



**Environmental, Engineering, and Planning Consultants**

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January 25, 2018

New York State Department of Environmental Conservation  
Site Control Section  
Bureau of Technical Support  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233-7020  
Attn: Len Zinoman

Re: Brownfield Cleanup Program Application Resubmittal  
1675 Apartments; BCP Site No. C203107  
1675-1679 Westchester Avenue, Bronx, New York

Mr. Zinoman:

This letter has been prepared by AKRF, Inc. (AKRF) on behalf of 1675 JV Associates LLC and 1675 Westchester Avenue Housing Development Fund Corporation (the Volunteers) in response to the New York State Department of Environmental Conservation (NYSDEC)-issued Brownfield Cleanup Program (BCP) Application Letter of Incompleteness (LOI) dated December 27, 2017 for the 1675 Apartments site, located at 1675-1679 Westchester Avenue in the Bronx, New York [NYSDEC Brownfield Cleanup Program (BCP) Site No. C203107] (the Site). The LOI, included as Attachment A, requested the submittal of the revised Application by January 26, 2018.

As discussed in a January 10, 2018 telephone call with Amy Jordan of AKRF, the BCP Application will be revised to include the missing and incomplete information detailed in the LOI and will include supporting documentation for the east-adjacent parcel (1679 Westchester Avenue; Block 3780, Lot 51). The Volunteer plans to purchase the 1679 Westchester Avenue parcel no later than February 2, 2018; the revised BCP Application will be submitted shortly thereafter. In addition, the Draft Remedial Investigation Work Plan (RIWP) will be revised to address the comments outlined in the NYSDEC-issued letter dated January 17, 2018 (Attachment B) and will include the 1679 Westchester Avenue parcel.

This letter serves as a formal request to extend the revised BCP Application submission deadline two weeks until February 9, 2018 to incorporate the 1679 Westchester Avenue parcel into the Application based on the anticipated property purchase. The BCP Application will be submitted with the revised RIWP. We thank you for the opportunity to submit the BCP Application and RIWP on behalf of the Volunteers and look forward to moving ahead with the cleanup and redevelopment of the Site in the BCP. If you have any questions or need any additional detail, please feel free to contact me at (646) 388-9544.

Sincerely,  
AKRF, Inc.

A handwritten signature in blue ink, appearing to read 'D. Shapiro'.

Deborah Shapiro, QEP  
Vice President

cc: Michael Wadman and Nicole Ogg – Phipps Houses  
Michelle Lapin, P.E. and Amy Jordan – AKRF, Inc.

Enc: Attachment A – NYSDEC-Issued BCP Application Letter of Incompleteness  
Attachment B – NYSEC-Issued RIWP Comment Letter

## **ATTACHMENT A**

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Bureau of Technical Support  
625 Broadway, 11th Floor, Albany, NY 12233-7020  
P: (518) 402-9543 | F: (518) 402-9547  
[www.dec.ny.gov](http://www.dec.ny.gov)

DEC 27 2017

Michael Wadman  
1675 JV Associates LLC  
902 Broadway, 13<sup>th</sup> Floor  
New York, NY 1110

RE: Brownfield Cleanup Application  
1675 Apartments  
BCP # C203107

Dear Mr. Wadman:

The New York State Department of Environmental Conservation (DEC) is in receipt of your application dated November 14, 2017 for participation in the Brownfield Cleanup Program pursuant to ECL § 27-1400 et seq. This letter is to advise you that your application has been determined to be incomplete. Upon review of your application, the following items were found to be missing/incomplete:

### Section III: Property's Environmental History

- Please see attached comments provided by the Project Manager.
- Provide separate electronic files on the CD of the environment reports included in Attachment C.

### Section IV: Property Information

- Please see attached comments provided by the Project Manager.

### Section VI: Current Property Owner/Operator Information

- Provide a list of previous operators with names, last known addresses and telephone numbers as an attachment. Describe Requestor's relationship to each previous operator, including any relationship between Requestor's corporate members and previous operator. If no relationship, put "none".

### Additional Comments

- Attachment F Property Deed is missing from the electronic copy of the application.
- The application form submitted, BCP App Rev 5, is outdated and is no longer accepted. Please resubmit the application using the current version of the application which can be found at:  
<http://www.dec.ny.gov/chemical/8450.html#how>



Department of  
Environmental  
Conservation

Please provide the missing/incomplete information to the following address:

Site Control Section  
Attn: Len Zinoman  
New York State Department of Environmental Conservation  
Bureau of Technical Support  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

Should this information not be received within thirty (30) days from the date of this letter, your application will be deemed withdrawn. In that case, you may resubmit the application without prejudice subject to the rules and requirements in place at the time of resubmittal. You will be notified when your application is considered complete. If you have any questions about the comments given above, please call this office at 518-402-9553. Questions regarding Section III should be directed to the Project Manager whose contact information is provided on the attachment.

Sincerely,



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

Enclosure

ec: G. Burke, Director, Remedial Bureau B  
A. Barraza, Project Manager, Remedial Bureau B, Section A  
M. Komoroske, Section Chief, Remedial Bureau B – Section A  
J. O'Connell, RHWRE, Region 2  
K. Mintzer, Regional Attorney, Region 2  
G. Nam, Project Attorney  
K. Lewandowski  
L. Zinoman  
M. Wadman, Requestor's Representative (mwadman@phippssny.org)  
AKRF, Inc., Requestor's Consultant (dshapiro@akrf.com)  
Hirschen Singer and Epstein LLP, Requestor's Attorney (ochase@hirshensinger.com)



**Project Manager Comments**  
**BCP Application – Section III and Environmental Assessment**

Site No. C203107

**Project Manager Contact Information**

Name: Alicia Barraza

Email: alicia.barraza@dec.ny.gov

Phone: 518-402-9690

**Comments Re: Section III and/or the Environmental Assessment**

**SECTION III. PROPERTY'S ENVIRONMENTAL HISTORY**

**1. Environmental Reports –**

- Note that the Tank Closure Report of 2014 states that the soil endpoint samples met the restricted commercial use SCOs. Based on the intended use of the site, subsurface soils must meet the restricted residential use SCOs.

**2. Sampling Data –**

- The AKRF Report of December 2017 shows that PAHs and metals (particularly arsenic in dissolved form) were present in groundwater above the NYS standards and guidance values. These two boxes should be marked for groundwater in the table.
- Figure 7 for groundwater data should show the direction of groundwater flow if it is known. There is conflicting information about flow direction in the investigation reports included with the application. If groundwater flow has not been determined, this should be stated in the figure.
- Figure 8 for soil vapor data should only show the results, as the NYSDOH AGV and matrix values do not apply to soil vapor and outdoor air samples.

**SECTION IV. PROPERTY INFORMATION**

**10. Property Description and Environmental Assessment –**

- Past Use of the Site: This section should include a discussion of remedial measures completed under the DEC Spills program (for example, the tank removal and closure).
- Site Geology and Hydrogeology: As mentioned above, the southwesterly groundwater flow direction is contrary to earlier investigation reports. This needs to be explained and clarified.
- Environmental Assessment:
  - In the first paragraph reference the figures that show the results/exceedances for soil, groundwater and soil vapor.
  - Note that soil vapor samples are used to determine the potential for human exposure and are not used by themselves to make decisions about soil vapor intrusion. The

DOH matrices are meant to be used for certain contaminants when sub-slab and indoor air samples are collected at the same time.

- Note that DOH Average Guidance Values (AGV) and matrix values do not apply to ambient air samples.

## **ATTACHMENT B**

January 17, 2018

**RE: 1675 Apartment, Bronx, NY, BCP Site No. C203107; Draft  
Remedial Investigation Work Plan, dated December 8, 2017**

NYSDEC reviewed the work plan referenced above and has the following comments. DEC understands that a revised work plan will be submitted along with a new BCP application that includes an additional lot. The revised work plan will also be reviewed by NYSDEC and NYSDOH when it is received. These comments are meant to assist in preparation of the revised work plan.

Figures

- In an existing or new figure show known major infrastructure at the site, such as storm drains, sewer lines, underground utilities, tunnels, buried piping, etc.
- On Figures 3, 4 and 5, show the location of the former underground storage tank (UST).
- In Figure 5, Soil Vapor Concentrations, these results are not comparable to the Average Guidance Values (AGVs) and Matrix Values found in NYSDOH Final Guidance for Evaluating Soil Vapor Intrusion in NYS, October 2006. The AGVs and Matrix Values are used when indoor air and sub-slab data are collected together. The soil vapor results provide information about the potential for soil vapor intrusion but are not conclusive by themselves.
- See the revised Figure 6, Proposed Sample Location Plan, for additional soil, soil vapor and groundwater sample collection points to fully delineate any on-site contamination.

Appendices

- In Appendix A, section 2.1, the QAPP states that the QA/QC officer will also be responsible for reviewing the DUSRs. The person preparing the DUSR must have experience in analysis and data validation. Please clarify if Ms. Lapin has the required experience.
- In Appendix A, Table 1, also include the QA/QC samples that will be collected.
- Section 2.6 of the HASP in Appendix B appears to only apply to site workers and not to the surrounding community, as required by DER-10. Include a Community Air Monitoring Program (CAMP) that is prepared in accordance with DER-10, Appendices 1A and 1B.
- In Appendix B, section 2.1.3 of the HASP, it should be noted that mold was observed inside the site building during previous investigations and documented in site photographs.

Tables

- Include a schedule of activities that shows the time lines for all field work, major milestones and approximate submittal dates.



## 1.0 Introduction

- Include the names and contact information of all responsible parties.

## 2.1 Site Description and Surrounding Land Use

- Include information about site proximity to receptors, such as residences, schools, parks, nursing homes, etc., within 1/2-mile radius of the site. Show these locations on a figure.

## 2.2 Site Geology, Hydrogeology and Subsurface Characteristics

- Include information about site proximity to public/private drinking water supply wells within 1/2-mile radius of the site. If there are any such wells, show them on a figure.

## 3.0 Previous Investigations

- This section should summarize the areas of concern that were identified in previous investigations, such as the former UST area. Include suspected contaminants and sources, and show the areas of concern in a figure.
- The Tank Closure Report of December 2014 states that endpoint soil sample results were all below the commercial use soil cleanup objectives (SCOs) at the tank excavation area. Since restricted residential use (RRU) is being proposed for the site, the surface and subsurface soils at the site must meet the RRU SCOs. Reference 6 CRR-NY 375-3.8, 6 CRR-NY 375-6-8 and section 5.5 of NYSDEC DER-10 for further guidance.

## 4.0 Field Program

- This section should reference where the qualifications for key project personnel are located in the work plan. (Currently this is in the QA/QC in Appendix A).
- Additional off-site soil, groundwater and soil vapor data will be needed to determine if any contamination is migrating off-site. A BCP volunteer is not required to fully delineate the off-site contamination but must provide off-site data that is sufficient to identify the presence of contamination and support the qualitative off-site exposure assessment. The off-site work can be done now or during the proposed Phase II investigation after there is sufficient on-site data. Reference revised Figure 6.

## 4.3 Soil Boring Installation and Soil Sampling

- Soil sampling depths should go to the water table to fully delineate the depth of any contamination. Explain why some proposed borings only go to 5 feet. Reference section 3.5.2 of DER-10 for guidance.
- In order to fully delineate the site, more soil borings will be needed, especially along the site boundary next to the residences and at the former UST. Reference revised Figure 6.
- There should be a soil boring in the proposed office area to provide information about potential human exposure. Reference revised Figure 6.

- In Table 1, Proposed Soil Sample Rationale, include a footnote that references where information can be found about analytical parameters, sampling methods and QA/QC samples to be collected.
- In Table 1, clarify if soil samples SB-3, SB-4, SB-5, SB-10 and SB-11 will be collected from underneath the existing building slab.
- Note that the backfilling of soil boring holes should be done in accordance with section 3.3(e) of DER-10.

#### 4.4 Groundwater Monitoring Well Installation and Development

- A groundwater sample should be collected from the proposed office area to provide information about potential human exposure.
- Groundwater data is needed downgradient of the former UST. Since this location appears to be underneath the existing building, this can be done after the building slab is removed.

#### 4.6 Groundwater Sampling

- Groundwater samples should be collected at the top of the water table when evaluating contaminant migration to soil vapor.
- Groundwater samples should also be collected from existing wells unless they have already been sampled at least twice as part of the remedial investigation.

#### 4.7 Sub-Slab/Soil Vapor and Ambient Air Sampling (Reference revised Figure 6)

- Explain the rationale of collecting soil vapor samples from the area proposed as crawl space. Crawl space air samples are similar to sub-slab samples and are collected to characterize the nature and extent of contamination immediately beneath a building. These sample results are used in conjunction with building indoor air and ambient air results when evaluating the potential for future human exposure. At the proposed crawl space area, it seems more logical to collect the air samples from the crawl spaces after the new building construction. Reference NYSDOH Final Guidance for Evaluating Soil Vapor Intrusion in NYS, October 2006, and all subsequent updates.
- Additional soil vapor samples are needed where the new building will be constructed. This data is necessary to determine if any sources of contamination are present, especially since PCE was detected at SV-2 and at upgradient locations.
- More soil vapor samples are needed between the residences and the former UST and SV-8, where PCE and other VOCs were detected. Soil vapor can migrate in any direction from a source or former source.
- A soil vapor point is needed at the proposed office area to evaluate potential human exposure.
- It appears that RI-SV3, 4 and 5 are actually sub-slab samples since they will be collected from underneath the building slab. Preferably, they should be collected during the winter heating season and away from building walls.

- Ambient air samples are usually taken simultaneously with indoor air samples and are not generally used in conjunction with soil vapor samples.

#### 4.10 Management of Investigation Derived Waste (IDW)

- All IDW must be managed in accordance with section 3.3(e) of DER-10. During an investigation, drill cuttings and spoil from on-site borings are presumed to be contaminated. Such cuttings and spoil may be disposed on-site within the borehole that generated them, to within 24 inches of the surface for a residential site. However, this type of disposal doesn't apply if the borehole will be used to install a monitoring well.

#### 5.1 Remedial Investigation Report (RIR)

- Reference section 3.1.4 of DER-10 for information regarding what to include in the RIR.

##### 5.1.5 Qualitative Human Health Exposure Assessment

- A BCP volunteer must gather off-site field information that is sufficient to identify the presence of contamination and support the qualitative off-site exposure assessment. This RIWP should include off-site sampling for soil, groundwater and soil vapor.
- Reference section 3.3(c)4 and Appendix 3B of DER-10 for further guidance.

#### **Alicia Barraza**

Project Manager, Environmental Remediation

**New York State Department of Environmental Conservation**

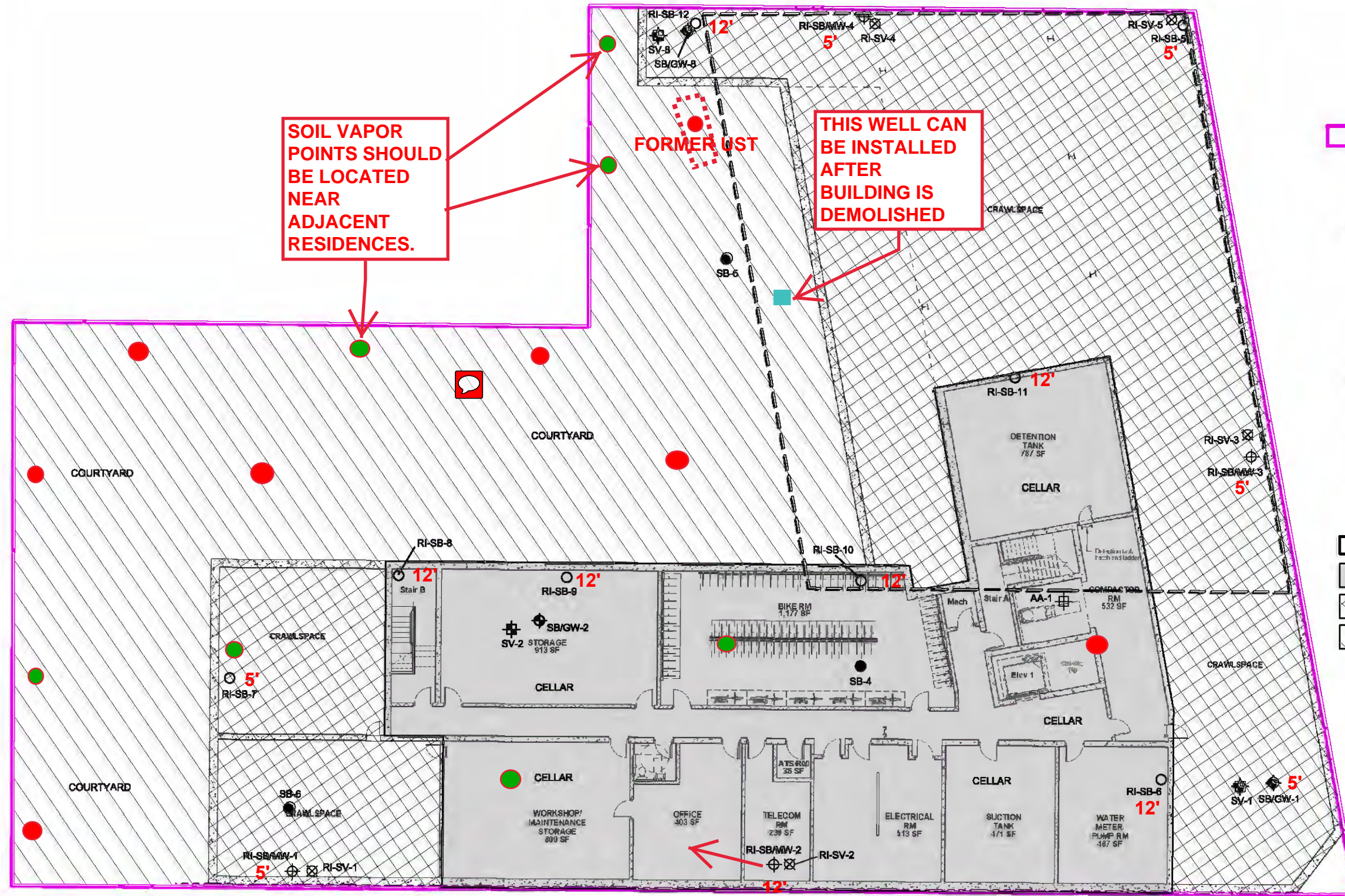
625 Broadway, 12<sup>th</sup> Floor, Albany, NY 12233-7016

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©2017 AKRF, Inc. W:\Projects\170250 - 1675-1679 WESTCHESTER AVENUE\Technical\Hazard\1675 Fig 6 Prop Sample Plan.dwg last save: mvelieux 11/30/2017 9:30 AM



- LEGEND**
- BCP SITE BOUNDARY
  - PROPOSED REMEDIAL INVESTIGATION SOIL BORING LOCATION
  - PROPOSED REMEDIAL INVESTIGATION TEMPORARY SUB-SLAB/ SOIL VAPOR POINT LOCATION
  - PROPOSED REMEDIAL INVESTIGATION SOIL BORING/GROUNDWATER MONITORING WELL LOCATION
  - SUBSURFACE (PHASE II) INVESTIGATION AMBIENT AIR SAMPLE LOCATION (2017)
  - SUBSURFACE (PHASE II) INVESTIGATION SOIL BORING LOCATION (2017)
  - SUBSURFACE (PHASE II) INVESTIGATION TEMPORARY SOIL VAPOR POINT LOCATION (2017)
  - SUBSURFACE (PHASE II) INVESTIGATION SOIL BORING/TEMPORARY GROUNDWATER MONITORING WELL LOCATION (2017)
  - EXISTING BUILDING FOOTPRINT
  - PROPOSED NEW BUILDING CELLAR
  - PROPOSED NEW BUILDING CRAWL SPACE
  - PROPOSED COURTYARD
  - Additional Soil Boring**
  - Additional Well**
  - Additional Soil Vapor**

**Need off-site soil, groundwater and soil vapor data to determine if any contamination is migrating off-site.**

Map Source:  
Dattner Architects D.P.C., "Cellar Plan" Sheet No.: A-110.00, Dated 09/01/2017.



440 Park Avenue South, New York, NY 10016

1675 Westchester Avenue  
Bronx, New York

**PROPOSED SAMPLE LOCATION PLAN**

DATE
11/30/2017
PROJECT NO.
170250
FIGURE
6