

**NEW YORK STATE  
DEPARTMENT OF**



**ENVIRONMENTAL  
CONSERVATION**

**FACT SHEET #4**  
**BROWNFIELD CLEANUP PROGRAM**

**November 2010**  
**Site No: C231051**

**West 42<sup>nd</sup> Street Redevelopment Project**      **NYSDEC Region 2**  
**605/615 West 42<sup>nd</sup> St., New York, NY**

**Final Engineering Report Available  
for Review**

**West 42<sup>nd</sup> Street Redevelopment Project**

This fact sheet is being provided to you pursuant to New York State Environmental Conservation Law and the New York State Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program ("BCP"). You have been sent this fact sheet because you own or live on the property near the West 42<sup>nd</sup> Street Redevelopment Project (the "Site") or because the NYSDEC believes you may otherwise be interested in activities at the Site. NYSDEC, in cooperation with the New York State Department of Health (NYSDOH), is currently reviewing the draft Final Engineering Report (FER) for the remedial actions performed at the Site. The FER documents the work performed by 605 West 42nd LLC, 605 West 42nd Owner LLC, 605 West 42nd Administrative Member LLC, and CUIP 605 West 42nd LLC (collectively, the "Volunteer") under the NYSDEC-approved Remedial Action Work Plan (RAWP) dated June 2007 for the Site. A map of the site is on the second page of this fact sheet. The FER states that remediation requirements have been achieved regarding Site contamination to fully protect public health and the environment for the proposed Site use. The FER is available at the document repository identified in this fact sheet (see box at left).

**SITE DESCRIPTION AND BACKGROUND:** The Site is approximately 0.346 acres and is located in a commercial, residential, and manufacturing section of Manhattan. The site was previously used as a coal and coke yard, a can manufacturer, a metal manufacturer, a candy manufacturer, and for telecommunications (New York Telephone Company, AT&T, NYNEX, Bell Atlantic and Verizon Communications). Site investigations identified subsurface contamination near three 550-gallon unleaded gasoline underground storage tanks (USTs) that were closed in place in 1992. Sampling indicated exceedances of petroleum-related volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs) above NYSDEC soil cleanup objectives. Groundwater contained dissolved petroleum constituents (primarily VOCs) above NYSDEC Class GA groundwater standards. Elevated SVOCs and metals were also identified in the shallow soils beneath the former building at levels typical of urban fill material. The Brownfield Cleanup Agreement ("BCA") for this site was executed in November 2006, the Remedial Investigation Work Plan/Remedial Investigation Report was approved in June 2007, and the RAWP was approved in November 2007.

**HIGHLIGHTS OF THE FINAL ENGINEERING REPORT:** The goals of the FER are to:

1. describe the remedial activities completed;
2. certify that remediation requirements have been achieved;
3. define the boundaries of the site;
4. describe 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, and
5. certify that Site Management Plan (SMP) 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.

**Document Repositories:**

Science, Industry and Business Library  
188 Madison Avenue  
New York, NY 10016-4314  
Attn: John R. Balow  
Phone: (212) 340-0991/340-0907

**Hours:**

Mon, Fri., Sat.: 9am 11am to 6pm  
Tues., Wed., Thurs.: 10am to 8pm  
Sun.: Closed

NYSDEC Region 2  
Division of Environmental Remediation  
47-20 21st St.  
Long Island City, NY 11101

Call for appointment:  
(718) 482-4994

**Project Contacts:**

**Project Related Questions**

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**Health Related Questions**

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For more information about New York  
State's BCP, visit:

[www.dec.ny.gov/chemical/8450.html](http://www.dec.ny.gov/chemical/8450.html)

# BROWNFIELD CLEANUP PROGRAM

**REMEDIAL ACTIVITIES:** Remediation was completed in June 2010. The main components included the following:

- excavation and proper off-site disposal of contaminated soil and fill;
- treatment of groundwater through a construction dewatering system, and
- off-site groundwater and soil vapor monitoring.

Post-excavation soil sampling was conducted to document that the remaining soil meets the 6 NYCRR Part 375-6 Track 1 Unrestricted Use Soil Cleanup Objectives (SCOs). Off-site groundwater and soil vapor monitoring indicated that there were no off-site impacts above State regulatory levels from Site contamination. As the remediation met the Unrestricted Use SCOs, there are no institutional or engineering controls or SMP associated with the Site.

**NEXT STEPS:** NYSDEC will complete its review, have any necessary revisions made and, if appropriate, approve the FER. NYSDEC will place the approved FER in the site document repository. NYSDEC then will issue a Certificate of Completion to the Volunteer. With its receipt of a Certificate of Completion, the Volunteer would:

- have no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- be 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.

**BROWNFIELD CLEANUP PROGRAM OVERVIEW:** New York established its BCP to address the environmental, legal, and financial barriers that often hinder the redevelopment and reuse of contaminated properties and to enhance private sector cleanups. New York's BCP is a cooperative approach among NYSDEC, NYSDOH, and Volunteers to investigate and/or remediate contaminated Sites. Under the BCP, a Volunteer enters into a Brownfield Cleanup Agreement with the NYSDEC and thereafter submits one or more work plans to investigate and, if necessary, remediate a site. The goal under the BCP is to remediate sites to a level that is protective of public health and the environment consistent with the proposed uses of the site. When the Volunteers complete work, NYSDEC provides a release from liability with standard reservations.

**For more information about New York State's BCP, visit:**

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**Figure 1 – Site Location**

