



FACT SHEET

Brownfield Cleanup Program

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

April 2005

Remedial Action to Address Brownfield Site Contamination to Begin

Construction is about to begin 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. Con Edison, River Place I Holdings LLC and River Place II LLC will soon begin remedial activities to address contamination at the site with oversight provided by the New York State Department of Environmental Conservation (NYSDEC).

NYSDEC previously executed an agreement with Con Edison, River Place I Holdings LLC and River Place II LLC to participate in the BCP. The agreement proposes that the site will be used for residential purposes.

Highlights of the Upcoming Site Remedial Activities

Remedial activities have several goals:

- remediate contamination at the site to a level that is fully protective of public health and the environment, and
- account for the intended or reasonably anticipated future use of the site.

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

The Remedial Work Plan goals for Tax Lots 1 and 3:

1) Removal of contaminated material to depths of approximately 10 - 20 feet below grade where possible and controlling exposures to remaining contamination.

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

2) The results of the remediation will be protective of human health and the environment because a significant amount of contaminated material will be removed, remaining contamination that cannot be removed will be covered beneath several feet of clean soil or the buildings, a plan will be put in place to prevent uncontrolled exposure to contamination remaining on-site, and monitoring will be conducted to confirm that levels of contamination in the groundwater decrease.

Because these sites were determined to be a significant threat, NYSDEC selected the remedies for each site. The remedy for Site No. C231024 (River Place I) includes the

excavation and removal of accessible soil to the top of the underlying clay layer at a depth of approximately 10-15 feet below grade and the implementation of institutional controls to control exposure to contamination remaining on the property. A permanent sheetpile wall will be left in place between this site and the adjacent site to prevent contamination remaining beneath the River Place I building from possibly migrating to the other site.

The remedy for Site No. C231012 (River Place II) includes the excavation and removal of accessible soil to a depth of approximately 20 feet below grade, removal of the gas holder foundations, construction of the new building foundation, installation of a groundwater/vapor barrier beneath the building slab, and the implementation of institutional controls to control exposure to the contamination remaining on the property.

Engineering controls include the building foundations as cover above any remaining contamination, placement of clean fill soil cover atop excavation backfill (both sites) and the placement of a vapor barrier (Site ID no. C231012 only). 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 and prohibiting groundwater use. An Operation, Maintenance and Monitoring (OMM) Plan will be implemented containing procedures for performing work below the engineering controls, and handling material that might be contaminated. Institutional controls also require that an annual certification of the remedial controls be performed.

This remedy addresses 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.

Remedies for both sites will be integrated into the construction of the new building on the River Place II parcel. During remediation and construction, odor and air emissions controls will be implemented to minimize the potential for emissions from disturbing the surrounding community. Perimeter air monitoring will be conducted to measure any impacts at the property lines. Con Edison, River Place I Holdings LLC and River Place II LLC will perform the work, with oversight by NYSDEC and the New York State Department of Health (NYSDOH).

On-site remedial activities will begin on or after April 25, 2005. A plywood construction fence will completely enclose the construction site with controlled access points on 41st and 42nd Streets. Approximately 60 trucks per day will be entering the site empty and exiting the site with non-hazardous, low-level contaminated soil. Traffic control measures will be in place to ensure a minimal disruption to normal traffic patterns. Operations will be conducted from 7:00 am to 7:00 pm Monday through Saturday. Site remediation activities are scheduled to be complete on or about August 31, 2005.

Next Steps

Con Edison, River Place I Holdings LLC and River Place II LLC is expected to begin remedial activities at 640 West 42nd Street and 533-543 11th Avenue on or after April 25, 2005. These activities are anticipated to take about four months. NYSDEC and the New York State Department of Health (NYSDOH) will oversee the remedial activities. Within 90 days of completing remedial activities, Con Edison, River Place I Holdings LLC and River Place II LLC must submit to NYSDEC a Remedial Action Report (RAR). The RAR will describe the remedial activities completed and certify that remediation requirements have been achieved or will be achieved.

When NYSDEC is satisfied that remediation requirements have been achieved or will be achieved for the site, it will approve the Remedial Action Report. NYSDEC then will issue a Certificate of Completion to Con Edison, River Place I Holdings LLC and River Place II LLC. Upon issuance of a Certificate of Completion, Con Edison, River Place I Holdings LLC and River Place II LLC:

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

Con Edison, River Place I Holdings LLC and River Place II LLC would be eligible to redevelop the site after they receive the Certificate of Completion from NYSDEC.

A fact sheet will be sent to the site contact list that describes the content of the Remedial Action Report. The fact sheet will identify any institutional controls (for example, deed restrictions) or engineering controls (for example, a site cap) necessary at the site in relation to the issuance of the Certificate of Completion.

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, local attractions, and rental facilities as well as the influx of the workforce population on any given day of the workweek.

Con Edison, between August and October 2003, conducted a Site Characterization investigation on the properties. The results of this 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. Several previous investigations were conducted by the property owner in the mid-1990's 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

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 (For example, the Remedial Work Plan and BCP application):

Manhattan Borough President Virginia Fields' 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

¹ 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.

Who to Contact

Comments and questions are always welcome and should be directed as follows:

Project Related Questions

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Health Related Questions

Dawn Hettrick, P.E.
New York State Department of Health
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547 River Street, Room 300
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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.