



# FACT SHEET #4

## Brownfield Cleanup Program

Club East  
C231048  
New York, NY

March 2007

### Draft Remedial Investigation Report and Interim Remedial Measures Report Available for Public Comment

The New York State Department of Environmental Conservation (NYSDEC) requests public comments as it reviews two draft Reports for the Club East site located at 421-433 East 13<sup>th</sup> Street and 420 East 14<sup>th</sup> Street in New York, New York. See map for the location of the site. The draft "Remedial Investigation Report" and "Interim Remedial Measures Report" were submitted by the 13<sup>th</sup> and 14<sup>th</sup> Street Realty, LLC under New York's Brownfield Cleanup Program (BCP). NYSDEC previously accepted an application submitted by the 13<sup>th</sup> and 14<sup>th</sup> Street Realty, LLC to participate in the BCP. The application proposes that the site will be redeveloped for unrestricted/residential purposes.

### Public Comments About the Draft Interim Remedial Measures and Remedial Investigation Reports

NYSDEC is accepting written comments about the draft Remedial Investigation (RI) Report and draft Interim Remedial Measures (IRM) Report for 30 days, from **March 19, 2007** through **April 19, 2007**. The draft RI and IRM Reports are available for public review at the document repository identified in this fact sheet.

### Highlights of the Draft Interim Measures Report and Draft Remedial Investigation Report

- 1) IRM soil excavation extended to the site boundaries. All soil removed was tested and taken to proper off-site disposal facilities;
- 2) The removal of all the on-site soils to as much as 5-feet into the shallow water table effectively eliminates any potential source or exposure pathway to future building occupants from historical residual contamination that was formerly attributable to the presence of impacted Site soils and fill materials;
- 3) During the installation of the new building's foundation a waterproofing/membrane was installed around the entire foundation and up to street grade. The installation of the combined water/vapor barrier beneath and around the new building foundation effectively prevents the potential for the migration of surrounding uppermost groundwater and/or any potential for off-gassing vapor from the groundwater from accumulating with, or migrating into, the future basement interior;
- 4) To confirm as-built vapor barrier effectiveness, the collection of air quality samples for volatile organic compounds is recommended from the new building interior (basement level) after construction is complete. The recommended air sampling is being incorporated into a Remedial Action Plan currently being prepared for this 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](http://www.dec.state.ny.us/website/der/bcp)

## **Next Steps**

The NYSDEC will consider public comments when it completes its review, has any necessary revisions made, and approves the RI and IRM Reports. NYSDOH must concur in the approval of the Reports. The approved RI and IRM Reports will be placed in the document repository (see below). During the public and regulatory review period of the RI and IRM Reports, the 13<sup>th</sup> and 14<sup>th</sup> Street Realty, is proceeding with the preparation of a Remedial Action Plan (RAP). Since the IRM activities are viewed as the potential remedy for the Site, the RAP will include post remedial testing of the indoor air in the newly constructed basement as well as groundwater and soil vapor testing from existing wells and soil vapor points. In addition, the RAP will include documentation of the waterproofing/vapor barrier as the proposed remedy, registration of any deed restrictions and a site management plan. Following Approval of the Remedial Action Plan, the remedial action work will proceed.

It is estimated that the testing specified in the Remedial Action Plan will take about 3-4 weeks to implement. NYSDEC will oversee the remedial activities. Within 90 days of completing remedial activities, 13<sup>th</sup> and 14<sup>th</sup> Street Realty, 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. Based on the findings of the Remedial Investigation Report, Interim Remedial Measure Report and the Remedial Action Report, the State will assess the need for any further remedial actions.

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 will then issue a Certificate of Completion to 13<sup>th</sup> and 14<sup>th</sup> Street Realty, LLC. Upon issuance of the Certificate of Completion, 13<sup>th</sup> and 14<sup>th</sup> Street Realty, LLC:

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

13<sup>th</sup> and 14<sup>th</sup> Street Realty, LLC is eligible to complete its redevelopment of the site after it receives 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 Plan. The Fact Sheet will identify any institutional controls (for example, deed restrictions) or engineering controls (for example, a cap or barrier) deemed appropriate for the future use of the site relative to the issuance of the Certificate of Completion.

## **Background**

The site consists of approximately 16,827 square feet of urban land. Until late 2005, the site was occupied by adjoining one-story, two-story and three-story commercial/industrial buildings constructed between 1903 and 1920. The Site is located at 421-433 East 13<sup>th</sup> Street and 420 East 14<sup>th</sup> Street and situated between the north side of East 13<sup>th</sup> and the south side of East 14<sup>th</sup> Streets between First Avenue to the west and Avenue A to the east.

The former building located at 427 East 13th Street was utilized as a dry cleaning facility. The historical presence of the former dry cleaner resulted in localized contamination of the subsurface soils and shallow groundwater. The presence of this contamination was documented in a Phase II Environmental Site Investigation. The redeveloper: 13<sup>th</sup> and 14<sup>th</sup> Street Realty, LLC, submitted a Brownfield Application to NYSDEC on June 30, 2005. NYSDEC determined that the site was eligible to participate in New York's Brownfield Cleanup Program (BCP) as a Volunteer on September 16, 2005. A formal BCP Agreement was executed on November 15, 2005.

A Citizen Participation Plan was prepared in December 2005. A Remedial Investigation Work Plan was submitted to NYSDEC on June 30, 2005 and was approved on December 20, 2005. An Interim Remedial Measures Work Plan was submitted to NYSDEC on June 30, 2005 and approved on March 7, 2006. An Interim Remedial Measures Report was submitted to NYSDEC on September 29, 2006. A Remedial Investigation Report was submitted to the NYSDEC on February 15, 2007.

The RI and IRM Work Plan were executed during the first half of 2006. The IRM activities included the removal of all on-site soils to a depth of at least 5-feet into the shallow groundwater table and the installation of a site-wide waterproofing/vapor barrier. The RI activities included the installation of five groundwater monitoring wells and three soil vapor monitoring points. The groundwater wells and soil vapor points were chemically tested for volatile organic compounds to determine the extent of groundwater and soil gas contamination at the Site.

## **FOR MORE INFORMATION**

### **Document Repository**

A local document repository has been established at the following location to help the public review important project documents. These documents include the Remedial Investigation Report, Interim Remedial Measures Report, Remedial Investigation Work Plan; Remedial Investigation Work Plan Addendum; Interim Remedial Measures Work Plan; Interim Remedial Measures Work Plan Addendum; a Community Participation Plan and the Application to participate in the BCP accepted by NYSDEC, as well as, copies of monthly progress reports:

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District Manager  
Manhattan Community Board 3  
59 East 4<sup>th</sup> Street  
New York, NY 10003  
(212) 533-5300

### **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 Hetrick  
Project Manager  
New York State Department of Health  
547 River Street  
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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.