



Department of
Environmental
Conservation

Brownfield Cleanup Program

Citizen Participation Plan for Sonero Metro City Auto Site

May 2022

BCP Site No. C203148
Portion of 1001 Whitlock Avenue
Bronx, New York
Bronx County

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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: **Whitlock Point LLC and Whitlock Point Services LLC** (“Applicant”)
Site Name: **Sonero Metro City Auto Site** (“Site”)
Site Address: **Portion of 1125 Whitlock Avenue**
Site County: **Bronx**
Site Number: **{To be Inserted}**

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, it has been determined that the site does not pose a significant threat.

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:	
<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.
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:	
<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:	
<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.
Before Applicant Starts Cleanup Action:	

Citizen Participation Activities	Timing of CP Activity(ies)
<ul style="list-style-type: none"> Distribute fact sheet to site contact list that describes upcoming cleanup action 	Before the start of cleanup action.
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) 	At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.

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.

There will be areas on the Site where soil excavation is necessary. Therefore, once the remediation commences, there may be concerns regarding odors, noise or truck traffic coming from the Site. However, these impacts will be mitigated through implementation of a Health and Safety Plan and Soil Management Plan approved by the Department, which will be designed to minimize these impacts. A Community Air Monitoring Plan will also be implemented to monitor dust and vapors to ensure the community is not impacted. CAMP implementation involves the placement of air monitoring stations downwind and upwind of where work is occurring to capture both dust and vapor emissions. If dust or emissions exceed a set threshold established by DEC and the Department of Health, then work must cease and the cause of the issue must be corrected before work can proceed.

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.

The site includes a community with a sizable Hispanic-American population, therefore, all future fact sheets will be translated into Spanish.

4. Site Information

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

Site Description

- **Portion of Lot 85 -1001 Whitlock Avenue, Bronx, NY, Bronx County**
- **Setting - Urban**
- **Site size – 0.788 Acres**
- **Adjacent properties – Commercial, residential**

History of Site Use, Investigation, and Cleanup

In the late 1800s, the Site was a part of a larger parcel of land. The Site remained undeveloped until approximately 1947. In 1950, several structures occupied the Site. The structures were used for “auto sales” and as garages. The southernmost portion of the Site was occupied by a gas filling station in 1950 maps. The filling station may have contributed to the contamination on the Site because petroleum related contaminants were detected in on-Site investigations. A certificate of occupancy was issued for an automotive repair shop in 1958. Jay-Dee Service Station occupied the Site in 1961.

In July of 1967, William B. Falow purchased the Site from Sherry Joseph. William B. and Marilyn Falow took title to the Site in December 1971. Maps from 1977 show that the gas station is no longer present on the Site. There are multiple rectangular structures on the Site labeled as “auto sales” or dwellings in 1977 maps. Title to the property was transferred from the Commissioner of Finance of the City of New York to the City of New York through a foreclosure action in September 1981. The Site was purchased by Ernest Bauer in July of 1983. Sonero Auto Repair occupied the Site from approximately 1999 until 2012.

In June 2001, Whitlock Avenue LLC purchased the Site. It then sold the Site to 1125 Whitlock Garages in June of 2002. All Star Auto Glass, Auto Glass, Caceres Pedro, and Olympic Alarm Systems were listed as occupants of the Site in 2005. The Site was purchased by Moving Upwards NC, LLC in September 2016. Whitlock Plaza Housing, LLC purchased the Site in April 2017 and then sold it to the current title owner - HP Whitlock Housing Development Fund Company, Inc. in June 2017. The former on-site structures were demolished between December 2018 and May 2019.

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 restricted residential 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.

The Applicant has submitted a draft “Remedial Investigation Report” and “Remedial Action Work Plan” to NYSDEC for review and approval. NYSDEC makes these draft plans available to the public review during a 45-day public comment period in conjunction with the application. The documents will be revised pursuant to any comments from the public and the NYSDEC and NYSDOH.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a “significant threat,” it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

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.

Here, the Applicant has already acknowledged that remediation is required and has submitted a draft Remedial Work Plan for approval and for public review during the 45-day public comment period with the application.

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 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 final engineering report. 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):

Michael MacCabe

Project Manager

NYSDEC Region 2

Division of Environmental Remediation

625 Broadway, Albany, NY 12233

518-402-9687

New York State Department of Health (NYSDOH):

Angela Martin

Project Manager

NYSDOH

Empire State Plaza, Corning Tower Room 1787

518-402-7860

Locations of Reports and Information

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

Hunts Point Library
NY Public Library
877 Southern Boulevard
Bronx, NY 10459
Attn: Pamela Cora
Phone: (718) 617-0338

Bronx Community Board 2
Ralph Acevedo, District Manager
1029 East 163rd Street
Bronx, NY 10459
(718) 328-9125

Repositories are temporarily unavailable due to COVID-19 precautions. You can get information about this Site at

<https://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm/>

If you cannot access the online repository at <https://giservices.dec.ny.gov/gis/dll/>, and specifically the link to the documents in relation to this site at

<https://www.dec.ny.gov/data/DecDocs/C/> please

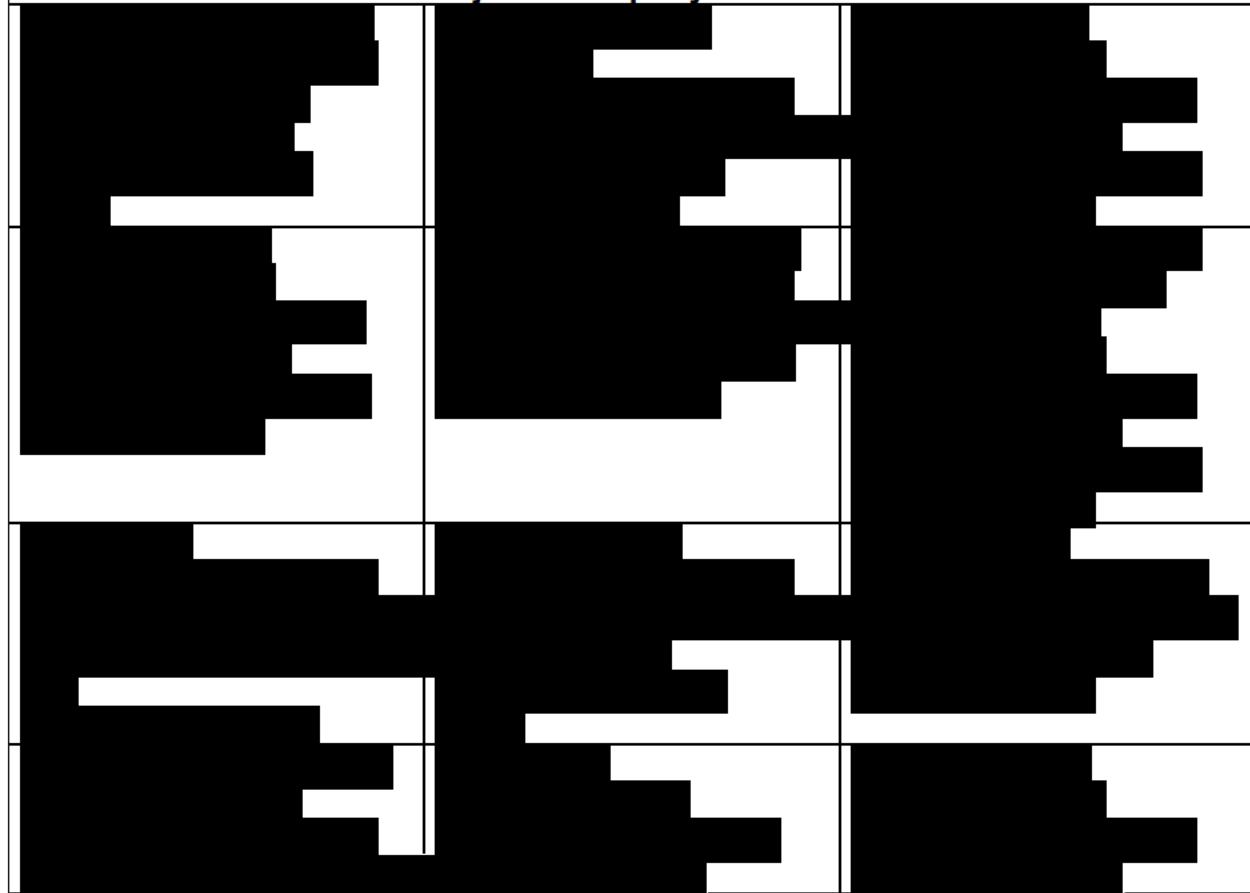
contact the NYSDEC project manager listed above for assistance. Type in the site address when accessing this website and then click on DEC Information Layers link. In this link, click "Environmental Cleanup" and check all of the boxes. Then zoom in to see the documents of this site.

Appendix B - Site Contact List

Federal and State Officials		
Chuck E. Schumer U.S. Senate 780 Third Avenue, Suite 2301 New York, NY 10017	Kirsten Gillibrand U.S. Senate 780 Third Avenue, Suite 2601 New York, NY 10017	Jose E. Serrano U.S. House of Representatives, 15th District 1231 Lafayette Avenue, 4th Floor Bronx, NY 10474
Luis R. Sepulveda New York State Senator, 32th District 900 Rogers Place Bronx, NY 10459	Ruben Diaz, Jr. County Executive (Bronx Borough President) 851 Grand Concourse, 3rd Floor Bronx, NY 10451	Luis M. Diaz Borough of the Bronx County Clerk 851 Grand Concourse, Room 118 Bronx, NY 10451
James Rausse Bronx Borough Planning and Development, Director 851 Grand Concourse, 3rd Floor Bronx, NY 10451	Bill de Blasio Mayor of New York City City Hall New York, NY 10007	Marisa Lago New York City Planning Commission, Chair 1775 Grand Concourse, Suite 503 Bronx, NY 10453
Media Outlets		
New York Daily News Media Outlet 4 New York Plaza New York, NY 10004		
Public Water Supplier		
Vincent Sapienza NYC Public Water Supply System Department, Commissioner 59-17 Junction Boulevard, 13th Floor Flushing, NY 11373		
Schools and Daycare Centers		
Jonea Thomas Principal, Bronx Charter School for the Arts 950 Longfellow Avenue Bronx, NY 10474	Marines Arrieta Cruz Principal, P.S. 75 School of Research and Discovery 984 Faile Street Bronx, NY 10459	Dawn Verhille Principal, Bronx Studio School for Writers and Artists 928 Simpson Street

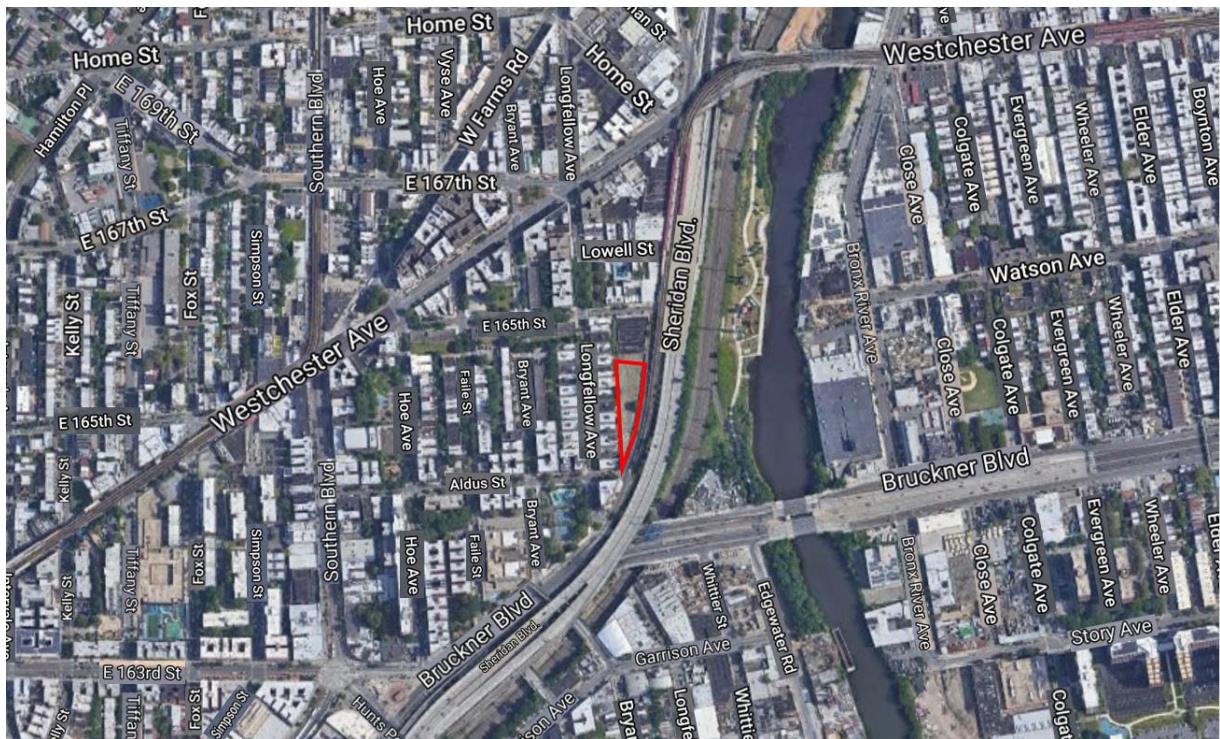
		Bronx, NY 10459
Lester Long Executive Director, Classical Charter School 977 Fox Street Bronx, NY 10459	Norma Sanchez Principal, P.S. 150 Charles James Fox 920 East 167 Street Bronx, NY 10459	Madeline Alcantara The Three Little Princess Daycare 1014 Hoe Avenue, Apartment 1C Bronx, NY 10459
Vivian Rosario Little Munchkins Daycare 1155 Vyse Avenue Bronx, NY 10459	Arlene Rodriguez AR Learning Tree WeeCare 1320 West Farms Road #1-I Bronx, NY 10459	Leydilin Calderon-Mejia Leydilin's Group Family Daycare 1107 Bryant Avenue Bronx, NY 10459
Jack Safer Brightside Academy 1093 Southern Blvd Bronx, NY 10459		

Adjacent Property Owners

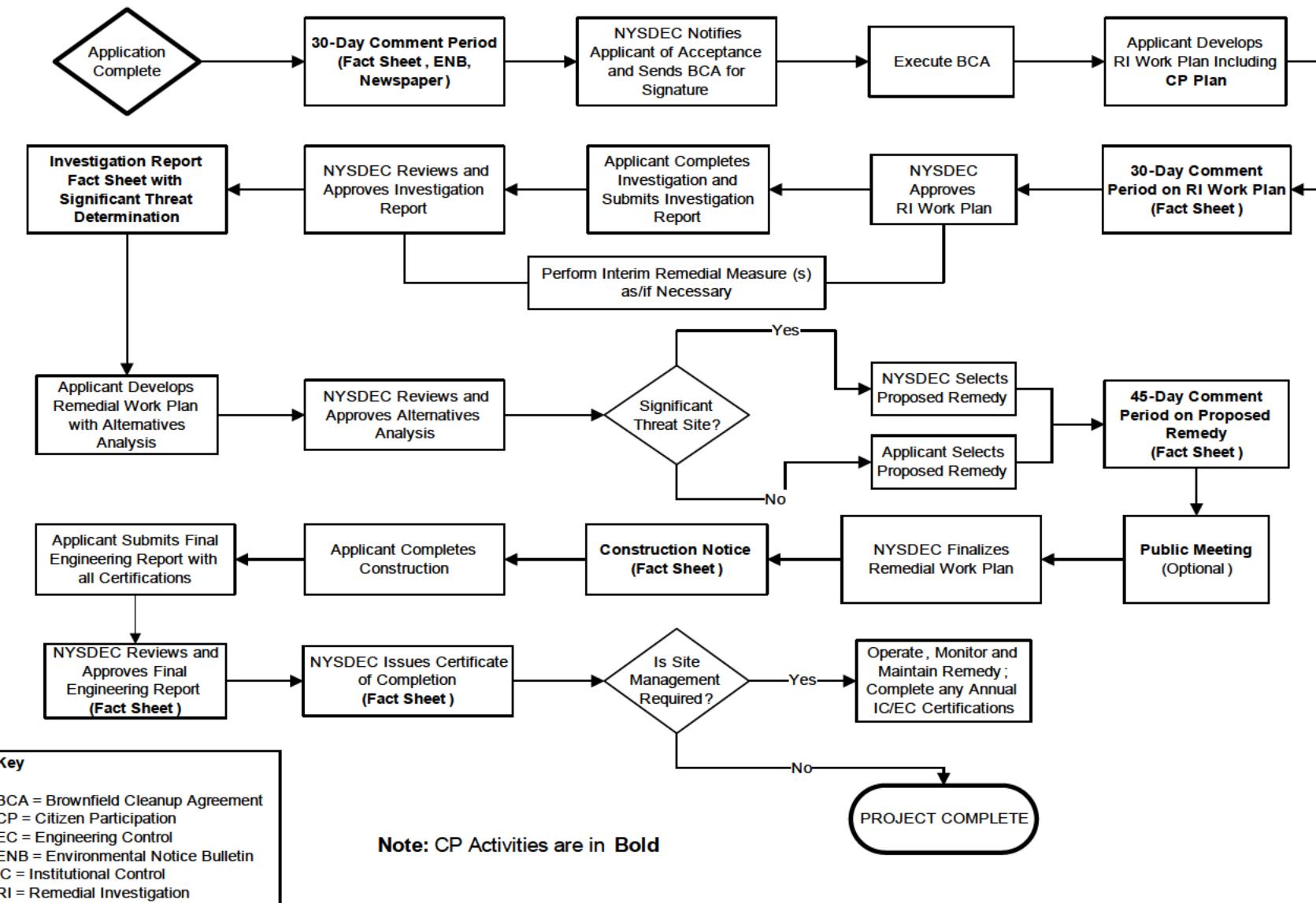




Appendix C - Site Location Map



Appendix D– Brownfield Cleanup Program Process





Department of
Environmental
Conservation

Division of Environmental Remediation

Remedial Programs

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

Site Name: Sonero Metro City Auto Site

Site Number: C203148

Site Address and County: Portion of Lot 85 -1001 Whitlock Avenue, Bronx, NY, Bronx County

Remedial Party(ies): Whitlock Point LLC and Whitlock Point Services LLC

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.**

The list of potential impacts contained in the CPP are typical impacts of remediation on brownfield sites

How were these issues and/or information needs identified?

See response above.

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.

Nothing is needed from the community at this time

How were these information needs identified?

NA

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.

Communication of each step in the BCP process must be communicated in Fact Sheets and public hearings if required.

How were these issues and/or information needs identified?

This is part of the CPP process

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:

[Click here to enter text.](#)

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

Yes **No**

Provide details if appropriate:

[Click here to enter text.](#)

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:

Primarily Spanish Speaking Community

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: [Click here to enter text.](#)

Local Officials: [Click here to enter text.](#)

Media: [Click here to enter text.](#)

Business/Commercial Interests: [Click here to enter text.](#)

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

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

Citizens/Community Group(s): [Click here to enter text.](#)

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

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

Civic Group(s): [Click here to enter text.](#)

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

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

Reviewed Approved By: [Click here to enter text.](#)

Date: [Click here to enter text.](#)