



**Department of
Environmental
Conservation**

Brownfield Cleanup Program

Citizen Participation Plan for Greenpoint Ferry Site C224272

June 2021

127-141 West Street (aka 14-28 India Street and 1-45 Java Street)
Brooklyn, NY 11222

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Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

Applicant: **1 Java Owner LLC (“Applicant”)**
Site Name: **Greenpoint Ferry Site (“Site”)**
Site Address: **127-141 West Street (aka 14-28 India Street and 1-45 Java Street)**
Site County: **Kings County**
Site Number: **C224272**

1. What is New York’s Brownfield Cleanup Program?

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at:
<http://www.dec.ny.gov/chemical/8450.html> .

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision-makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- Chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- Residents, owners, and occupants of the site and properties adjacent to the site;
- The public water supplier which services the area in which the site is located;
- Any person who has requested to be placed on the site contact list;
- The administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- Location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

Note: The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html>.

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The

flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site had not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

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

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository(ies) 	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period 	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
After Execution of Brownfield Site Cleanup Agreement (BCA):	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	Before start of Remedial Investigation Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period 	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
After Applicant Completes Remedial Investigation:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results 	Before NYSDEC approves RI Report
Before NYSDEC Approves Remedial Work Plan (RWP):	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period 	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
Before Applicant Starts Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	Before the start of cleanup action.
After Applicant Completes Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report • Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) 	At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

When subsurface remediation commences, major issues of community concern may be noise, odor, dust and/or truck traffic associated with removal of contaminated soil. However, these impacts will be mitigated through implementation of a Health and Safety Plan (HASP) and Soil Management Plan approved by the Department, which will be designed to minimize these impacts. A Community Air Monitoring Plan (CAMP) will also be implemented to monitor dust and vapors to ensure the community is not impacted.

The Site is located just outside of an Environmental Justice Area. Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.

Within the Census Tract that the site is located in, there is a large Hispanic-American community that resides there. Therefore, all future fact sheets will be translated into Spanish.

For additional information, visit: <https://statisticalatlas.com/tract/New-York/Kings-County/056300/Race-and-Ethnicity>.

4. Site Information

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

Site Description

- location – 127-141 West Street (aka 14-28 India Street and 1-45 Java Street)
- setting – urban
- site size – 2.441 acres
- adjacent properties – new residential, commercial, and industrial uses

History of Site Use, Investigation, and Cleanup

Historical site use includes lumber storage and sash, door and blind factory (including presence of a drying kiln) and planning mill (western portion of the Site) between 1887 until the 1940s as well as an Independent Energy Plant (IEP). IEPs generally utilized coal and/or oil to generate power. In addition, ash (rich in heavy metals and semi-volatile organic compounds (SVOCs) was a typical byproduct, which required storage, handling and disposal. Additionally, the site was thereafter used as a plastic injection molding operation (1960s-1990s); bottling plant warehouse (1970s); storage and parking facility (post 2000's). Phase I environmental assessment reports also noted sheet metal works (fabrication), truck repair and gasoline tank and pumps for fueling as additional historical use operations. Typically, operations associated with these uses utilized at least petroleum products and solvents, which if released into the environment, would impact the soil, groundwater and soil vapor beneath the site.

The site investigation to date has revealed that the site is contaminated with two volatile organic compounds (VOCs) detected above the Protection of Groundwater Soil Cleanup Objectives, and one VOC detected above the Track 2 restricted residential soil cleanup objectives, several carcinogenic polycyclic aromatic hydrocarbons (PAHs) above the Track 2 restricted residential soil cleanup objectives and heavy metals above the Track 1 unrestricted use soil cleanup objectives. All soil vapor samples contained detections of chlorinated VOCs. It is possible that buried underground storage tanks may be located beneath the site.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Participant. This means that the Applicant was the owner of the site at the time of the disposal or discharge of contaminants or was otherwise liable for the disposal or discharge of the contaminants. The Participant must fully characterize the nature and extent of contamination onsite, as well as the nature and extent of contamination that has migrated from the site. The Participant also must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for residential purposes. It is too early in the remedial process to determine if this site can be remediated to unrestricted or only restricted cleanup objectives. It may be that part of the site can be remediated to unrestricted levels and other parts may not be able to achieve such levels due to the presence of the adjacent East River.

To achieve this goal, the Applicant will conduct investigation and 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.

Investigation

The Applicant will conduct an investigation of the site officially called a “remedial investigation” (RI). This investigation will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment.

The site investigation has several goals:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and the environment; and
- 4) Provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

The Applicant submits a draft “Remedial Investigation Work Plan” to NYSDEC for review and approval. NYSDEC makes the draft plan available to the public review during a 30-day public comment period.

When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

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

Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to

represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

Remedy Selection

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan”. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

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

Cleanup Action

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a Final Engineering Report (FER) that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

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

Site Management

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

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

Appendix A - Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Richard Mustico
Project Manager
NYSDEC
Division of Environmental Remediation
625 Broadway, Albany, NY 12233
(518) 402-9647
Richard.mustico1@dec.ny.gov

New York State Department of Health (NYSDOH):

Melissa Doroski
Project Manager
NYSDOH
Empire State Plaza, Corning Tower
Room 1787
Albany, New York 12237
(518) 402-7880
BEEI@health.ny.gov

Locations of Reports and Information

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

Brooklyn Public Library
Greenpoint Branch: 103 Norman Avenue
Brooklyn, NY 11222
Attn: Acacia Thompson
Phone: (718) 226-8712
Hours:
Mon, Wed, Fri, & Sat 10am-4pm
Tue & Thur 1pm-7pm
Sunday Closed

Brooklyn Community Board No. 1
435 Graham Ave.
Brooklyn, NY 11211
Attn: Ms. Dealice Fuller
Phone: (718) 389-0009
Hours: Call for an Appointment

Appendix B - Site Contact List

The Chief Executive Officer and Planning Board Chairperson of each County, City, Town, and Village	
Hon. Charles Schumer U.S. Senator 780 Third Ave., Suite 2301 New York, NY 10017	Hon. Kirsten Gillibrand U.S. Senator 780 Third Ave., Suite 2601 New York, NY 10017
Nancy T. Sunshine Kings County Clerk 360 Adams Street, Room 189 Brooklyn, NY 11201	Hon. Eric Adams Kings County Executive (Borough President) Borough Hall 209 Joralemon Street Brooklyn, NY 11201
Marisa Lago Commissioner, Department of NYC Planning 120 Broadway, 31st Floor New York, NY 10271	Hon. Bill de Blasio Mayor of New York City City Hall New York, NY 10007
Alfonso Carney Chair of New York City Water Board 59-17 Junction Blvd., 8th Floor Flushing, NY 11373	Hon. Jumaane Williams Public Advocate 1 Centre Street, 15 th Floor New York, NY 11201
Andrea Hagelgans Strategic Planning Advisor, New York City City Hall New York, NY 10007	Hon. Emily Gallagher NYS Assemblywoman 685A Manhattan Avenue Brooklyn, NY 11222
Hon. Stephen Levin NYC Councilman 410 Atlantic Avenue Brooklyn, NY 10017	Hon Brian Kavanagh NYS Senator 250 Broadway, Room 2011 Brooklyn, NY 10007
Hon. Scott Stringer NYC Comptroller 1 Centre Street New York, NY 10007	Mark McIntyre - Director NYC Office of Environmental Remediation 100 Gold Street - 2nd Floor New York, NY 10038
Hon. Carolyn Maloney U.S. House of Representatives 619 Lorimer Street Brooklyn, NY 11211	Julie Stein Office of Environmental Assessment & Planning NYC Dept. of Environmental Protection 96-05 Horace Harding Expressway Flushing, NY 11373
Local News Media from which the Community typically obtains information	
Hoy Nueva York 15 Metrotech Center Floor 7 Brooklyn, NY 11201	The Brooklyn Papers 1 Metrotech Center, 3rd Floor Brooklyn, NY 11201

Greenpoint Star 69-60 Grand Avenue Brooklyn, NY 11378	New York Daily News 4 New York Plaza New York, NY 10004
Spectrum NY 1 News 75 Ninth Avenue New York, NY 10011	Greenpoint Gazette 597 Manhattan Avenue Brooklyn, NY 11222
Courier-Life Publications 1 Metrotech Center #10T Brooklyn, NY 11201	Dozier Hasty The Brooklyn Daily Eagle 16 Court Street 30 th Floor Brooklyn, NY 11241
David Kirschner Brooklyn Media Outlet - News 12 1 Media Crossways Woodbury, NY 11731	El Diario La Prensa 15 Metrotech Center Floor 7 Brooklyn, NY 11201
Residents, Owners, and Occupants of properties adjacent to the Property	
19 India Free Owner LL Adjacent Property Owner of 143 India Street 60 Columbus Circle, 20th Floor New York, NY 10023	10 Huron FS Condo LLC Adjacent Property Owner of West Street (no address number listed) 60 Columbus Circle, 20th Floor New York, NY 10023
19 India Free Owner LLC Adjacent Property Owner of 155 West Street 60 Columbus Circle, 20th Floor New York, NY 10023	Vanderbilt Tower, LL Adjacent Property Owner of 150 West Street 816 56th Street Brooklyn, NY 11220
148 West Villa LLC Adjacent Property Owner of 148 West Street 124-04 Metropolitan Avenue Kew Gardens, NY 11415	Point Equities Realty Adjacent Property Owner of 144 West Street 500 Kingsland Avenue Brooklyn, NY 11222
32 Tower LLC Adjacent Property Owner of 32 India Street 825 Third Avenue, 37th Floor New York, NY 10022	Irene Rodriguez Adjacent Property Owner of 132 West Street 132 West Street Brooklyn, NY 11201
47 Java Street LLC Adjacent Property Owner of 47 Java Street 189 15th Street Brooklyn, NY 11215	KMW Group, LLC Adjacent Property Owner of N/A West Street 592 Pacific St. Brooklyn, NY 11217

Bank Leumi USA Adjacent Property Owner of 108 West Street 579 Fifth Avenue New York, NY 10017	Java Street Realty IN, C/O Navistone, LLC Adjacent Property Owner of 209 West Street 11 Kent Street Brooklyn, NY 11222
Java Street Realty IN Adjacent Property Owner of 2 Java Street 11 Kent Street Brooklyn, NY 11222	-
Public Water Supplier which services the area in where the Property is located	
Vincent Sapienza New York City Public Water Supply System Department Commissioner 59-17 Junction Blvd. Flushing, NY 11373	-
Community, Civic, Religious and Other Environmental Organization	
Antonia Yuille - Director Consolidated Edison Corporate Affairs 30 Flatbush Avenue Brooklyn, NY 11217	Elizabeth Hulsen - President 94th Police Precinct Council 100 Meserole Avenue Brooklyn, NY 11222
Engine 238 Ladder 106 FDNY 205 Greenpoint Avenue Brooklyn, NY 11222	Friends of Transmitter Park C/O OSA 79 North 11th Street Brooklyn, NY 11249
Church of the Ascension Attn: Pastor 127 Kent Street Brooklyn, NY 11222	Brooklyn Greenway Initiative Attn: Terri Carta C/o Newlab 19 Morris Avenue - Building 128 Brooklyn, NY 11205

Appendix C - Site Location Map



Appendix D– Brownfield Cleanup Program Process

