

**APPENDIX V**

**Citizen Participation Plan (CPP)**

**FYN PAINT & LACQUER CO., INC.  
230 KENT AVENUE  
BROOKLYN, KINGS COUNTY, NEW YORK**

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**CITIZEN PARTICIPATION PLAN  
NYSDEC BCP SITE NO. C224154  
INDEX NO. C224154-02-15**

Prepared For

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## TABLE OF CONTENTS

### Page

1.0	WHAT IS NEW YORK'S BROWNFIELD CLEANUP PROGRAM? .....	1
2.0	CITIZEN PARTICIPATION ACTIVITIES .....	2
2.1	Project Contact List .....	3
2.2	Locations of Reports and Information .....	3
2.3	Site Contact List.....	3
2.4	CPP Activities .....	4
2.5	Technical Assistance Grant.....	6
2.6	Document Repositories .....	6
3.0	MAJOR ISSUES OF PUBLIC CONCERN .....	9
3.1	Remedial Alternative Applicability Review .....	9
3.2	Contaminant Exposure Risk.....	10
4.0	SITE INFORMATION .....	11
4.1	Site Description .....	11
4.2	History of Site Use, Investigation and Cleanup .....	13
4.2.1	Site History .....	13
4.2.2	Results of Historical Remedial Investigation Activities .....	13
4.2.3	Historical Cleanup Activities Performed at the Site .....	17
5.0	CLEANUP PROCESS .....	20
5.1	Application .....	20
5.2	Remedy Selection .....	20
5.3	Cleanup Action .....	21
5.4	Certificate of Completion.....	21
5.5	Site Management.....	21

### APPENDICES:

Appendix I – Project Contact List

Appendix II – Site Contact List

Appendix III – Brownfield Cleanup Program Process

**LIST OF FIGURES**  
(at end of report)

**Figure**

- |   |                       |
|---|-----------------------|
| 1 | Property Location Map |
| 2 | Property Boundary Map |

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**1.0 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 that 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>

## **2.0 CITIZEN PARTICIPATION ACTIVITIES**

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 wellbeing. 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 interest 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; and,
- 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 Plan (CPP) 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. This will be accomplished through the Citizen Participation Activities described below. These activities are the minimum that will be implemented for this project. This list is flexible and additional activities may be added as the project progresses, if deemed necessary.

## **2.1 Project Contact List**

A project contact list has been prepared for the Site. This list contains people that can be contacted by the public for general and technical information on the project. The list also includes a designated Citizen Participation Specialist who can be contacted regarding citizen participation activities. The project contact list is included as Appendix I.

## **2.2 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.

## **2.3 Site Contact List**

A Site Contact List has been generated and is on file with the NYSDEC Regional Citizen Participation Specialist. The Site Contact List is included as Appendix II. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. This list identifies affected and interested parties including: owners of properties adjacent to the Site; local news media and local government officials. 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; and

- 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 I. 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.

#### **2.4 CPP Activities**

The table at the end of this section identifies the CPP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix III shows how these CPP activities integrate with the Site cleanup process. Elements of the cleanup process that match up with the CPP activities are explained briefly in Section 5, below.

- **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 the 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 the site's investigation and cleanup.

The public is informed about these CPP activities through fact sheets and notices distributed at significant points during the program. Public notices will be made at several key milestones during the remediation activities.

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 CPP may be revised due to changes in major issues of public concern identified in Section 3.0, 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.

The initial public notice announcements for this project are being made through this mailing to the Site Contact List. It should be noted that the NYSDEC Division of Environmental Remediation (DER) is "going paperless". The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county e-mail listservs. As such, subsequent notices for this project will be issued electronically through the NYSDEC listserv distributions. Several key benefits of listserv distribution include:

- it is fast and convenient, coming right to your e-mail inbox;
- it is easy to share information with others;
- it is comprehensive; you receive updates on all sites in the counties you choose;
- it stretches taxpayer dollars by reducing labor, paper, printing and postage; and
- it helps the environment by reducing our "carbon footprint."

To receive site information by e-mail via listserv distribution, sign up through the GovDelivery service at the following website: <http://www.dec.ny.gov/chemical/61092.html>. It is quick, free, and it will help keep you better informed. Sign up for one or more contaminated sites county listservs and have site information sent right to your e-mail inbox. Sign-up can be completed as follows:

1. Enter your email address in the box below and click "submit".
2. You will be taken to the GovDelivery "New Subscriber page". Here you will confirm your e-mail, select how frequently you would like to receive updates and choose a password (optional). Once you have done this, click "submit".
3. You will see all the topics that you can subscribe to. Scroll down to the bottom of the list to category "*Environmental Site Cleanup and Permitting Information by County*".
4. Click on the + sign in the small box next to the category to expand it to see all the counties.
5. Click the box by the county name to select it (*i.e., Kings for this BCP Site*). You may select as many counties as you want. Click the box again to un-select a county.
6. In the last step, you will be asked to give your zip code. Enter it and click "submit".

You will get an e-mail back from GovDelivery listing all the county listservs that you have subscribed to. You can easily change account information, such as your e-mail address

or unsubscribe at any time. In instances where electronic delivery is not an option, the public can still request that they be notified by paper via regular mail delivery.

**2.5 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 the information developed during the investigation of the Site. Based on the results of the Remedial Investigation (completed under the Voluntary Cleanup Program), NYSDEC and NYSDOH have determined that this Site does pose a significant threat to human health and the environment.

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.

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

**2.6 Document Repositories**

Four (4) document repositories have been established at the locations below, where all applicable project documents will be made available to the public.

Electronic copies of all files and/or reports associated with the environmental activities at the Site will be maintained and available for review at the following local community document repository locations:

<p><b><u>Document Repository 1</u></b>  <b><u>Brooklyn Public Library – Greenpoint Branch</u></b>  107 Norman Avenue &amp; Leonard Street  Brooklyn, NY 11222  Telephone: (718) 349-8504</p>	<p><b><u>Document Repository 2</u></b>  <b><u>Brooklyn Public Library – Leonard Branch</u></b>  81 Devoe Street &amp; Leonard Street  Brooklyn, NY 11211  Telephone: (718) 486-3365</p>
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<b>Hours of Operation:</b> Mon. and Thur. - 1 p.m. to 6 p.m. Tue. and Fri - 10 a.m. to 6 p.m. Wed. - 1 p.m. to 8 p.m. Sat. - 11 a.m. to 3 p.m. Sun. - Closed	<b>Hours of Operation:</b> Mon. - 1 p.m. to 8 p.m. Tue. and Wed - 10 a.m. to 6 p.m. Thur. and Fri. - 1 p.m. to 6 p.m. Sat. - 11 a.m. to 3 p.m. Sun. - Closed
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In addition to the above-listed public document repository locations, electronic copies of all files and/or reports associated with the environmental activities at the Site are maintained and available for review at the NYSDEC Headquarters in Albany, New York as well as in the NYSDEC Region 2 Office. The information for these NYSDEC offices is:

<b><u>NYSDEC - Albany Headquarters Office</u></b> Bureau of Environmental Remediation 625 Broadway Albany, NY 12233-7016 (518) 402-9767 (call in advance for appointment) Hours: Mon. to Fri. 9 a.m. to 5 p.m.	<b><u>NYSDEC Region 2 Office</u></b> Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101 (718) 482-4900 (call in advance for appointment) Hours: Mon. to Fri. 9 a.m. to 5 p.m.
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These document repositories will be regularly inspected to ensure that all material related to the Site investigation and remediation activities are available for review.

**TABLE: Citizen Participation Activities Related To The Site’s Investigation & Cleanup Program**

Citizen Participation Requirements (Activities)	Timing of CP Activity(ies)
<b><u>Application Process:</u></b>	
<ul style="list-style-type: none"> <li>• Prepare Site site contact list</li> <li>• Establish document repositories</li> </ul>	COMPLETED
<ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to site contact list</li> <li>• Conduct 30-day public comment period</li> </ul>	COMPLETED
<b><u>After Execution of Brownfield Site Cleanup Agreement:</u></b>	
<ul style="list-style-type: none"> <li>• Prepare Citizen Participation Plan (CPP)</li> </ul>	Before start of Remedial Action
<b><u>Before NYSDEC Approves Remedial Action Work Plan (RAWP):</u></b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet site contact list about proposed RAWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RAWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul>	Before NYSDEC approves RAWP. 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.
<b><u>Before Applicant Starts Cleanup Action:</u></b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	Before the start of cleanup action.
<b><u>After Applicant Completes Cleanup Action:</u></b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report (FER)</li> <li>• Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC)</li> </ul>	At the time NYSDEC approves FER. These two fact sheets are combined if possible if there is not a delay in issuing the COC.

### **3.0 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.

As part of the Environmental and Public Health Assessment, a qualitative human health and exposure assessment will be completed. Based on previous Site investigations VOCs, SVOCs, PCBs and metals were reported to be present in the subsurface (soil, groundwater and/or soil vapor). Additionally, non-aqueous phase liquid (NAPL) is present in the subsurface in localized areas of surrounding the Site. Select contaminants have been identified and characterized at concentrations above the hazardous waste threshold as defined in 6 NYCRR Part 371. For example, NAPL (F005) was found in off-site monitoring wells.

Based on the analytical results generated by past remedial investigations, it was determined that there is no plausible off-site exposure scenario for the onsite soil and/or groundwater contamination present beneath the Site. The only exposure pathway is via dermal contact and/or ingestion by visitors, trespassers or contractors. Additionally, the exposure risk is only encountered as a result of ground invasive activities.

Relative to potential onsite exposures it is reasonable to conclude that an institutional control such as an environmental easement preventing groundwater use at the Site will be required. In addition to the environmental easement, a soil vapor intrusion survey will be required in association with Site redevelopment to assess the need for a soil vapor intrusion mitigation system. However, it is anticipated that the Site redevelopment will incorporate a soil vapor barrier regardless of the results of a soil vapor intrusion survey.

#### **3.1 Remedial Alternative Applicability Review**

As part of the evaluation completed to determine the feasibility of the proposed Remedial Alternative, the following land use factors are evaluated: zoning; applicable land use plans; surrounding property uses; citizen participation; environmental justice concerns; land use designations; population growth patterns; accessibility to existing infrastructure; proximity to cultural resources; proximity to natural resources; offsite groundwater impacts; proximity to floodplains; geography and geology of the Site and, current institutional controls. As a result

of this review, it was determined that none of the land use factors would prevent implementation of the preferred remedy.

### **3.2 Contaminant Exposure Risk**

Contamination beneath the Site is the result of historical activities on the Site. The sources of contaminants at the Property (including but not limited to drums or storage containers; underground tank pipelines) were related to the historical paint and lacquer manufacturing activities.

Due to the current vacant/inactive status of the Site, there are currently no onsite contaminant exposure scenarios. As a result of the proposed remedial actions, possible onsite contamination exposure scenarios (to remediation and/or construction contractors) include direct contact exposure whereby workers can become exposed through direct contact (dermal contact, ingestion, and inhalation) with contaminated media. All Health and Safety precautions will be taken to ensure Site workers exposed to onsite contamination use appropriate personal protection equipment for respective Site contaminants.

The potential for contamination exposure at surrounding properties via ingestion and/or dermal contact is low. The most probable contamination exposure pathway for people living and working at adjacent properties would be via offsite migration of airborne VOCs and/or dust resulting from the institution of the remedial actions. Applicable Site management measures will be implemented to prevent offsite impacts resulting from the onsite remedial actions, including but not limited to dust monitoring and control.

Due to the distance from the Site and historical surrounding property uses, offsite soil vapor impacts could be attributed to offsite sources. However, based on the results of historical soil vapor sampling activities, the potential soil vapor intrusion risk to offsite properties (resulting from contamination onsite) is low. Based on soil vapor intrusion sampling activities completed in 2007, the most conservative recommended course of action for the properties surrounding the Fyn Paint building (established by the NYSDOH Soil Vapor/Indoor Air Matrices) is: *Taking reasonable and practical action to identify source(s) and reduce exposure*. Due to the soil vapor contaminant concentrations beneath 229 Kent Avenue, the most conservative recommended course of action is: *Monitor/Mitigate*.

#### **4.0 SITE INFORMATION**

A Property Location Map is presented as figure 1.

A Property Boundary Map is presented on figure 2.

#### **4.1 Site Description**

Kent Riverview LLC (heretofore referred to as “KR” or the “Volunteer”) is undertaking the remediation and potential redevelopment of the former Fyn Paint & Lacquer Co., Inc. property located at 230 Kent Avenue in Williamsburg, Brooklyn, Kings County, New York (heretofore referred to as the “Site”).

The Site property consists of a 0.135-acre lot improved with a partial two-story industrial/warehouse building with a gross floor area of approximately 5,862 ft<sup>2</sup> (square feet). The building’s heat is provided by an onsite oil fired furnace and electrical service enters the building from Kent Avenue. Located in a small basement are two (2) empty 275-gallon fuel oil above ground storage tanks (ASTs), furnace and controls for the sprinkler system and air compressor. The Site is connected to the New York City municipal sewer and water systems.

The property land use is currently recorded as Industrial and Manufacturing. Zoning for the Site is M3-1, which is designated for areas with heavy industries that generate noise, traffic or pollutants. The neighborhood in the vicinity of the Site consists of residential and commercial properties with decreasing amounts of industrial properties.

There is currently a Declaration of Restriction recorded for the Site with respect to contamination associated with historical onsite manufacturing activities. The Declaration of Restriction is recorded with the NYC Department of Finance and it includes the following: property use restriction; groundwater use restriction; and, continued maintenance of Engineering Controls and Institutional Controls.

The Site is located in the Borough of Brooklyn, New York City and is situated on the block bounded by Kent Avenue to the east, Metropolitan Avenue to the north, North First Street to the south and River Street to the west. The Site is recorded by the NYC Tax Assessor as Borough of Brooklyn, Tax Block 2362 Lot 1. As recorded on the NYC Department of Buildings (DOB) Property Information Sheet, alternate addresses for the Property are:

230-232 Kent Avenue; 76-80 River Street; and, 29-37 North First Street. A Property Boundary Map is presented on figure 2.

The Site is listed as an active Resource Conservation and Recovery Act (RCRA) facility as a large quantity generator of hazardous waste under EPA ID Number NYD001270867. This listing is associated with the historical property use (paint and lacquer manufacturing) by Fyn Paint & Lacquer Co., Inc. (Fyn Paint). Although manufacturing activities have ceased at the Site and the majority of the RCRA closure activities have been performed, the RCRA Closure Report has not been completed.

KR, in cooperation with the NYSDEC and New York State Department of Health (NYSDOH), will inform and involve the public during the investigation and remediation of the Site. The purpose of this CPP is to provide a framework for disseminating information to the public and providing the public with an opportunity to become informed and involved during Site remediation activities.

This CPP provides background information related to the contamination identified to date, different phases of the investigation and remediation process, the opportunities for citizen participation, the primary contacts for various state and local agencies, information on how to find out and access available documents and, the list of affected and interested parties.

The remediation activities at the Site will be conducted under the NYSDEC Brownfield Cleanup Program. This CPP is designed to provide an area-wide comprehensive approach to citizen participation and achieve the following objectives:

- Keep the public informed of planned or ongoing actions, the nature of environmental conditions, environmental and/or public health threats the contamination may pose, responses under consideration and the progress being made;
- Create opportunities for the public to provide information, opinions and perspectives on the work being conducted; and
- Ensure open communication between the public and project staff throughout the investigation and remediation process.

KR, in cooperation with the NYSDEC and the NYSDOH, will implement the activities described in this plan. Implementation of this CPP may evolve during the remediation process and changes may be made to the plan as conditions warrant.

## **4.2 History of Site Use, Investigation and Cleanup**

### **4.2.1 Site History**

As a result of the historical property uses, the subsurface environmental condition at the Site has been negatively impacted by various contaminants. Subsurface contaminant source material is located beneath the Site (230 Kent Avenue) and the Con Edison owned former North First Street Terminal boiler house property (214 Kent Avenue) which is located adjacent to the north of the Site. These two properties constitute the two tax lots on Tax Block 2362. The Site is currently vacant, and was historically occupied by Fyn Paint which was a manufacturing facility that produced paints and lacquers. This facility was a NYSDEC registered Chemical Bulk Storage (CBS) Facility (ID #2-000151). The Con Ed boiler house property consists of a parking lot and an unoccupied building. A Property Location Map is shown on figure 1 and a Property Boundary Map is shown on figure 2. As a result of the historical property uses at the Site, the subsurface environmental condition has been negatively impacted by various contaminants.

### **4.2.2 Results of Historical Remedial Investigation Activities**

Several historical environmental remedial investigation activities have been performed at the Site and surrounding properties. Based on these investigations, the primary contaminants of concern (COCs) consist of acetone, toluene, ethylbenzene and xylene. The primary COCs are present as non-aqueous phase liquid (NAPL), residual volatile organic compounds (VOCs) in subsurface soils, dissolved phase VOCs in groundwater and VOCs in soil vapor. The extent and concentrations of contaminants beneath the Site, as well as comparative values offsite, were characterized as follows:

- **Non-Aqueous Phase Liquid (NAPL)**

The historical observations have identified solvents (primarily consisting of acetone, toluene, and xylene) as primarily being localized to the northeast corner of the Site. These solvents were used for paint manufacturing.

Of note, the majority of the NAPL has historically been observed and recovered from beneath the Con Edison facility parking lot adjacent to the north of the Site. Recently (2013-2014), the greatest amount of NAPL (thicknesses of 2 to 3 feet) has been observed in monitor wells located offsite to the southeast.

- **Soil Contamination**

Based on the soil contamination distribution, one identified source was the former underground storage tank (UST) area beneath the northeast corner of the Site. Onsite soil with the highest concentrations of VOC contamination consisting primarily of toluene, xylenes, ethylbenzene and acetone was identified during closure activities (initial-1999 and secondary-2010) for the USTs in the northeast corner of the Site. While several metals and semi volatile organic compounds (SVOCs) were detected above respective Soil Cleanup Objectives (SCOs) for protection of groundwater, the concentrations were below the Restricted Use Soil Cleanup Objectives (RUSCOs) for Commercial Use. Additionally, several compounds identified at concentrations above SCOs for protection of groundwater are related to historical fill. The primary COCs in soil samples collected from beneath the Site were detected at the following range of concentrations:

- Acetone: Low -130 milligrams per kilogram (mg/kg);  
High - 1,500 mg/kg;
- Toluene: Low - below lab detection limit (<LDL);  
High - 2,800 mg/kg;
- Ethylbenzene: Low - 0.039 mg/kg;  
High - 4,400 mg/kg;
- Total Xylenes: Low - 18.7 mg/kg;  
High - 22,000 mg/kg.

The highest offsite concentrations of acetone, ethylbenzene and total xylenes were identified in soil beneath the Con Edison parking lot adjacent to the north. Additionally, the highest offsite concentration of toluene was identified in the soil to the southeast (upgradient-crossgradient) of the Site. The primary COCs in soil samples collected from beneath offsite properties were detected at the following range of concentrations:

- Acetone: Low - <LDL;  
High - 1,500 mg/kg;
- Toluene: Low - <LDL;  
High - 22,000 mg/kg;
- Ethylbenzene: Low - <LDL;  
High - 3,350 mg/kg;
- Total Xylenes: Low - <LDL;  
High - 17,340 mg/kg.

- **Groundwater Contamination**

Dissolved phase VOCs in groundwater beneath the Site and surrounding properties correlates with the distribution of VOC contamination recorded in soil samples collected throughout the Site and offsite. The highest concentrations of VOCs detected in groundwater are located beneath the Site and offsite on the adjacent Con Edison property (north), with the contaminant plume extending downgradient to the west. The primary COCs in groundwater samples collected from monitor wells on the Site were detected with the following range of concentrations:

- Acetone: Low - <LDL;  
High - 10,558,250 micrograms per liter (ug/l);
- Toluene: Low - 53 ug/l;  
High - 290,000 ug/l;
- Ethylbenzene: Low - 10 ug/l;  
High - 74,258 ug/l;
- Total Xylenes: Low - 294 ug/l;  
High - 452,653 ug/l.

Offsite VOC concentrations in groundwater analyzed from locations outside of the block encompassing the Site and the Con Edison property are, on average, 1-2 orders of magnitude lower than those beneath the Site and Con Edison. The primary COCs in groundwater samples collected from offsite monitor wells were detected with the following range of concentrations:

- Acetone: Low - <LDL;  
High - 1,600,000 ug/l
- Toluene: Low - <LDL;  
High - 450,000 ug/l;
- Ethylbenzene: Low - <LDL;  
High - 440,000 ug/l;
- Total Xylenes: Low - <LDL;  
High - 1,400,000 ug/l.

- **Soil Vapor Contamination**

The types and relative concentrations of VOCs detected in soil vapor samples collected from beneath the Site and surrounding properties correlate with the distribution of soil and groundwater VOC contamination. The primary COCs in soil vapor samples collected from beneath the slab on grade at the Site were detected with the following range of concentrations:

- Acetone: Low – 6,400 ug/m<sup>3</sup> (micrograms per cubic meter);  
High – 13,000 ug/m<sup>3</sup>;
- Toluene: Low - 1,800 ug/m<sup>3</sup>;  
High – 180,000 ug/m<sup>3</sup>;
- Ethylbenzene: Low – ~61 ug/m<sup>3</sup>;  
High – 36,000 ug/m<sup>3</sup>;
- Total Xylenes: Low – ~226 ug/m<sup>3</sup>;  
High – 186,000 ug/m<sup>3</sup>.

Furthermore, chlorinated solvents (PCE and TCE) were detected beneath the Site above the laboratory minimum detection limits (27-270 ug/m<sup>3</sup> and 21-210 ug/m<sup>3</sup>, respectively). Onsite PCE and TCE concentrations detected in soil vapor ranged from:

- PCE: Low – <LDL;  
High – 8,611 ug/m<sup>3</sup>.
- TCE: Low – <LDL;  
High – 3,759 ug/m<sup>3</sup>;

All of the primary COCs (acetone, toluene, ethylbenzene and total xylenes) in soil vapor samples collected from offsite soil vapor points were detected with the following range of concentrations:

- Acetone: Low – <LDL;  
High – 400 ug/m<sup>3</sup>;
- Toluene: Low – 1.1 ug/m<sup>3</sup>;  
High – 2,601 ug/m<sup>3</sup>;
- Ethylbenzene: Low – <LDL;  
High – 4,785 ug/m<sup>3</sup>;
- Total Xylenes: Low – <LDL;  
High – 13,485 ug/m<sup>3</sup>.

Additionally, chlorinated solvents (PCE and TCE) were detected in offsite soil vapor. Offsite PCE and TCE concentrations detected in soil vapor ranged from:

- PCE:                      Low - <LDL;  
                                    High - 4,100 ug/m<sup>3</sup> (*north of the Site*);  
                                    High - 120 ug/m<sup>3</sup> (*southeast of the Site*);
- TCE:                      Low - <LDL;  
                                    High - 960 ug/m<sup>3</sup> (*north of the Site*);  
                                    High - 120 ug/m<sup>3</sup> (*southeast of the Site*).

#### **4.2.3 Historical Cleanup Activities Performed at the Site**

The following remedial actions were implemented at the Site (by Fyn Paint) under the former Voluntary Cleanup Agreement (VCA):

##### **1. *Removal of Abandoned USTs and Residual VOC Source Material***

In order to address and eliminate the potential VOCs source, five (5) historically abandoned underground storage tanks (USTs) were exposed and removed from the northeast corner of the Fyn building interior. The UST removals included four (4) steel 1,100-gallon USTs, and one (1) steel 1,500-gallon UST. During the UST removal activities, overlying contaminated concrete as well as contaminated soil surrounding the USTs was excavated from the subsurface. Following the UST removals, supported soil excavations were completed and all accessible contaminated soil was excavated (to the maximum extent practicable) and disposed offsite. The factor limiting the excavation extents was that the excavation area was located adjacent to building foundation walls.

The total quantity of waste material generated as a result of the UST excavation activities and transported offsite for disposal consisted of:

- 47 tons of non-hazardous waste concrete;
- 121.4 tons of hazardous waste soil; and,
- 66.397 tons of hazardous waste concrete.

Following the completion of the UST excavation activities, post-excavation confirmation soil samples indicate that residual soil contamination

remains onsite at concentrations exceeding both the unrestricted use SCOs as well as the RUSCOs for commercial use.

During remedial work completed in 2014 (associated with installation of the active remedial system) an additional 0.66 tons of hazardous waste soil were excavated and transported offsite for disposal.

Non-hazardous historic fill and contaminated soils taken offsite were handled, at minimum, as a Municipal Solid Waste per 6 NYCRR Part 360-1.2.

Hazardous wastes derived from the excavation activities were stored, transported, and disposed of in full compliance with applicable local, State and Federal regulations. Appropriately licensed haulers were used to transport hazardous waste material removed from the Site to approved hazardous waste disposal facilities in full compliance with all applicable local, State and Federal regulations.

## **2. *Groundwater/Dual-Phase Extraction (DPE) and Treatment System***

Active remediation of onsite and offsite contamination was accomplished by a groundwater extraction system and DPE system to extract groundwater, LNAPL and soil vapor at the Site. Groundwater extraction was completed using a submersible pump and extracted water was treated by a previous treatment system (the IRM system) and current remediation system. DPE was performed using a high vacuum liquid ring pump to remove various combinations of contaminated groundwater, LNAPL, and hydrocarbon vapor from the subsurface. In addition to actively remediating the soil, groundwater and soil vapor beneath the Site and the Con Edison property, this remedial action will also act as an EC to prevent potential soil vapor intrusion in onsite and offsite buildings.

During the operational periods of the IRM system and the existing remedial system, a total of 2,193,443-gallons of groundwater have been extracted, treated and discharged to the NYS sanitary sewer under a NYC DEP discharge permit.

The total quantity of waste material generated by the active remedial systems and transported offsite for disposal consisted of:

- 0.66 tons of hazardous waste NAPL;
- 1.0 ton of hazardous waste sludge; and,
- 2.99 tons of hazardous waste concrete.

**3. *RCRA Closure Activities***

Starting in November 2011, RCRA closure activities were implemented at the Fyn Paint facility. RCRA closure activities included closure of chemical bulk storage (CBS) tanks as well as the removal and offsite disposal of: hazardous waste bulk chemicals; contaminated building materials (concrete and wood); and, remedial decontamination waste. A total quantity of 10.92 tons of hazardous waste material was generated as a result of the RCRA closure activities and transported offsite for disposal.

**4. *Groundwater Monitoring***

Groundwater quality beneath the Site and surrounding properties has been historically assessed via a quarterly groundwater monitoring program. The groundwater monitoring program will resume during implementation of the RAWP and will allow continuous evaluation of the Site remedial progress.

## **5.0 CLEANUP PROCESS**

### **5.1 Application**

The Applicant has applied for and has 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 cleanup will be performed targeting cleanup that will permit Unrestricted Use.

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.

### **5.2 Remedy Selection**

Based on the historical Site characterization and remedial activities implemented under the VCA, the extents and concentrations of the subsurface contamination beneath the Site has been comprehensively delineated. Under the VCA, the NYSDEC had approved a Remedial Investigation Report (RIR) as well as a RAWP (Track 4 Cleanup) for the Site.

LBG Engineering Services, P.C. (LBGES) and Leggette, Brashears & Graham, Inc. (LBG) on behalf of KR, is currently preparing a Remedial Action Work Plan (RAWP) and all related supplemental and governing documents which outline the proposed remedial alternative designed to address the residual contamination present at the Site.

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

### **5.3 Cleanup Action**

NYSDEC will consider public comments, and revise the draft RAWP if necessary, before approving the proposed remedy. The NYSDOH must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy.

Following NYSDEC approval of the RAWP, the Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH will 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.

### **5.4 Certificate of Completion**

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

### **5.5 Site Management**

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by the Applicant under NYSDEC oversight, if contamination will remain in place. Site management incorporates any IC/ECs 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.

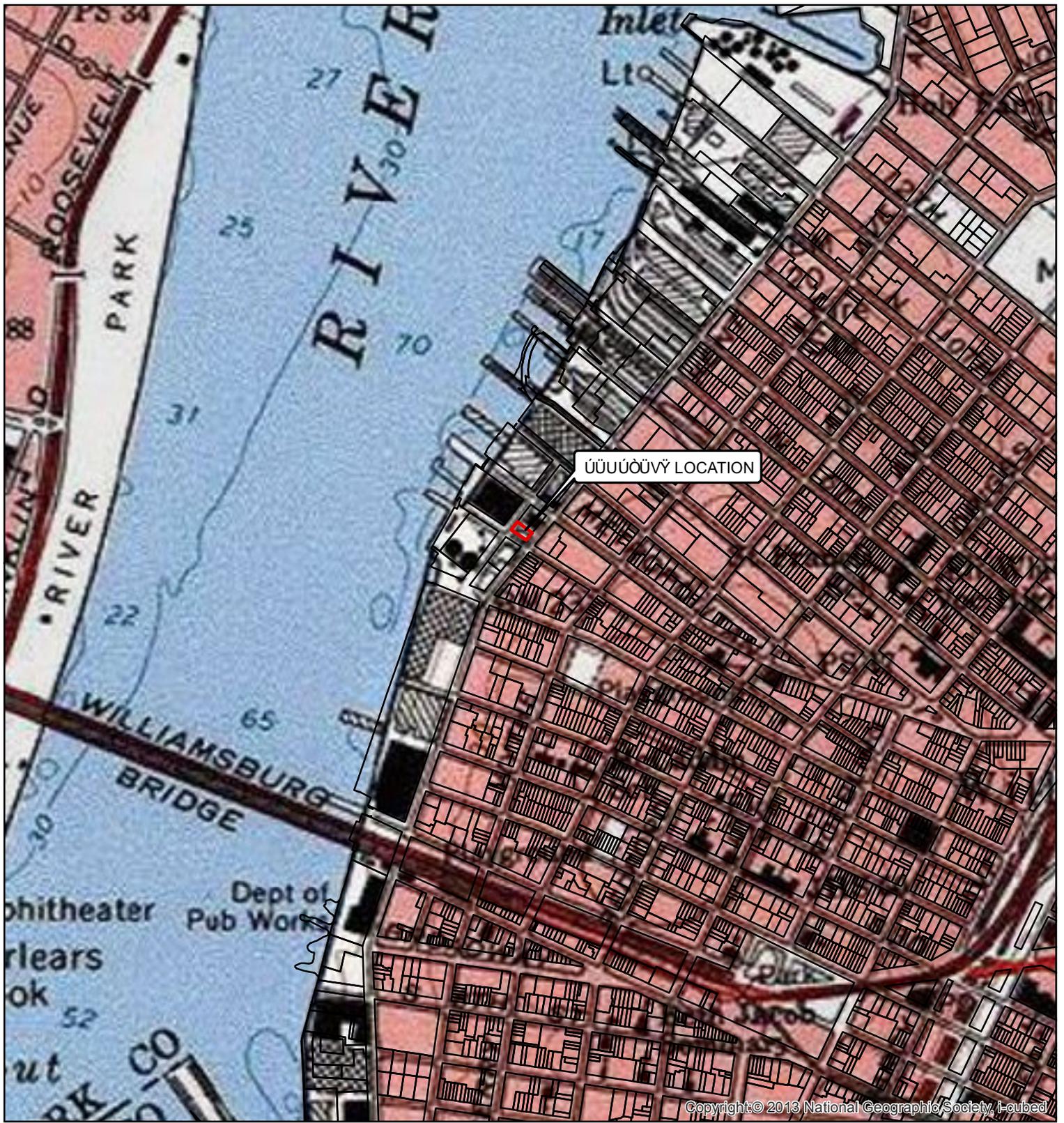
Site management also may include the operation and maintenance of a component of the remedy, such as a system that is pumping and treating groundwater. Site management continues until NYSDEC determines that it is no longer needed.

dmd

March 20, 2015

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## **FIGURES**



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**LEGEND**

- BROWNFIELD PROPERTY BOUNDARY
- PARCEL BOUNDARY



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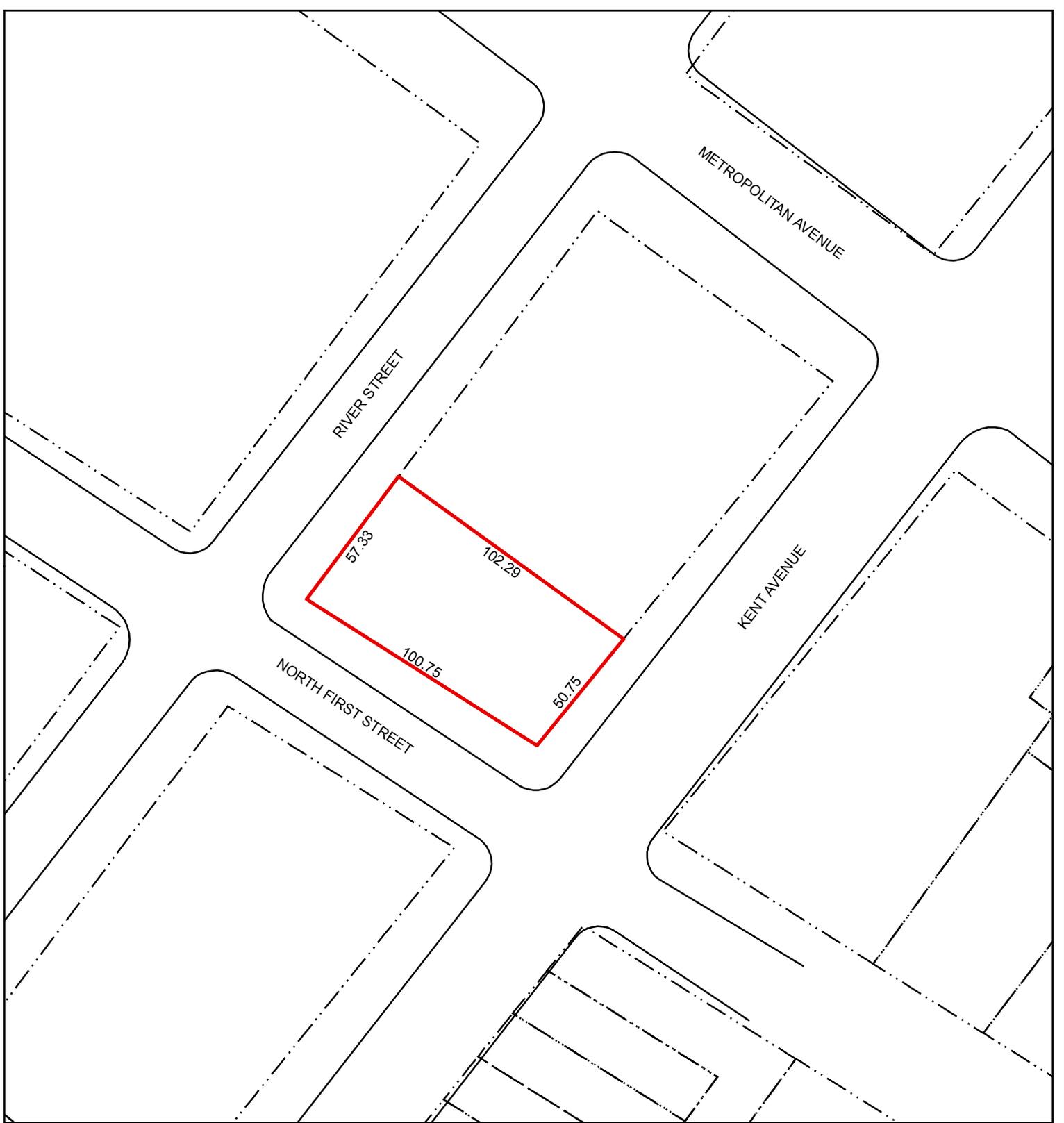
SCALE IN FEET

SOURCE:  
 NYC Department of City Planning, MapPLUTO 14V1, June 6, 2014  
 ArcGISonline, National Geographic Society, i-cubed, 2013

**230 KENT AVENUE  
 BROOKLYN, KINGS COUNTY  
 NEW YORK**

**PROPERTY LOCATION MAP**

DATE	REVISED	PREPARED BY:
		LEGGETTE, BRASHEARS & GRAHAM, INC. Professional Groundwater and Environmental Engineering Services
		4 Westchester Park Drive Suite 175 White Plains, New York 10604 (914) 694-5711
		
<b>DRAWN:</b>	<b>PS</b>	<b>CHECKED:</b> <b>SG</b>
<b>DATE:</b> 11/11/14		<b>FIGURE:</b> 1



**LEGEND**

- BROWNFIELD PROPERTY BOUNDARY
- - - PARCEL BOUNDARY
- · · ROADWAY (APPROX)



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SCALE IN FEET

SOURCE:  
 NYC Department of City Planning, MapPLUTO 14V1, June 6, 2014  
 ArcGISonline, Streetmaps, 2014

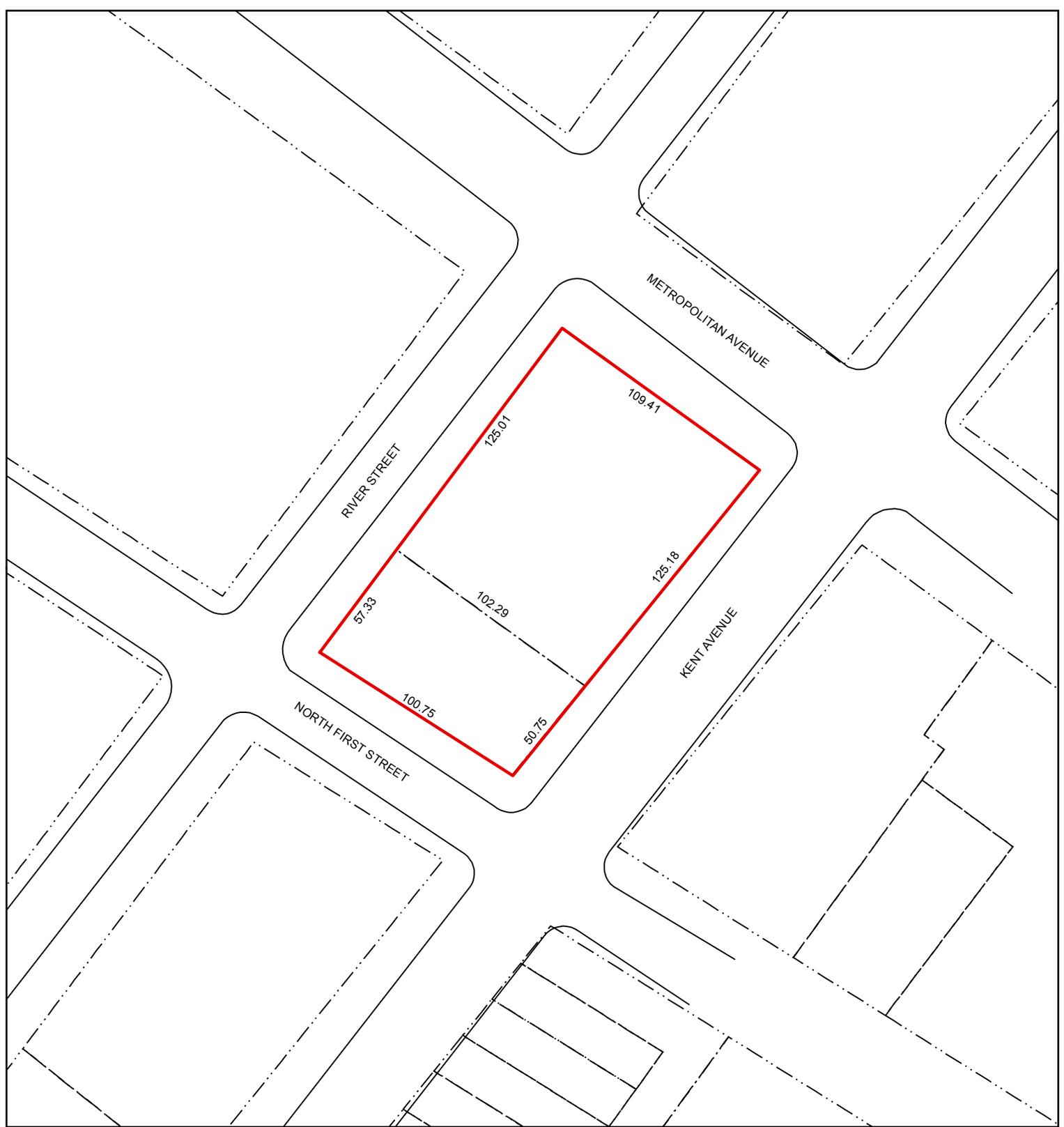
**230 KENT AVENUE  
 BROOKLYN, KINGS COUNTY  
 NEW YORK**

**PROPERTY BOUNDARY MAP**

DATE	REVISED	PREPARED BY:
		LEGGETTE, BRASHEARS & GRAHAM, INC. Professional Groundwater and Environmental Engineering Services
		4 Westchester Park Drive Suite 175 White Plains, New York 10604 (914) 694-5711
		
<b>DRAWN:</b>	<b>PS</b>	<b>CHECKED:</b> <b>SG</b>
		<b>DATE:</b> 11/11/14
		<b>FIGURE:</b> 2

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C:\GIS\_Projects\Fyn\_Paint\Mapa\230.218\Figure 2 (Property Boundary Map).mxd



**LEGEND**

- SITE PARCEL BOUNDARIES
- - - - - PARCEL BOUNDARY
- ROADWAY (APPROX)



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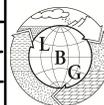
SCALE IN FEET

SOURCE:  
 NYC Department of City Planning, MapPLUTO 14V1, June 6, 2014  
 ArcGISonline, Streetmaps, 2014

**230 & 218 KENT AVENUE  
 BROOKLYN, KINGS COUNTY  
 NEW YORK**

**AMENDED PROPERTY BOUNDARY MAP**

DATE	REVISED	PREPARED BY:		
		<b>LEGGETTE, BRASHEARS &amp; GRAHAM, INC.</b> Professional Groundwater and Environmental Engineering Services  4 Westchester Park Drive Suite 175 White Plains, New York 10604 (914) 694-5711		
<b>DRAWN:</b>	<b>PS</b>	<b>CHECKED:</b> <b>SG</b>	<b>DATE:</b> <b>2/5/15</b>	<b>FIGURE:</b> <b>3</b>



**APPENDIX I**  
**Project Contact List**

## **PROJECT CONTACT LIST**

### **New York State Department of Environmental Conservation**

#### **Project Manager**

Ms. Ioana Munteanu-Ramnic  
New York State Department of Environmental Conservation  
Division of Environmental Remediation, Region 2  
Hunters Point Plaza  
47-40 21st Street  
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Telephone : (718) 482-4065  
e-mail address: [ioana.munteanu-ramnic@dec.ny.gov](mailto:ioana.munteanu-ramnic@dec.ny.gov)

#### **Regional Citizen Participation Specialist**

Mr. Thomas Panzone  
New York State Department of Environmental Conservation  
Division of Public Affairs and Education  
Hunters Point Plaza  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101  
Tel: (718) 482-4953  
Email: [tvpanzon@gw.dec.state.ny.us](mailto:tvpanzon@gw.dec.state.ny.us)

### **New York State Department of Health**

#### **Public Health Specialist**

Ms. Dawn Hettrick, P.E.  
New York State Department of Health  
Bureau of Environmental Exposure Investigation  
547 River Street Room 300  
Troy, NY 12180-2216  
Telephone: (518) 402-7860 or (800) 458-1158

### **Kent Riverview LLC**

#### **Site Owner**

Mr. Mier Schweid  
164 South 8th Street  
Brooklyn, NY 11211

#### **Project Environmental Counsel**

Mr. Charles Warren  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10022  
Telephone: (212) 715-9387  
e-mail address: [cwarren@kramerlevin.com](mailto:cwarren@kramerlevin.com)

#### **Project Consultant**

Mr. Sean Groszkowski  
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White Plains, NY 10604  
Telephone: (914) 694-5711  
e-mail address: [Groszkowski@lbgny.com](mailto:Groszkowski@lbgny.com)

**APPENDIX II**  
**Site Contact List**

## **NEW YORK CITY BOROUGH OF BROOKLYN CONTACTS**

### **Local Elected Officials:**

Mayor Bill de Blasio  
City Hall  
New York, NY 10007

Brooklyn Borough President Eric Adams  
209 Joralemon Street  
Brooklyn, NY 11201

City Comptroller Scott M. Stringer  
1 Centre Street  
New York, NY 10007

Public Advocate Letitia James  
1 Centre Street, 15th Floor  
New York, NY 10007

Mr. Stephen Levin  
Council District #33  
410 Atlantic Avenue  
Brooklyn, NY 11217

Brooklyn District Attorney Ken P. Thompson  
350 Jay Street  
Brooklyn, NY 11201

### **Department of City Planning:**

Director of the Department of City Planning  
City of New York  
22 Reade Street  
New York, NY 10007

NYC Planning Commission  
Mr. Carl Weisbrod  
NYC Planning Commission  
City of New York  
22 Reade Street  
New York, NY 10007

Kenneth J. Knuckles, Esq.  
Vice Chairman  
NYC Planning Commission  
City of New York  
22 Reade Street  
New York, NY 10007

Commissioner Alfred C. Cerullo, III  
NYC Planning Commission  
City of New York  
22 Reade Street  
New York, NY 10007

Commissioner Larisa Ortiz  
NYC Planning Commission  
City of New York  
22 Reade Street  
New York, NY 10007

Commissioner Bomee Jung  
NYC Planning Commission  
City of New York  
22 Reade Street  
New York, NY 10007

Commissioner Cheryl Cohen Efron  
NYC Planning Commission  
City of New York  
22 Reade Street  
New York, NY 10007

Commissioner Richard W. Eaddy  
NYC Planning Commission  
City of New York  
22 Reade Street  
New York, NY 10007

Mr. Jon Kaufman  
NYC DCP – Chief Operating Officer  
22 Reade Street  
New York, NY 10007

Mr. Winston Von Engel  
NYC DCP - Brooklyn Borough Director

16 Court Street, 7th Floor  
Brooklyn, NY 11241-0103

**State:**

Governor Andrew M. Cuomo  
State Capitol  
Albany, NY 12224

State Attorney General Eric T. Schneiderman  
The Capitol  
Albany, NY 12224-0341

State Comptroller Thomas P. DiNapoli  
110 State Street  
Albany, NY 12236

State Senate District #26 Daniel L. Squadron  
250 Broadway, Suite 2011  
New York, NY 10017

State Assembly District #50 Joseph R. Lentol  
619 Lorimer Street  
Brooklyn, NY 11211

**Federal:**

President Barack Obama  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Vice President Joe Biden  
1600 Pennsylvania Avenue NW  
Washington, DC 20501

Senior Senator Charles E. Schumer  
780 Third Avenue  
New York, NY 10017

Junior Senator Kirsten Gillibrand  
478 Russell  
Washington, DC 20510

US Congressional District #7 Nydia M. Velazquez  
2302 Rayburn House Office Building

Washington, DC 20515

**Adjacent Properties Contact List:**

Address:

218 River Street  
Brooklyn, NY 11249  
Block: 2362 & Lot: 3

Owner:

Consolidated Edison Company of New York  
4 Irving Place  
New York, NY 10003

Address:

87 River Street  
Brooklyn, NY 11249  
Block: 2361 & Lot: 1

Owner:

Consolidated Edison Company of New York  
4 Irving Place  
New York, NY 10003

Address:

105 River Street  
Brooklyn, NY 11249  
Block: 2355 & Lot: 1

Owner:

Consolidated Edison Company of New York  
4 Irving Place  
New York, NY 10003

Address:

206 Kent Avenue  
Brooklyn, NY 11249  
Block: 2356 & Lot: 1

Owner:

206 Kent Avenue Owner, LLC  
266 Broadway  
Brooklyn, NY 11211

Address:

187 Kent Avenue  
Brooklyn, NY 11249  
Block: 2357 & Lot: 1

Owner 1:  
Delta II Properties, LLC  
125 East Broadway  
New York, NY 10002

Owner 2:  
Joseph Riccobono  
75 Bell Place  
Massapequa, NY 11758

Current Occupant  
Address:  
58 Metropolitan Avenue  
Brooklyn, NY 11249  
Block: 2363 & Lot: 1 (Billing Lot: 7502)

Owner:  
58 Metropolitan Condominiums  
58 Metropolitan Avenue  
Brooklyn, NY 11211

Current Occupant  
Address:  
223 Kent Avenue  
Brooklyn, NY 11249  
Block: 2378 & Lot: 8

Owner:  
Fritz Hokel Corp.  
52 South 8th Street  
Brooklyn, NY 11211

Current Occupant  
Address:  
225 Kent Avenue  
Brooklyn, NY 11249  
Block: 2378 & Lot: 7

Owner:  
225 Leo Realty, LLC  
57 Beekman Avenue

Croton on the Hudson, NY 10520

Current Occupant

Address:

227 Kent Avenue  
Brooklyn, NY 11249  
Block: 2378 & Lot: 6

Owner:

Miranda Banks and Johannes H. Vulto  
227 Kent Avenue  
Brooklyn, NY 11249

Current Occupant

Address:

234 Kent Avenue  
Brooklyn, NY 11249  
Block: 2377 & Lot: 12

Owner:

240 Kent, LLC Jack Guttman  
54 Pearl Street  
Brooklyn, NY 11201

Address:

49 River Street (a.k.a. 26 North 1st Street) Brooklyn, NY 11249  
Block: 2376 & Lot: 6

Owner:

The People of the State of New York  
c/o Office of the Attorney General Real Property Bureau  
The Capitol  
Albany, NY 12224

**Local News Media:**

The Brooklyn Paper  
55 Washington Street, Suite 624  
Brooklyn, NY 11201

Courier Life Publications  
1733 Sheepshead Bay Road  
Brooklyn, NY 11235

The New York Times

229 West 43rd Street  
New York, NY 10036

New York Daily News  
450 West 33rd Street  
New York, NY 10001

North Brooklyn Alliance  
c/o Neighbors Against Garbage  
101 Kent Avenue  
Brooklyn, NY 11211

Greenpoint-Williamsburg Watchperson  
113 Berry Street  
Brooklyn, NY 11211

Brooklyn Center For The Urban Environment  
168 7<sup>th</sup> Street  
Brooklyn, NY 11215

**Public Water Supplier:**

NYC Department of Environmental Protection  
Bureau of Water and Energy Conservation  
59-17 Junction Boulevard  
Corona, NY 11368

**Additional Requests to be Added to Contacts List:**

Jeffrey Herz, Esq.  
Cullen and Dykman, LLP  
100 Quentin Roosevelt Boulevard  
Garden City, NY 11530

David Yudelson, Esq.  
Sive, Paget & Riesel, PC  
460 Park Avenue, 10th Floor  
New York, NY 10022

**School or Day Care Facility Administrator Contacts:**

Ms. Dana Stewart - Executive Director  
Williamsburg Neighborhood Nursery School  
54 South Second Street  
Brooklyn, NY 11249

Ms. Sereidia Rodriguez, Principal  
Public School 84 Jose De Diego: A Magnet School for the Visual Arts  
250 Berry Street  
Brooklyn, NY 11211

Ms. Gina Farrar, PhD, Head of Schools  
Williamsburg Northside Preschool  
152 North 5th Street (between Bedford & Driggs Avenue)  
Brooklyn, NY 11211

**Local Community Board:**

Chair: Dealice Fuller  
Brooklyn Community Board 1  
435 Graham Avenue  
Brooklyn, NY 11211

Mr. Gerald A. Esposito  
District Manager  
Brooklyn Community Board 1  
435 Graham Avenue  
Brooklyn, NY 11211

**Local Document Repositories:**

Mr. Erik Bobilin - Neighborhood Library Supervisor  
Brooklyn Public Library – Leonard Branch  
81 Devoe Street at Leonard  
Brooklyn, NY 11211

Brooklyn Public Library – Greenpoint Branch  
Attn: Mr. Robert Simic – Branch Manager  
107 Norman Avenue and Leonard  
Brooklyn, NY 11222

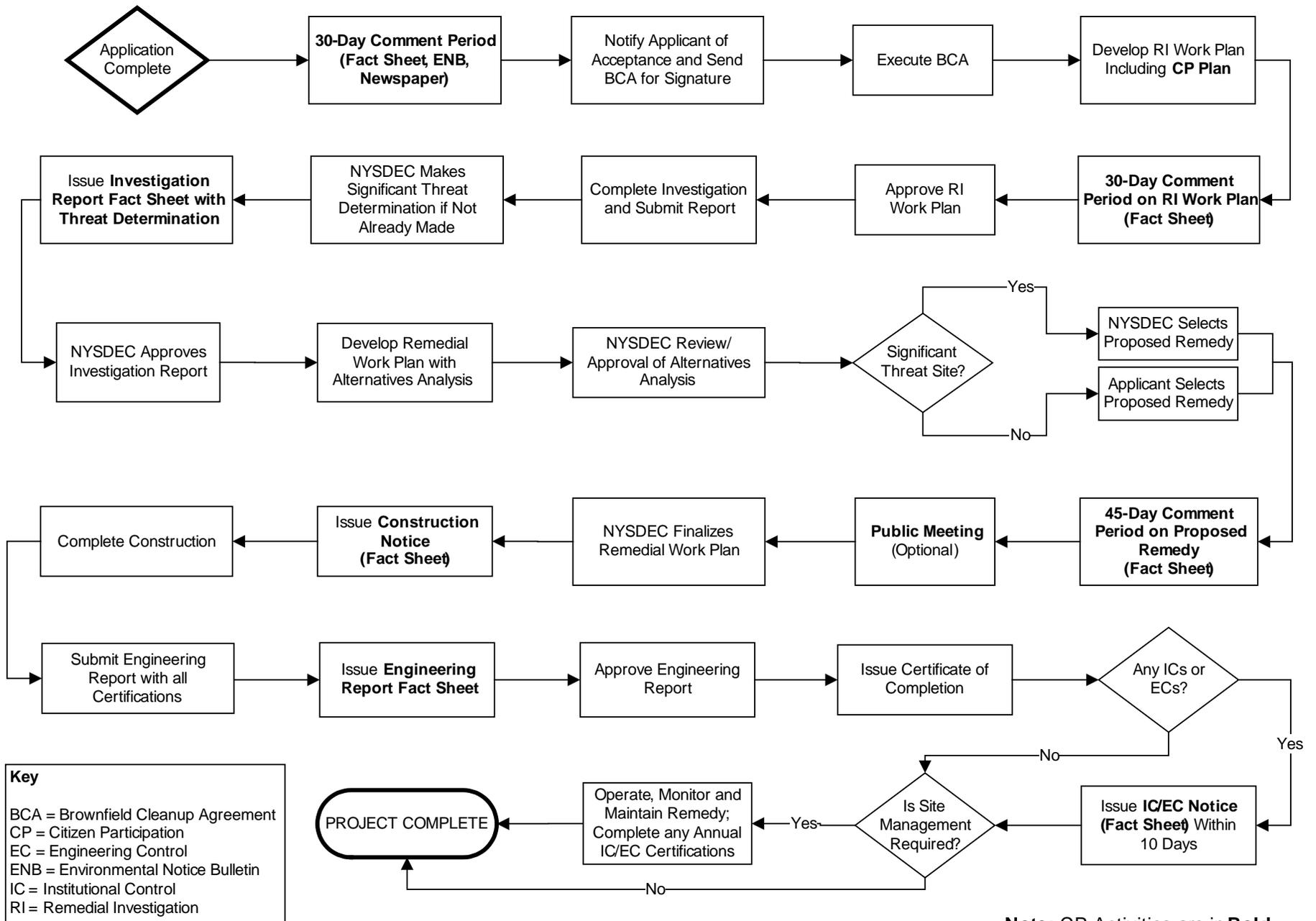
**NYSDEC ADD ON**

Mayor's Office of Environmental Coordination  
Nilda Mesa - Director  
100 Gold Street- 2<sup>nd</sup> Floor  
New York, NY  
Fax: (212) 788-2941

10038 Telephone: (212) 788-9956

**APPENDIX III**  
**Brownfield Cleanup Program Process**

# Appendix III - Brownfield Cleanup Program Process



**Key**  
 BCA = Brownfield Cleanup Agreement  
 CP = Citizen Participation  
 EC = Engineering Control  
 ENB = Environmental Notice Bulletin  
 IC = Institutional Control  
 RI = Remedial Investigation

**Note:** CP Activities are in **Bold**