



Mr. Javier Perez-Maldonado
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, New York 12233

February 20, 2025

Re: Interim Remedial Measure Modification Request
350 Grand Concourse, Bronx, NY 10451
NYSDEC BCP Site No. C203153

Dear Mr. Perez-Maldonado:

AKRF, Inc. (AKRF), on behalf of 350 GC Property Owner LLC (the "Volunteer"), prepared this Interim Remedial Measure (IRM) Modification Request Letter ("Letter") for the property located at 350 Grand Concourse, Bronx, New York (Site). The Site is also known as New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C203153. A Site location map is provided as Figure 1.

The Volunteer recently acquired the Site from 350 Rising LLC (Former Volunteer) and a Brownfield Cleanup Agreement Amendment was approved by NYSDEC on February 12, 2025 to reflect the change in the BCP Volunteer entity.

Under the Former Volunteer, a NYSDEC-approved 2022 IRM Work Plan (IRMWP) proposed:

- a. demolition of the existing Site structures;
- b. closure and removal of three out-of-service underground storage tanks (USTs), fill ports, and vent lines;
- c. removal of the historic soil vapor extraction (SVE) system subgrade components and former recovery wells;
- d. installation of support of excavation (as necessary) for the proposed IRM excavation;
- e. excavation and disposal of soil exceeding NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) to a minimum of 2 feet below grade site-wide and additional excavation as necessary to remediate petroleum-contaminated soil (source material);
- f. implementation of a groundwater treatment program; and
- g. importation of clean backfill to establish Site grades after the excavation.

This Letter was prepared to:

1. update NYSDEC of the work performed in 2022 under the IRMWP by the Former Volunteer;
2. propose Site stabilization activities to be performed upon NYSDEC approval of this Letter (disposal of the existing stockpiles generated in 2022 and partial backfill of the current open IRM excavation areas);
3. confirm that a forthcoming IRM Construction Completion Report (CCR) will be prepared to document the completed IRM activities (including the Site stabilization activities proposed in this letter); and
4. request approval to defer originally proposed IRM activities that have not yet been until implementation of the full remedy (i.e., additional remedial excavation and groundwater treatment), which will be defined in a future Remedial Action Work Plan (RAWP).

1. WORK COMPLETED IN 2022 UNDER THE IRMWP

The following Site activities were completed in accordance with the NYSDEC-approved IRMWP: 1) all on-site structures were demolished (specifically, the canopy, pump islands, convenience store, and kiosk); 2) three out-of-service gasoline USTs, associated piping, and fuel dispensers were removed and documented in a Tank Closure Package and Report submitted to NYSDEC in November 2023; 3) the historic SVE system subgrade components were removed; 4) a soil hotspot in the northern portion of the Site containing elevated concentrations of lead was removed; and 5) endpoint soil samples were collected in locations where excavation and removal activities occurred, which were surveyed by a New York State (NYS) licensed surveyor.

2. PROPOSED SITE STABILIZATION ACTIVITIES

The excavated fill material associated with excavation/removals discussed in Section 1 are currently stockpiled on the Site. Shortly after NYSDEC approval of this Letter, these stockpiles will be exported off-site for disposal in accordance with local, state, and federal regulations. Proposed disposal facilities have not yet been determined but will be submitted to NYSDEC for review and approval prior to off-site disposal.

Excavations discussed in Section 1 currently remain open. As part of Site stabilization to be performed shortly after NYSDEC approval of this Letter, it is proposed that these excavations will be partially backfilled (to about 50 to 75% of the open excavation space) with NYSDEC-approved virgin quarried stone. A physical demarcation layer, consisting of orange snow fencing material or equivalent material, will be placed on the excavation surfaces before placement of backfill to provide a visual reference. It is currently contemplated that this backfill material will be temporary and would be excavated and removed during implementation of the full remedy under the future RAWP. The NYSDEC Request to Import form for the proposed backfill material is provided as Attachment A

3. FORTHCOMING IRM CCR

Following NYSDEC approval of this Letter and completion of the Site stabilization activities discussed in Section 2, a CCR will be submitted to NYSDEC for review and approval documenting the IRM activities performed in 2022, along with the Site stabilization stockpile removal and open excavation backfilling. Specifically, the CCR will include documentation of: soil disposal activities; UST closure and removal activities; removal of the historic SVE system; a description of endpoint soil sampling collection (and surveying by a licensed surveyor) and results; and other environmental conditions encountered and associated IRM activities conducted. Copies of air monitoring logs, community air monitoring data, laboratory analytical data, disposal manifests/certificates, and imported material manifests/certificates will be included as attachments to the CCR. The analytical data will be validated by a third-party and a Data Usability Summary Report will be included in the CCR. Additionally, as required, the data will be submitted to NYSDEC via their database management program, EQUIS.

4. DEFER INCOMPLETE IRM ACTIVITIES

Based on the 2022 Remedial Investigation (RI) results, along with the findings reported in the previous environmental investigations, the Site is contaminated with volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, pesticides and per- and polyfluoroalkyl substances (PFAS) in soil/fill; petroleum-related VOCs, SVOCs, metals, and PFAS in groundwater; and solvent- and petroleum-related VOCs in soil vapor. The contamination appears to be related to a combination of historic fill materials and petroleum bulk storage and/or automobile-related uses on the Site, including current and former USTs; along with the NYSDEC Spill Nos. 98-14075 and 01-11974 previously assigned to the Site.

In addition to the excavations/removals discussed in Section 1, the 2022 IRMWP proposed the excavation and disposal of soil exceeding RRSCOs to a minimum of 2 feet below grade site-wide and additional excavation as necessary to remediate petroleum-contaminated soil (source material), as shown on Figure 2, which provides a current status of the excavations (whether they were completed in 2022 or currently remain incomplete). Furthermore, the 2022 IRMWP proposed implementation of an in-situ chemical oxidation program to treat contaminants in groundwater using an oxygen release compound at the base of excavations where grossly contaminated soils were encountered and/or

where petroleum-contaminated groundwater was located. The incomplete site-wide excavation to remove soil above RRSCOs to a minimum of 2 feet below grade, and the remediation of petroleum contaminated soil and groundwater will be deferred and will be defined in the future RAWP.

It is currently contemplated that a Supplemental RI will be performed in Spring 2025 to collect soil samples to further delineate the extent of contamination and fill data gaps identified during the RI, previous investigations, and the IRM endpoint results (to be included in the forthcoming CCR). This data will be used to inform the future RAWP. A Supplemental RI Work Plan will be submitted (with or shortly after submission of the CCR) for NYSDEC review and approval before implementation.

If you have any questions, comments, or concerns regarding the proposed modifications, please contact Marc Godick at (914) 922-2356 or Kenneth Wiles at (646) 388-9528.

Sincerely,
AKRF, Inc.

Rebecca A. Kinal
NYS Professional Engineer # 082046

02-20-2025
Date



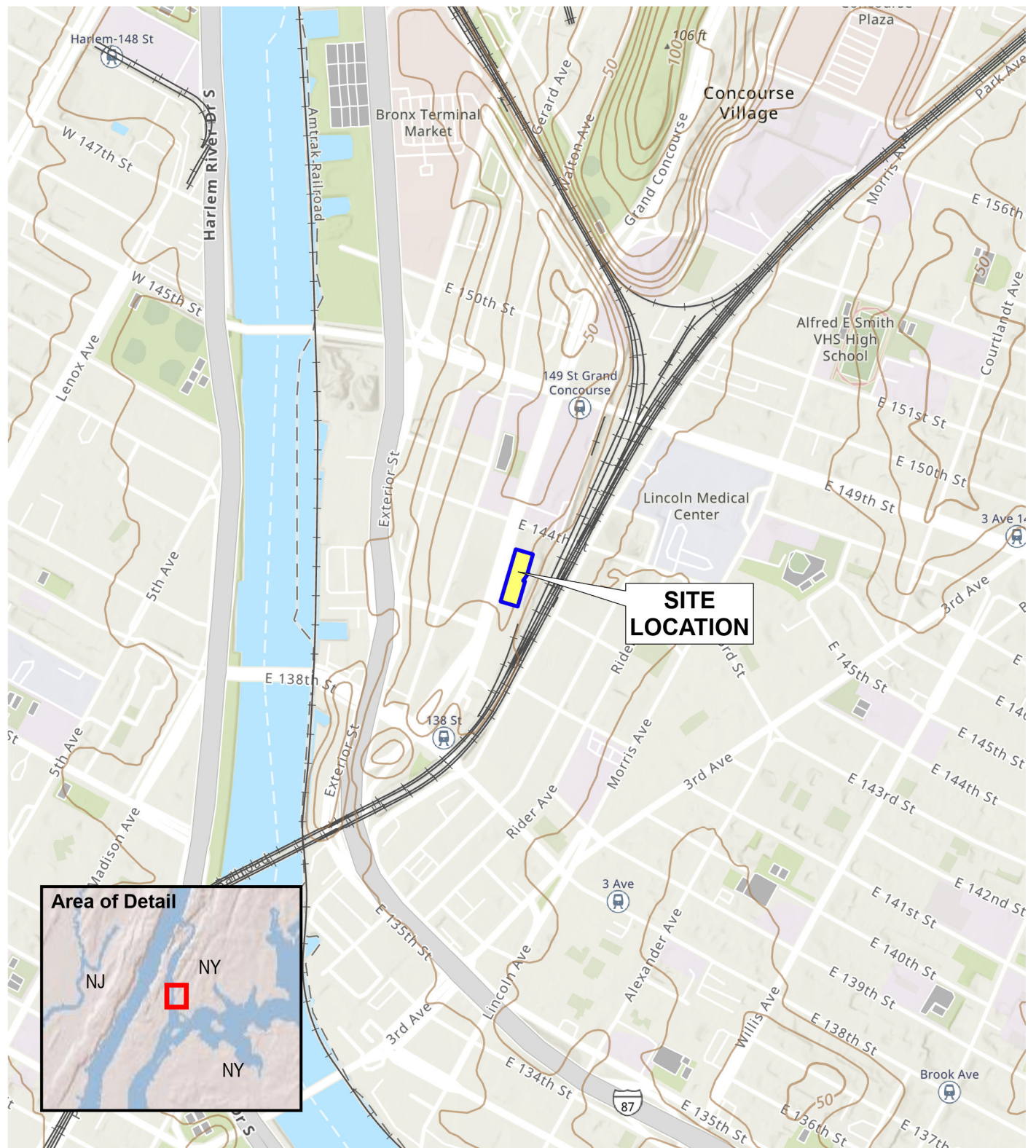
cc: Marc Godick and Kenneth Wiles – AKRF (e copy)
Spencer An, Larry Davis, Patrick Taylor, and Leslie Jager – 350 GC Property Owner LLC (e copy)
William Bennett – NYSDEC (e copy)
Scarlett McLaughlin – NYSDOH (e copy)

Enclosures:

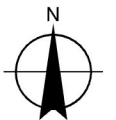
Figure 1 - Site Location
Figure 2 - IRMWP Excavation Status Plan

Attachment A – Request to Import Fill

FIGURES



Service Layer Credits: USGS The National Map: 3d Elevation Program, Data Refreshed January, 2024



akrf

440 Park Avenue South, New York, NY 10016

350 Grand Concourse
Bronx, New York

SITE LOCATION

DATE

1/28/2025

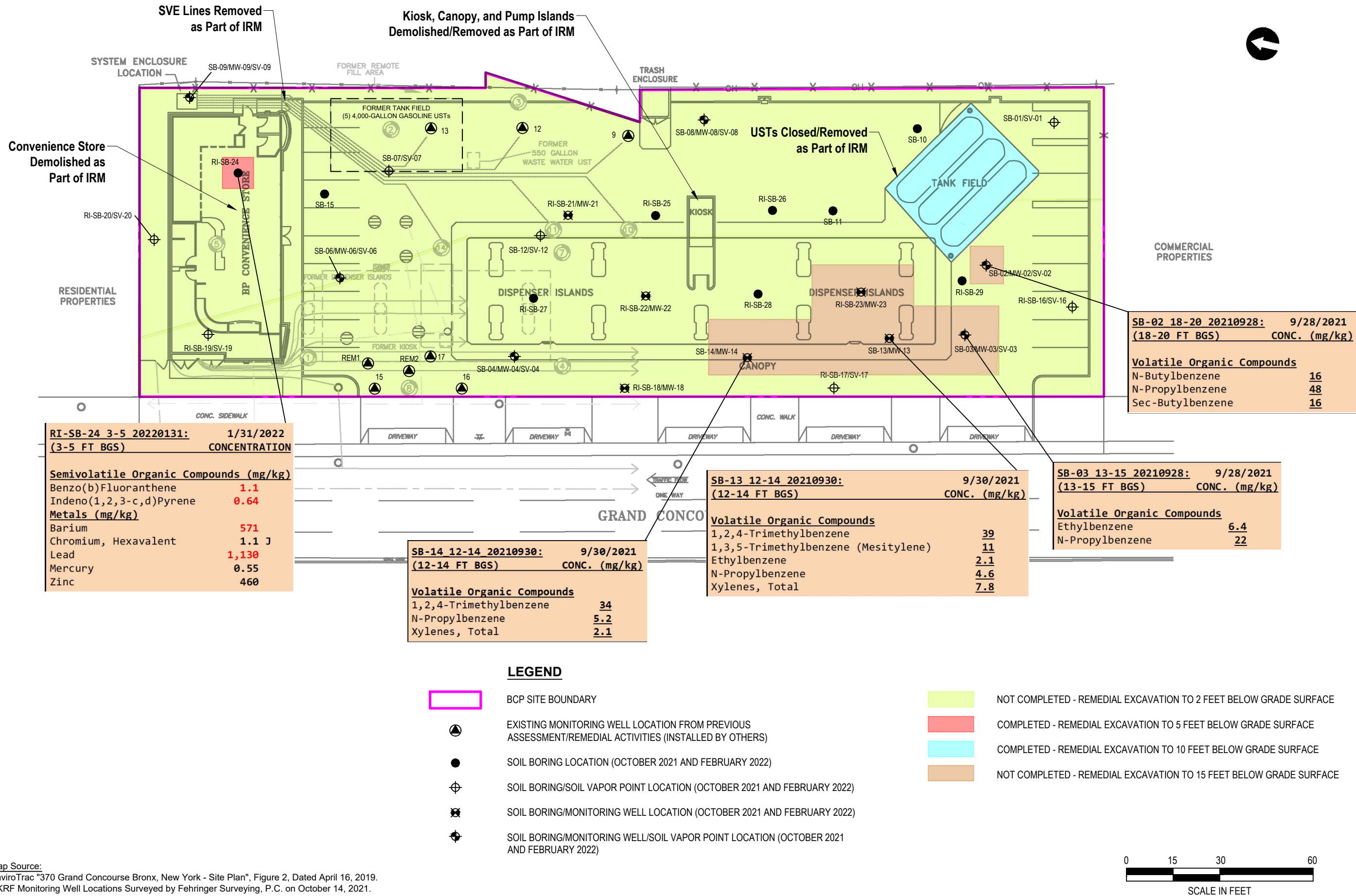
PROJECT NO.

240979

FIGURE

1

©2025 AKRF, Inc. Q:\Projects\210258 - 350 GRAND CONCOURSE\Technical\Hazmat\CAD\210258 Fig 2 IRMWP Excavation Status Plan.dwg last save: mvelieux 1/29/2025 2:06 PM



ATTACHMENT A
REQUEST TO IMPORT FILL



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



Request to Import/Reuse Fill or Soil

This form is based on the information required by DER-10, Section 5.4(e). Use of this form is not a substitute for reading the applicable Technical Guidance document.

SECTION 1 – SITE BACKGROUND

The allowable site use is:

This backfill is proposed to fill the open IRM excavations. The allowable Site use has not been established yet; however, the 2022 IRMWPs included remediation of soil exceeding RRSCOs.

Have Ecological Resources been identified?

Is this soil originating from the site?

How many cubic yards of soil will be imported/reused?

If greater than 1000 cubic yards will be imported, enter volume to be imported:

SECTION 2 – MATERIAL OTHER THAN SOIL

Is the material to be imported gravel, rock or stone?

Does it contain less than 10%, by weight, material that would pass a size 10 sieve?

Does it contain less than 10%, by weight, material that would pass a size 100 sieve?

The attached gradation report does not include a no.100 sieve; however, the no.80 sieve has 12% passing and the no.200 sieve has 8% passing.

Is this virgin material from a permitted mine or quarry?

Is this material recycled concrete or brick from a DEC registered processing facility?

SECTION 3 - SAMPLING

Provide a brief description of the number and type of samples collected in the space below:

Samples were not collected from the source. The proposed material is crushed stone from virgin rock from Thalle Industries Inc. Fishkill Quarry. The facility permit and associated documentation is attached.

The material, NYSDOT #304 Stone will be used to as backfill for the open excavations.

Example Text: 5 discrete samples were collected and analyzed for VOCs. 2 composite samples were collected and analyzed for SVOCs, Inorganics & PCBs/Pesticides.

If the material meets requirements of DER-10 section 5.4(e)5 (other material), no chemical testing needed.

SECTION 3 CONT'D - SAMPLING

Provide a brief written summary of the sampling results or attach evaluation tables (compare to DER-10, Appendix 5):

As indicated above, the material is virgin quarried stone and samples are not required.

Example Text: Arsenic was detected up to 17 ppm in 1 (of 5) samples; the allowable level is 16 ppm.

If Ecological Resources have been identified use the "If Ecological Resources are Present" column in Appendix 5.

SECTION 4 – SOURCE OF FILL

Name of person providing fill and relationship to the source:

AKRF, Inc. requesting on behalf of Brookside Environmental, backfill placement contractor.

Location where fill was obtained:

Thalle Industries Inc. Fishkill Quarry - Fishkill, NY

Identification of any state or local approvals as a fill source:

NYSDOT-approved

If no approvals are available, provide a brief history of the use of the property that is the fill source:

Quarry

Provide a list of supporting documentation included with this request:

Attached is the material submittal with aggregate test reports and quarry permit (and associated documents).

The information provided on this form is accurate and complete.

Kenneth Wiles  Digitally signed by Kenneth Wiles
DN: E=kwiles@akrf.com, CN=Kenneth Wiles,
OU=Users, OU=NYC, DC=akrf, DC=com
Date: 2023.01.09 10:52:10-05'00'

Signature

2/20/2025

Date

Kenneth Wiles

Print Name

AKRF, Inc.

Firm

Town Of Fishkill
OPERATING PERMIT

This Operating Permit must be displayed at Premises

Application #: PI24-16

Applicant's Name: Thalle Industries, Inc.

Applicant's Address: 172 Route 9 Fishkill, NY 12524

Contact Person: Dave Williams; Foreman Telephone: (845) 896-5156

Address of Premises for which Operating Permit is issued: 172 Route 9

Date of issuance 1/17/2024 Expiration Date: 1/31/2025

This Operating Permit is issued to the Applicant named above to conduct the activity(ies) and/or to use the class(es) of buildings indicated below at the Premises specified above:

Conducting a hazardous process or activity; as described in the Application.

14g . Other:

Operation of a Stone Quarry with Blasting & Bituminous Blacktop Plant (Haz & F-1).

The conditions, surroundings and arrangements for the activity(ies) and/or use(es) subject to this Operating Permit shall be in accordance with all applicable laws, ordinances, regulations and the conditions (if any) mentioned below. The Premises shall be subject to periodic inspection by the issuing Authority to ensure compliance with applicable all applicable laws, ordinances, regulations and conditions. The Operating Permit is subject to revocation for failure to comply with any applicable law, ordinance, regulation or condition. This Operating Permit shall expire on the earlier of the Expiration Date specified above or on the date of revocation pursuant to the preceding sentence. CONDITIONS (continue on attached sheets, if necessary):

Town Of Fishkill

By:

Name/Title: Steve Van Buren Fire Inspector

1/17/24



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
THALLE INDUSTRIES INC
51 ROUTE 100
BRIARCLIFF MANOR, NY 10510

Facility:
THALLE FISHKILL QUARRY
172 US RTE 9
FISHKILL, NY 12524

Facility Location: in FISHKILL in DUTCHESS COUNTY

Facility Principal Reference Point: NYTM-E: 591.6 NYTM-N: 4595
Latitude: 41°30'05.0" Longitude: 73°54'09.0"

Authorized Activity: Continue to mine and process (crush and dry screen) stone from a maximum of 77.7 acres of a 77.7-acre affected area boundary, situated on 133 acres controlled by the permittee, in accordance with the plans and reports referenced in Condition #1 of this permit and conditioned herein.

Permit Authorizations

Mined Land Reclamation - Under Article 23, Title 27

Permit ID 3-1330-00049/00012

(Mined Land ID 30069)

Renewal

Effective Date: 6/17/2021

Expiration Date: 6/16/2026

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: REBECCA S CRIST, Deputy Regional Permit Administrator
Address: NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561

Authorized Signature: Rebecca S Crist

Date 06/17/2021

January 19, 2024

To Whom It May Concern:

Thalle Industries Inc. Fishkill Quarry is a New York State DOT approved material source. The Source Number is 8-54R. This source is 100% virgin Granite that is quarried and processed to finished sizes.

The following gradation is provided for NYSDOT Item 304 Crushed Stone Subbase This product would comply with the requirements for all four types of Subbase.

Sieve Size	%Pass	Type 1	Type 2	Type 3	Type 4
4"	100			100	
3"	100	100			
2"	100	90-100	100		100
1"	99				
¾"	54	30-65	25-60	30-75	30-65
no.10	34				
no.40	18	5-40	5-40	5-40	5-40
no.80	12				
no.200	8	0-10	0-10	0-10	0-10

This product is 100% Surge Fines from the crushing operation.

Please contact me with any questions regarding this product.

Yours truly,



Robert Patton
Quality Control