DECISION DOCUMENT

Former NuHart East
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224287
September 2022

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

Former NuHart East
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224287
September 2022

Statement of Purpose and Basis

This document presents the remedy for the Former NuHart East brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Former NuHart East site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gas and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at

a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

Excavation and off-site disposal of contaminant source areas, including:

- Grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
- Any underground storage tanks (USTs), fuel dispenser, underground piping or other structures associated with a source of contamination;
- Soil with visual waste material or non-aqueous phase liquid; and
- Soils that create a nuisance condition, as defined in Commissioner Policy CP-51 section G.

Excavation and off-site disposal of all on-site soils which exceed unrestricted soil cleanup objectives (SCOs), as defined by 6NYCRR Part 375-6.8. If a Track 1 cleanup is achieved, a Cover System will not be a required element of the remedy.

Collection and analysis of confirmation samples at the remedial excavation depths will be used to verify that SCOs for the site have been achieved. If confirmation sampling indicates that SCOs were not achieved at the stated remedial depth, the Applicant must notify DEC, submit the sample results and, and in consultation with DEC, determine if further remedial excavation is necessary. Further excavation for development will proceed after confirmation samples demonstrate that SCOs for the site have been achieved.

Approximately 16,250 cubic yards of contaminated soil will be removed from the site.

3. Backfill

Clean fill meeting the requirements of 6 NYCRRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

4. Groundwater Dewatering & Treatment

The proposed maximum depth of excavation in the source area is 16 feet below grade, which is below the static water table (approximately 5 to 10 feet below grade); therefore, dewatering to facilitate the remedial excavation is anticipated. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated and discharged to the local sewer system in compliance with all municipal requirements and permits from NYCDEP, including pre-treatment, if warranted.

5. Vapor Intrusion Evaluation

As part of the Track 1 remedy, a soil vapor intrusion evaluation will be completed. The evaluation will include a provision for implementing actions recommended to address exposures related to soil vapor intrusion.

6. Local Institutional Controls

If no Environmental Easement (EE) or Site Management Plan (SMP) is needed to achieved soil, groundwater, or soil vapor remedial action objectives, then the following local use restriction will be relied upon to prevent ingestion of groundwater: Article 141 of the NYC Health Code,

which prohibits potable use of groundwater without prior approval.

Contingent Track 1
The intent of the remedy is to achieve Track 1 unrestricted use; therefore, no EE or SMP is anticipated.

In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required, and the remedy will achieve a Track 2 restricted residential cleanup:

7. Institutional Control
Imposition of an institutional control in the form of an Environmental Easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH; and
- require compliance with the Department approved Site Management Plan.

8. Site Management Plan
A Site Management Plan is required, which includes the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
   - Institutional Controls: The Environmental Easement discussed in Paragraph 6 above.

     This plan includes, but may not be limited to:
     - an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
     - descriptions of the provisions of the Environmental Easement including any land use and groundwater use restrictions;
     - a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
     - maintaining site access controls and Department notification; and
     - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
   - a schedule of monitoring and frequency of submittals to the Department; and
   - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protected of public health and the environment.

September 6. 2022

Date

Gerard Burke, Director
Remedial Bureau B

DECISION DOCUMENT

Former NuHart East
Brooklyn, Kings County
Site No. C224287
September 2022

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance, based on the reasonably anticipated use of the property.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

DECInfo Locator - Web Application
https://gisservices.dec.ny.gov/gis/dil/index.html?rs=C224287

Brooklyn Public Library - Williamsburg Branch
240 Division Avenue
Brooklyn, NY 11207
Phone: (718) 486-6006

Brooklyn Community Board 1

435 Graham Avenue
Brooklyn, NY 11211
Phone: (718) 389-0009

Brooklyn Public Library - Greenpoint Branch
107 Norman Avenue
Brooklyn, NY 11222
Phone: (718) 389-4394

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Site Location:
The site is located in an urban area at 22-32 Clay Street and 67-93 Dupont Street in the Greenpoint neighborhood of Brooklyn, NY. The approximately 1.12-acre site is identified on the New York City tax map as block 2487, lots 17, 18, 20, 21, and 57. The site is bounded by Clay Street followed by industrial and manufacturing buildings to the north, residential apartment buildings to the east, Dupont Street followed by residential apartment buildings and a senior living facility to the south, and the Former NuHart Plastic Manufacturing site, an inactive hazardous waste site, to the west.

Site Features:
The site is currently vacant. The site was previously occupied by a vacant one-story industrial building with two warehouse entrances along Dupont Street and two entrances along Clay Street. The building has been demolished but the foundation slab remains.

Current Zoning and Land Use:
All five lots are within an MX-8 Special Mixed-Use District and currently zoned M1-2/R6A (manufacturing with a residential overlay). Surrounding land uses include commercial and industrial properties to the north, the Former NuHart Site (site no. 224136) to the west, and residential properties (single and multi-family) to the south. There are no schools or daycare facilities identified within 1,000 feet of the project site. There were no nursing homes or hospitals identified within 1,000 feet of the site. The Dupont Street Senior housing complex is located just south of the site at 80 Dupont Street.

Past Use of the Site:

The site was developed since at least 1887 and was used for metalworking, manufacture of light fixtures, soap, and water-proofing materials through 1950. From 1950 until 2004 the site and associated manufacturing buildings to the west were used by the NuHart Company for the production, storage, and shipping of plastic and vinyl products. Operations ceased in 2004 and the site buildings have been vacant since that time.

Site Geology and Hydrogeology:
The site is underlain by a layer of urban fill consisting of mainly brown silty sand with asphalt, concrete, and brick fragments. Fill extends to a depth of approximately 5 feet below grade surface. Brown silty sands, fine to medium sands, and clay layers underlay the urban fill layer. Groundwater was encountered at approximately 5 to 10 feet below grade surface, and groundwater flow beneath the site is generally to the west-northwest towards the East River.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives (or an alternative) that restrict(s) the use of the site to restricted-residential use (which allows for commercial use and industrial use) as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The

RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

lead	mercury
benzo(a)anthracene	acetone
tetrachloroethene (PCE)	1,1,1-trichloroethane
trichloroethene (TCE)	barium
benzo(a)pyrene	chrysene
benzo(b)fluoranthene	petroleum products
arsenic	1,2,4-trimethylbenzene
bis(2-ethylhexyl)phthalate	naphthalene

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater
- soil
- soil vapor intrusion

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:
Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), per- and polyfluoroalkyl substances (PFAS), and pesticides. Soil vapor was analyzed for VOCs. Based upon the investigations conducted to date, the primary contaminants of concern at the site are petroleum products in soil and groundwater associated with the underground storage tanks (USTs) in the northeast portion of the site, SVOCs and metals associated with urban fill in shallow soil throughout the site, and VOCs in soil vapor in the northwest portion of the site associated with the adjacent Former NuHart Plastic Manufacturing site.

Soil - VOCs exceeding unrestricted use soil cleanup objective (UUSCOs) were detected in soil in northern portion of the site near the closed in place underground storage area. VOCs identified at the site include acetone at 11 parts per million (ppm) (UUSCO is 0.05 ppm), 1,2,4-trimethylbenzene at 11 ppm (UUSCO is 3.6 ppm), naphthalene at 14 ppm (UUSCO is 12 ppm), and xylenes at 3 ppm (UUSCO is 0.26 ppm). SVOCs detected at levels exceeding UUSCO in soil throughout the site include benzo(a)anthracene up to 9.2 ppm (UUSCO is 1 ppm), benzo(a)pyrene up to 8.4 ppm (UUSCO is 1 ppm), benzo(b)fluoranthene up to 11 ppm (UUSCO is 1 ppm), and chrysene up to 9.8 ppm (UUSCO is 1 ppm).

Metals detected at levels exceeding UUSCOs include lead up to 2500 ppm (UUSCO is 63 ppm), mercury up to 1.27 ppm (UUSCO is 0.18 ppm), arsenic up to 22.9 ppm (UUSCO is 13 ppm), and barium up to 490 ppm (UUSCO is 350 ppm).

The PFAS compound perfluorooctanoic acid (PFOA) was detected at 0.293 parts per billion (ppb), below its unrestricted use guidance value of 0.66 ppb. Perfluorooctanesulfonic acid

(PFOS) was detected in soil at concentrations up to 0.293 ppb, below its unrestricted use guidance value of 0.88 ppb.

Data does not indicate any off-site impacts in soil related to this site.

Groundwater - Separate phase petroleum products are present in the north portion of the site near the closed-in-place fuel oil USTs. VOCs were detected in groundwater at concentrations exceeding the ambient water quality standards (AWQS), including trichloroethene (TCE) up to 7400 ppb (AWQS of 5 ppb), ethylbenzene up to 11 ppb (AWQS of 5 ppb), xylene up to 11 ppb (AWQS of 5 ppb), and naphthalene up to 110 ppb (AWQS of 5 ppb). The TCE is associated with the adjacent Former NuHart Plastic Manufacturing site.

SVOCs were detected at concentrations exceeding the AWQS including benzo(a)anthracene up to 0.12 ppb, benzo(b)fluoranthene up to 0.16 ppb, and chrysene up to 0.14 ppb (each has AWQS of 0.002 ppb), and bis(2-ethylhexyl) phthalate up to 61 ppb (AWQS of 5 ppb).

Dissolved metals were detected at concentrations exceeding the AWQS include sodium, manganese and magnesium, all of which are naturally occurring and are related to the site's proximity to saline surface water.

For PFAS compounds, PFOS and PFOA were reported at concentrations up to 15.8 parts per trillion (ppt) and 393 ppt respectively, exceeding the maximum contaminant levels (MCLs) (drinking water standard) of 10 ppt each in groundwater. The compound 1,4-dioxane was detected up to 1.74 ppb (MCL of 1 ppb).

Data does not include any off-site impacts in groundwater related to this site.

Soil Vapor - The total cumulative maximum concentration for the petroleum-related VOCs benzene, toluene, ethylbenzene, and xylenes (BTEX) compounds was 1,980 micrograms per cubic meter (ug/m3). In addition, TCE was found up to 14,000 ug/m3, tetrachloroethene (PCE) up to 850 ug/m3, 1,1,1-trichloroethane up to 11,200 ug/m3.

Data does not indicate any off-site impacts in soil vapor related to this site.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure.*

Since the site is fenced and covered by asphalt or concrete, people will not come into contact with site?related soil and groundwater contamination unless they dig below the surface. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in soil vapor (air spaces within the soil) may move into buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of

buildings, is referred to as soil vapor intrusion. Since there are no buildings on the site, soil vapor intrusion is not a current concern. However, the potential exists for the inhalation of site contaminants due to soil vapor intrusion for any future on-site development. Environmental sampling indicates soil vapor intrusion associated with this site is not a concern for off-site buildings.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 1: Unrestricted use remedy.

The selected remedy is referred to as the Excavation and Soil Vapor Intrusion Evaluation remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gas and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
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- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

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- Soils that create a nuisance condition, as defined in Commissioner Policy CP-51 section G.

Excavation and off-site disposal of all on-site soils which exceed unrestricted soil cleanup objectives (SCOs), as defined by 6NYCRR Part 375-6.8. If a Track 1 cleanup is achieved, a Cover System will not be a required element of the remedy.

Collection and analysis of confirmation samples at the remedial excavation depths will be used to verify that SCOs for the site have been achieved. If confirmation sampling indicates that SCOs were not achieved at the stated remedial depth, the Applicant must notify DEC, submit the

sample results and, and in consultation with DEC, determine if further remedial excavation is necessary. Further excavation for development will proceed after confirmation samples demonstrate that SCOs for the site have been achieved.

Approximately 16,250 cubic yards of contaminated soil will be removed from the site.

3. Backfill

Clean fill meeting the requirements of 6 NYCRRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

4. Groundwater Dewatering & Treatment

The proposed maximum depth of excavation in the source area is 16 feet below grade, which is below the static water table (approximately 5 to 10 feet below grade); therefore, dewatering to facilitate the remedial excavation is anticipated. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated and discharged to the local sewer system in compliance with all municipal requirements and permits from NYCDEP, including pre-treatment, if warranted.

5. Vapor Intrusion Evaluation

As part of the Track 1 remedy, a soil vapor intrusion evaluation will be completed. The evaluation will include a provision for implementing actions recommended to address exposures related to soil vapor intrusion.

6. Local Institutional Controls

If no Environmental Easement (EE) or Site Management Plan (SMP) is needed to achieved soil, groundwater, or soil vapor remedial action objectives, then the following local use restriction will be relied upon to prevent ingestion of groundwater: Article 141 of the NYC Health Code, which prohibits potable use of groundwater without prior approval.

Contingent Track 1

The intent of the remedy is to achieve Track 1 unrestricted use; therefore, no EE or SMP is anticipated.

In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required, and the remedy will achieve a Track 2 restricted residential cleanup:

7. Institutional Control

Imposition of an institutional control in the form of an Environmental Easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH; and

- require compliance with the Department approved Site Management Plan.

8. Site Management Plan

A Site Management Plan is required, which includes the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
   - Institutional Controls: The Environmental Easement discussed in Paragraph 6 above.

   This plan includes, but may not be limited to:
   - an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
   - descriptions of the provisions of the Environmental Easement including any land use and groundwater use restrictions;
   - a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
   - maintaining site access controls and Department notification; and
   - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
   - a schedule of monitoring and frequency of submittals to the Department; and
   - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

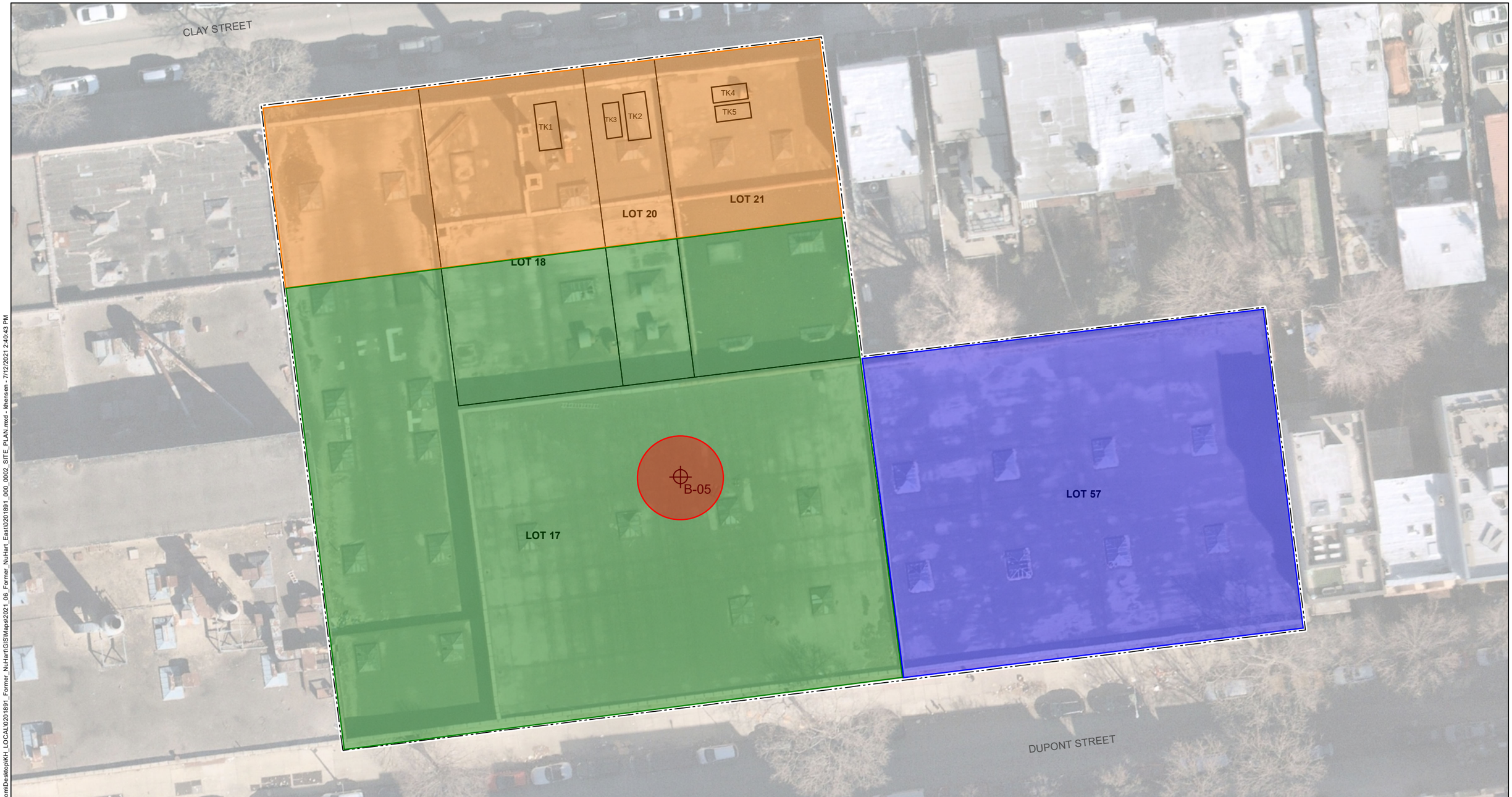
NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Figure 1 - Site Boundary Map
Former Nuhart East
Site No. C224287

100 50 0 100
Feet

Legend

Site Boundary



LEGEND

- TAX LOT BOUNDARY
- SITE BOUNDARY
- APPROXIMATE LOCATION OF CLOSED-IN-PLACE UST

PROPOSED EXCAVATION DEPTHS IN FEET BELOW GROUND SURFACE (FT BGS)

- 16 FT REMEDIAL EXCAVATION
- 8 FT REMEDIAL EXCAVATION
- 6 FT REMEDIAL EXCAVATION
- 10 FT HOT SPOT EXCAVATION

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
3. AERIAL IMAGERY SOURCE: NEARMAP, 12 MARCH 2021

N

0 30 60

SCALE IN FEET

HALEY ALDRICH

FORMER NUHART EAST SITE
22-32 CLAY STREET & 67-93 DUPONT STREET
BROOKLYN, NEW YORK

ALTERNATIVE I EXCAVATION PLAN

FIGURE 2

MARCH 2022

GIS: C:\Users\khensen\OneDrive - haleyaldrich.com\Desktop\KH_LOCAL\0201891_Former_NuHart\GIS\Maps\2021_06_Former_NuHart_East\0201891_000_0002_SITE_PLAN.mxd - khensen - 7/12/2021 2:40:43 PM