



# FACT SHEET

## Brownfield Cleanup Program

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Whole Foods Market Site  
Site No. C224100  
Brooklyn, NY 11215

November 2011

### Cleanup Action Completed at Brownfield Site; Final Engineering Report Under Review

Action has been completed to address contamination related to the Whole Foods Market Site (“Site”) located at the following addresses, 210 3<sup>rd</sup> Street, 212-214 3<sup>rd</sup> Street, 216-220 3<sup>rd</sup> Street, and 360-370 3<sup>rd</sup> Avenue in Brooklyn, New York under New York’s Brownfield Cleanup Program (BCP). See map for site location.

190-220 Third Street Store Brooklyn, LLC (formerly known as WFM Properties Brooklyn, LLC) (“Applicant”) has completed cleanup activities and has submitted to the New York State Department of Environmental Conservation (NYSDEC) a Final Engineering Report (FER), which is under review. The FER states that cleanup requirements have been achieved to fully protect public health and the environment for the proposed Site use.

#### Highlights of the Final Engineering Report

The Final Engineering Report has several goals:

1. Describe the cleanup activities completed.
2. Certify that cleanup requirements have been achieved for the Site
3. Describe any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the Site, such as a deed restriction, when contamination left over after the cleanup action makes the Site suitable for some, but not all land uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or chemical vapor barrier.
4. Certify that a Site Management Plan (SMP) for any institutional/engineering controls used at the Site has been approved by NYSDEC.

**Brownfield Cleanup Program:** New York’s Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A **brownfield** is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit:  
[www.dec.ny.gov/chemical/8450.html](http://www.dec.ny.gov/chemical/8450.html)

Cleanup activities were completed at the Site in 2010 to achieve the cleanup requirements for the commercial use of the Site and provide conditions that are protective to human health and the environment.

The following is a summary of the components of the completed cleanup.

1. Removal and off-Site disposal of six underground storage tanks, two drywells, and a septic tank and cesspool.
2. Excavation and off-Site disposal of more than 18,000 tons of contaminated soil characterized as above site specific clean-up levels to achieve a Track 4 remediation intended for commercial use of the site.
3. Construction of a cap consisting of a demarcation barrier and a minimum 2-foot-thick cover layer of clean crushed rock to manage any contaminated soil remaining at the Site.
4. Execution and recording of an environmental easement to limit the use and development of the Site to commercial and/or industrial use, and restrict the use of untreated ground water as a source of potable or process water.
5. Development of a SMP for long term management of the institutional controls and engineering controls in place on the Site.

The SMP was approved by the NYSDEC on October 5, 2011. The Site Management Plan addresses the means of implementing the institutional controls and engineering controls that are required by the environmental easement. The following are the major compounds of the SMP.

1. Any intrusive work that penetrates the demarcation barrier beneath the cap will be performed in compliance with the SMP.
2. The Site may not be used for a higher level of land use than commercial or industrial without additional remediation and amendment of the environmental easement.
3. The use of ground water underlying the Site is prohibited unless the user first obtains permission from the NYSDEC or relevant Agency.
4. The potential for vapor intrusion must be evaluated for any buildings constructed at the Site. Alternatively, a soil vapor intrusion mitigation system may be installed as an element of the building foundation without conducting an evaluation.
5. Vegetable gardens and farming on the ground surface of the Site are prohibited
6. The Site owner or remedial party will submit to NYSDEC, at a frequency determined by the NYSDEC, written statements that certify the effectiveness of the institutional and engineering controls.

### **Next Steps**

NYSDEC will complete its review, revise the FER as necessary, and approve the report. The approved FER will be made available to the public (see “For More Information” below). NYSDEC then will issue a Certificate of Completion (COC) to the Applicant.

The Applicant would be eligible to redevelop the Site when it receives the COC. In addition, the Applicant would:

- X Have no liability to the State for contamination at or coming from the Site, subject to certain conditions; and
- X Be eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the Site.

A COC may be modified or revoked if, for example, the Applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the Applicant commits fraud regarding its application or its certification that it has met cleanup levels.

A fact sheet will be sent to the Site contact list when NYSDEC issues a COC to the Applicant.

### **Background**

NYSDEC previously accepted an application to participate in the BCP. The Applicant proposes that the Site will be used for commercial purposes.

The Site consists of approximately 2.155 acres of land and is located in a commercial area and is zoned as “medium manufacturing district.”

Prior to 1880, the Site was part of the Edwin Clarke and Grace Hill Litchfield Estate. During the late 1800s through 2004, the Site was the location of numerous industrial operations, including coal yards, an ice company, lumberyards, a petroleum oil company, a building materials company, a trucking company, a freight depot, and an automobile junkyard and automobile repair shop. Contamination related to these former industrial operations included organic hydrocarbons. Organic hydrocarbons are found in many petroleum products such as gasoline, fuel oil and asphalt.

The Applicant completed a Remedial Investigation (RI) at the Site to determine the nature and extent of contamination in subsurface soil and ground water at the Site resulting from former on-Site and potential off-Site industrial operations. The RI was completed between November 2003 and April 2006. A technical Remedial Investigation Report (RIR) dated October 31, 2006, documenting the RI activities and findings has been prepared by the Applicant and submitted for approval by the NYSDEC and NYSDOH. The RIR was approved by the NYSDEC on April 5, 2007.

Two interim remedial measures (IRMs) were completed on the Site in 2005 to prevent potential risk to human health and the environment from on-Site areas of detected contamination found during investigation activities. The IRMs were approved by the NYSDEC on March 30, 2007. To address contamination remaining on the Site after the implementation of the IRMs, a Remedial Work Plan (RWP), dated December 7, 2006, was prepared by the Applicant. The RWP, which summarizes the planned remedial activities for the cleanup of the Site, was approved by the NYSDEC on May 2, 2007. The Applicant completed the remediation work described in the NYSDEC-approved RWP and documented in the FER in 2010.

### **FOR MORE INFORMATION**

#### **Location of Reports and Information**

Project documents are available at the following locations to help the public stay informed.

Brooklyn Public Library  
Carroll Gardens Branch  
396 Clinton Street  
Brooklyn, NY 11231  
Hours: 10 AM to 6 PM, Monday and  
Thursday; 1 PM to 8 PM Tuesday; 10 AM  
to 8 PM Wednesday; 10 AM to 6 PM  
Friday; and 10 AM to 5 PM Saturday.  
Closed Sunday  
Tel: (718) 596-6972

Brooklyn Community Board #6  
250 Baltic Street  
Brooklyn, NY 11201  
Hours: 9:00 AM to 5PM, Monday through Friday  
Tel: (718) 643-3027

### **Who to Contact**

Comments and questions are always welcome and should be directed as follows:

#### Project Related Questions

Javier Perez-Maldonado  
New York State Department of  
Environmental Conservation  
625 Broadway, 12<sup>th</sup> Floor  
Albany, NY 11233-7016  
Tel: (518) 402-9774  
Email: [jxperezmgw@dec.state.ny.us](mailto:jxperezmgw@dec.state.ny.us)

#### Site-Related Health Questions

Christopher M. Doroski  
New York State Department of Health  
Flanigan Square  
547 River Street  
Troy, NY 12180-2216  
Tel: (518) 402-7860 or 1-800-458-1158 Ext.  
27860  
Email: [BEEI@health.state.ny.us](mailto:BEEI@health.state.ny.us)

**We encourage you to share this Fact Sheet with neighbors and tenants, and/or post this Fact Sheet in a prominent area of your building for others to see.**

#### **Receive Site Fact Sheets by Email**

Have site information such as this Fact Sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email lists available at the following web page: [www.dec.ny.gov/chemical/61092.html](http://www.dec.ny.gov/chemical/61092.html) . It's *quick*, it's *free*, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

**Note:** Please disregard if you already have signed up and received this Fact Sheet electronically.



Image taken from Bing.com/maps circa 2009



**SITE LOCATION MAP**  
PROPOSED WHOLE FOODS MARKET  
NYSDEC BCP SITE No. C224100  
220 3<sup>RD</sup> STREET  
CITY OF NEW YORK, KINGS COUNTY, BROOKLYN, NEW YORK

Project No. 03C497