

New York State Department of Environmental Conservation

## **Brownfield Cleanup Program**

### **Citizen Participation Plan for 4566 Broadway Avenue (Nagle)**

4566 Broadway Avenue, New York, N.Y. 10040  
New York  
New York, New York

December 2006

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**Note:** The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the brownfield site’s remedial process.

Applicant: **4566 Broadway LLC**  
Site Name: **4566 Broadway LLC**  
Site Address: **4566 Broadway Ave, New York, New York**  
Site County: **New York**  
Site Number: **C231054**

## **1. What is New York’s Brownfield Cleanup Program?**

New York’s Brownfield Cleanup Program (BCP) is designed to encourage the private sector to investigate, remediate (clean up) and redevelop brownfields. A brownfield is any real property where redevelopment or reuse may be complicated by the presence or potential presence of a contaminant. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal and financial burdens on a community. If the brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants that conduct brownfield site remedial activities.<sup>1</sup> An Applicant is a person whose request to participate in the BCP has been accepted by NYSDEC. The BCP contains investigation and remediation (cleanup) requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at: [www.dec.state.ny.us/website/der/bcp](http://www.dec.state.ny.us/website/der/bcp) .

## **2. Citizen Participation Plan Overview**

This Citizen Participation (CP) Plan provides members of the affected and interested public with information about how NYSDEC will inform and involve them during the investigation and remediation of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Appendix A contains a map identifying the location of the site.

### *Project Contacts*

Appendix B identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site’s remedial program. The public’s suggestions about this CP

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<sup>1</sup> “Remedial activities”, “remedial action”, and “remediation” are defined as all activities or actions undertaken to eliminate, remove, treat, abate, control, manage, or monitor contaminants at or coming from a brownfield site.

Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

### *Document Repositories*

The locations of the site's document repositories also are identified in Appendix B. The document repositories provide convenient access to important project documents for public review and comment.

### *Site Contact List*

Appendix C contains the brownfield site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and remediation process. The brownfield site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming remedial activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The brownfield site contact list includes, at a minimum:

- chief executive officer and official(s) principally involved with relevant zoning and planning matters of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- document repositories.

Where the site or adjacent real property contains multiple dwelling units, the Applicant will work with NYSDEC to develop an alternative method for providing such notice in lieu of mailing to each individual. For example, the owner of such a property that contains multiple dwellings may be requested to prominently display fact sheets and notices required to be developed during the site's remedial process. This procedure would substitute for the mailing of such notices and fact sheets, especially at locations where renters, tenants and other residents may number in the hundreds or thousands, making the mailing of such notices impractical.

The brownfield site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix B. Other additions to the brownfield site contact list may be made on a site-specific basis at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

### *CP Activities*

Appendix D identifies the CP activities, at a minimum, that have been and will be conducted during the site's remedial program. The flowchart in Appendix E shows how these CP activities integrate with the site remedial process. The public is informed about these CP activities through fact sheets and notices developed at significant points in the site's remedial process.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a brownfield site, and the nature and progress of efforts to investigate and remediate a brownfield site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a brownfield site's investigation and remediation.

The public is encouraged to contact project staff at any time during the site's remedial process with questions, comments, or requests for information about the remedial program.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 6. or in the nature and scope of remedial activities. Modifications may include additions to the brownfield site contact list and changes in planned citizen participation activities.

### **3. Site Information**

#### *Site Description*

- Location – 4566 Broadway Ave, New York, New York, 10040
- Setting – Urban
- Site size – 0.36 acres
- Adjacent properties – residential, commercial

#### *Site History*

- The subject site has been utilized for commercial operations. It is a site of a former gasoline service station that operated from 1978 until 2002. Currently the site is used as a parking lot.
- Petroleum related compounds and metals were detected in the soil and groundwater at the subject site during environmental investigations in 2002 and 2005.

### *Environmental History*

- In 2002, Delta Environmental Consultants prepared a Baseline Acquisition Assessment Report on the existing Gaseteria service station at the subject site. On January 09, 2002, Independent Testing Laboratories, advanced five soil borings at the site and later four of them were converted into temporary monitoring wells. Samples were taken from five borings at different depth based on the highest PID reading and tested in the laboratory. Two of the samples showed high concentrations of petroleum hydrocarbon that exceeded the TAGM # 4046 levels.

One sample was tested for RCRA 8 Metals and only Mercury exceeded the TAGM # 4046 levels.

Analytical results from all four groundwater samples confirms the presence of dissolved petroleum constituents and seven out of RCRA 8 Metals in the groundwater.

In October 2005, three 4000 gallons gasoline underground storage tanks were removed from the subject site. After the tanks were removed four soil samples from all sides and one bottom sample were collected for laboratory analysis. Per lab analytical results all side samples were clean but the bottom sample had very high concentrations of petroleum hydrocarbons.

## **4. Remedial Process**

**Note:** See Appendix E for a flowchart of the brownfield site remedial process.

### *Application*

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Participant. This means that the Applicant was the owner of the site at the time of the disposal or discharge of contaminants or was otherwise liable for the disposal or discharge of the contaminants. The Participant must fully characterize the nature and extent of contamination onsite, as well as the nature and extent of contamination that has migrated from the site. The Participant also must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for unrestricted purposes.

To achieve this goal, the Applicant will conduct remedial activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting a remedial program at the site.

### *Investigation*

If the Applicant conducts a remedial investigation (RI) of the site, it will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation work plan, which is subject to public comment as noted in Appendix D. The goals of the investigation are as follows:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other impacted media;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and/or the environment; and
- 4) Provide information to support the development of a Remedial Work Plan to address the contamination, or to support a conclusion that the contamination does not need to be addressed.

The Applicant will prepare an RI Report after it completes the RI. This report will summarize the results of the RI and will include the Applicant's recommendation of whether remediation is needed to address site-related contamination. The RI Report is subject to review and approval by NYSDEC. Before the RI Report is approved, a fact sheet that describes the RI Report will be sent to the site's contact list.

NYSDEC will determine if the site poses a significant threat to public health and/or the environment. If NYSDEC determines that the site is a "significant threat," a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the eligible site.

For more information about the TAG Program and the availability of TAGs, go online at: [www.dec.state.ny.us/website/der/guidance/tag/](http://www.dec.state.ny.us/website/der/guidance/tag/).

### *Remedy Selection*

After NYSDEC approves the RI Report, the Applicant will be able to develop a Remedial Work Plan if remediation is required. The Remedial Work Plan describes how the Applicant would address the contamination related to the site.

The public will have the opportunity to review and comment on the draft Remedial Work Plan. The site contact list will be sent a fact sheet that describes the draft Remedial Work Plan and announces a 45-day public comment period. NYSDEC will factor this input into its decision to approve, reject or modify the draft Remedial Work Plan.

A public meeting may be held by NYSDEC about the proposed Remedial Work Plan if requested by the affected community and if significant substantive issues are raised about the draft Remedial Work Plan. Please note that, in order to request a public meeting, the health, economic well-being or enjoyment of the environment of those requesting the public meeting must be threatened or potentially threatened by the site. In addition, the request for the public meeting should be made within the first 30 days of the 45-day public comment period for the draft Remedial Work Plan. A public meeting also may be held at the discretion of the NYSDEC project manager in consultation with other NYSDEC staff as appropriate.

### *Construction*

Approval of the Remedial Work Plan by NYSDEC will allow the Applicant to design and construct the alternative selected to remediate the site. The site contact list will receive notification before the start of site remediation. When the Applicant completes remedial activities, it will prepare a final engineering report that certifies that remediation requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the remediation is protective of public health and the environment for the intended use of the site. The site contact list will receive a fact sheet that announces the completion of remedial activities and the review of the final engineering report.

### *Certificate of Completion and Site Management*

Once NYSDEC approves the final engineering report, it will issue the Applicant a Certificate of Completion. This Certificate states that remediation goals have been achieved, and relieves the Applicant from future remedial liability, subject to statutory conditions. The Certificate also includes a description of any institutional and engineering controls or monitoring required by the approved remedial work plan. If the Applicant uses institutional controls or engineering controls to achieve remedial objectives, the site contact list will receive a fact sheet that discusses such controls.

An institutional control is a non-physical restriction on use of the brownfield site, such as a deed restriction that would prevent or restrict certain uses of the remediated property. An institutional control may be used when the remedial action leaves some 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.



Site management will be conducted by the Applicant as required. NYSDEC will provide appropriate oversight. Site management involves the institutional and engineering controls required for the brownfield site. Examples include: operation of a water treatment plant, maintenance of a cap or cover, and monitoring of groundwater quality.

## **5. Citizen Participation Activities**

CP activities that have already occurred and are planned during the investigation and remediation of the site under the BCP are identified in Appendix D: Identification of Citizen Participation Activities. These activities also are identified in the flowchart of the BCP process in Appendix E. NYSDEC will ensure that these CP activities are conducted, with appropriate assistance from the Applicant.

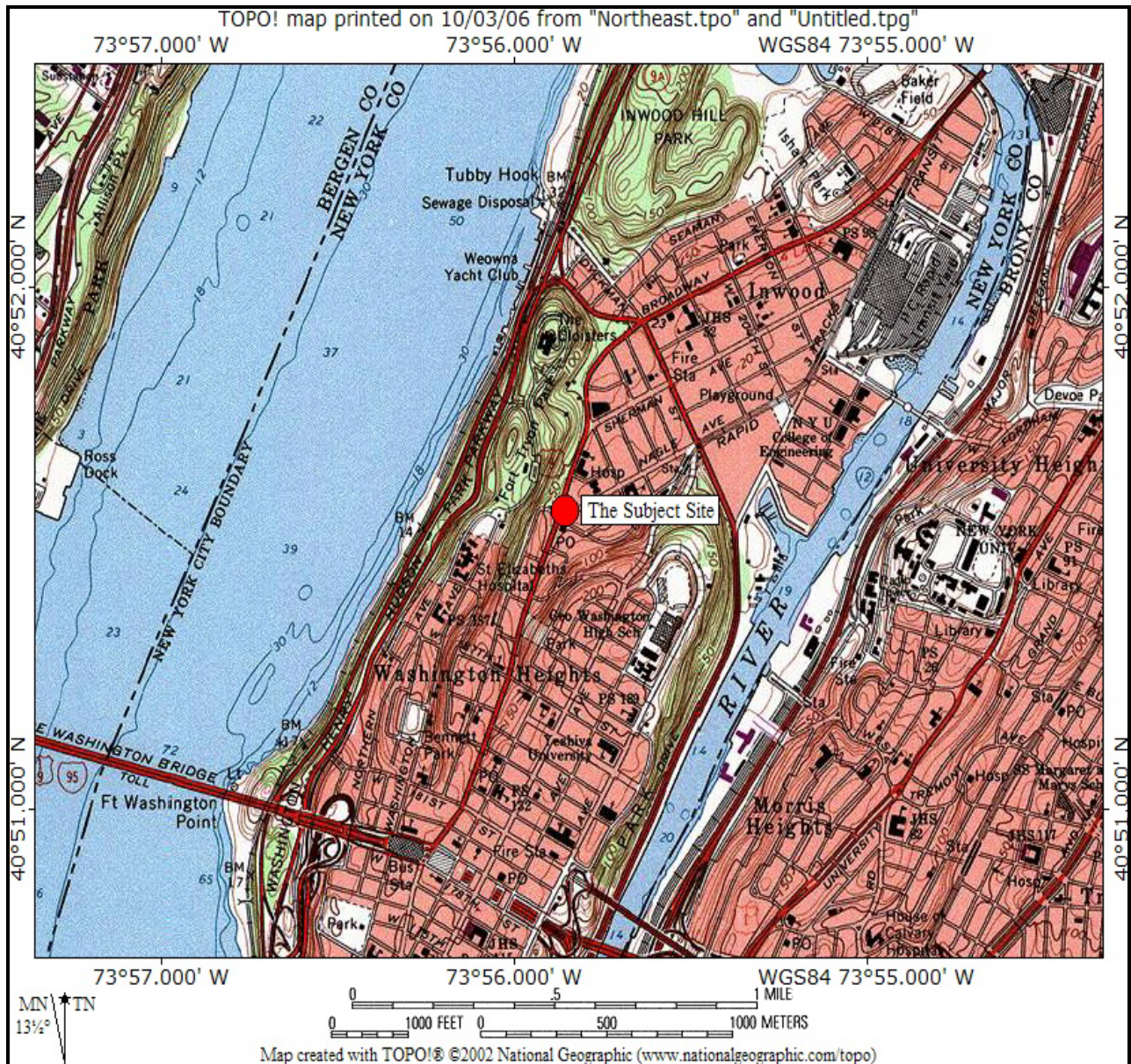
All CP activities are conducted to provide the public with significant information about site findings and planned remedial activities, and some activities announce comment periods and request public input about important draft documents such as the Remedial Work Plan.

All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed. Notices and fact sheets can be combined at the discretion, and with the approval of, NYSDEC.

## **6. Major Issues of Public Concern**

There are no major issues of public concern related to the site.

## Appendix A – Site Location Map



## **Appendix B – Project Contacts and Document Repositories**

### **Project Contacts**

For information about the site's remedial program, the public may contact any of the following project staff:

#### **New York State Department of Environmental Conservation (NYSDEC):**

Sadique Ahmed  
Project Manager  
NYSDEC  
Division of Environmental Remediation  
625 Broadway, 12<sup>th</sup> floor  
Albany, New York 12233-7016  
Phone (518) 402 9775

Thomas V. Panzone  
Citizen Participation Specialist  
NYSDEC Region 2  
1 Hunters Point Plaza  
47 40 21<sup>st</sup> Street, Long Island City  
NY 11101-5407  
Phone (718) 482 4953

#### **New York State Department of Health (NYSDOH):**

Geoffrey J. Laccetti  
NYSDOH  
Bureau of Environmental Exposure  
Investigation  
New York State Department of Health  
547 River Street, Troy, N.Y. 12186  
Phone: (518) 402 7880

### **Document Repositories**

The document repositories identified below have been established to provide the public with convenient access to important project documents:

The New York Public Library, Inwood Branch  
4790 Broadway Ave  
New York, NY 10034-4916  
Phone: (212) 942-2445

Community Board 12  
711 West 168<sup>th</sup> St.  
212-568-8500

## **Appendix C – Brownfield Site Contact List**

### *Environmental Consultant*

Christopher Tomasello  
Advanced Site Restoration  
62 William Street,  
New York, N.Y. 10005  
212-809-1110

### *Zoning Board Contacts*

Chair of City Planning Commission  
Amanda M. Burden  
22 Reade Street  
New York, NY 10007

Manhattan Borough Office:  
22 Reade Street,  
6th Fl. West  
New York, NY 10007-1216  
Tel. 212-720-3480  
FAX 212-720-3488

### *New York City Councilman*

Hon. Miguel Martinez  
District Office Address:  
601 West 174th, (Suite 1A)  
New York, New York 10033  
District Office Phone No.: (917) 521-2616/2640  
District Office Fax No.: (917) 521-1293

### *New York State Senator*

Hon. Eric Schneiderman  
District Office  
Office of State Senator Eric T. Schneiderman  
80 Bennett Avenue, Ground Floor  
New York, NY 10033  
Tel: (212) 928-5578  
Fax: (212) 928-0396

*New York State Assemblyman*

Hon. Adriano Espaillat  
DISTRICT OFFICE  
210 Sherman Avenue, Suite A  
New York, NY 10034  
212-544-2278

Community Board 12  
711 West 168<sup>th</sup> St.  
212-568-8500  
Chairperson: Mr. Martin Colins,  
District Manager: Charles Defino  
Email: [manh12@verizon.esg.net](mailto:manh12@verizon.esg.net)  
Website: [www.cb12m.org](http://www.cb12m.org)

Community Planner  
Edwin Marshall  
212-720-3560

*Public Water Supplier*

New York City Dept. of Environmental Protection  
Bureau of Water & Sewer Operations  
96-05 Horace Harding Express way  
Flushing, NY 11373  
Fax (718) 595-5342

*Local Newspapers*

Manhattan Times  
5000 Broadway  
New York, NY 10034  
c/o Mike Fitelson  
web site: [manhattantimes.org](http://manhattantimes.org)  
email: [manhattantimes@aol.com](mailto:manhattantimes@aol.com)  
Tel: 212-569-5800  
Fax: 212-544-9545

*Schools*

COMMUNITY SCHOOL DISTRICT #6  
4360 BROADWAY  
NEW YORK NY 10033  
(212) 795-9411  
(212) 795-9611

I.S. 218  
June Barnett, Principal  
4600 Broadway, New York, NY 10040  
212-567-2322

MS 322  
Erica Zigelman, Principal  
4600 Broadway, New York, NY 10040  
212-304-0853

City College Academy of the Arts (M293)  
Bernadette Drysdale, Principal  
4600 BROADWAY  
NEW YORK, NY 10040  
Phone: 212-567-3164  
Fax: 212-567-3958

PS 152 Dyckman Valley (M152)  
93 Nagle Avenue  
New York, NY 10040  
Phone: 212-927-8420  
Fax: 212-942-6319  
Principal- Ms. Rosa Blanch

M178  
Deidre Budd, Principal  
1218 ELWOOD STREET  
NEW YORK, NY 10040  
Phone: 212-569-0327  
Fax: 212-569-0389

*Community Based Organizations (CBO's)/Civic Associations*

YM & YWHA of Washington Heights and Inwood  
54 Nagle Avenue  
New York, NY 10040  
Phone: 212-569-6200  
Fax: 212-567-5915

Harry and Janet Weinberg Senior Center  
YM&YWHA,  
54 Nagle Avenue,  
New York, NY 10040.  
Tel: (212) 569-5271.  
Fax: (212) 567-5915.

PROJECT HOMEBOUND OUTREACH PROGRAM FOR ELDERLY  
54 NAGLE AVENUE  
NEW YORK NY 10040  
(212) 569-2004

Columbia-Presbyterian Ambulatory Care Network  
64 Nagle Avenue  
New York, NY 10040  
Phone: 212-567-2291

Institute for Puerto Rican and Hispanic Elderly  
23 Nagle Avenue  
New York, NY 10040  
Phone: 212-942-6780  
Fax: 212-942-9183

New Mother's Discussion Group  
54 Nagle Avenue  
New York, NY 10040  
Tel: 212-569-6200 x247

Estevez Express  
78 Nagle Avenue  
New York, NY 10040  
Tel: 212-942-1521

Rocky Mount Baptist Church  
37 Hillside Ave  
New York, NY 10040  
(212) 942 1253

ROCKY MOUNT DAY CARE CENTER  
37-41 HILLSIDE AVE  
NEW YORK NY 10040  
(212) 942-1253

CONGREGATION OHAV SHALOM  
4624 BROADWAY  
NEW YORK NY 10040  
(212) 567-0900



*Apartment Corporations*

**Corporation name:** Nagle Apartments Corp.

**Building address:** Three buildings:

(1) 31 Nagle Avenue

(2) 37 Nagle Avenue

(3) 14 Bogardus Place

**Managing agent:** Roseann Randazzo

Blue Woods Management Group, Inc.

307 Seventh Avenue, Suite 604

New York, NY 10001

Tel: 212-645-7333

Fax: 212-366-4126

EM: manager[[@naborsapts.org](mailto:manager@naborsapts.org)

**\*\*\* - This complex includes 111 units.**

*Document repository*

The New York Public Library, Inwood Branch

4790 Broadway Ave.

New York, NY 10034-4916.

(212) 942-2445

Community Board 12

711 West 168<sup>th</sup> St.

212-568-8500

Chairperson: Mr. Martin Colins,

District Manager: Charles Defino

Email: [manh12@verizonesg.net](mailto:manh12@verizonesg.net)

Website: [www.cb12m.org](http://www.cb12m.org)



*Additional Surrounding Area Contacts*

<b><u>Address</u></b>	<b><u>Name</u></b>	<b><u>Contact</u></b>	<b><u>Telephone #</u></b>
1 Nagle	Rancho Jubilee		212-304-0100
9 Nagle Ave	Kam Lin Chinese Rest.		212-304-8984
11 Nagle Ave	Que Ricuras		212-569-0093
19 Nagle Ave	Pilis Salon		212-544-0350
17 Nagle Ave	Josephines Spa		212-567-9880
21 Nagle Ave	Laundrymat		212-569-2536
4558 Broadway	Post Office, Fort George Station	Mr. Carlo, manager	212-942-0354
7-9 Hillside Ave	Hillside Supermarket	Mr. Castillo	212-304-1115
25 Nagle Ave	Gordillo		
11-19 Hillside	Holex Realty	John Lopez, manager	212-567-5813
4 Bogardus Place	Metro Management		718-706-7755
23 Nagle Ave	Institute for Home Care Services		212-942-6780
31 Nagle Ave	Nagle Garage contd., supermarket		
	Ym&Ywha	Mr. Hernandez X223	212-569-6200, x42
60 Nagle Ave	Senior housing, 100 units		
64-70 Nagle Ave	The Alan Building		
	Columbia Presbyterian Medical		
64 Nagle Ave	Center		212-942-7183
66 Nagle Ave	Theresa Pharmacy II		212-304-3949
72 Nagle Ave	Pioneer Supermarket	Jose Santos	212-569-1772
4519 Broadway	4519 Broadway Automotive	Adam Ben	212-942-2440
4521-4523 Broadway	Fort Tryon	David Epstine	212-582-9080
4580 Broadway	Apex Supply Company	Alan Tarr	212-304-0808
	Woods Management	Mike Lipman X108	516-466-3600

## Appendix D – Identification of Citizen Participation Activities

Required Citizen Participation (CP) Activities	CP Activities Occur at this Point
<b>Application Process:</b> <ul style="list-style-type: none"> <li>• Prepare brownfield site contact list (BSCL)</li> <li>• Establish document repositories</li> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day comment period</li> </ul>	<p>At time of preparation of application to participate in BCP.</p> <p>When NYSDEC determines that BCP application is complete. The 30-day comment period begins on date of publication of notice in ENB. End date of comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice and notice to the BSCL should be provided to the public at the same time.</p>
<b>After Execution of Brownfield Site Cleanup Agreement:</b> <ul style="list-style-type: none"> <li>• Prepare citizen participation (CP) plan</li> </ul>	<p>Draft CP Plan must be submitted within 20 days of entering Brownfield Site Cleanup Agreement. CP Plan must be approved by NYSDEC before distribution.</p>
<b>After Remedial Investigation (RI) Work Plan Received:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL about proposed RI activities and announcing 30-day public comment period on draft RI Work Plan</li> </ul>	<p>Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. 30-day comment period begins/ends as per dates identified in fact sheet.</p>
<b>After RI Completion:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL describing results of RI</li> </ul>	<p>Before NYSDEC approves RI Report.</p>
<b>After Remedial Work Plan (RWP) Received:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL about proposed RWP and announcing 45-day comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager in consultation with other NYSDEC staff as appropriate)</li> </ul>	<p>Before NYSDEC approves RWP. 45-day comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day comment period.</p>
<b>After Approval of RWP:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL summarizing upcoming remedial construction</li> </ul>	<p>Before the start of remedial construction.</p>
<b>After Remedial Action Completed:</b> <ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL announcing that remedial construction has been completed</li> <li>• Mail fact sheet to BSCL announcing issuance of Certificate of Completion (COC)</li> </ul>	<p>At the time NYSDEC approves Final Engineering Report. These two fact sheets should be combined when possible if there is not a delay in issuance of the COC.</p>

## Appendix E – Brownfield Cleanup Program Process

