



FACT SHEET

Brownfield Cleanup Program

West 42nd Street Works
C231024 and C231012
City and County of New York

July 2007

NYSDEC Certifies Remediation Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that Con Edison, River Place I Holdings LLC and River Place II LLC has achieved remediation requirements to address contamination related to the West 42nd Street Works located at 640 West 42nd Street and 533-543 11th Avenue in the City and County of New York under New York's Brownfield Cleanup Program (BCP). See map for the location of the site. NYSDEC has issued a Certificate of Completion to Con Edison, River Place I Holdings LLC and River Place II LLC regarding the West 42nd Street Works. A copy of the Certificate of Completion is available at the document repository identified in this fact sheet.

NYSDEC previously accepted an application submitted by Con Edison, River Place I Holdings LLC and River Place II LLC to participate in the BCP. The application proposed that the site would be used for residential purposes.

Certificate of Completion

The Certificate of Completion issued by NYSDEC contains:

- 1) a description of the remedial activities completed;
- 2) a certification that remediation requirements have been or will be achieved;
- 3) the boundaries of the site;
- 4) a description of any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when the remedial action leaves residual contamination that makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier;
- 5) a certification that a Site Management Plan for any engineering controls used at the site has been approved by NYSDEC.

"*Remedial activities*" and "*remediation*" refer to all necessary actions to address any known or suspected contamination associated with a site.

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. 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.

For more information about the BCP, visit:
www.dec.state.ny.us/website/der/bcp

Highlights of the Final Engineering Report

The remediation included the removal of contaminated material to depths of approximately 10 - 20 feet below grade and controlling exposures to remaining contamination. Approximately 88,000 tons of soil were removed from the sites and disposed of at properly permitted facilities. Approximately 1,100 linear feet of steel sheeting with sealed joints was installed encompassing the entirety of Site C231012 (River Place II) and a portion of Site No. C231024 (River Place I). The sheeting line on that site extends to a distance of 50

feet from the existing River Place I building structure. Several feet of recycled concrete aggregate product were placed at the bottom of the excavation to provide an uncontaminated working platform for the remainder of the redevelopment at these sites. The remediation activities were initiated in June 2005 and were completed February 10, 2006.

Due to the fact that contamination in excess of NYSDEC RSCOs will be left behind at each site, the remediation also includes the use of engineering controls and institutional controls to mitigate and control exposure to contaminants. The engineering controls include the use of a vapor barrier to be installed beneath the redevelopment structures on the River Place II site, and the placement of clean fill and RCA above the excavation bottom on both sites. Institutional controls include the recording of an environmental easement for both properties noting the existence of contamination, requiring that NYSDEC approve any change of use for the properties, prohibiting groundwater use, monitoring groundwater and indoor air at the RPI site, implementing health and safety and excavated soil management procedures for work at the sites and certifying that the remedial controls remain in place. The environmental easements were duly recorded on December 19, 2006. A Site Management Plan has been submitted to NYSDEC for review and approval detailing these post remediation operation, maintenance and monitoring measures.

This remedy addressed the on-site contamination. Off-site contamination is being addressed by Con Edison as part of its Voluntary Cleanup Agreement with NYSDEC for the West 42nd Street Works Site.

During remediation, odor and air emissions controls were implemented to minimize the potential for emissions from disturbing the surrounding community. Perimeter air monitoring was conducted to measure any impacts at the property lines. Con Edison, River Place I Holdings LLC and River Place II LLC performed the work, with oversight by NYSDEC and the New York State Department of Health (NYSDOH).

Next Steps

NYSDEC issued the Certificate of Completion (on June 19, 2007) based on review and approval of a Final Engineering Report (FER) submitted by Con Edison, River Place I Holdings LLC and River Place II LLC. The FER described the remedial activities completed and certified that remediation requirements have been achieved for the site.

With the receipt of a Certificate of Completion, Con Edison, River Place I Holdings LLC and River Place II LLC:

- X have no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- X are eligible for tax credits to offset the costs of performing remedial activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

Background

The site is approximately 3.5 acres. The area in which the West 42nd Street Gas Works Site is located maintains a high population density due to the presence of residential high-rises, office buildings and local attractions, as well as the influx of the workforce population on any given day of the work week. Con Edison, between August and October 2003, conducted a Site Characterization investigation on the properties. The Site Characterization investigation showed soil and groundwater contamination present

on the properties. Volatile organic compound and semivolatile organic compound contamination were found in the subsurface soils at depths of between 5 and approximately 32 feet below the ground surface. This contamination is associated with the operation of the former MGP on these properties. Also noted during the site investigation on Tax Lot 3 was some contamination resulting from leaking gasoline tanks from an Exxon-Mobil gas station across 42nd Street to the north of Tax Lot 3. In the mid-1990s, several previous investigations were conducted by the property owner on Tax Lot 1, prior to construction of the apartment building to investigate contamination from underground storage tanks. Under NYSDEC oversight, the underground storage tanks were removed, and some soil remediation was conducted on that property prior to construction of the building.

The remedial investigation was performed from August through October 2003, the Remedial Investigation Report was submitted on April 2004 and approved on April 14, 2004. The Brownfield Cleanup Application was submitted and determined to be complete on June 9, 2004. The Brownfield Cleanup Agreement was executed for River Place I on December 23, 2004 and for River Place II on January 4, 2005.¹ The Remedial Work Plan was submitted and approved in March 2005 and the remedial action was conducted between June 2005 and February 2006.

FOR MORE INFORMATION

Document Repository

A local document repository has been established at the following locations to help the public to review important project documents. These documents include the Certificate of Completion and the application to participate in the BCP accepted by NYSDEC:

Manhattan Borough President Scott Stringer's Office
One Centre Street 19th Floor
New York, NY 10007
(212) 669-8300

Mid-Manhattan Library
455 Fifth Avenue
New York, NY 10016
(212) 340-0833

Who to Contact - Comments and questions are always welcome and should be directed as follows:

Project Related Questions

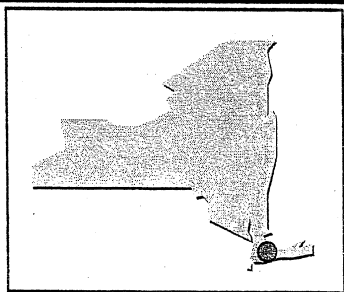
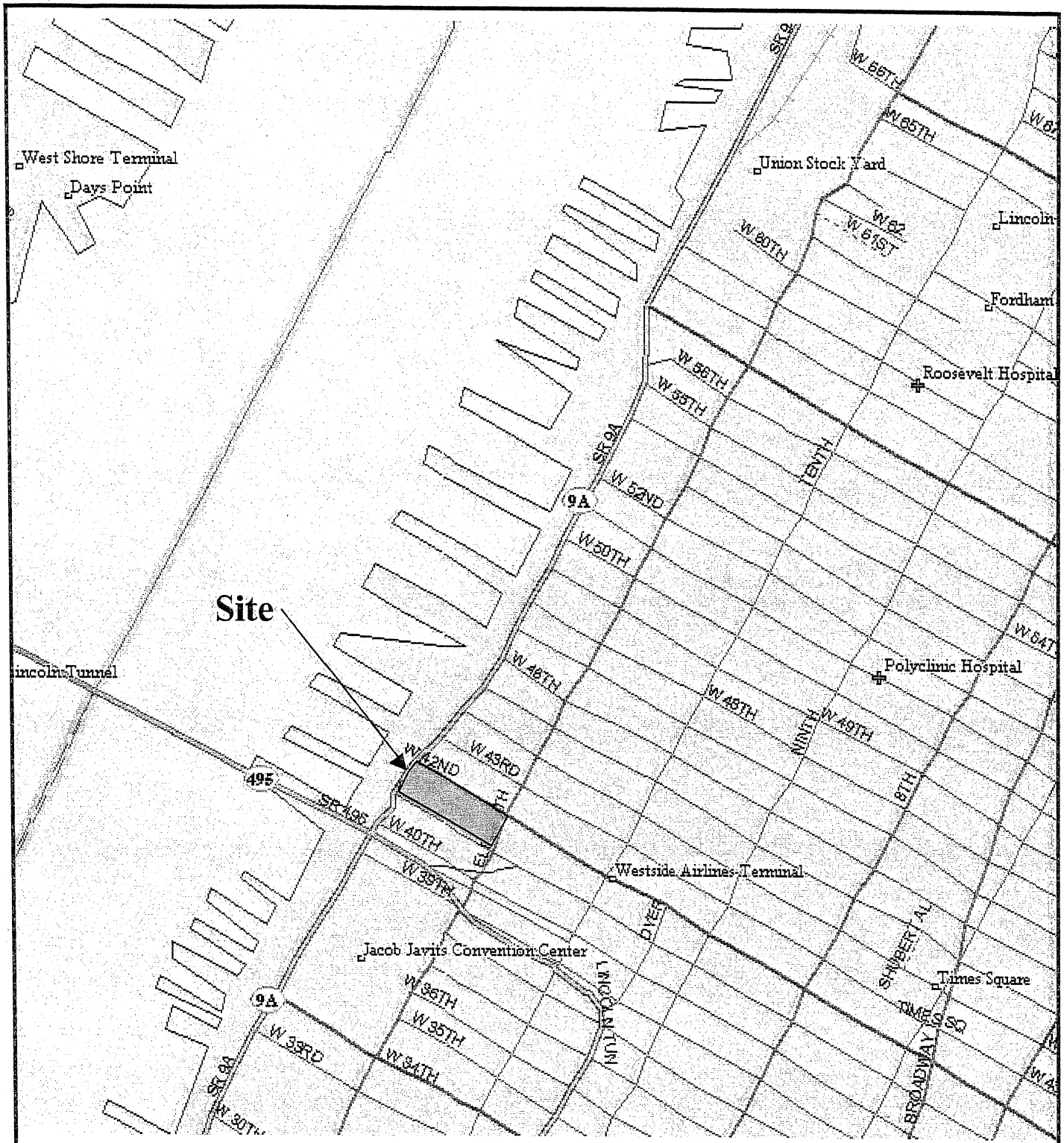
Doug MacNeal, P.E., Project Manager
NYSDEC
625 Broadway
Albany, NY 12233
(518) 402-9564
dkmacnea@gw.dec.state.ny.us

Health Related Questions

Dawn Hettrick, P.E.
NYSDOH
547 River Street, Room 300
Troy, NY 12180
(800) 458-1158, Ext. 2-7880
deh02@health.state.ny.us

If you know someone who would like to be added to the project mailing list, have them contact the NYSDEC project manager above. We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

River Place I, LLC and Con Edison and River Place II, LLC and Con Edison submitted joint applications to participate in the BCP with respect to the River Place I (Tax Lot 1) and River Place II (Tax Lot 3) sites, respectively. NYSDEC has entered into Brownfield Cleanup Agreements for both sites. The BCA for the River Place I was entered into between NYSDEC, Con Edison and River Place I Holdings, LLC. The agreement incorporated a corrected reference to the current owner of the site, River Place I Holdings, LLC, in lieu of River Place I, LLC, an affiliated entity in the ownership structure of the River Place I parcel.



LATITUDE: N40° 45' 41"
 LONGITUDE: W73° 59' 58"



New York Quadrangle

0.200 MI

Figure 1

CONSOLIDATED EDISON
 NEW YORK, NEW YORK

SITE LOCATION MAP
 FORMER WEST 42ND STREET GAS WORKS

PARSONS

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 Offices in Principal Cities