



NEW YORK
STATE OF
OPPORTUNITY.

**Department of
Environmental
Conservation**

Brownfield Cleanup Program

Citizen Participation Plan for 2413 Third Avenue

August 2020

BCP Site No. C203137
2413 Third Avenue
Bronx, NY 10451

Contents

| <u>Section</u> | <u>Page Number</u> |
|---|---------------------------|
| 1. What is New York's Brownfield Cleanup Program? | 3 |
| 2. Citizen Participation Activities..... | 3 |
| 3. Major Issues of Public Concern..... | 8 |
| 4. Site Information..... | 8 |
| 5. Investigation and Cleanup Process | 12 |
| Appendix A - Project Contacts and Locations of Reports and Information | 15 |
| Appendix B - Site Contact List..... | 17 |
| Appendix C - Site Location Map..... | 26 |
| Appendix D - Brownfield Cleanup Program Process..... | 27 |

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

Applicant: **RXR 2413 Third Owner LLC (“Applicant”)**
Site Name: **2413 Third Avenue (“Site”)**
Site Address: **2413 Third Avenue**
Site County: **Bronx County**
Site Number: **C203137**

1. What is New York’s Brownfield Cleanup Program?

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. 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 a 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 who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and 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.

For more information about the BCP, go online at:
<http://www.dec.ny.gov/chemical/8450.html> .

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision-makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision-making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup 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.

Locations of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web-site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

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

The site contact list includes, at a minimum:

- Chief executive officer and planning board 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;
- Location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

Note: The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html> .

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation

and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

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

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be 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 group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site had not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

For more information about TAGs, go online at <http://www.dec.ny.gov/regulations/2590.html>

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

| Citizen Participation Activities | Timing of CP Activity(ies) |
|---|---|
| Application Process (Previously Completed): | |
| <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository(ies) | At time of preparation of application to participate in the BCP. |
| <ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period | When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time. |
| After Execution of Brownfield Site Cleanup Agreement (BCA): | |
| <ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan | Before start of Remedial Investigation Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA. |
| Before NYSDEC Approves Remedial Investigation (RI) Work Plan (Previously Completed): | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period | Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet. |
| After Applicant Completes Remedial Investigation (Previously Completed): | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results | Before NYSDEC approves RI Report |
| Before NYSDEC Approves Remedial Work Plan (RWP): | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period | Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period. This 45-day public comment period was held concurrently with the BCP application public comment period. |
| Before Applicant Starts Cleanup Action: | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action | Before the start of cleanup action. |

| Citizen Participation Activities | Timing of CP Activity(ies) |
|---|--|
| After Applicant Completes Cleanup Action: | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report • Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) | <p>At the time the cleanup action has been completed.</p> <p>Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.</p> |

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

The following major issues of public concern were identified: air quality, health of workers and community, nuisance odors, noise and construction-related traffic. These issues are of the most concern to adjacent businesses and residents. These issues will be addressed in the Community Air Monitoring Program (CAMP), site-specific Health and Safety Program (HASP), and RWP for the project to be approved by the NYSDEC prior to the respective phases of work.

The site is located in an Environmental Justice Area. Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities. Because the site is located in an Environmental Justice Area, future fact sheets need to be translated into Spanish.

For additional information, visit: <https://statisticalatlas.com/tract/New-York/Bronx-County/005100/Race-and-Ethnicity>

The NYSDEC "Scoping Sheet for Major Issues of Public Concern" was used to complete this section (see Appendix D).

4. Site Information

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

Site Description

The 2413 Third Avenue site is about 24,700 square feet (\pm .57 acres) and occupies Block 2319, Lot 109 on the Bronx Borough Tax Map. The site is located west of the intersection of Third Avenue and Bruckner Boulevard and is bound by a self-storage facility to the north; two multiple-story light industrial buildings, one commercial building, a dog park, and an access roadway to East 135th Street to the northeast; Third Avenue and the Third Avenue Bridge overpass to the southeast; and a residential construction project to the west.

Surrounding properties generally consist of light industrial, manufacturing, commercial, and retail buildings. The Harlem River is located about 150 feet west of the site. The site is located in a New York State Environmental Zone (En-Zone) and within the Port Morris Harlem Riverfront Brownfield Opportunity Area, which was granted by the New York State Department of State in 2015.

According to the New York City Planning Commission (NYCPC) Zoning Map 6a, dated June 26, 2019, the site is located in an M1-3/R8 manufacturing district. The site is also located in the Special Harlem River Waterfront Zoning District, which supports the area's revitalization into a vibrant, mixed use, mixed-income neighborhood while retaining viable light industry.

History of Site Use, Investigation, and Cleanup

The site consists of a 24,700-square-foot lot containing a five-story commercial building that was constructed in 1897, a tenant parking lot, and an asphalt-paved vacant lot. The western portion of the site contains a gravel-graded rectangular extension that is overgrown with vegetation. The building has a partial cellar that contains mechanical equipment and a sump. The ground floor of the building contains a vacant boxing gym and the remainder of the ground and upper floors are vacant. A restaurant occupied a portion of the ground floor until March 2020.

Former occupants of the site included an iron foundry (1891-1908), a motor truck company (1922), a drug and chemical corporation (1927), an oil company (1927), unspecified manufacturing facilities (1928), a floor treatment service (1949), a chemical laboratory (1935-1949), a wood storage facility (1935-1947), commercial storage (1951–2007), and a lubrication oil storage facility (1935-2007). A railway spur transected the site between 1935 and 1951.

Based on environmental investigations, the primary contaminants of concern include semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and metals, including hazardous concentrations of lead, in soil; and trichloroethene (TCE), n-heptane, and n-hexane in soil vapor. SVOCs constitute a class of hydrocarbons that typically

originate from petroleum- or combustion-related chemicals and/or activities. PCBs are a type of compound associated with historical transformers, coolant fluids, caulking materials, and fluorescent lighting ballasts. Metals are naturally occurring in soil at background concentrations; however, the use of synthetic products, metal working, and industrial site usage can result in elevated metals concentrations in soil. Localized petroleum impacts were also identified in borings throughout the site. Petroleum nuisance conditions (i.e., staining, odors, and/or organic vapor readings above background concentrations) were apparent on the southeastern and northwestern portions of the site at various depths between 3 and 15 feet bgs. Based on these findings, a spill was reported to the NYSDEC spill hotline (Spill No. 2003372).

Prior to entry into the NYSDEC BCP, the site was the subject of environmental investigations, which are documented in the following reports:

- Phase I Environmental Site Assessment (ESA) for 2413 Third Avenue, Bronx, New York, prepared by GO Environmental, dated August 14, 2012
- Limited Subsurface Investigation Report of Findings, prepared by Groundwork, Inc., dated December 30, 2013
- Phase I Environmental Site Assessment, prepared by Langan, dated December 7, 2015
- Phase II Environmental Site Investigation (ESI) Report, dated December 10, 2015, prepared by Langan
- Draft Remedial Investigation Report, 2413 Third Avenue, Bronx, New York, prepared by Langan, dated February 24, 2020

A summary of relevant information from each report is presented below:

Phase I ESA, dated August 14, 2012

A 2012 Phase I ESA identified the following Recognized Environmental Conditions (RECs):

- Historical site use.
- Surrounding property use by industrial and manufacturing facilities since the 1800s.

Limited Subsurface Investigation Report of Findings, dated December 30, 2013

A limited subsurface investigation was conducted to evaluate subsurface conditions. The investigation included collection of seven soil samples and one groundwater sample. The depth to groundwater was between about 6 feet below grade surface (bgs). Petroleum-related compounds were not detected in soil or groundwater during the investigation.

Phase I ESA, dated December 7, 2015

A 2015 Phase I ESA identified the RECs:

- Historical Site Uses
- Historical Petroleum Bulk Storage
- Historical uses of adjoining and surrounding properties between 1891 and 2010, including manufacturing facilities, a machine shop, a steel company, a drug and chemical company, an oil company, and a former shoring company containing an open spill and currently enrolled in the New York State BCP.

Phase II ESI Environmental Site Investigation Report, dated December 10, 2015

A Phase II ESI was conducted to investigate RECs identified during the 2015 Phase I ESA. The scope of the investigation included a geophysical survey and collection of five soil, three groundwater, and three soil vapor samples. Groundwater was observed at a depth of about 7.5 feet bgs. The investigation provided the following findings:

- SVOCs, pesticides, and metals were detected in soil samples at concentrations above the most conservative NYSDEC soil cleanup objective (SCO) (i.e., for unrestricted use).
- The VOC and gasoline additive methyl tert-butyl ether (MTBE) was detected in two groundwater samples at concentrations above the applicable New York State groundwater standards.
- The analytical results from sub-surface soil vapor samples indicated that soil vapor mitigation was not recommended, based on decision matrices provided in the New York State Department of Health guidance for soil vapor intrusion.

Draft Remedial Investigation Report, dated February 14, 2020

The Remedial Investigation (RI) was conducted to evaluate areas of concern not addressed during the 2015 Phase II ESI. The scope of the investigation included a geophysical survey and collection of 53 soil, 7 groundwater, and 7 soil vapor samples. The investigation provided the following findings:

- Petroleum-related and non-petroleum-related VOCs were detected in soil samples at concentrations above the most conservative NYSDEC SCOs (i.e., unrestricted use).
- SVOCs, pesticides, PCBs and metals were detected in multiple soil samples at concentrations exceeding the NYSDEC SCOs for unrestricted use and/or for restricted use restricted-residential. The PCB and SVOC detections may be associated with releases during former railyard operations. Lead was detected in

one sample at a concentration above the Resource Conservation and Recovery Act (RCRA) Toxicity Characteristic Limit for determining hazardous waste.

- SVOCs and five dissolved metals were detected in the groundwater samples at concentrations above the applicable New York State groundwater standards, with sodium exhibiting the highest concentration. The detections reflect matrix interference from historic fill material, infiltration of brackish groundwater originating from the nearby Harlem River, and/or vertical migration of saline surface water into the local aquifer.
- The solvent trichloroethene (TCE) was detected at a concentration above the minimum threshold value for which NYSDOH recommends mitigation.
- Two soil vapor samples collected from the southeastern portion of the site contained gasoline-related VOCs at concentrations four orders of magnitude above those detected in other samples. NYSDOH does not have guidance values for petroleum-related contaminants.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a "qualitative exposure assessment," a 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 unrestricted purposes.

To achieve this goal, the Applicant will conduct cleanup 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 these activities at the site.

Remedy Selection

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan”. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft plan for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a Final Engineering Report (FER) that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the FER. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

Site Management

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed.

**Appendix A -
Project Contacts and Locations of Reports and Information**

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Meghan Medwid

NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233
Tel: (518) 402-8610
Email: meghan.medwid@dec.ny.gov

Leia Schmidt

NYSDEC
Office of General Counsel
625 Broadway
Albany, NY 12233
Tel: (518) 402-9195
Email: leia.schmidt@dec.ny.gov

New York State Department of Health (NYSDOH):

Christine Vooris

Bureau of Environmental Exposure
Investigation
NYSDOH
Empire State Plaza
Corning Tower, Room 1787
Albany, NY 12237
Tel: (518) 402-0445
Email: beei@health.ny.gov

**Langan Engineering, Environmental,
Surveying, Landscape Architecture
and Geology, DPC**

Michael Burke, PG, CHMM
Principal/Vice President
Langan
21 Penn Plaza
360 West 31st Street, 8th Floor
New York, NY 10001
Phone: (212) 479-5413
Email: mburke@langan.com

Locations of Reports and Information

The facilities identified below are being used to provide the public with convenient access to important project documents:

Mott Haven Library

Jeanine Thomas, Library Manager

Email: jeaninethomas@nypl.org

321 East 140th Street

Bronx, NY 10454

Phone: (718) 665-4878

Hours: Mon-Thurs: 10 AM to 7 PM

Fri-Sat: 10 AM to 5 PM

Sun: Closed

Bronx Community Board 1

Cedric L. Loftin, District Manager

3024 Third Avenue

Bronx, NY 10455

Phone: (718) 585-7117

Brxcb1@optonline.net

Web: <https://www1.nyc.gov/site/bronxcb1/index.page>

Appendix B - Site Contact List

Chief Executive Officer
Mayor Bill de Blasio
City Hall
260 Broadway Avenue
New York, NY 10007

Hon. Scott Stringer
NYC Comptroller
1 Centre Street
New York, NY 10007

Hon. Jumaane Williams
Public Advocate
1 Centre Street
New York, NY 10007

Mark McIntyre, Director
NYC Office of Environmental Remediation
100 Gold Street - 2nd Floor
New York, NY 10038

Julie Stein
Office of Environmental Assessment & Planning
NYC Dept. of Environmental Protection
96-05 Horace Harding Expressway
Flushing, NY 11373

Hon. Diana Ayala
NYC Councilwoman
105 East 116th St.
New York, NY 10029

Marisa Lago, Commissioner
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Borough of the Bronx, Borough President
Hon. Ruben Diaz, Jr.
851 Grand Concourse, 3rd Floor
Bronx, NY 10451

Mitchell Silver - Commissioner
NYC Department of Parks & Recreation
830 Fifth Avenue
New York, NY 10065

Cedric Loftin
District Manager, Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455

George Rodriguez
Chairman, Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455

Ana Rojas
Community Coordinator, Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455

Carol Samol
Director, NYC Planning Commission – Bronx Office
Grand Concourse, Suite 503
Bronx, New York 10453

Nivardo Lopez
New York City Department of Transportation
Bronx Borough Commissioner
55 Water Street, 9th Floor
New York, NY 10041

Bronx County Clerk's Office
Luis M. Diaz, County Clerk
851 Grand Concourse, Room 118
Bronx, New York 10451

Telephone (866) 797-7214

Hon. Jose M. Serrano
NYS Senator
1916 Park Avenue, Suite 202
New York, NY 10037

Hon. Carmen E. Arroyo
NYS Assemblywoman
384 East 149th Street, Suite 202
Bronx, NY 10455

Hon. Charles Schumer
U.S. Senator
780 Third Avenue, Suite 2301
New York, NY 10017

Hon. Kirsten Gillibrand
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017

Hon. Jose E. Serrano
U.S. House of Representatives
1231 Lafayette Avenue, 4th Floor
Bronx, NY 10474

Nearby Residents and Property Owners

The following is contact information for the current owner:

RXR 2413 Third Owner LLC
Rockefeller Plaza, Suite 1500
New York, NY 10019

***Owners and occupants of adjoining properties include the following:
A separate mailing address is listed where owners don't reside at the listed property***

200 East 135th Street (Block 2319, Lot 55)

Self-storage facility
Owner: Cubesmart East 135th, LLC
Owner Address:
460 E. Swedesford Road, Suite 3000
Wayne, PA 19087

220 East 134th Street (Block 2319, Lot 98)
Six-story industrial/manufacturing building
Owner: Five Boro Storage, Inc.
Owner Address:
61-134 173rd Street, Apt. 1
Fresh Meadows, NY 11365

2415 3rd Avenue (Block 2319, Lot 108)
Vacant Land
Owner: Bruckner Partners LLC
Owner Address:
1450 Broadway, 18th Floor
New York, NY 10018

2417 3rd Avenue (Block 2319, Lot 100)
Eight-story light industrial/office building
Owner: Bruckner Partners LLC
Owner Address:
1450 Broadway, 18th Floor
New York, NY 10018

2403 Third Avenue (Block 2319, Lot 112)
Five-story industrial/manufacturing building
Owner: KAI Development Corp
Owner Address:
2403 Third Avenue
Bronx, NY 10451

2401 Third Avenue (Block 2319, Lot 2)
Vacant Land
Owner: BOP 2401 Third Avenue LLC
c/o Brookfield Properties

Owner Address:
250 Vesey Street, 15th Floor
New York, NY 10281

East 134th Street (address unspecified)
Dog Park
Owner: 2413 Third Property Owner LLC
c/o Somerset Partners LLC
Owner Address:
2417 Third Avenue, Suite 409
Bronx, NY 10451

Local News Media

Spectrum NY 1 News
75 Ninth Avenue
New York, NY 10011

Bronx Times
3602 East Tremont Avenue
Suite 205
Bronx, NY 10456

Bronx Free Press
5030 Broadway, Suite 801
New York, NY 10034

New York Daily News
4 New York Plaza
New York, NY 10004

New York Post
1211 Avenue of the Americas
New York, NY 10036

El Diario

15 MetroTech Center, Floor 7
Brooklyn, NY 11201

Impacto Latino
5 Pennsylvania Plaza, Suite 1921
New York, NY 10001

La Voz Hispana NY
159 East 116th Street
New York, NY 10029

Public Water Supply

The responsibility for supplying water in New York City is shared between the below entities:

NYCDEP
Vincent Sapienza, Commissioner
59-17 Junction Boulevard
Flushing, NY 11373

New York City Municipal Water Finance Authority
255 Greenwich Street, 6th Floor
New York, New York 10007

New York City Water Board
NYC Department of Environmental Protection
59-17 Junction Boulevard, 8th Floor
Flushing, NY 11373

Request for Contact

We are unaware of any requests for inclusion on the contact list.

Nearby Schools and Day Care Facilities

There are no schools or day care facilities located on the site within 0.25 miles of the site. Schools nearest the site include:

South Bronx Classical Charter School II (approximately 0.3 miles southeast of the site)
Leena Gyftopoulos, Director
333 East 135th Street
Bronx, NY 10454

(718) 292-9526

P.S. 154 Jonathan D. Hyatt (approximately 0.3 miles southeast of the site)
Alison Coviello, Principal
333 E 135th Street #4301
Bronx, NY 10454
(718) 292-4742

Winifred Wheeler Day Care Center
200 Alexander Avenue
Bronx, NY 10454

Document Repository

Mott Haven Library
Jeanine Thomas, Library Manager
321 East 140th Street
Bronx, New York 10454
Phone: (718) 665-4878

Bronx Community Board 1
Cedric L. Loftin, District Manager
3024 Third Avenue
Bronx, New York 10455
Phone: (718) 585-7117

Letters sent to the repositories acknowledging that both agree to act as a document repository for the project are included in this attachment.

Local Community Board

Bronx Community Board 1
Cedric L. Loftin, District Manager
3024 Third Avenue
Bronx, New York 10455
Phone: (718) 585-7117

Community, Civic, Religious and Other Environmental Organizations:

Eric Soto – Director
Consolidated Edison Corporate Affairs

511 Theodore Fremd Avenue
Rye, NY 10580

Gabriel de Jesus – President
40th Police Precinct Council
257 Alexander Avenue
Bronx, NY 10454

Battalion 14 Engine 60 Ladder 17
341 East 143rd Street
Bronx, NY 10454

Bronx Chamber of Commerce
Hutchinson Metro Center
1200 Waters Place, Suite 106
Bronx, NY 10461 Attn: Nunzio Del Greco
Phone: (718) 828-3900

South Bronx Overall Economic Development Corporation
555 Bergen Avenue
Bronx, NY 10455
Phone: (718) 292-3113
Attn: Lourdes Zapata, President

Sustainable South Bronx
1360 Garrison Avenue
Bronx, NY 10474
Tel: (718) 852-9307
Email: info@ssbx.org

Bronx Land Trust
148 W 37th St,
New York, NY 10018

Phone: (212) 244-2288
Website: www.bronxlandtrust.org

South Bronx United, Inc.
192 E 151st St 5th Floor

Bronx, NY 10451
Phone: (718) 404-9281
Email: info@southbronxunited.org

Mitchell Houses
Management Development Office
NYCHA
303 East 135th Street
Bronx, NY 10454

Mitchell Houses
Attn: President, Resident Association
NYCHA
303 East 135th Street
Bronx, NY 10454

Office of Media Relations
NYCHA
250 Broadway
New York, NY 10007

Mitchell Community Center
Attn: Executive Director
210 Alexander Avenue
Bronx, NY 10454

St. Luke Baptist Church
1916 Park Avenue
New York, NY 10037
Phone: (212) 222-2296
Website: <http://www.stlukebcharlemnyc.org/>

St. Jerome's Church
230 Alexander Ave
Bronx, NY 10454
Phone: (718) 665-5533
Website: <https://stjeromebronx.com/>

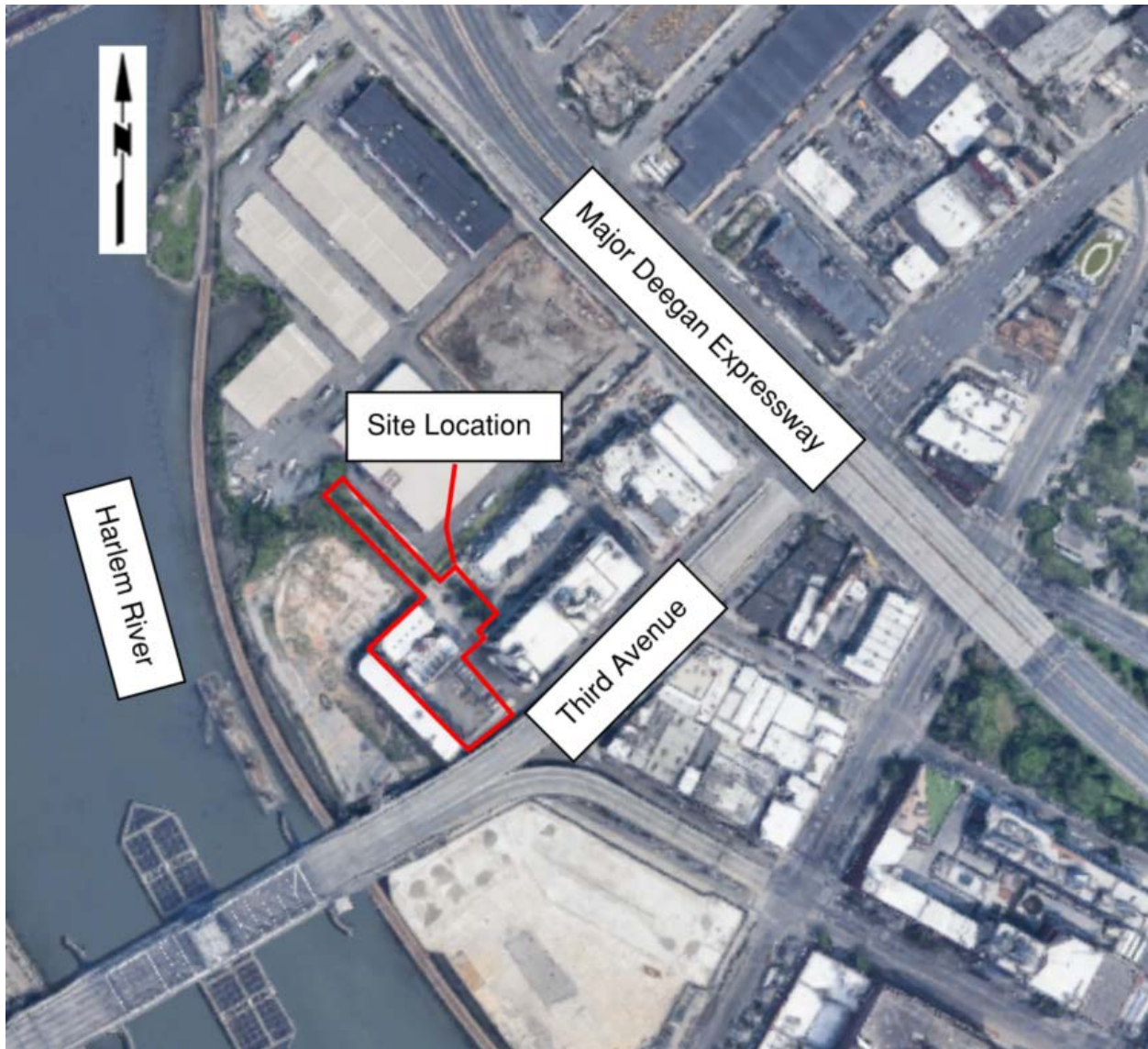
Worldwide Association of Small Churches

79 Alexander Ave
Bronx, NY 10454
Phone: (718) 742-0092
Website: <http://worldwideassociationofsmallchurches.org/>

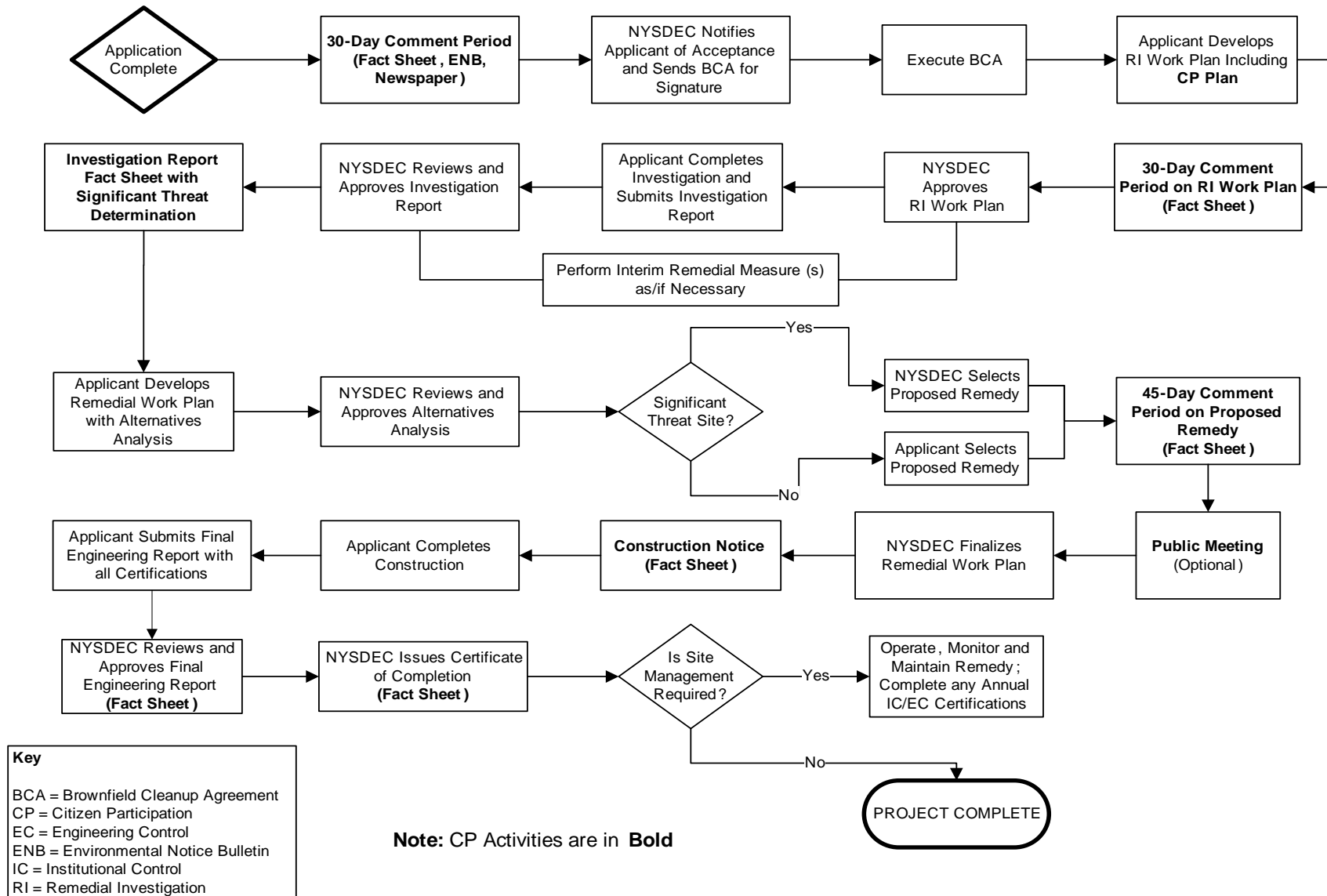
True Church of God
2341 3rd Ave
New York, NY 10035
Phone: (212) 348-0480

Spiritual Israel Church
63 E 129th St #1,
New York, NY 10035
Phone: (212) 369-7018
Website: <http://siciasupreme.org/>

Appendix C - Site Location Map



Appendix D– Brownfield Cleanup Program Process





Division of Environmental Remediation

Remedial Programs Scoping Sheet for Major Issues of Public Concern

Instructions

This Scoping Sheet assesses major issues of public concern; impacts of the site and its remedial program on the community; community interest in the site; information the public needs; and information needed from the public.

The information generated helps to plan and conduct required citizen participation (CP) activities, and to choose and conduct additional CP activities, if appropriate. The scoping sheet can be revisited and updated as appropriate during the site's remedial process to more effectively implement the site's CP program.

Note: Use the information as an aid to prepare and update the Major Issues of Public Concern section of the site CP Plan.

General Instructions

- When to prepare: During preparation of the CP Plan for the site. It can be revisited and updated anytime during the site remedial process.
- Fill in site name and other information as appropriate.
- The Scoping Sheet may be prepared by DEC or a remedial party, but must be reviewed and approved by the DER site project manager or his/her designee.

Instructions for Numbered Parts

Consider the bulleted issues and questions below and any others that may be unique or appropriate to the site and the community to help complete the five Parts of this Scoping Sheet. Identify the issue stakeholders in Parts 1 through 3 and adjust the site's contact list accordingly.

Part 1. List Major Issues of Public Concern and Information the Community Wants.

- Is our health being impacted? (e.g. Are there problems with our drinking water or air? Are you going to test our water, yards, sumps, basements? Have health studies been done?)
- There are odors in the neighborhood. Do they come from the site and are they hazardous?
- Are there restrictions on what we may do (e.g. Can our children play outside? Can we garden? Must we avoid certain areas? Can we recreate (fish, hunt, hike, etc. on/around the site?)
- How and when were the site's contamination problems created?
- What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
- The site is affecting our property values!
- How can we get more information (e.g. who are the project contacts?)
- How will we be kept informed and involved during the site remedial process?
- Who has been contacted in the community about site remedial activities?
- What has been done to this point? What happens next and when?
- The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

Part 2. List Important Information Needed From the Community, if Applicable.

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby people, properties, natural resources, etc.?
- Are activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Does the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

Part 3. List Major Issues and Information That Need to be Communicated to the Community.

- Specific site investigation or remediation activities currently underway, or that will begin in the near future.
- The process and general schedule to investigate, remediate and, if applicable, redevelop the site.
- Current understanding about the site contamination and effects, if any, on public health and the environment.
- Site impacts on the community and any restrictions on the public's use of the site and/or nearby properties.
- Planned CP activities, their schedule, and how they relate to the site's remedial process.
- Ways for the community to obtain/provide information (document repositories, contacts, etc.).

Part 4. Community Characteristics

a. - e. Obtain information from local officials, property owners and residents, site reports, site visits, "windshield surveys," other staff, etc.

f. Has the affected community experienced other **significant** present or past environmental problems unrelated to this site? Such experiences could significantly affect public concerns and perspectives about the site; how the community will relate to project staff; the image and credibility of project staff within the community; and the ways in which project staff communicate with the community.

g. In its remedial programs, DER seeks to integrate, and be consistent with, environmental justice principles set forth in *DEC Commissioner Policy 29 on Environmental Justice* and *DER 23 – Citizen Participation Handbook for Remedial Programs*. Is the site and/or affected community wholly or partly in an Environmental Justice (EJ) Area? Use the Search feature on DEC's public web site for "environmental justice". DEC's EJ pages define an EJ area, and link to county maps to help determine if the site and/or community are in an EJ area.

h. Consider factors such as:

- Is English the primary language of the affected community? If not, provisions should be considered regarding public outreach activities such as fact sheets, meetings, door-to-door visits and other activities to ensure their effectiveness.
- The age demographics of the community. For example, is there a significant number of senior citizens in the community? It may be difficult for some to attend public meetings and use document repositories. This may suggest adopting more direct interaction with the community with activities such as door-to-door visits, additional fact sheets, visits to community and church centers, nursing homes, etc.
- How do people travel about the community? Would most people drive to a public meeting or document repository? Is there adequate public transportation?

Part 5. Affected/Interested Public.

Individuals and organizations who need or want information and input can change during the site's remedial process. This need is influenced by real, potential, or perceived impacts of the site or the remedial process. Some people may want information and input throughout the remedial process. Others may participate only during specific remedial stages, or may only be interested in particular issues.

It is important to revisit this question when reviewing this scoping sheet. Knowing who is interested in the site – and the issues that are important to them – will help to select and conduct appropriate outreach activities, and to identify their timing and the information to be exchanged.

Check all affected/interested parties that apply to the site. **Note: Adjust the site's contact list appropriately.** The following are some ways to identify affected/interested parties:

- Tax maps of adjacent property owners
- Attendees at public meetings
- Telephone discussions
- Letters and e-mails to DER, the remedial party, and other agencies
- Political jurisdictions and boundaries
- Media coverage
- Current/proposed uses of site and/or nearby properties (recreational, commercial, industrial)
- Discussions with community organizations: grass roots organizations, local environmental groups, environmental justice groups, churches, and neighborhood advisory groups



Division of Environmental Remediation

Remedial Programs
Scoping Sheet for Major Issues of Public Concern (see instructions)

Site Name: 2413 Third Avenue

Site Number: C203137

Site Address and County: 2413 Third Avenue, Bronx, NY

Remedial Party(ies): RXR 2413 Third Owner LLC ("Volunteer")

Note: For Parts 1. – 3. the individuals, groups, organizations, businesses and units of government identified should be added to the site contact list as appropriate.

Part 1. List major issues of public concern and information the community wants. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and information needs. **Use this information as an aid to prepare or update the Major Issues of Public Concern section of the site Citizen Participation Plan.**

Construction and remediation may impact air quality while work is performed. NYSDEC and NYSDOH are overseeing the project to ensure the air and odor issues are monitored and mitigated during implementation of the work plan.

How were these issues and/or information needs identified?

Previous investigations identified contaminated soil and soil vapor at the site.

Part 2. List important information needed **from** the community, if applicable. Identify individuals, groups, organizations, businesses and/or units of government related to the information needed.

No additional information is required from the community at this time.

How were these information needs identified?

There are no information needs at this time.

Part 3. List major issues and information that need to be communicated **to** the community. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and/or information.

Information will be communicated to the public as outlined in the Citizen Participation Plan. NYSDEC and NYSDOH contacts will be provided. A repository will exist for the public to review documentation.

How were these issues and/or information needs identified?

Issue identification is the same as Part 1 response. Information communication was established by NYSDEC and NYSDOH as part of the NYS Brownfield Cleanup Program.

Part 4. Identify the following characteristics of the affected/interested community. This knowledge will help to identify and understand issues and information important to the community, and ways to effectively develop and implement the site citizen participation plan (mark all that apply):

a. Land use/zoning at and around site:

☒ **Residential** ☐ **Agricultural** ☐ **Recreational** ☒ **Commercial** ☒ **Industrial**

b. Residential type around site:

☒ **Urban** ☐ **Suburban** ☐ **Rural**

c. Population density around site:

☒ **High** ☐ **Medium** ☐ **Low**

d. Water supply of nearby residences:

☒ **Public** ☐ **Private Wells** ☐ **Mixed**

e. Is part or all of the water supply of the affected/interested community currently impacted by the site?

☐ **Yes** ☒ **No**

Provide details if appropriate:

N/A

f. Other environmental issues significantly impacted/impacting the affected community?

☐ **Yes** ☒ **No**

Provide details if appropriate:

N/A

g. Is the site and/or the affected/interested community wholly or partly in an Environmental Justice Area?

☒ **Yes** ☐ **No**

h. Special considerations:

☒ **Language** ☐ **Age** ☐ **Transportation** ☐ **Other**

Explain any marked categories in h:

Need for future fact sheets to be translated into Spanish.

Part 5. The site contact list must include, at a minimum, the individuals, groups, and organizations identified in Part 2 of the Citizen Participation Plan under 'Site Contact List'. Are *other* individuals, groups, organizations, and units of government affected by, or interested in, the site, or its remedial program? (Mark and identify all that apply, then adjust the site contact list as appropriate.)

☒ **Non-Adjacent Residents/Property Owners:** Please see contact list.

☒ **Local Officials:** Please see contact list.

☒ **Media:** Please see contact list.

☒ **Business/Commercial Interests:** Please see contact list.

☐ **Labor Group(s)/Employees:** [Click here to enter text.](#)

☐ **Indian Nation:** [Click here to enter text.](#)

☒ **Citizens/Community Group(s):** Please see contact list.

☒ **Environmental Justice Group(s):** Please see contact list.

☒ **Environmental Group(s):** [Click here to enter text.](#)

☒ **Civic Group(s):** Please see contact list.

☐ **Recreational Group(s):** [Click here to enter text.](#)

☐ **Other(s):** [Click here to enter text.](#)

Prepared/Updated By: Langan Engineering, Environmental,
Surveying, Landscape Architecture and Geology, D.P.C.

Date: 8/7/2020

Reviewed/Approved By: Thomas V. Panzone

Date: 9/23/20