DECISION DOCUMENT

Viele Avenue
Brownfield Cleanup Program
Bronx, Bronx County
Site No. C203103
September 2019

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

DECLARATION STATEMENT - DECISION DOCUMENT

Viele Avenue
Brownfield Cleanup Program
Bronx, Bronx County
Site No. C203103
September 2019

Statement of Purpose and Basis

This document presents the remedy for the Viele Avenue site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Viele Avenue site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

   A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

   - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
   - Reducing direct and indirect greenhouse gases and other emissions;
   - Increasing energy efficiency and minimizing use of non-renewable energy;
   - Conserving and efficiently managing resources and materials;
   - Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
   - Maximizing habitat value and creating habitat when possible;
   - Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
   - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
   - Additionally, to incorporate green remediation principles and techniques to the

extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

The existing asphalt pavement will be removed in the two "hot spot" areas, as indicated on Figure 3, and materials that cannot be beneficially re-used on-site will be taken off-site for proper disposal.

Excavation and off-site disposal of contaminant source areas including, but not limited to:

- Soil with visual contamination including coal tar material or non-aqueous phase liquid;
- Grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
- Soil containing total SVOCs exceeding 500 ppm;
- Soils which exceed the protection of groundwater soil cleanup objectives (PGWSCOs) for arsenic, lead and naphthalene, as defined by 6 NYCRR Part 375-6.8; and
- Soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

Approximately 550 cubic yards of contaminated soil will be removed from the source areas encompassing soil boring locations GW-04 and SB-2, as shown on Figure 3.

3. Backfill

On-site soil which does not exceed the above excavation criteria may be used below the cover system described in Paragraph 4 to backfill the excavation and establish the designed grades at the site.

Clean fill meeting the SCOs for commercial use and the protection of groundwater, as required by 6 NYCRR Part 375.6.7(d) will be brought in, as necessary, to replace the excavated soil or complete backfilling of the excavation and establish the designed grades at the site.

4. Cover System

A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs) for commercial use. Where a soil cover is to be used it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the Site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may

be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

5. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for commercial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH; and
- require compliance with the Department-approved Site Management Plan.

6. Site Management Plan

A Site Management Plan is required, which includes the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in Paragraph 5 above.

Engineering Controls: The cover system discussed in Paragraph 4 above.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 4 above will be placed in any areas where the upper one foot of exposed surface soil exceeds the

commercial soil cleanup objectives (SCOs);

- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- a schedule of monitoring and frequency of submittals to the Department;
- monitoring for vapor intrusion for any buildings on the Site, as may be required by the Institutional and Engineering Control Plan discussed above.

c. The Site Management Plan will be subject to an agreement between the tenant and the property owner (the City of New York) for site access and any other pertinent provisions to enable maintenance of cover systems, management of remaining contamination, excavation, inspections, and/or any other activities.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

September 13, 2019

Date

Gerard Burke, Director
Remedial Bureau B

DECISION DOCUMENT

Viele Avenue
Bronx, Bronx County
Site No. C203103
September 2019

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

New York Public Library - Woodstock Branch
761 East 160th Street
Bronx, NY 10456
Phone: 718-665-6255

Bronx Community Board #2
1029 East 163rd Street
Bronx, NY 10459
Phone: 718-328-9125

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The site is located in a commercial and industrial area of the Hunts Point section of the Bronx. The site is an approximate 1.45-acre portion of the tax lot identified as Block 2781, Lot 500. The site is bounded to the north and east by 155 Food Center Drive BCP site (Site No. C203098), to the south by Hunts Point Food Distribution Center Parcel A (Site No. V00233) and Hunts Point Parcel A-2 BCP site (Site No. C203094), and to the west by Halleck Street.

Site Features: The site is currently an asphalt-paved lot which serves as an overflow parking area for the Fulton Fish Market. The site is surrounded by an 8-foot chain link fence on all sides with one gate opening on the west side of the parcel along Halleck Street.

Current Zoning and Land Use: The site is a vacant, asphalt-paved lot and is currently zoned M3-1 (Manufacturing). Surrounding properties include Nebraskaland to the south, Baldor Specialty Foods to the northeast, and mixed industrial and parking to the west.

Past Use of the Site: Historically, the site was part of the Consolidated Edison Company of New York (Con Ed) manufactured gas plant (MGP) that operated from 1926 until the early 1960s. During this time, the site remained primarily undeveloped with the exception of surface usage for parking and Hunts Point Avenue, in addition to the New York City combined sewer which passes beneath a portion of the site. Viele Avenue was constructed in approximately 1966 and was utilized as a roadway until approximately 1974.

Site Geology and Hydrogeology: The site is fairly level land and is located approximately 14 feet above sea level (NAVD 88).

The soil stratigraphy of the site typically contains a 10- to 15-foot thick layer of fill material including sand, gravel, fragmented red brick debris, coal ash, incinerator ash, coal, wood, scrap metal, glass, and material significantly impacted by MGP-related waste. The fill material is underlain by a native clay layer.

Groundwater is encountered at depths ranging from approximately 3 to 13 feet below grade on the site. The groundwater flow direction is towards the south.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater, and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

benzo(a)anthracene	naphthalene
benzo(b)fluoranthene	arsenic
dibenz[a,h]anthracene	lead
benzene	benzo(a)pyrene

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater
- soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination: Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) including polycyclic hydrocarbons (PAHs), metals, polychlorinated biphenyls (PCBs), and pesticides. Soil vapor was also analyzed for VOCs. Based upon the investigations conducted to date, the primary contaminants of concern are MGP-related VOCs including benzene; PAHs including benzo(a)anthracene, benzo(a)pyrene (BaP), benzo(b)fluoranthene, dibenzo(a,h)anthracene, and naphthalene; and heavy metals including arsenic and lead.

Soil - PAHs, including naphthalene were found in subsurface soil (3'-10' depth interval) primarily in the western portion of the site, with the maximum concentration of PAHs detected (8.1 parts per million [ppm] benzo(b)fluoranthene) only slightly exceeding the commercial use Soil Cleanup Objective (SCO) of 5.6 ppm. More elevated concentrations (i.e., up to one order of magnitude greater than commercial SCOs) were found in one location in the southeastern portion of the site in the 3'-5' depth interval near to the adjacent VCP site Hunts Point Food Distribution Center Parcel A (Site No. V00233) with a maximum concentration of 70.9 ppm benzo(a)pyrene. The commercial SCO for benzo(a)pyrene is 1 ppm. Moderate concentrations of inorganics, including arsenic (up to 27.4 ppm), were detected in soils across the site, and higher concentrations of lead (up to 14,400 ppm) were found in the northwestern portion of the site in the 8'-10' depth interval. The commercial SCOs for arsenic and lead are 16 ppm and 1,000 ppm, respectively. The levels of PCBs/pesticides did not exceed their respective commercial SCOs. Off-site soil samples do not indicate contamination from the site extends off-site.

Groundwater - Benzene was found in groundwater in the southeastern portion of the site at a concentration that moderately exceeds the ambient water quality standard (AWQS) of 1 ppb at a maximum concentration of 12.3 ppb. PAHs were also detected in groundwater at levels that slightly exceed AWQS. Arsenic was found in groundwater in the northern portion of the site at a concentration that exceeds the AWQS of 25 ppb at a maximum concentration of 225 ppb. Off-site groundwater samples do not indicate any off-site impacts to groundwater related to the site.

Soil Vapor - Soil vapor was not found to be impacted by contaminants of concern. Maximum concentrations of carbon tetrachloride and tetrachloroethylene were 0.44 $\mu g/m^3$ and 1.56 $\mu g/m^3$, respectively. Based on the on-site data, there is no indication that contaminated soil vapor is migrating from the site.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure.*

Direct contact with contaminants in the soil is unlikely because the site is fenced, which restricts access, and covered with pavement. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in soil vapor (air spaces within the soil) may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of

radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Inhalation of site contaminants in indoor air due to soil vapor intrusion is not a current concern because there are no on-site buildings. Environmental sampling indicates soil vapor intrusion is not a concern for off-site buildings.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Hot Spot Excavation and Cover System remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design

   A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

   - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
   - Reducing direct and indirect greenhouse gases and other emissions;
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   - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
   - Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

   The existing asphalt pavement will be removed in the two "hot spot" areas, as indicated on Figure 3, and materials that cannot be beneficially re-used on-site will be taken off-site for proper disposal.

   Excavation and off-site disposal of contaminant source areas including, but not limited to:

   - Soil with visual contamination including coal tar material or non-aqueous phase liquid;
   - Grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
   - Soil containing total SVOCs exceeding 500 ppm;

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- Soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

Approximately 550 cubic yards of contaminated soil will be removed from the source areas encompassing soil boring locations GW-04 and SB-2, as shown on Figure 3.

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5. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
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- require compliance with the Department-approved Site Management Plan.

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a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in Paragraph 5 above.

Engineering Controls: The cover system discussed in Paragraph 4 above.

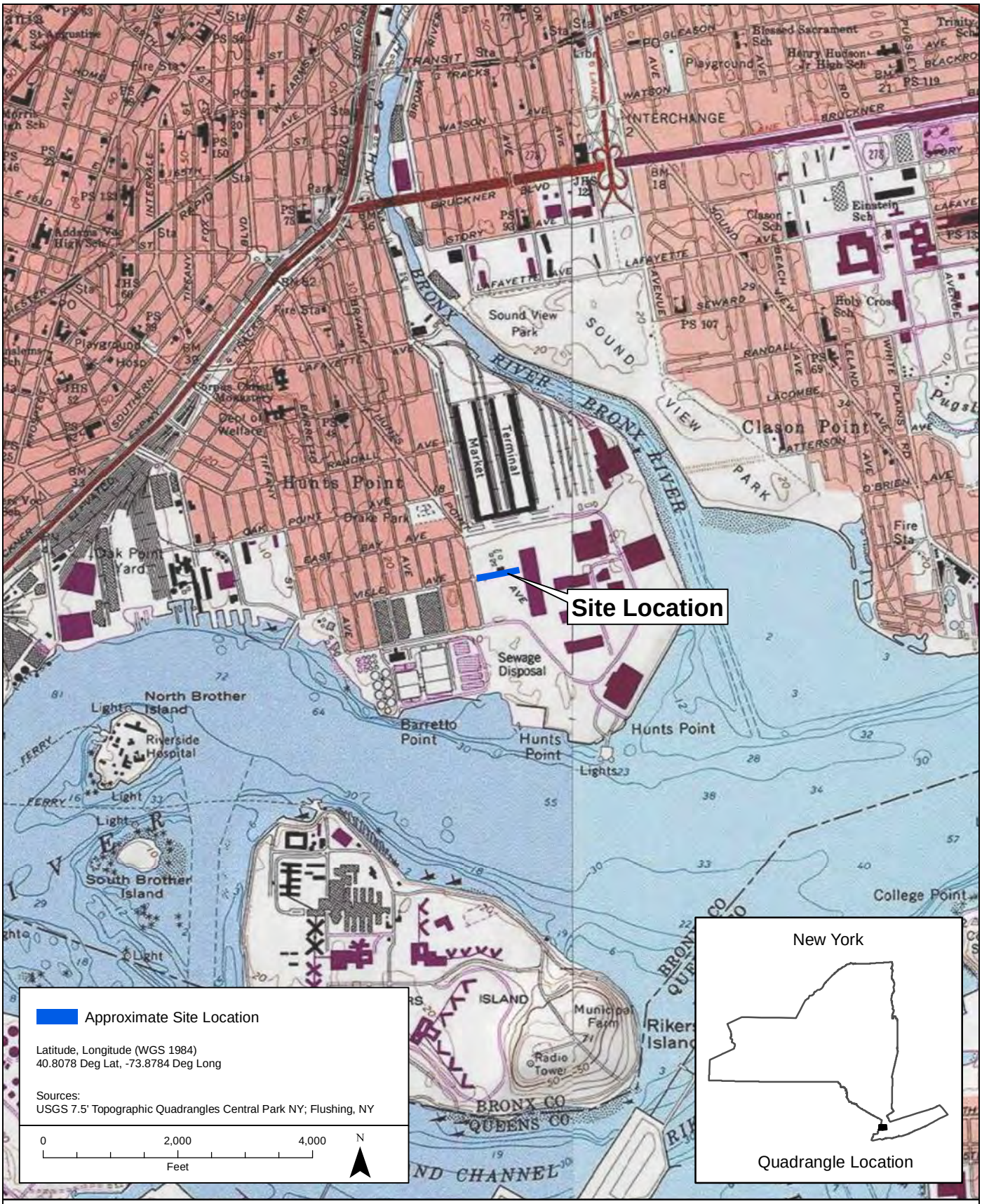
This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 4 above will be placed in any areas where the upper one foot of exposed surface soil exceeds the commercial soil cleanup objectives (SCOs);
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- a schedule of monitoring and frequency of submittals to the Department;
- monitoring for vapor intrusion for any buildings on the Site, as may be required by the Institutional and Engineering Control Plan discussed above.

c. The Site Management Plan will be subject to an agreement between the tenant and the property owner (the City of New York) for site access and any other pertinent provisions to enable maintenance of cover systems, management of remaining contamination, excavation, inspections, and/or any other activities.



GEI Consultants
1385 Broadway, 20th Floor
New York, New York 10018
www.geiconsultants.com

Figure 1.
Viele Avenue Parcel Site Location Map
Remedial Investigation Work Plan
Former Intersection of Viele Avenue and Halleck Street
Bronx, NY 10474

N
W E
S

0 100 200
Feet

Figure 2

Site Plan

Viele Avenue
Bronx, Bronx County
Site No. C203103

LEGEND:

- Soil Boring
- Combined Monitoring Well and Soil Boring
- Hot Spot Excavation Area (3-5 ftbg)
- Hot Spot Excavation Area (8-10 ftbg)
- Site Boundary

SOURCE:
1. 2016 ESRI WORLD IMAGERY.

NOTES:
1. Excavation boundaries are approximate.
2. ftbg = feet below grade (current)

0 100 200

SCALE: 1" = 100'

Decision Document
Viele Avenue Parcel
Bronx, New York

New York City Economic Development Corp.
New York, New York

SELECTED REMEDY

March 2019 Figure 3