DECISION DOCUMENT

Former Just4Wheels Site 2
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224326
August 2022

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

DECLARATION STATEMENT - DECISION DOCUMENT

Former Just4Wheels Site 2
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224326
August 2022

Statement of Purpose and Basis

This document presents the remedy for the Former Just4Wheels Site 2 site a 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 Just4Wheels Site 2 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, optimization, 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 gases 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 all on-site soils which exceed unrestricted use soil cleanup objectives (UUSCOs), as defined by 6 NYCRR Part 375-6.8 and the removal of any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination. The anticipated depth of excavation to achieve UUSCOs is 10 feet throughout the site. Approximately 930 cubic yards of material will be removed from the site.

3. Backfill

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

4. Soil 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.

5. Local Institutional Controls

If no Environmental Easement (EE) or Site Management Plan (SMP) is needed to achieve 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 NYCDOHMH code, which prohibits potable use of groundwater without prior approval.

Conditional Track 1

The intent of the remedy is to achieve a Track 1 unrestricted use; therefore, no EE or SMP is anticipated. If the soil vapor intrusion (SVI) evaluation is not completed prior to completion of the Final Engineering Report, then a SMP and EE will be required to address the SVI evaluation and implement actions as needed; if a mitigation or monitoring action is needed, a Track 1 cleanup can only be achieved if the mitigation system or other required action is no longer needed within 5 years of the date of the Certificate of Completion.

In the event that Track 1 unrestricted use is not achieved, including achievement of soil vapor remedial objectives, the following contingent remedial elements will be required, and the remedy will achieve a Track 2 Restricted Residential cleanup.

6. Institutional Controls

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.

7. 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 7 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 and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provisions for implementing actions recommended to address exposures related to soil vapor intrusion.
- provisions for the management and inspection of the identified engineering controls;
- 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. 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 protective of public health and the environment.

August 4, 2022

Date

Gerard Burke, Director
Remedial Bureau B

DECISION DOCUMENT

Former Just4Wheels Site 2
Brooklyn, Kings County
Site No. C224326
August 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=C224326

Brooklyn Community Board 1
435 Graham Avenue
Brooklyn, NY 11211
Phone: (718) 389-0009

Brooklyn Public Library- Bushwick Branch
340 Bushwick Avenue
Brooklyn, NY 11206
Phone: (718) 602-1348

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 Former Just4Wheels Site 2 is a rectangular 2,500 square foot (0.057-acre) parcel located in an urban area in the Broadway Triangle neighborhood of Brooklyn. The site is located on the north side of Gerry Street on the block between Throop Avenue and Harrison Avenue. The site's address is 93 Gerry Street, and the site is denoted on the New York City tax map as Block 2266, Lot 39.

Site Features: The site is currently used for rental car parking. A temporary trailer is located in the northeast corner of the site. There are no permanent structures at the site.

Current Zoning and Land Use: The site is zoned RA-7 (residential) for "medium-density apartment house districts." The surrounding properties are currently used for commercial, residential, and warehousing/manufacturing purposes. The nearest residential building is immediately adjacent to the site to northwest.

Past Use of the Site: From the late 1880s through the early 1900s the site was developed with two dwellings. By the early 1900s, the dwelling along Gerry Street was converted to a store. The site was operated by a deck manufacturer and laboratory in the 1930s. In the late 1940s, a laundry facility began operations on the neighboring parcel to the west. The site became vacant in the mid-1960s. Since the mid-2000s, the site has been used as a parking lot for rental vehicles.

Site Geology and Hydrogeology: Site soil consist of 5 to 7 ft of urban fill material, underlain by a layer of tan to light brown fine sand with varying amounts of silt and clay extending to approximately 10 feet below ground surface (ft bgs). Beneath this is a layer of orange-brown to brown poorly graded sand to a depth of 15 ft bgs. Groundwater was encountered at approximately 9 ft bgs and groundwater flow is to the north-northwest.

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, an alternative that restricts the use of the site to restricted residential use (which allows for commercial use and industrial use) as described as described in Part 375-1.8(g) 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 under the Brownfield Cleanup Agreement is a Volunteer. The Applicant does 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 contaminants of concern identified at this site are:

benzo(a)anthracene	cadmium
benzo(a)pyrene	nickel
benzo(b)fluoranthene	DDD
benzo(k)fluoranthene	DDT
chrysene	DDE
dibenz[a,h]anthracene	chlordane
indeno(1,2,3-cd)pyrene	dieldrin
barium	arsenic
lead	zinc
mercury	PFOA
copper	PFOS

The contaminants of concern exceed the applicable SCGs for:

- soil
- groundwater

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 samples were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), per- and polyfluoroalkyl substances (PFAS), pesticides, and 1,4-dioxane. Soil vapor samples were analyzed for VOCs. Based upon the investigations conducted to date, the primary contaminants of concern for the site are SVOCs, metals, and pesticides in soil attributed to urban fill.

Soil - Soil data were compared to Unrestricted Use Soil Cleanup Objectives (UUSCOs). The following SVOCs exceeded UUSCOs in site soils: benzo(a)anthracene up to 24 parts per million (ppm) (UUSCO is 1 ppm), benzo(a)pyrene up to 22 ppm (UUSCO is 1 ppm), benzo(b)fluoranthene up to 24 ppm (UUSCO is 1 ppm), benzo(k)fluoranthene up to 5 ppm (UUSCO is 1 ppm).

For metals, the following constituents exceeded UUSCOs in site soils: arsenic up to 26.9 ppm (UUSCO is 13 ppm), barium up to 832 ppm (UUSCO is 350 ppm), cadmium up to 10.1 ppm (UUSCO is 2.5 ppm), copper up to 690 ppm (UUSCO is 50 ppm), lead up to 3,150 ppm (UUSCO is 63 ppm).

Five pesticides were detected above UUSCOs. Detected pesticides were 4,4'-DDD up to 0.0224 ppm (UUSCO is 0.0033 ppm), 4,4'-DDE up to 0.0176 ppm (UUSCO is 0.0033 ppm), 4,4'-DDT at 0.938 ppm (UUSCO is 0.0033 ppm) and dieldrin up to 0.129 ppm (UUSCO is 0.005 ppm).

Exceedances of UUSCOs for SVOCs, metals, and pesticides were encountered throughout the site at depths of 0 to 9 feet bgs. VOCs, PCBs, and 1,4-dioxane were not detected is site soils above UUSCOs.

Perfluorooctanesulfonic acid (PFOS) was detected in soil at one location at a maximum concentration of 3.04 parts per billion (ppb) in near surface soil. This concentration exceeds the unrestricted use guidance value of 0.88 ppb but does not exceed the protection of groundwater guidance value of 3.7. Perfluorooctanoic acid (PFOA) was detected in soil at one location at a depth 8-10 feet bgs at a concentration of 0.697 ppb which slightly exceeds the unrestricted use guidance value of 0.66 ppb but does not exceed the protection of groundwater guidance value of 1.1 ppb.

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

Groundwater - No VOCs, SVOCs, PCBs or pesticides were detected in groundwater samples above Class GS Ambient Water Quality Standard (AWQS). For metals in groundwater samples,

iron was detected at concentrations up to 372 ppb (AWQS is 300 ppb), selenium was detected at concentrations up to 22.6 ppb (AWQS is 10 ppb), and sodium was detected at concentrations up to 112,000 ppb. The presence of metals in groundwater samples are likely reflective of naturally occurring hydrogeologic conditions and/or road salt applications and are not considered to be site-related impacts.

1,4-dioxane was not detected in site groundwater. Both PFOA and PFOS were detected in all groundwater samples collected from the site. The highest concentration of PFOA detected was 107 parts per trillion ppt) and the highest concentration of PFOS detected was at 55.1 ppt. These concentrations are above the maximum contaminant level, or MCL (drinking water standard) of 10 ppt.

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

Soil Vapor - The chlorinated VOC tetrachloroethene (PCE) was detected in site soil vapor samples at concentrations ranging from 22.9 to 49.4 micrograms per meter cube (ug/m3). Various petroleum related VOCs were detected in soil vapor sampling including 2-butanone at concentrations up to 2,050 ug/m3, 2-hexanone at concentrations up to 246 ug/m3, benzene at a concentration of 5.94 ug/m3, ethanol at concentrations up to 118 ug/m3, heptane at concentrations up to 232 ug/m3, and n-hexane at concentrations up to 529 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.*

The site is completely fenced, which restricts public access. However, persons who enter the site could contact contaminants in the soil by walking on the site, digging or otherwise disturbing the soil. 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 air of buildings, is referred to as soil vapor intrusion. Because there is no on-site building, inhalation of site contaminants in indoor air due to soil vapor intrusion does not represent a concern for the site in its current condition. However, the potential exists for the inhalation of site contaminants due to soil vapor intrusion for any future on-site development. In addition, sampling indicates soil vapor intrusion 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.

There remedial action objectives chosen for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater containing contaminant levels exceeding drinking water standards.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated 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 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, optimization, 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 gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
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- 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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Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

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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.

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If no Environmental Easement (EE) or Site Management Plan (SMP) is needed to achieve 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 NYCDOHMH code, which prohibits potable use of groundwater without prior approval.

Conditional Track 1

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the Final Engineering Report, then a SMP and EE will be required to address the SVI evaluation and implement actions as needed; if a mitigation or monitoring action is needed, a Track 1 cleanup can only be achieved if the mitigation system or other required action is no longer needed within 5 years of the date of the Certificate of Completion.

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- 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.

7. 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:

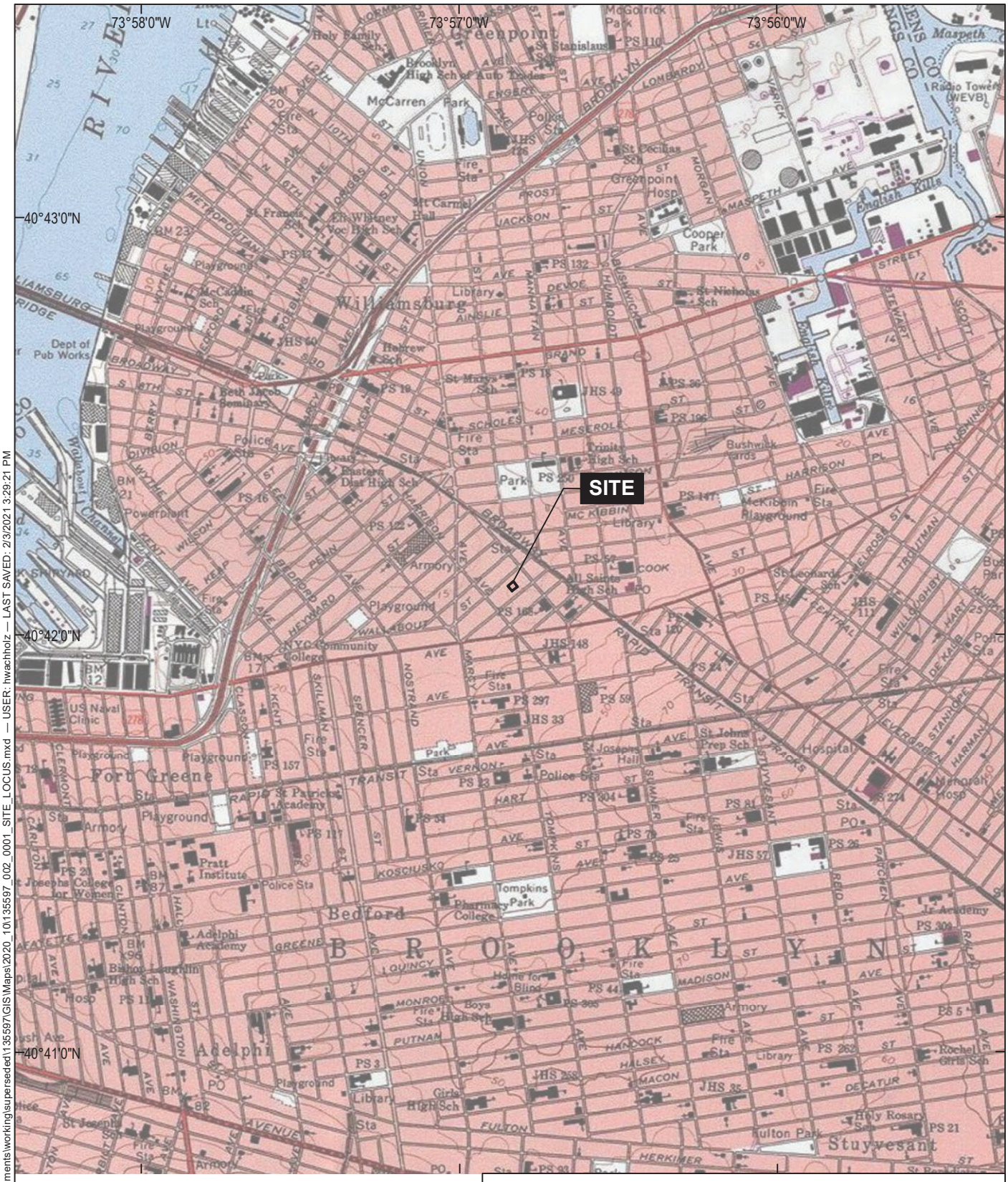
Institutional Controls: The Environmental Easement discussed in Paragraph 7 above.

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 and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provisions for implementing actions recommended to address exposures related to soil vapor intrusion.
- provisions for the management and inspection of the identified engineering controls;
- 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. 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.



NY

MAP SOURCE: ESRI
SITE COORDINATES: 40°42'7"N, 73°56'49"W

HALEY ALDRICH

93 GERRY STREET
BROOKLYN, NEW YORK

PROJECT LOCUS

APPROXIMATE SCALE: 1 IN = 2000 FT
FEBRUARY 2021

FIGURE 1

GIS FILE PATH: C:\Users\hwachholz\Documents\working\superseded\135597\GIS\Maps\2020_10\135597_002_0001_SITE_LOCUS.mxd — USER: hwachholz — LAST SAVED: 2/3/2021 3:29:21 PM

LEGEND

SITE BOUNDARY

ALTERNATIVE I/ TRACK 1 REMEDIAL EXCAVATION TO 10 FEET BGS

EP-01 PROPOSED CONFIRMATION SOIL SAMPLE LOCATION

NOTES

1. ALL LOCATIONS ARE APPROXIMATE.
2. AERIAL IMAGERY SOURCE: NEARMAP, 25 SEPTEMBER 2020
3. BELOW GROUND SURFACE (BGS)
4. BASEMAP REFERENCED FROMPROPOSED NEW SIX (6)STORY RESIDENTIAL BUILDING LOCATED AT 93 GERRY STREET, BROOKLYN N.Y., PREPARED BY STUDIO GALLOS ARCHITECTURE, DATED 12.23.2021.

N

0 20 40
SCALE IN FEET

HALEY ALDRICH

93 GERRY STREET
BROOKLYN, NEW YORK

ENDPOINT SAMPLING MAP

JANUARY 2022

FIGURE 2