

DECISION DOCUMENT

1675 Apartments
Brownfield Cleanup Program
Bronx, Bronx County
Site No. C203107
April 2019



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

DECLARATION STATEMENT - DECISION DOCUMENT

1675 Apartments
Brownfield Cleanup Program
Bronx, Bronx County
Site No. C203107
April 2019

Statement of Purpose and Basis

This document presents the remedy for the 1675 Apartments 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 1675 Apartments 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:

- a. Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- b. Reducing direct and indirect greenhouse gases and other emissions;
- c. Increasing energy efficiency and minimizing use of non-renewable energy;
- d. Conserving and efficiently managing resources and materials;
- e. Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- f. Maximizing habitat value and creating habitat when possible;
- g. Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- h. Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- i. 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 vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

Excavation and off-site disposal of contaminant source areas, including:

- a. grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
- b. non-aqueous phase liquids; and
- c. soil with visual waste material or non-aqueous phase liquid.

All soils in the upper two feet which exceed the restricted residential SCO's will be excavated and transported off-site for disposal. Approximately 2,730 cubic yards of contaminated soil will be removed from the site for remediation purposes.

If encountered, excavation and removal of any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination.

3. Backfill

- a. On-site soil which does not exceed the above excavation criteria and the protection of groundwater SCO's for any constituent may be used anywhere beneath the cover system, including below the water table, to backfill the excavation or re-grade the site.
- b. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil or complete the backfilling of the excavation and to establish the designed grades at the site.

4. Cover System

A site cover will be required to allow for restricted residential use of the site, in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCO's). Where a soil cover is to be used it will be a minimum of two feet 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 SCO's 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 (IC)

Imposition of an IC in the form of an environmental easement (EE) for the controlled property which will:

- a. 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);
- b. allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- c. 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

d. require compliance with the Department approved SMP.

6. Site Management Plan (SMP)

A SMP is required which includes the following:

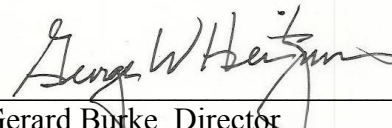
- a. An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
 - i. Institutional Controls: The EE discussed in paragraph 5 above.
 - ii. Engineering Controls: The soil cover system discussed in paragraph 4 above.
 - iii. This plan includes, but may not be limited to:
 - (1) an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
 - (2) descriptions of the provisions of the EE including any land use and groundwater use restrictions;
 - (3) a provision for sampling and evaluation of the potential for soil vapor intrusion for any new occupied buildings on the site, including a provision for implementing actions recommended to address exposures related to soil vapor intrusion;
 - (4) 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 two feet of exposed surface soil exceed the applicable SCOs;
 - (5) provisions for the management and inspection of the identified ECs;
 - (6) maintaining site access controls and Department notification; and
 - (7) the steps necessary for the periodic reviews and certification of the ICs and ECs.
- b. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
 - i. a schedule of monitoring and frequency of submittals to the Department; and
 - ii. monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

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.

April 26, 2019

Date

 /for

Gerard Burke, Director
Remedial Bureau B

DECISION DOCUMENT

1675 Apartments
Bronx, Bronx County
Site No. C203107
April 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:

Clason's Point Library, New York Public Library
Attn: Melissa Davis
1215 Morrison Avenue
Bronx, NY 10472
Phone: 718-842-1235

Bronx Community Board 9
1967 Turnbull Avenue
Bronx, NY 10473
Phone: 718-823-6461

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 1675 Apartments Site is located at 1675-1679 Westchester Avenue in Bronx County. The site is abutted to the north by residential buildings; to the east by Fteley Avenue, commercial and residential buildings, and a daycare facility; to the south by Westchester Avenue and the elevated 6 Metropolitan Transit Authority (MTA) subway tracks, a commercial shopping center; and to the west by Metcalf Avenue and the Bronx River Parkway. The surrounding area is developed primarily for residential and commercial uses.

Site Features -

The site is currently a vacant parcel of approximately 36,865 square feet. It is currently identified as Bronx Borough Tax Block 3780, Lot 1 on the New York City Tax Map (formerly Lot 1 and 51). The site was formerly developed with a building fronting Westchester Avenue until its demolition in September and October 2018. The site consists of an asphalt-paved parking area on the northern portion, a dirt area on the southern portion underlain by the former site building cellar slab, and a vegetated area on the southwestern portion.

Current Zoning and Land Use -

The site is in the process of being rezoned from R-6 (residential) to R8A and R8A/C2-4 (residential and commercial) to support the proposed redevelopment. The site was assigned E-Designations for Air, Noise, and Hazardous Materials as part of the rezoning action.

Past Use of the Site -

Historic records indicate that the western portion of the site was undeveloped prior to 1964. After 1964, the western portion of the former building was occupied by several commercial and medical facilities until approximately 2012. The eastern portion of the site was undeveloped prior to approximately 1969. The eastern portion of the building was occupied by several commercial facilities, including a liquor store, and a dry cleaner sometime between 1971 and 1975 until January 2018 when the building was vacated. The northeastern portion of the site was used as a parking lot for the commercial and medical facilities. The eastern portion of the former building was demolished in September 2018 and the western portion of the building was demolished in October 2018.

Site Geology and Hydrogeology -

Surface topography at the site and in the immediately surrounding area is generally level, except

the Bronx River Parkway west of the site across Metcalf Avenue, which slopes down towards the west. The stratigraphy of the site, from the surface down, generally consists of fill material comprised of sand, silt, and gravel with varying amounts of concrete, brick, wood, and ceramic, to approximately 16.5 feet below grade. This is underlain by apparent native sand, gravel, silt, and organics to approximately 20 feet below surface grade. Groundwater was measured at depths ranging from 9.8 to 11.0 feet below grade. Groundwater generally flows in a southeasterly direction. There are no public or private drinking water supply wells within a ½-mile radius of the site.

A site location map is attached as Figure 1 and Figure 2 identifies the site boundary.

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, an alternative that restricts the use of the site to restricted-residential use (which allows for commercial use and industrial use) as described in Part 375-1.8(g) 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; and
- 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 are:

- polycyclic aromatic hydrocarbons (PAHs), total
- arsenic
- barium
- copper
- lead
- mercury
- nickel
- tetrachloroethene (PCE)
- trichloroethene (TCE)

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

- groundwater; and
- 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:

A site-wide investigation was conducted from May to October 2018 to delineate any contamination in soil, groundwater and soil vapor. Samples were analyzed for VOCs, SVOCs, metals, PCBs and pesticides. In soil, there were detections above the restricted residential use (RRU) soil cleanup objectives (SCOs) for PAHs and several metals. In groundwater, PAHs, VOCs and metals were detected above the groundwater standards and guidance values. In soil vapor, several VOCs (petroleum-related and chlorinated) were detected.

Soil -

Several PAHs in fill material exceeded the RRU SCO: benzo(a)anthracene (from 1.01 parts per million (ppm) to 31.8 ppm); benzo(a)pyrene (1.02 ppm to 28.4 ppm), benzo(b)fluoranthene (1.02 ppm to 33.9 ppm), benzo(k)fluoranthene (7.88 ppm to 13.3 ppm), chrysene (4.15 ppm to 31 ppm); dibenz(a,h)anthracene (0.514 ppm to 5.97 ppm); and indeno(1,2,3-C,D)pyrene (0.517 ppm to 17.4 ppm). The following metals were detected in surface (0-2 feet) and subsurface (8-10 feet) soil above the RRU SCOs: arsenic (16.5 ppm to 48.1 ppm); barium (424 ppm to 4990 ppm); copper (284 ppm); lead (431 ppm to 4,400 ppm); mercury (0.85 ppm to 8.9 ppm) and nickel (551 ppm). PCE and TCE were not detected in soil. Based on the sampling results, there is no indication that these contaminants have migrated off-site.

After the site building was demolished, the basement slab was left in place at a depth of about 8 feet below grade. Collecting soil samples from underneath the slab was not possible due to groundwater directly beneath the slab.

Groundwater -

The following PAHs exceeded the groundwater standards and guidance values at one well: benzo(a)anthracene (0.39 parts per billion (ppb)); benzo(a)pyrene (0.40 ppb); benzo(b)fluoranthene (0.46 ppb); and chrysene (0.39 ppb). The following metals exceeded the standards and guidance values at 1 or more wells: arsenic (86.7 ppb to 492 ppb); barium (1,250 ppb); lead (122 ppb); and mercury (3.9 ppb). Based on the sampling results, there is no indication that these contaminants have migrated off-site via groundwater.

Soil Vapor –

The following VOCs were detected in soil vapor collected above the water table at several locations on and adjacent to the site: PCE (4.1 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 1,020 $\mu\text{g}/\text{m}^3$) and TCE (0.39 $\mu\text{g}/\text{m}^3$ to 7.5 $\mu\text{g}/\text{m}^3$). Several petroleum related VOCs were also detected at low

concentrations. PCE and TCE were detected in sub-slab vapor samples up to 424 µg/m³ and 61.3 µg/m³ respectively.

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*.

Access to the site is restricted by a fence. People may contact contaminants in soil by walking on the site, digging, or otherwise disturbing the soil. People are not drinking the contaminated groundwater because the area is served by a public water supply that obtains water from a different source 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. The site is vacant so inhalation of site contaminants due to soil vapor intrusion is not a current concern. The potential exists for the inhalation of site contaminants due to soil vapor intrusion for future 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

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in 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 Residential use with site-specific excavation criteria.

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

The elements of the selected remedy, as shown in Figures 3A and 3B, 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:

- a. Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
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- h. Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- i. 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 vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

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- a. On-site soil which does not exceed the above excavation criteria and the protection of groundwater SCOs for any constituent may be used anywhere beneath the cover system, including below the water table, to backfill the excavation or re-grade the site.
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- c. 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
- d. require compliance with the Department approved SMP.

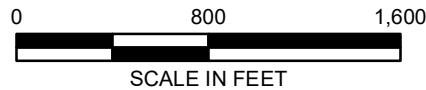
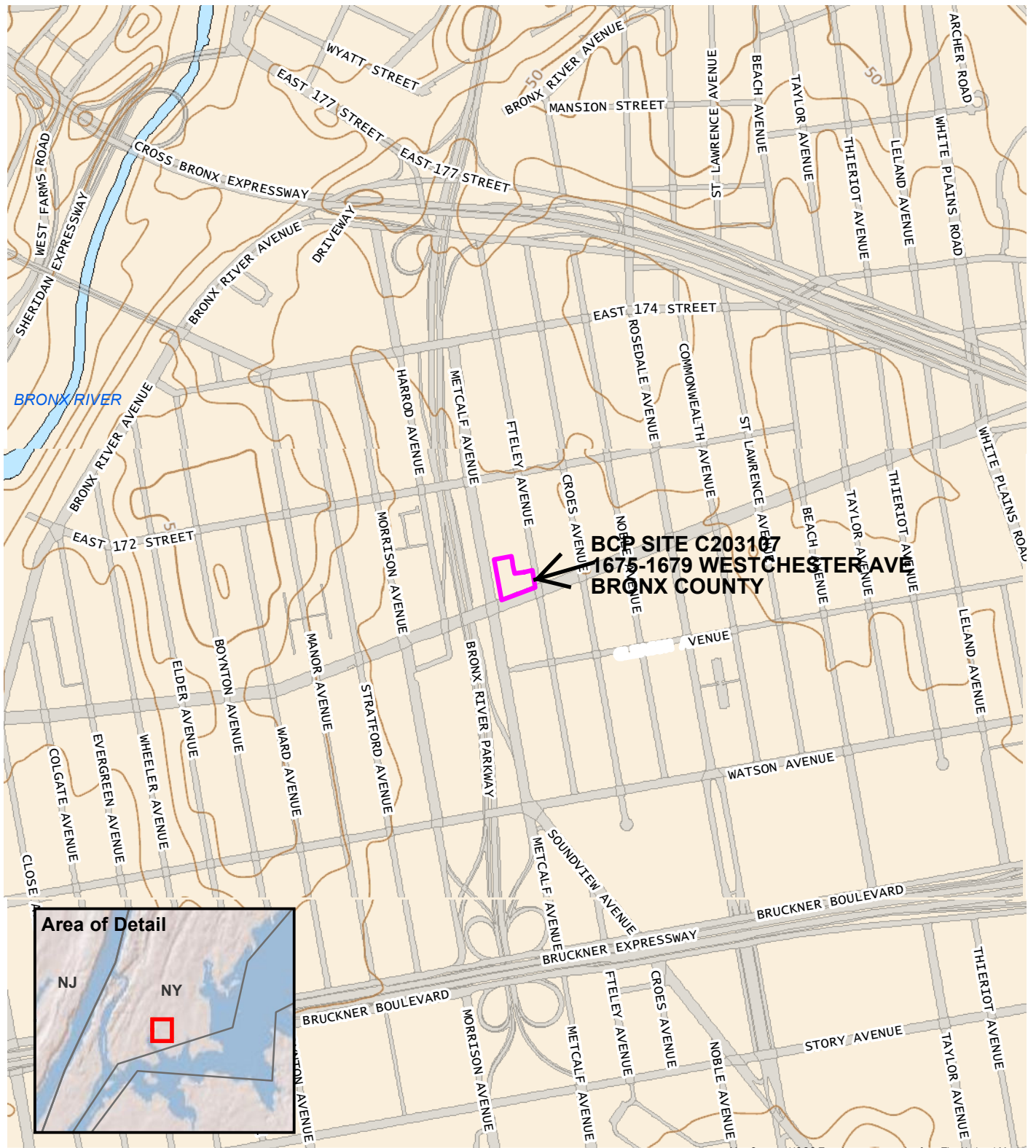
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A SMP is required which includes the following:

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necessary to ensure the following institutional and/or engineering controls remain in place and effective:

- i. Institutional Controls: The EE discussed in paragraph 5 above.
- ii. Engineering Controls: The soil cover system discussed in paragraph 4 above.
- iii. This plan includes, but may not be limited to:
 - (1) an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
 - (2) descriptions of the provisions of the EE including any land use and groundwater use restrictions;
 - (3) a provision for sampling and evaluation of the potential for soil vapor intrusion for any new occupied buildings on the site, including a provision for implementing actions recommended to address exposures related to soil vapor intrusion;
 - (4) 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 two feet of exposed surface soil exceed the applicable SCOs;
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 - (6) maintaining site access controls and Department notification; and
 - (7) the steps necessary for the periodic reviews and certification of the ICs and ECs.
- b. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
 - i. a schedule of monitoring and frequency of submittals to the Department; and
 - ii. monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

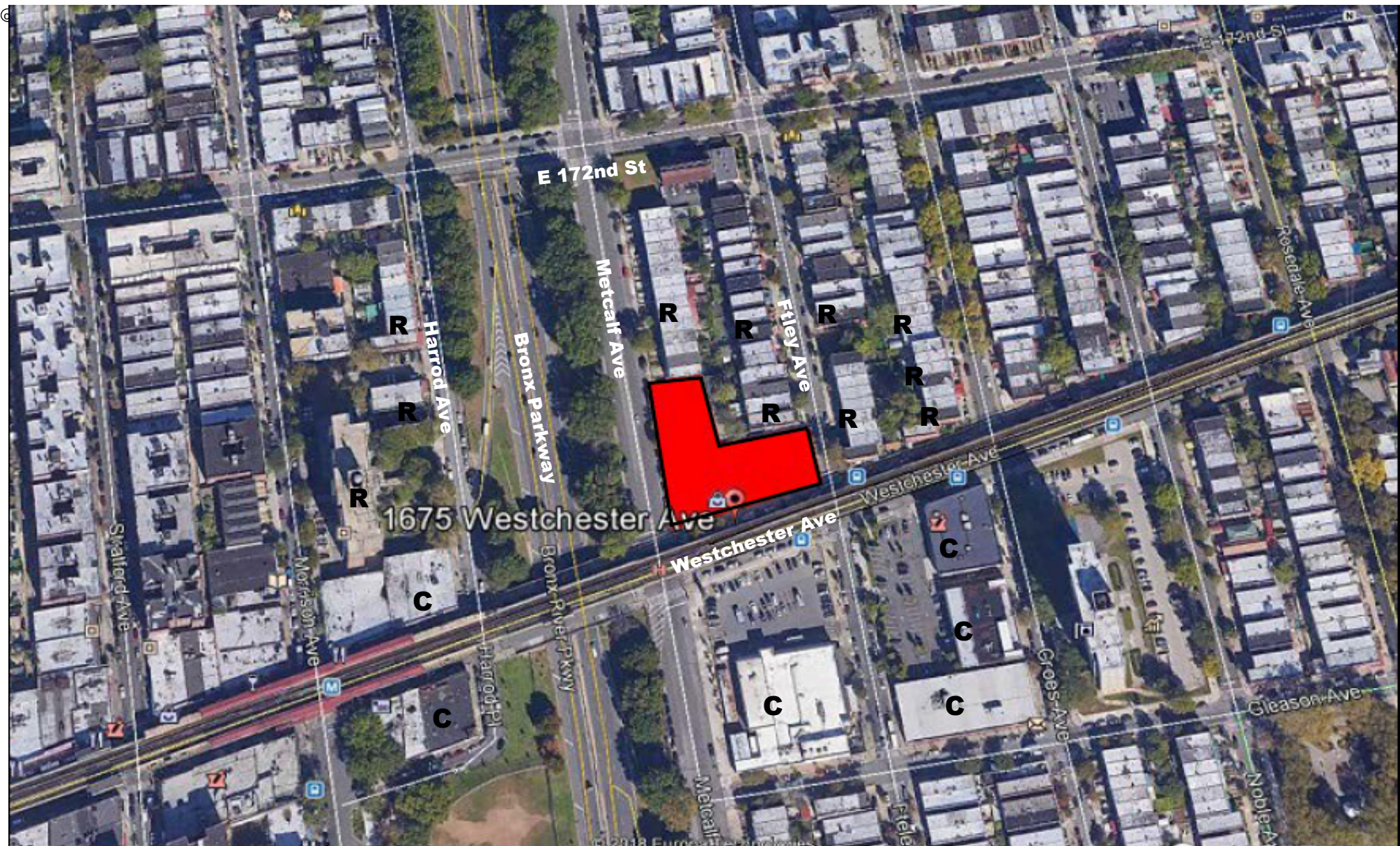


440 Park Avenue South, New York, NY 10016

1675 Apartments
1675-1679 Westchester Avenue
 Bronx, New York

FIGURE 1 - SITE LOCATION
BCP SITE C203107

DATE	10/30/2018
PROJECT NO.	170250
FIGURE	1



1675 Apartments
1675-1679 Westchester Avenue
 Bronx, New York

FIGURE 2 - SITE PLAN
BCP SITE C203107

R - Residential
C - Commercial

04/02/2019

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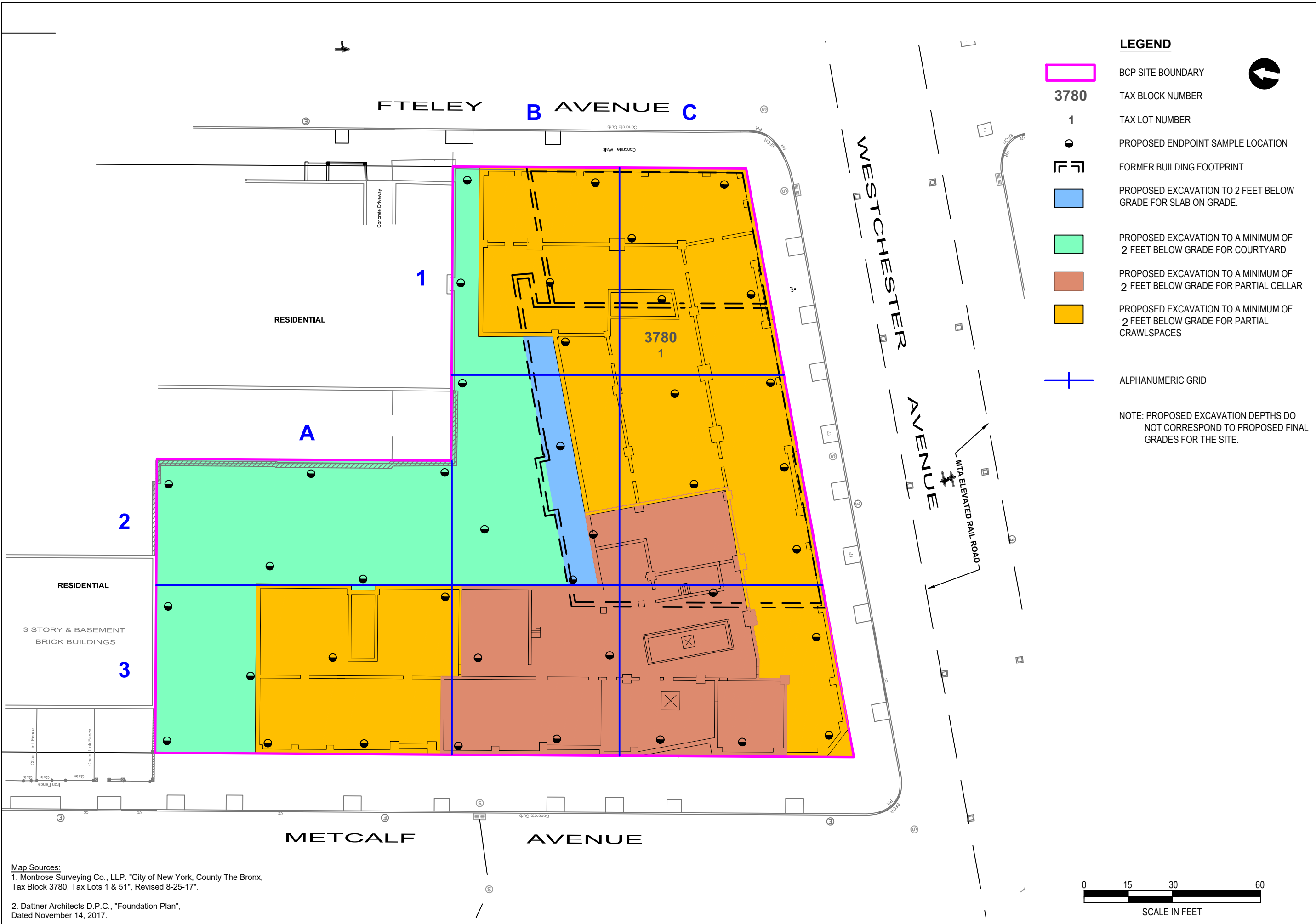


SCALE IN FEET

**NOTE: Site and property boundaries
 are the same.**



©2019 AKRF, Inc. W:\Projects\170250 - 1675-1679 WESTCHESTER AVENUE\Technical\Hazmat\RAW\PCAD\170250 Fig 11 Proposed RI Excav and Endpoints.dwg last save: mvelieux 3/27/2019 7:36 AM



AKRF 440 Park Avenue South, New York, NY 10016	
1675 Apartments 1675-1679 Westchester Avenue Bronx, New York	
FIGURE 3A - PROPOSED REMEDIAL EXCAVATION AND ENDPOINT SAMPLE LOCATION PLAN	
DATE	3/27/2019
PROJECT NO.	170250

