer's work plan. Once the affected soils are removed, a

specific groundwater contaminant control strategy will be proposed for Department approval. As with source control, on approval of the groundwater contaminant control strategy it too will be implemented immediately. After remediation and control tasks are completed, Operation, Maintenance and Monitoring (OM&M), primarily in the form of monitoring and possible MRC replenishment are expected to last for an additional four to eight quarters (1 to 2 years).

#### **4.0 REMEDIAL PROCESS**

**Note:** See Appendix E for a flowchart of the brownfield site remedial process.

The Applicant has applied for entry into the New York's Brownfield Cleanup Program and have been accepted as a Participant. This designation usually means that the Applicant was the owner of the site at the time of the disposal or discharge of contaminants or was otherwise liable for the disposal or discharge of the contaminants. The Participant must fully characterize the nature and extent of contamination onsite, as well as the nature and extent of contamination that has migrated from the site. The Participant also must conduct a "qualitative exposure assessment," 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 in its Application proposes that the site will be used for restricted purposes.

To achieve this goal, the Applicant will conduct remedial activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting a remedial program at the site.

##### *Investigation*

If the Applicant conducts a remedial investigation (RI) of the site, it will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment as noted in Appendix D. The goals of the investigation are as follows:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other impacted media;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and/or the environment; and
- 4) Provide information to support the development of a Remedial Work Plan to address the contamination, or to support a conclusion that the contamination does not need to be addressed.

The Applicant will prepare an RI Report after it completes the RI. This report will summarize the results of the RI and will include the Applicant's recommendation of whether remediation is needed to address site-related contamination. The RI Report is subject to review and approval by

NYSDEC. Before the RI Report is approved, a fact sheet that describes the RI Report will be sent to the site's contact list.

NYSDEC will determine if the site poses a significant threat to public health and/or the environment. If NYSDEC determines that the site is 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 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 interest of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment are potentially threatened by the site.

### *Remedy Selection*

After NYSDEC approves the RI Report, the Applicant will be able to develop a Remedial Work Plan if remediation is required. The Remedial Work Plan describes how the Applicant would address the contamination related to the site.

The public will have the opportunity to review and comment on the draft Remedial Work Plan. The site contact list will be sent a fact sheet that describes the draft Remedial Work Plan and announces a 45-day public comment period. NYSDEC will factor this input into its decision to approve, reject or modify the draft Remedial Work Plan.

A public meeting may be held by NYSDEC about the proposed Remedial Work Plan if requested by the affected community and if significant substantive issues are raised about the draft Remedial Work Plan. Please note that, in order to request a public meeting, the health, economic well-being or enjoyment of the environment of those requesting the public meeting must be threatened or potentially threatened by the site. In addition, the request for the public meeting should be made within the first 30 days of the 45-day public comment period for the draft Remedial Work Plan. A public meeting also may be held at the discretion of the NYSDEC project manager in consultation with other NYSDEC staff as appropriate.

### *Construction*

Approval of the Remedial Work Plan by NYSDEC will allow the Applicant to design and construct the alternative selected to remediate the site. The site contact list will receive notification before the start of site remediation. When the Applicant completes remedial activities, it will prepare a final engineering report that certifies that remediation requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the remediation is protective of public health and the environment for the intended use of the site. The site contact list will receive a fact sheet that announces the completion of remedial activities and the review of the final engineering report.



### *Certificate of Completion and Site Management*

Once NYSDEC approves the final engineering report, NYSDEC will issue the Applicant a Certificate of Completion. This Certificate states that remediation goals have been achieved, and relieves the Applicant from future remedial liability, subject to statutory conditions. The Certificate also includes a description of any institutional and engineering controls or monitoring required by the approved remedial work plan. If the Applicant uses institutional controls or engineering controls to achieve remedial objectives, the site contact list will receive a fact sheet that discusses such controls.

An institutional control is a non-physical restriction on use of the brownfield site, such as a deed restriction that would prevent or restrict certain uses of the remediated 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, such as a cap or vapor barrier.

Site management will be conducted by the Applicant as required. NYSDEC will provide appropriate oversight. Site management involves the institutional and engineering controls required for the brownfield site. Examples include: operation of a water treatment plant, maintenance of a cap or cover, and monitoring of groundwater quality.

## **5.0 CITIZEN PARTICIPATION ACTIVITIES**

CP activities that have already occurred and are planned during the investigation and remediation of the site under the BCP are identified in Appendix D: Identification of Citizen Participation Activities. These activities also are identified in the flowchart of the BCP process in Appendix E. NYSDEC will ensure that these CP activities are conducted, with appropriate assistance from the Applicant.

All CP activities are conducted to provide the public with significant information about site findings and planned remedial activities, and some activities announce comment periods and request public input about important draft documents such as the Proposed Remedial Work Plan.

All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed. Notices and fact sheets can be combined at the discretion, and with the approval of, NYSDEC.

## **6.0 MAJOR ISSUES OF PUBLIC CONCERN**

Currently no impacts to sensitive receptors have been identified. The only major issue of public concern relative to the 48 Sewell Street Hempstead site is the current impacts to on-site groundwater from on-site subsurface soils. Public potable water supply in the study area is provided by the Village of Hempstead through two well fields located within an approximate one mile radius, the Laurel Avenue and Clinton Street well fields. The closest well field is the Laurel Avenue well field located in excess of 1,900+ ft to the southeast (cross gradient with respect to groundwater flow) of the subject property. The Clinton Street well field is more than one mile away and up gradient (north) with respect to groundwater flow. Two wells (No.7 and 9) are in use at the Laurel Avenue well field and are screened at an approximate depth of 500 feet bgs, within the Magothy aquifer.

Based upon the above, these two wells are more than 1/3 of a mile away and cross gradient from the subject property. Furthermore, these wells are completed more than 450 feet deeper and within the deeper, partially confined aquifer (Magothy) than the shallow groundwater impacts reported at the subject property. Therefore, a preliminary evaluation of the potential for impacts from the study property, with respect to wellhead protection and groundwater recharge areas for potable supply wells, indicates a low likelihood for impacts to public potable water supply. Additionally, review of current (2003) and historical groundwater quality data does not indicate treatment for nickel or chromium at either of these two well fields. Furthermore, a preliminary groundwater treatment program is already in place via the injection of Metal Remediation Compounds (MRC) that was implemented in 2005 as well as ongoing groundwater monitoring.

No public concerns relative to on-site soil impacts are present as the surface condition of the site is currently maintained under a concrete cap. However as source control via soil removal is proposed to be performed under an interim remedial measure under the BCP, this will serve to provide future appropriate mitigation of this issue. Once the affected soils are removed, a specific groundwater contaminant control strategy will be proposed for department approval.

## **Appendix A**

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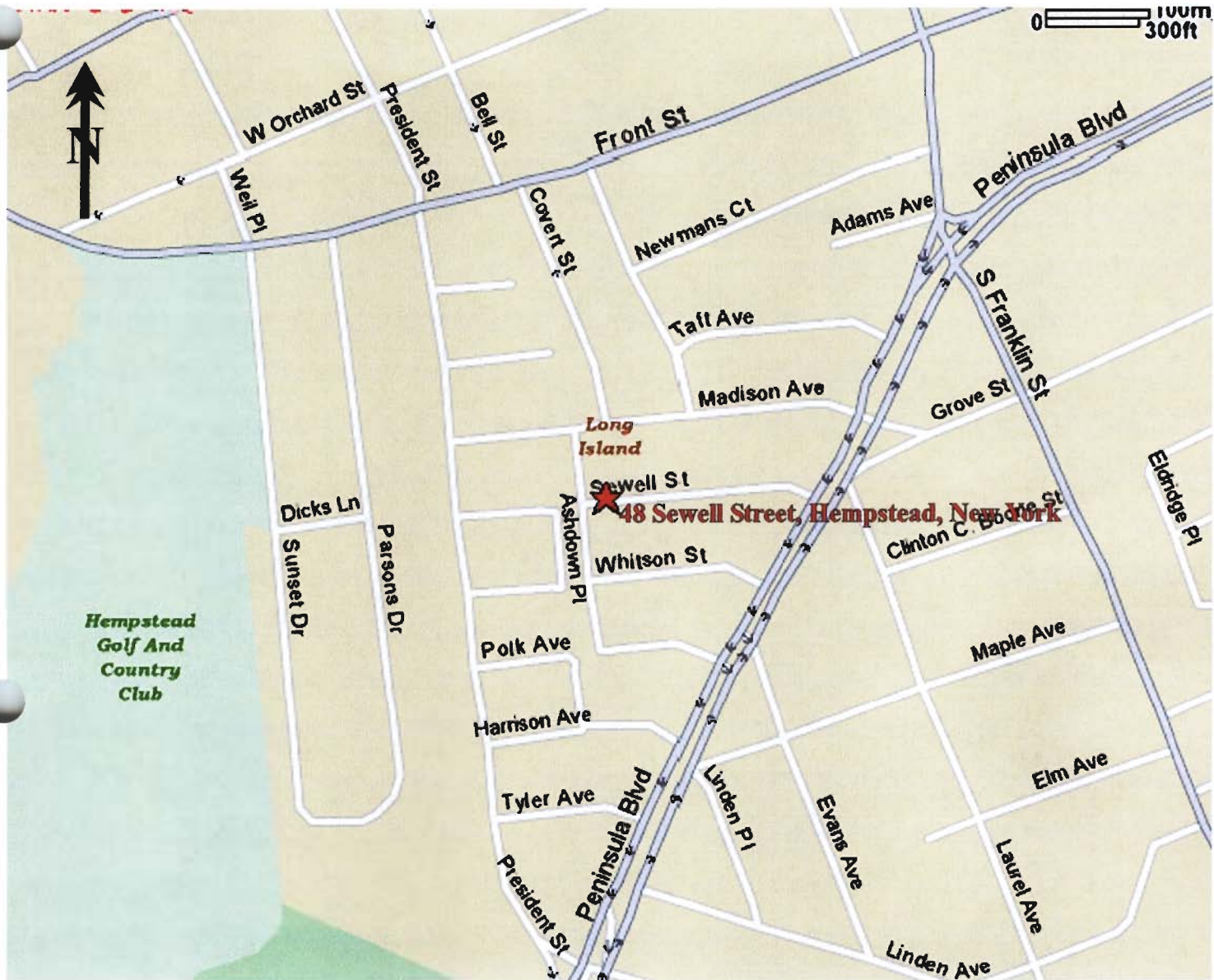
### **Site Location Map**

Description of  
Section 35, Block 638, Lots 21-28

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Hempstead, Town of Hempstead, County of Nassau, State of New York bounded and described as follows:

Beginning at the corner formed by the intersection of the southerly side of Sewell Street with the easterly side of Mirschel Street running thence the following four (4) courses and distances;

1. South 87 deg. 20 min. 30 sec. East a distance of 160.00',
2. South 2 deg. 39 min. 30 sec. West a distance of 100.00',
3. North 87 deg. 20 min. 30 sec. West a distance of 160.00' to the easterly side of Mirschel Street,
4. Along said side North 2 deg. 39 min. 30 sec. East a distance of 100.00' to the point or place of beginning.



**Figure 1 - Site Location**

**Former Husslein Plating Corp.  
48 Sewell Street  
Hempstead, New York**

**Berninger Environmental, Inc.  
90-B Knickerbocker Avenue  
Bohemia, New York 11716  
(631) 589-6521 Fax (631) 589-6528**



## **Appendix B**

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### **Project Contacts and Document Repositories**

## **Project Contacts and Document Repositories**

For additional information about the program to investigate/remediate the site, the public is encouraged to contact any of the following NYSDEC or NYSDOH staff:

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

Mr. Joseph Yavonditte

NYSDEC Division of Environmental Remediation

625 Broadway

Albany New York 12233

**(518) 402- 9622**

Ms. Kerry Maloney, Engineering Geologist 1

Project Manager

NYSDEC Division of Environmental Remediation

625 Broadway

Albany New York 12233

**(518) 402-9622**

### **New York State Department of Health (NYSDOH):**

Mr. Gary Litwin

Bureau of Environmental Exposure Investigation

NYSDOH

Flanigan Square

547 River Street

Troy, NY 12180-2216

**(800) 458-1158**

## DOCUMENT REPOSITORIES

A document repository has been established to provide the public with convenient access to important project documents and other information. This information will include reports, data and other information gathered and developed during the course of the Brownfield Investigation and Interim Remediation. The repository location is:

Hempstead Public Library

115 Nicols Court

Hempstead, NY 12561

(516) 481-6990

Mon.-Thurs. 9:30 a.m.-8:00 p.m.

Fri.-Sat. 9:30 a.m.-5:00 p.m.

## **Appendix C**

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### **Brownfield Site Contact List**

## CONTACT LIST

The following contact list has been developed to help NYSDEC keep the community informed about and involved in the Investigation and Interim Remediation process for the 48 Sewell Street LLC site. The list includes adjacent property owners<sup>2</sup>; local, regional and state officials; local media; civic, business and environmental organizations and others. The contact list will be reviewed periodically and updated as appropriate.

### COUNTY OF NASSAU

Chief Executive Office   Honorable Thomas Suozzi  
1 West Street, Mineola, New York 11501  
(516) 571-3131

Zoning Board Chairman - None

### TOWN OF HEMPSTEAD

Chief Executive Office   Supervisor Kate Murray  
1 Washington Street, Hempstead, New York 11550  
(516) 489-5000

Zoning Board Chairman   Gerald Wright  
1 Washington Street, Hempstead, New York 11550  
(516) 489-5000

### VILLAGE OF HEMPSTEAD

Chief Executive Office   Honorable Wayne J. Hall Sr.  
99 Nicols Court, Hempstead, New York 11550  
(516) 489-3400

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<sup>2</sup>Note: The adjacent/affected property owner and resident portion of the list is maintained within project files, not in the CP Plan. However reference is made to the Brownfield application.



Zoning Board Chairman Ray Rhodan

99 Nicols Court, Hempstead, New York 11550  
(516) 489-3400

LOCAL NEWS MEDIA:

Beacon Newspaper

5 Centre Street, Hempstead, New York 11550  
(516) 481-5400

PUBLIC WATER SUPPLIER

The Inc. Village of Hempstead operates two well fields located within an approximate one mile radius (Laurel Avenue and Clinton Avenue).

SCHOOL OR DAY CARE FACILITY NEAR SITE

None.

NAMES OF ANYONE WHO HAS REQUESTED TO BE PLACED ON LIST

None.

## **Appendix D**

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### **Identification of Citizen Participation Activities**

## Appendix D - Identification of Citizen Participation Activities

Required Citizen Participation (CP) Activities	CP activity(ies) occur at this point
<b>Application Process</b> <ul style="list-style-type: none"> <li>• Prepare brownfield site contact list (BSCL)</li> <li>• Establish document repositories</li> </ul>	At time of preparation of application to participate in BCP
<ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to BSCL</li> </ul>	When NYSDEC determines that BCP application is complete. The 30-day comment period begins on date of publication of notice in ENB. End date of comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice and notice to the BSCL should be provided to the public at the same time.
<b>After Execution of Brownfield Site Cleanup Agreement::</b> <ul style="list-style-type: none"> <li>• Prepare citizen participation (CP) plan</li> </ul>	Draft CP Plan must be submitted within 20 days of entering Brownfield Site Cleanup Agreement. CP Plan must be approved by NYSDEC before distribution.
<b>After Remedial Investigation (RI) Work Plan Received:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL about proposed RI activities and announcing 30-day public comment period on draft RI Work Plan</li> </ul>	Before NYSDEC approves RI Work Plan. If RI Word Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. 30-day comment period begins/ends as per dates identified in fact sheet.
<b>After RI Completion:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL describing results of RI</li> </ul>	Before NYSDEC approves RI Report
<b>After Remedial Work Plan (RWP) Received:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL about proposed RWP and announcing 45-day comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (If requested by affected community or at discretion of NYSDEC project manager in consultation with other NYSDEC staff as appropriate)</li> </ul>	Before NYSDEC approves RWP 45-day comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day comment period.
<b>After Approval of RWP:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL summarizing upcoming remedial construction</li> </ul>	Before the start of remedial construction.
<ul style="list-style-type: none"> <li>• After Remedial Action Completed:</li> </ul>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL announcing that remedial construction has been completed</li> <li>• Mail fact sheet to BSCL announcing issuance of Certificate of Completion (COC)</li> </ul>	At the time NYSDEC approves Final Engineering Report. These two fact sheets should be combined when possible if there is not a delay in issuance of COC.

## **Appendix E**

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### **Brownfield Cleanup Program Process**

## Appendix E – Brownfield Cleanup Program Process

