



Frito - Lay, Inc.



Prepared By
GANNETT FLEMING
480 Forest Avenue
Locust Valley, NY 11560
Office: 516-671-8440
Fax: 516-671-3349
www.gannettfleming.com

Office Contacts:
Vincent Frisina, P.E.

GF Project No.
47743

CITIZEN PARTICIPATION PLAN

202-218 MORGAN AVENUE

BROOKLYN, NEW YORK

FEBRUARY 2009

(Revised AUGUST 2009)



TABLE OF CONTENTS

		<u>Page</u>
1.0	INTRODUCTION	1
2.0	HISTORICAL BACKGROUND	2
2.1	Site Location and Description	2
2.2	Public/Private Wells.....	2
2.3	Sensitive Human Receptors	3
2.4	Historical Site Investigation and Remediation Activities	3
3.0	REMEDIAL ACTIVITIES AND FUTURE USE.....	7
4.0	CONTACT LIST	8
4.1	County/Town/Village Contacts.....	8
4.2	Residents/Owners/Occupants of the site and properties adjacent to the site	9
4.3	Local News Media	9
4.4	Public Water Supplier	10
4.5	Contact List Requests.....	10
4.6	School or Day Care Facilities	10
4.7	Document Repository.....	10
5.0	PAST CITIZEN PARTICIPATION ACTIVITES	11

FIGURES

<u>No.</u>	<u>Description</u>
1	Location Map
2	Site Plan
3	Radius Map

APPENDICES

APPENDIX A – January 2009 Fact Sheet-Public Notice and Supporting Documentation

APPENDIX B – Brownfields Cleanup Program (BCP) Citizen Participation Requirements

APPENDIX C – Brooklyn Community Board 1 Demographics

APPENDIX D – Mailing Labels

1.0 INTRODUCTION

Gannett Fleming Engineers, P.C. (GF), on behalf of Frito-Lay, Inc., has prepared this Citizen Participation Plan (CPP) for the proposed redevelopment at 202-218 Morgan Avenue, Brooklyn, New York (Site). This CPP was produced in accordance with the New York State Department of Environmental Conservation (NYSDEC) Department of Environmental Remediation (DER)-23, Draft Citizen Participation Handbook for Remedial Programs.

The purpose of this CPP is to provide:

- An overview of the site history and contamination issues;
- The major elements of the site's remedial program;
- An updated list of the names and addresses of the interested public set forth in the Site contact list provided with the Brownfields program application;
- The name and address of the document repository; and
- A description of citizen participation activities already conducted and planned for the Site.

2.0 HISTORICAL BACKGROUND

2.1 Site Location and Description

The Site is located at 202-218 Morgan Avenue, Brooklyn, New York. In addition, it is adjacent to the west side of English Kills on the eastern side of Morgan Avenue between Ten Eyck Street and Stagg Street near the north end of the borough of Brooklyn approximately 1.9 miles east of the East River, and approximately 5.5 miles south of LaGuardia Airport. The Site is located approximately at latitude 40° 42' 42" North and Longitude 73° 55' 59" West, the tax block and lot are Block 2942, and Lot 105. A site location map is presented as Figure 1.

The Site is currently vacant with multiple debris piles throughout the property. Past use of the property as a solid waste storage facility has potentially impacted subsurface conditions. Past historical uses of surrounding properties within the inferred upgradient groundwater flow path of the subject property included a chromium-plating business, multiple machine shops, metal finishing shops, foundries, and electrical equipment manufacturing. Regional groundwater quality has potentially been impacted by the heavy industrial use of the neighborhood. This impacted upgradient groundwater has potentially impacted subsurface conditions at the Site.

2.2 Public/Private Wells

Potable water connections are provided to the surrounding properties by the New York City Department of Environmental Protection. There are no public or private wells in the area for domestic use.

2.3 Sensitive Human Receptors

Sensitive human receptors are limited to employees of the industrial properties surrounding the Site and employees of Frito-Lay, Inc.

2.4 Historical Site Investigation and Remediation Activities

In October 2003, Gannett Fleming Engineers, P.C. (GF) performed a Subsurface Investigation at 202-218 Morgan Avenue in Brooklyn, New York. The subsurface investigation was performed to assess the environmental quality of the Site prior to the potential purchase by Steel Quattro, LLC. The subsurface investigation included the collection and analysis of eight soil borehole samples, five surficial soil samples, and four groundwater samples.

Based upon the analysis of surface and subsurface soil samples collected, semi-volatile organic compounds (SVOC) and metal impacts were prevalent throughout most of the Site. SVOC impacts appeared to be greatest to the east of the building located near the middle of the Site. Elevated lead and mercury concentrations appeared to be ubiquitous. Polychlorinated biphenyls (PCBs) surface soil impacts were encountered throughout the Site, as well as subsurface soil impacts east of the building. Elevated volatile organic compound (VOC) concentrations, including chlorinated compounds were encountered in surface and subsurface soils collected between the lean-to and the building. Several drums were observed in this area which potentially may represent an on-site VOC source area.

Elevated lead and mercury concentrations were observed in the groundwater throughout the Site. The highest levels of metal impacts were detected in the groundwater sample collected from the eastern edge of the site along the English Kills. Elevated VOC concentrations were detected in the groundwater sample collected between the lean-to and the building.

In December 2006, Frito Lay, Inc. retained Gannett Fleming Engineers, P.C. (GF) to perform a Phase I Environmental Site Assessment (ESA) of 202-218 Morgan Avenue, Brooklyn, New York. Pre-inspection activities consisted of an environmental database search and historical

document review. On-site activities consisted of a site reconnaissance to assess current conditions, to identify visible evidence of spills, discharges, or other potential environmental liabilities, and to review historical site operations. Freedom of Information Law (FOIL) requests were submitted to federal, state, and local regulatory agencies.

The Phase I ESA revealed six environmental conditions (ECs) and two *de minimis* concerns in connection with the site.

The following lists the recommendations included in the Phase I ESA report based upon the ECs:

- During the site reconnaissance performed by GF in December 2006, numerous debris piles were observed throughout the Site. These piles contained an array of miscellaneous debris ranging from tires and concrete pillars to plastics and domestic wastes. Additionally, the October 2003 investigation report by GF identified VOC, SVOC, PCB, and metals impacts to soil and groundwater on the Site. Due to the past usage of the Site as a scrap metal yard, and its present condition, soil, groundwater and soil gas sampling and analysis were recommended.
- Past historical uses of surrounding properties within the inferred upgradient groundwater flow path of the Site include a chromium-plating business, multiple machine shops, metal finishing shops, foundries, and electrical equipment manufacturing. Regional groundwater quality has potentially been impacted by the heavy industrial use of the neighborhood. This impacted upgradient groundwater potentially impacted subsurface conditions at the Site. Soil, groundwater, and soil gas sample collection and analysis were recommended to identify whether the Site was impacted by upgradient site activities. Additionally, the surrounding sites of concern should be researched to determine if more information is available from regulatory agencies.

In January 2007, GF prepared the Surface Pile Characterization Work Plan to address the disposal issues. Surficial soil and debris pile samples were collected on February 23, 2007. The

results of the debris pile and surficial investigation indicate the presence of elevated levels of PCBs and metals throughout the site.

December 1st 2007 and January of 2008, GF on behalf of Frito-Lay Inc., conducted a Phase II ESA investigation. The scope of this investigation was to identify potential on-site impacts to the soil, groundwater, and soil gas from ECs observed and reported during GF's Phase I ESA.

On December 10 and 11, 2007, 15 borings were advanced and five (5) monitoring wells were installed. On December 12, the monitoring wells were gauged and developed. On December 26, the monitoring wells were gauged, sampled and surveyed by Naik Consulting Group, P.C. (Naik). On January 26 through 28, 2008, Naeva Geophysics, Inc. (Naeva) performed a geophysical survey for the Site. On January 18, 2008, the five monitoring wells were gauged.

Soil VOC concentrations exceeded NYSDEC Recommended Soil Cleanup Objectives (RSCOs) and Brownfields Cleanup Objectives for Unrestricted Use and Restricted Use for the Protection of Groundwater throughout the site, with the highest VOC concentrations located at the center of the site (SB-6, SB-8, SB-9, and SB-11). VOC concentrations did not exceed the Brownfields Cleanup Objectives (BCOs) for Restricted Use-Commercial in any of the soil samples collected.

Soil SVOC concentrations in soil exceeded NYSDEC RSCOs and BCOs for Unrestricted Use, Restricted Use for the Protection of Groundwater and Restricted Use-Commercial throughout the site. The highest SVOC concentrations were located in the center and northeast corner of the property and spanned a depth of 0-5 feet below grade.

Total PCB concentrations in soil exceeded NYSDEC RSCOs and BCOs for Unrestricted Use, Restricted Use for the Protection of Groundwater and Restricted Use-Commercial throughout the site with the highest concentration reported in the samples collected from 9 to 11 feet below grade. BCO criteria for Commercial Use (1,000 ug/kg) is an order of magnitude lower than RSCOs (10,000 ug/kg).

Soil metals concentrations exceeded NYSDEC RSCOs and BCOs for Unrestricted Use, Restricted Use for the Protection of Groundwater and Restricted Use-Commercial throughout the site. Arsenic, barium, cadmium, chromium, lead, mercury, and nickel all exceeded BCO criteria for Commercial Use. The highest concentrations were reported from the soil samples obtained at the center of the site (SB-8, SB-9, and SB-11). Soils from 0 to 5 feet below grade were reported with the highest metals impacts.

Groundwater results reported limited concentrations of VOCs, SVOCs, and metals. Slight exceedences of Guidance Values for vinyl chloride were reported in the two upgradient groundwater monitoring wells (MW-1 and MW-2). Slight exceedences of Guidance Values for MTBE were reported in the two downgradient wells (MW-4 and MW-5). SVOCs were not detected or detected below Guidance Values for all five groundwater samples. Aluminum, iron, manganese, and thallium were reported at concentrations slightly above Guidance Values. Sodium was reported in all groundwater samples at orders of magnitude above Guidance Values. The site is surrounded to the east and south by English Kills. Groundwater is tidally influenced and brackish conditions exist below the Site. Therefore, it was recommended that further investigation into the high sodium concentrations is not warranted.

3.0 REMEDIAL ACTIVITIES AND FUTURE USE

GF understands that Frito Lay is planning to develop the property by constructing a parking lot. Future plans may include expanding the adjacent storage warehouse and using the remainder of the property as parking space. GF also understands that Frito Lay is committed to remediating impacts that exist on the property that would prevent the development of the property.

GF recommended applying for the NYS Brownfields Program to develop the Site under Restricted Use-Commercial Cleanup Objectives. Due to the SVOCs, PCBs, and metals impacts reported at the site, the Restricted Use-Commercial criteria as set forth in Part 375 would focus the soil cleanup on the SVOCs, PCBs, and metals impacts.

4.0 CONTACT LIST

4.1 County/Town/Village Contacts

City of New York Executive Office
Mayor Michael R. Bloomberg
City Hall
New York, NY 10007
212-NEW-YORK

The New York City Clerk, Clerk of the
Council
Executive Office
One Centre Street, Room 265, South
New York, NY 10007
212-NEW-YORK

New York City Planning
Amanda Burden, Chair
22 Reade Street
New York, NY 10007-1216
Tel. 212-720-3300

Kings County Clerk
The Kings County Clerk
Supreme Court Building
360 Adams Street
Room 189
Brooklyn, NY 11201
(347) 404-9772

Borough of Brooklyn Executive Office
Marty Markowitz
President, Borough of Brooklyn
209 Joralemon Street
Brooklyn, NY 11201
718-802-3700

NYSDEC
Jim Quinn, Section Chief
Kevin Sarnowicz, Environmental Engineer
Environmental Remediation
625 Broadway
Albany, NY 12233-7012
518-402-9764

New York City Department of
Environmental Protection
Steven Lawitts, Acting Commissioner
59-17 Junction Boulevard, 13th Floor
Flushing, NY 11373
212-NEW-YORK

Brooklyn Library Bushwick Branch
Patricia Sacco, Library Information
Supervisor
340 Bushwick Avenue
Brooklyn, NY 11206
718-602-1348

Hon. Charles Schumer
U.S. Senate
757 Third Avenue, Room 1702
New York, NY 10017

Hon. Kirsten E. Gillibrand
U.S. Senate
531 Dirksen Senate Office Building
Washington D.C. 20510

Hon. Nydia Velazquez
U.S. House of Representatives
266 Broadway, Suite 201
Brooklyn, NY 11211

Hon. Martin Malave Dilan
NYS Senator
786 Knickerbocker Avenue
Brooklyn, NY 11207

Hon. Vito Lopez
NYS Assemblymember
434 South 5th Street
Brooklyn, NY 11211

Hon. Diane Reyna
NYC Councilmember
444 South 5th Street
Brooklyn, NY 11211

Robert Kulikowski
Director
NYC Office of Environmental Coordination
253 Broadway – 14th Floor
New York, NY 10007

Brooklyn Community Board 1
435 Graham Avenue
Brooklyn, NY 11211
Attn: Vincent Abate, Chairperson

Brooklyn Community Board 1
435 Graham Avenue
Brooklyn, NY 11211
Attn: Gerald Esposito, District Manager

4.2 Residents/Owners/Occupants of the site and properties adjacent to the site

North – Rolling Frito-Lay Sales L.P.
Warehouse
222 Morgan Avenue
Brooklyn, NY 11237
(972) 334-5717

Contact
Keith Massa
Frito-Lay, Inc.
7701 Legacy Dr., MD 4A-237
Plano, TX 75024-4099

200 Morgan Avenue
Brooklyn, NY 11237
The site appears abandoned. No contact name available.

West –Grand Chromium Plating Corporation (Across Morgan Avenue from the project site)
No contact name available
209 Morgan Avenue
Brooklyn, NY 11237

4.3 Local News Media

Brooklyn Daily Eagle – Newspaper
30 Henry Street
Brooklyn, NY 11201
brooklyneagle@att.net

Brooklyn Paper – Newspaper
55 Washington Street, Suite 624
Brooklyn, NY 11201
718 834-9350

Newsday – Magazine
235 Pinelawn Road
Melville, NY 11747
631-843-2000

News 12 Brooklyn - Broadcast Cable
E 18th St & Avenue Z
Brooklyn, NY 11235
718-861-6818

Our Time Press – Newspaper
679 Lafayette Avenue,
Brooklyn, NY 11216-1009
Tel (718) 599-6828

Topix – Internet
<http://www.topix.com/city/brooklyn-ny>
info@topix.com
Palo Alto, CA

Bay Currents – Newspaper
1529 Voorhies Avenue,
Brooklyn, NY 11235
(718) 769-1362

Brooklyn Courier Life News
1733 Sheepshead Bay
Brooklyn, NY 11235
Tel: (718) 615-2500

NY1 News
75 Ninth Avenue
New York, NY 10011

4.4 Public Water Supplier

Public water supply provided by:
New York City Department of
Environmental Protection
Steven Lawitts, Acting Commissioner
59-17 Junction Boulevard, 13th Floor
Flushing, NY 11373
212-NEW-YORK

4.5 Contact List Requests

Rolling Frito-Lay Sales LP
Keith D. Massa, Program Manager
7701 Legacy Dr., MD 4A-237
Plano, TX 75024-4099
972-334-5717

Gannett Fleming
Vincent Frisina, P.E., Director of
Environmental Services
Michael Brady, P.E. Senior Environmental
Engineer
PO Box 707
480 Forest Avenue
Locust Valley, NY 11560
516-671-8440

Pullman & Comley, LLC
Lee Hoffman, Partner
90 State House Square

Hartford, CT 06103-3702
860-424-4315

4.6 School or Day Care Facilities

(Located approximately 0.3 miles west of
subject property)

William Jusino, Pricipal
Progress High School Professional Careers
NYC Geog District #14 – K474
850 Grant Street
Brooklyn NY 11211
718-38- 0228

St. Nicholas Elementary School
287 Powers St
Brooklyn, NY 11211
Tel: (718) 388-7992
Attn: Sister Joan Losson, O.P. Principal

Public School 196
207 Bushwick Ave
Brooklyn, NY 11206
Attn: Janine Colon, Principal

Middle School 582
207 Bushwick Ave
Brooklyn, NY 11206
Attn: Brian Walsh, Principal

4.7 Document Repository

Brooklyn Library Bushwick Branch
Patricia Sacco, Library Information
Supervisor
340 Bushwick Avenue
Brooklyn, NY 11206
718-602-1348

5.0 PAST CITIZEN PARTICIPATION ACTIVITIES

The NYSDEC approved the first Public Notice Fact Sheet on January 6, 2009. This Public Notice was sent to the required notification list on January 7, 2009. The Public Notice was published in the New York Daily News on January 12, 2009. All documentation related to this Public Notice is presented in Appendix A.

Additional citizen participation activities are described on the NYSDEC website as listed below are to be completed during the course of the proposed site redevelopment and will include but are not limited to:

Before the NYSDEC approves the proposed Remedial Investigation Report

- Notice and fact sheet to contact list describing the RI Report.

Before DER Approves Proposed Remedial Investigation Report

- Notice and fact sheet to contact list describing the RI Report.

Before DER Finalizes Proposed Remedial Work Plan

- Notice and fact sheet to contact list describing plan;
- 45-day public comment period; and
- Public meeting, if requested.

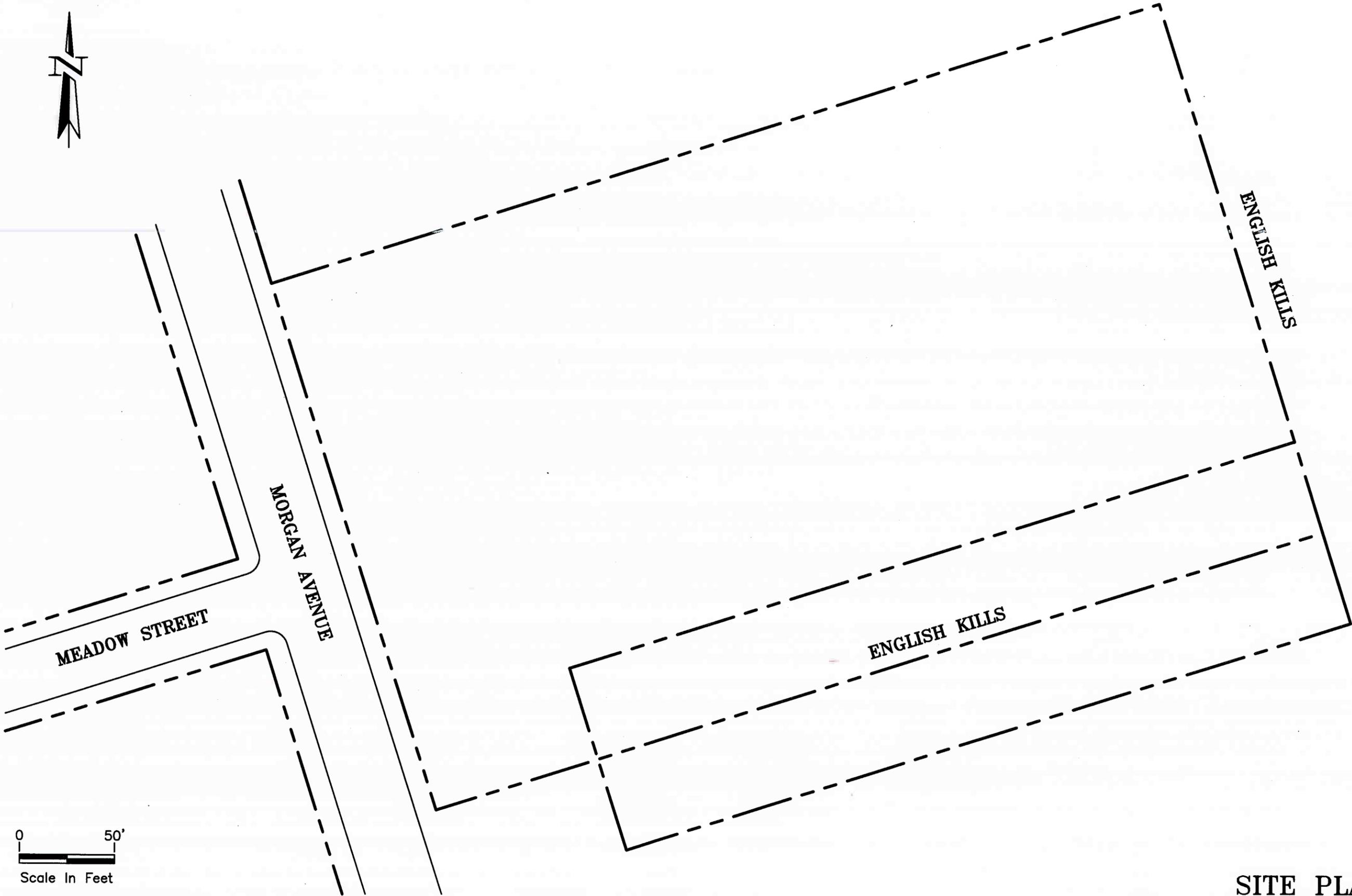
Before Applicant Starts Construction

- Notice to contact list announcing the start of construction.

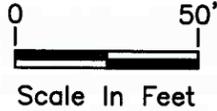
Before DER Approves Final Engineering Report

- Notice and fact sheet to contact list describing the engineering report (the report describes any institutional or engineering controls included in the remedy);
- Certificate of Completion (when institutional/engineering controls are used); and
- Notice and fact sheet to contact list describing such controls within 10 days of issuance of the certificate.

A table which describes the citizen participation activities to be conducted during application, investigation, and remedial activities is presented as Appendix B. This table is published in the Draft Citizen Participation Handbook for Remedial Programs, August 2008, page 3-2.

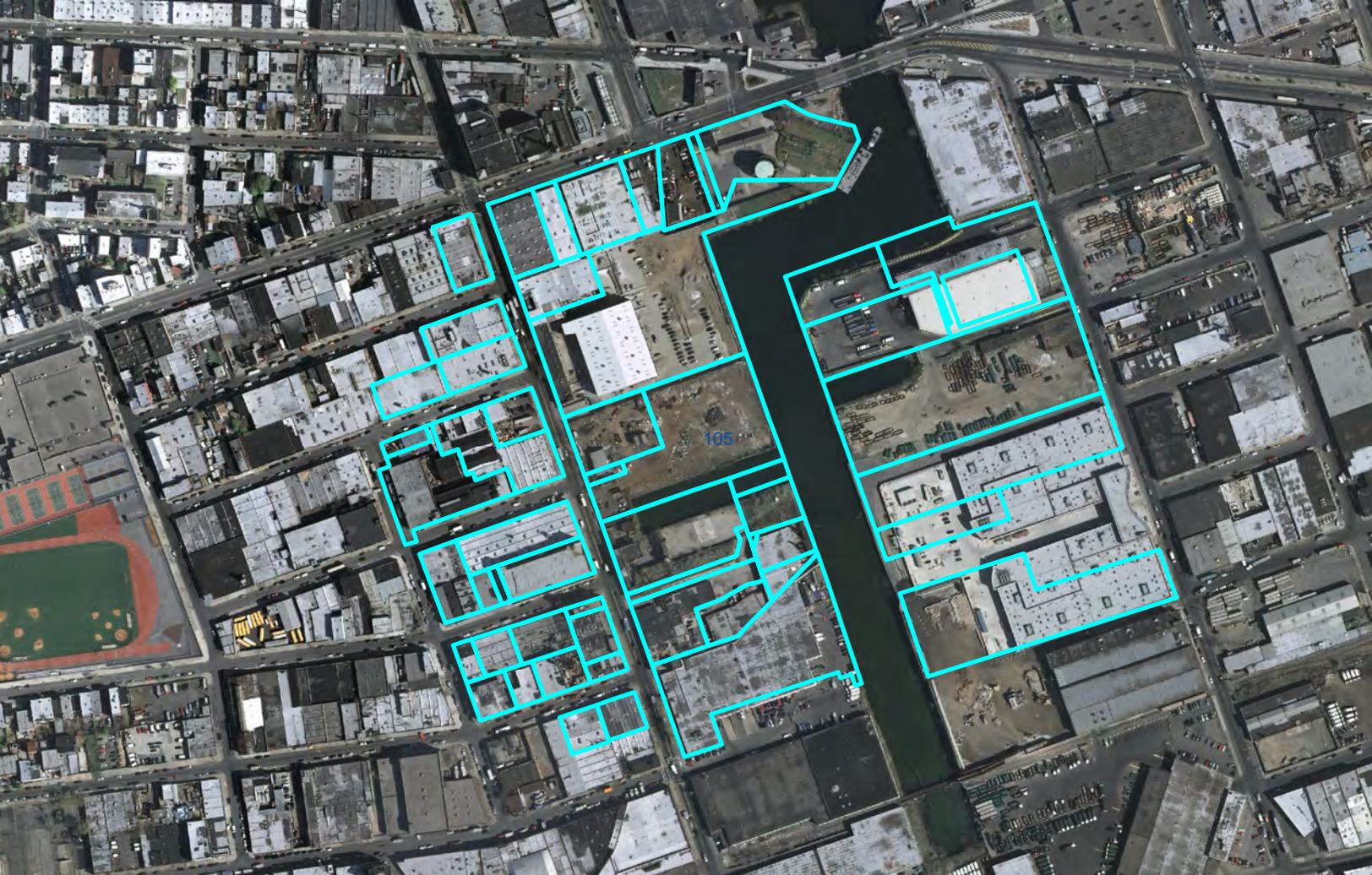


11/10/08 3:38pm FILE= K:\PROJECTS\47000's\47743\014\847743-2 Site plan.DWG by MDOHERTY XREFs=SITE PLAN,



SITE PLAN
FRITO LAY

202-218 MORGAN AVENUE, BROOKLYN, NEW YORK



105

APPENDIX A
JANUARY 2009 FACT SHEET
PUBLIC NOTICE AND SUPPORTING DOCUMENTATION

CERTIFICATION OF MAILING

Frito Lay
C224133

I certify that I mailed on January 7, 2009 a copy of the attached Public Notice by first class mail upon the person(s) on the attached mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office box at Locust Valley Post office in the City of Locust Valley, New York, which box is under the exclusive care and custody of the United States Post Office.

Heber Gayraud
Signature

1/07/2008
Date

Public Notice

FACT SHEET

BROWNFIELD CLEANUP PROGRAM

Site Name: Frito Lay
Site No.: C224133
Site Address: 202-218 Morgan Avenue, Brooklyn, NY 11237
County: Kings
Requestor: Rolling Frito-Lay Sales, LP

The New York State Department of Environmental Conservation (NYSDEC) administers the Brownfield Cleanup Program (BCP) pursuant to State Environmental Conservation Law (ECL) §27-1400 et seq. The BCP was created to encourage the remediation and redevelopment of contaminated properties known as brownfields. The requestor (named above) has submitted a BCP application asking that this site be admitted into the BCP.

NYSDEC will accept public comments concerning the application. A copy of the application and other appropriate documents (application package) is available in the site document repository location at the address indicated below.

Please note that the application package includes a Remedial Investigation Work Plan which describes the remedial investigation. A Final Remedial Work Plan describes how the site cleanup will proceed.

NYSDEC will review the application package and public comments received and then make a determination on the eligibility of the application.

Comments should be submitted by February 13, 2009 to:

Mr. Kevin Sarnowicz
New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
625 Broadway
Albany, NY 12233-7016

Repository address:

Brooklyn Library Bushwick Branch
Patricia Sacco, Library Information Supervisor
340 Bushwick Avenue
Brooklyn, NY 11206

City of New York Executive Office
Mayor Michael R. Bloomberg
City Hall
New York, NY 10007

Brooklyn Library Bushwick Branch
Patricia Sacco, Library Information Supervisor
340 Bushwick Avenue
Brooklyn, NY 11206

The New York City Clerk, Clerk of the Council
Executive Office
One Centre Street, Room 265, South
New York, NY 1007

Frito-Lay Inc.
Attn: Keith Massa
7701 Legacy Dr., MD 4A-237
Plano, TX 75024

New York City Planning
Amanda Burden, Chair
22 Reade Street
New York, NY 10007

Grand Chromium Plating Corp.
209 Morgan Avenue
Brooklyn, NY 11237

Kings County Clerk
The Kings County Clerk
Supreme Court Building
360 Adams Street, Rm. 189
Brooklyn, NY 11201

Brooklyn Daily Eagle
30 Henry Street
Brooklyn, NY 11201

Borough of Brooklyn Executive Office
Marty Markowitz
President, Borough of Brooklyn
209 Joralemon Street
Brooklyn, NY 11201

Newsday
235 Pinelawn Road
Melville, NY 11747

NYSDEC
Jim Quinn, Section Chief
Environmental Remediation
625 Broadway
Albany, NY 12233-7012

News 12 Brooklyn
E. 18th Street & Avenue Z
Brooklyn, NY 11235

NYCDEP
Emily Lloyd, Commissioner
59-17 Junction Blvd., 13th Flr.
Flushing, NY 11373

Our Time Press
679 Lafayette Avenue
Brooklyn, NY 11216-1009

Bay Currents
1529 Voorhies Avenue
Brooklyn, NY 11235

Pullman & Comley, LLC
Lee Hoffman, Partner
90 State House Square
Hartford, CT 06103-3702

William Jusino, Principal
Progress High School Professional Careers
NYC Geog District #14 – K474
850 Grant Street

NYSDEC
Kevin Sarnowicz, Environmental Engineer
Environmental Remediation
625 Broadway
Albany, NY 12233-7012

Corpus Christie Resources
200 Morgan Avenue
Brooklyn, NY 11237

Brooklyn Paper
55 Washington Street
Suite 624
Brooklyn, NY 11201

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9595
Website: www.dec.ny.gov



January 6, 2009

Mr. Michael A. Walker
Rolling Frito-Lay Sale, LP
7701 Legacy Dr., MD 4C-83
Plano, TX 75024-4099

RE: Brownfield Cleanup Application
Frito Lay
Site No. C224133

Dear Mr. Walker:

The New York State Department of Environmental Conservation (Department) has received your application for participation in the Brownfield Cleanup Program (BCP) pursuant to Environmental Conservation Law (ECL) §27-1400 et seq. We are pleased to advise you that your application has been determined to be complete based upon the Department's initial non-substantive review of your application package. The record with respect to your submittal pursuant to ECL 27-1407.1 is complete. If you propose additional material to supplement this application, the Department may consider it at its sole discretion. If the Department allows you to supplement your application with additional written material that clarifies current information or provides new information, you will be required to publish another public notice of the availability of the complete application (only very minor information may be accepted without the need for publishing a new public notice). The Department will then adjust the time frame specified under ECL 27-1407.6 for notifying you that your request for participation in the BCP is either accepted or rejected.

Pursuant to ECL§27-1407(5), a 30-day public comment period is to begin after the Department's determination that an application is complete. The Department will publish a notice of the receipt of your application with the ECL and Department regulations (see 6 NYCRR 375-3.4(b)), you must notify, in writing, the Director of the New York City Office of Environmental Coordination and all parties on the site contact list¹ of the availability of the complete application for public review and comment.

¹ The site contact list includes (see subdivision 375-1.2(as)) all interested "persons, government agencies, groups or organizations, including, but not limited to, the chief executive officer and zoning board of each county, city, town and village in which such site is located, the public water supplier which serves the area in which such site is located, any site residents, adjacent property owners, any person who has requested to be placed on the site contact list, and the administrator of any school or day care facility located on the site for the purposes of posting and/or dissemination at the facility. Provided, however, that where the site or adjacent real property contains multiple dwelling units, the remedial party may propose an alternative method, consistent with the citizen participation goals set forth in section 375-1.10, for providing such notice in lieu of mailing to each individual."

In order to facilitate the notifications, the Department has prepared the enclosed document for your use as a Public Notice along with instructions and the location of the document repository. You are responsible for placing a copy of the application (including any attachments) and copies of all other related documents such as any site assessments, investigation reports, and/or remedial work plans in the repository before the start of the public comment period. The language in the enclosed Public Notice must be used without alteration in the newspaper notice that you have published in accordance with §§375-3.2(f) and 375-3.10.

The enclosed public notice must be provided to a local newspaper servicing the area including the site for publication no later than January 14, 2009. By January 13, 2009, the other notifications specified above must be distributed and documents placed in the repository. To the extent that the mailings and publications are not completed in accordance with these time frames, the Department will extend the comment period for a period sufficient to comply with the required public notice requirements running from the latest of these mailings and publications.

Within five days of the mailings you must submit to the Department a "certificate of mailing" using the enclosed form. Additionally, you must submit a proof of publication provided by the newspaper within three days of your receipt of such document. Please submit these documents to the Department's Project Manager:

Mr. Kevin Sarnowicz
New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
625 Broadway
Albany, NY 12233-7016

The Department will use all best efforts to notify you if the application is accepted or rejected within five days after the close of the public comment period. We look forward to working cooperatively to address the environmental conditions at the brownfield site and return this property to productive use.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosures

ec w/enc.: K. Sarnowicz, Project Manager
R. Cozzy, Director, DER Bureau B
J. O'Connell, RHWRE, Region 2
D. Christian, OGC
G. Litwin, NYSDOH
K. Massa, Rolling Frito-Lay Sales, LP
H. Pappas, Gannett Fleming Engineers, P.C.
V. Frisina, Gannett Fleming Engineers, P.C.
B. Wolosen, DER, Site Control Section

Brownfield Cleanup Program Public Notice Instructions to Requestor¹

1. Newspaper Notice

- a) The Requestor must publish the language in the enclosed public notice, without modification, in a local newspaper of general circulation that services the area that includes the site not later than the date specified in the Division of Environmental Remediation's (DER) cover letter. The notice must be located prominently in the community bulletin section or comparable local section of the newspaper (not as a legal notice). The Requestor must publish the notice in English and in any other language spoken by a significant number of people within the site community.
- b) The Requestor must submit a proof of publication of the newspaper notice to DER by the date specified in the DER cover letter.

2. Requestor's Instructions to Newspapers Regarding Printing the Public Notice

- a) The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1407(5), the public notice must be located prominently in the community bulletin section or similar local section of the newspaper (not as a legal notice). The public notice must be published by the date specified. Please provide a proof of publication as soon as possible.

3) Site Contact List

- a) The Requestor must mail the enclosed public notice, without modification, to the parties on the site contact list included with the application. The mailing must be performed by the date specified in the DER cover letter. No other materials can be mailed with this notice.
- b) The Requestor must complete the certificate of mailing and submit it to DER by the date specified in the DER cover letter (see enclosed certificate of mailing form).

4) Requestor's Instructions to Parties on the Site Contact List Receiving the Public Notice

- a) The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECK Section 27-1407(5), a public notice announcing the receipt of an application must be sent to parties on the site contact list. Please read the enclosed public notice and review the application package in the site document repository for further information regarding the application and how to submit comments.

5. Document Repository

- a) The Requestor must put the application package (application and all attachments) in the site document repository specified in the public notice prior to the state of the public comment period.

¹ A requestor (§375-3.2(i)) is a person who has submitted an application to participate in the BCP whose eligibility has not yet been determined by the Department of Environmental Conservation.

Public Notice

FACT SHEET

BROWNFIELD CLEANUP PROGRAM

Site Name: Frito Lay
Site No.: C224133
Site Address: 202-218 Morgan Avenue, Brooklyn, NY 11237
County: Kings
Requestor: Rolling Frito-Lay Sales, LP

The New York State Department of Environmental Conservation (NYSDEC) administers the Brownfield Cleanup Program (BCP) pursuant to State Environmental Conservation Law (ECL) §27-1400 et seq. The BCP was created to encourage the remediation and redevelopment of contaminated properties known as brownfields. The requestor (named above) has submitted a BCP application asking that this site be admitted into the BCP.

NYSDEC will accept public comments concerning the application. A copy of the application and other appropriate documents (application package) is available in the site document repository location at the address indicated below.

Please note that the application package includes a Remedial Investigation Work Plan which describes the remedial investigation. A Final Remedial Work Plan describes how the site cleanup will proceed.

NYSDEC will review the application package and public comments received and then make a determination on the eligibility of the application.

Comments should be submitted by February 13, 2009 to:

Mr. Kevin Sarnowicz
New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
625 Broadway
Albany, NY 12233-7016

Repository address:

Brooklyn Library Bushwick Branch
Patricia Sacco, Library Information Supervisor
340 Bushwick Avenue
Brooklyn, NY 11206

CERTIFICATION OF MAILING

Frito Lay
C224133

I certify that I mailed on _____ a copy of the attached
_____ by first class mail upon the person(s) on the attached mailing
list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office
box at _____ in the
City of _____, New York, which box is under the exclusive
care and custody of the United States Post Office.

Signature

Date

STATE OF NEW YORK
COUNTY OF NEW YORK

**Public Notice
FACT SHEET
BROWNFIELD CLEANUP PROGRAM**

Site Name: Frito-Lay
Site No.: C224133
Site Address: 202-218 Morgan Avenue, Brooklyn, NY 11237
County: Kings

Requestor: Rolling Frito-Lay Sales, LP
The New York State Department of Environmental Conservation (NYSDEC) administers the Brownfield Cleanup Program (BCP) pursuant to State Environmental Conservation Law (ECL) §27-1400 et seq. The BCP was created to encourage the remediation and redevelopment of contaminated properties known as brownfields. The requestor (named above) has submitted a BCP application asking that this site be admitted into the BCP. NYSDEC will accept public comments concerning the application. A copy of the application and other appropriate documents (application package) is available in the site document repository location at the address indicated below. Please note that the application package includes a Remedial Investigation Work Plan which describes the remedial investigation. A Final Remedial Work Plan describes how the site cleanup will proceed. NYSDEC will review the application package and public comments received and then make a determination on the eligibility of the application. Comments should be submitted by February 13, 2009 to:

Mr. Kevin Sarnowicz
New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
625 Broadway
Albany, NY 12233-7016

Repository address:
Brooklyn Library Bushwick Branch
Patricia Sacco, Library Information Supervisor
340 Bushwick Avenue
Brooklyn, NY 11206

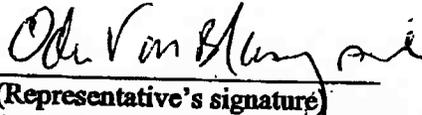
nydailynews.com

DAILY NEWS

Monday, January 12, 2009

Juanita Boyle being duly sworn, says that he/she is a principal clerk and a duly authorized designee of Daily News, L.P., publisher of the 'DAILY NEWS,' a daily and Sunday newspaper published in the City of New York and that the notice, of which the annexed is a copy, was published in said newspaper within the section of:

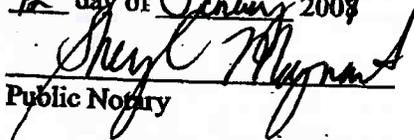
Legal Notices/Public Notices of the
Edition(s)



(Representative's signature)
Authorized Designee of Daily News, L.P.,
Publisher of the Daily News

Sworn to before me this

12 day of January 2009


Public Notary

SHERYL MAYNARD
Notary Public-State of New York
No. 01MA6133621
Qualified in Kings County
Commission Expires September 19, 2009

APPENDIX B
BROWNFIELD CLEANUP PROGRAM (BCP)
CITIZEN PARTICIPATION REQUIREMENTS

Brownfield Cleanup Program (BCP) Citizen Participation Requirements

BCP Citizen Participation Requirements	CP Requirement(s) Occur at This Point
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository 	When Requestor prepares Application to participate in BCP.
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of Application and 30-day comment period • Publish notice in local newspaper • Mail notice to site contact list (all mailings require certification of mailing sent to DER within 5 days) • Conduct 30-day public comment period on the complete Application 	When DER determines that Application is complete. Comment period begins on publication date of ENB notice. End date is as stated in ENB notice. ENB, newspaper, and site contact list notices should be provided at the same time. Notice should request comments on all appropriate documents included in Application package (RI Work Plan, RI Report and/or RWP)
After Execution of Brownfield Cleanup Agreement (BCA):	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	Draft CP Plan must be submitted to DER within 20 days of execution of BCA. CP Plan must be approved by DER before distribution.
Before DER Approves Proposed Remedial Investigation (RI) Work Plan:	
<ul style="list-style-type: none"> • Place draft RI Work Plan in document repository • Mail fact sheet to site contact list about proposed RI Work Plan and 30-day public comment period • Conduct 30-day public comment period on the draft RI Work Plan • Place approved RI Work Plan in document repository 	Before DER approves RI Work Plan. If RI Work Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. Comment period begins/ends as per dates identified in fact sheet.
Before DER Approves Proposed Remedial Investigation Report:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes RI results • Place approved RI Report in document repository 	Before DER approves RI Report.
Significant Threat Determination:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that discusses significant threat determination. Combine notice with another fact sheet where appropriate 	Determination may be made any time during remedial process but no later than 20 days after DER approves RI Report. A significant threat site is eligible for a Technical Assistance Grant.
Before DER Approves Proposed Remedial Work Plan (RWP):	
<ul style="list-style-type: none"> • Place proposed RWP in document repository • Mail fact sheet to site contact list that describes proposed RWP and announces 45-day comment period • Conduct 45-day public comment period on the proposed RWP • Hold public meeting about proposed RWP if site a significant threat requested by community. • Place approved RWP in document repository 	Before DER approves RWP. Comment period begins/ends as per dates identified in fact sheet. Public meeting would be held during the comment period.
Before Applicant Starts Remedial Action:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes upcoming remedial action 	Before the start of remedial action at the site.
Before DER Approves Final Engineering Report:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes report, and any proposed institutional/ engineering controls • Place final Engineering Report in document repository 	At the time DER approves Final Engineering Report.
When DER Issues Certificate of Completion (COC):	
<ul style="list-style-type: none"> • Place COC in document repository • Mail fact sheet to site contact list that announces COC 	Within 10 days of DER issuing COC.

APPENDIX C

BROOKLYN COMMUNITY BOARD 1 DEMOGRAPHICS

Brooklyn Community Board 1 Demographics

The total population of Brooklyn Community Board 1 based on the Census Data is 160,338

The percent of the population on Income Support rose from 32.9% to 43.2 % from 2000 to 2007.

Income Support	2000	2007
Public Assistance (AFDC, Home Relief)	13,597	6,583
Supplemental Security Income	9,135	8,978
Medicaid Only	29,951	53,709
<u>Total Persons Assisted</u>	<u>52,683</u>	<u>69,270</u>
Percent of Population	32.9%	43.2%

Based on Census Data, 48.0% of the population is White Non-Hispanic, 3.6% percent is Asian Pacific Islander and 37.7 % is Hispanic. There may be environmental justice concerns with regards to this site.

	Number	Percent
White Non-Hispanic	77,040	48.0%
Black African American	8,808	5.5%
Asian Pacific Islander	5,730	3.6%
American Indian	192	0.1%
Other Non-Hispanic	3,635	2.3%
Non-Hispanic 2 or more races	4,488	2.8%
Hispanic	60,445	37.7%
<u>Total</u>	<u>160,338</u>	<u>100%</u>

Approximately 31.1% of the Foreign-born in the Community Board come from Poland, while another 19.5% come from the Dominican Republic.

Foreign-born by area of origin

	Percent
Poland	31.1%
Dominican Republic	19.5%
Mexico	7.2%
Ecuador	6.3%
China	4.8%
Hungary	2.0%
Colombia	1.7%
Romania	1.7%
Israel	1.6%
Italy	1.5%
All others	22.6%
<u>Total</u>	<u>100.0</u>

Approximately 60.7% of the total population 5 years old and over is proficient in English.

	Number	Percent
Total population 5 years and Over		
Proficient in English	89,085	60.7%
Not proficient in English	57,775	39.3%
<u>Total</u>	<u>146,860</u>	<u>100.0</u>

Languages Spoken at Home	Number	Percent
Spanish or Spanish Creole	26,866	46.5
Polish	12,040	20.8
Yiddish	11,854	20.5
Chinese	2,219	3.7
Hebrew	1,151	2.0
Italian	645	1.1
Hungarian	345	0.6
Russian	305	0.5
French	304	0.5
Japanese	200	0.3
Arabic	176	0.3
All Others	1,760	3.0
<u>Total</u>	<u>57,775</u>	<u>100.0</u>

APPENDIX D
MAILING LABELS

Resident/Business Owner
222 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
246 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
250 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
1028 GRAND STREET
BROOKLYN, NY 11211

Resident/Business Owner
1050 GRAND STREET
BROOKLYN, NY 11211

Resident/Business Owner
1084 GRAND STREET
BROOKLYN, NY 11211

Resident/Business Owner
1086 GRAND STREET
BROOKLYN, NY 11211

Resident/Business Owner
1100 GRAND STREET
BROOKLYN, NY 11211

Resident/Business Owner
200 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
204 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
186 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
180 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
190 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
190A MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
184 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
221 VARICK AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
165 VARICK AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
175 VARICK AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
154 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
137 VARICK AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
1002 GRAND STREET
BROOKLYN, NY 11211

Resident/Business Owner
344 MAUJER STREET
BROOKLYN, NY 11206

Resident/Business Owner
365 TEN EYCK STREET
BROOKLYN, NY 11206

Resident/Business Owner
345 TEN EYCK STREET
BROOKLYN, NY 11206

Resident/Business Owner
360 TEN EYCK STREET
BROOKLYN, NY 11206

Resident/Business Owner
372 TEN EYCK STREET
BROOKLYN, NY 11206

Resident/Business Owner
229 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
54 MEADOW STREET
BROOKLYN, NY 11206

Resident/Business Owner
361 STAGG STREET
BROOKLYN, NY 11206

Resident/Business Owner
359 STAGG STREET
BROOKLYN, NY 11206

Resident/Business Owner
353 STAGG STREET
BROOKLYN, NY 11206

Resident/Business Owner
43 MEADOW STREET
BROOKLYN, NY 11206

Resident/Business Owner
340 STAGG STREET
BROOKLYN, NY 11206

Resident/Business Owner
344 STAGG STREET
BROOKLYN, NY 11206

Resident/Business Owner
368 STAGG STREET
BROOKLYN, NY 11206

Resident/Business Owner
191 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
179 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
175 MORGAN AVENUE
BROOKLYN, NY 11237

Resident/Business Owner
359 SCHOLES STREET
BROOKLYN, NY 11206

Resident/Business Owner
341 SCHOLES STREET
BROOKLYN, NY 11206

Resident/Business Owner
333 SCHOLES STREET
BROOKLYN, NY 11206

Resident/Business Owner
354 SCHOLES STREET
BROOKLYN, NY 11206

Resident/Business Owner
171 MORGAN AVENUE
BROOKLYN, NY 11237