DECISION DOCUMENT

511 West 21st Street
Brownfield Cleanup Program
New York, New York County
Site No. C231080
March 2015

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

511 West 21st Street
Brownfield Cleanup Program
NewYork, New York County
Site No. C231080
March 2015

Statement of Purpose and Basis

This document presents the remedy for the 511 West 21st Street site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 511 West 21st Street site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

Due to a New York City Department of Buildings (NYCDOB) requirement that 25% of the original building must remain in place, the site remedy will be comprised of two cleanup tracks: a Track 2 cleanup meeting the commercial use or protection of groundwater soil cleanup objectives (CSCOs/PGWSCOs), as applicable, will be implemented on the eastern portion of the site, while a Track 4 cleanup for commercial use will be implemented on the western portion of the site. The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design - A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:
   - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
   - Reducing direct and indirect greenhouse gases and other emissions;
   - Increasing energy efficiency and minimizing use of non-renewable energy;
   - Conserving and efficiently managing resources and materials;
   - Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
   - Maximizing habitat value and creating habitat when possible;

- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Excavation - Excavate all soil which exceed commercial use SCOs (or protection of groundwater SCOs for petroleum-related constituents that are found in groundwater, such as benzene, toluene, ethylbenzene and xylene [BTEX] and methyl tertiary butyl ether [MTBE]) from the upper 15 feet of soil on the eastern portion of the site seeking a Track 2 remedy, as defined by 6 NYCRR Part 375-6.8(2), and transport off-site for disposal. The extent of the soil targeted for removal is expected to be the top ten (10) feet of the former UST area, up to ten (10) feet from several "hot spot" areas and the top two (2) feet from the rest of the eastern portion of the building footprint. Approximately 3,160 cubic yards of soil material will be removed from the eastern portion of the site (93 cubic yards from the "hot spots", 778 cubic yards from the former UST area and 2,289 cubic yards from across the rest of the eastern portion of the site). Clean fill meeting the requirements of Part 375-6.7(d) will be brought in to replace excavated soil and establish the designed grades at the site. If the Track 2 remedy cannot be achieved in this area, Track 4 will be the contingent remedy.

3. Site Cover

Western portion: A site cover currently exists and will be maintained to allow commercial use of the site. Any site redevelopment will maintain a site cover, which may consist of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of one foot of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use. The soil cover will be placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

Eastern portion: A site cover, consistent with that described for the western portion above, would only be required for this area if the Track 4 contingent remedy is performed. It would not be required if Track 2 is achieved.

4. Groundwater Treatment Contingency

Western portion: Removal of the vast majority of the source of groundwater contamination from the eastern portion of the site is expected to greatly improve groundwater conditions across the entire site. However, if downgradient groundwater concentrations are not reduced by that action, in-situ treatment of on-site groundwater will be implemented within two years of source removal. If off-site groundwater requires additional remedial action, that work would be pursued under the existing Stipulation Agreement (ref. Spill No. 0010394).

5. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property that:

- requires the remedial party or site owner to complete and submit to the Department a

periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH;
- requires compliance with the Department approved Site Management Plan.

6. Site Management Plan

A Site Management Plan is required, which includes the following:

a) An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in Section 5 above.

Engineering Controls: The Site Cover discussed in Paragraph 3 above.

This plan includes, but may not be limited to:
- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion should the on-site building become occupied and for any buildings developed on the site, including provisions for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy;
- a schedule of monitoring and frequency of submittals to the Department; and
- monitoring for vapor intrusion for any buildings re-occupied or developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

March 31, 2015

Date	Robert Cozzy, Director Remedial Bureau B

DECISION DOCUMENT

511 West 21st Street
NewYork, New York County
Site No. C231080
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SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

New York Public Library
Muhlenberg Branch
209 West 23rd Street
New York, NY 10011-2379
Phone: 212-924-1585

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen

participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The Brownfield Cleanup Program (BCP) site is located at 511 West 21st Street in Manhattan, New York County. The property is bounded by West 21st Street to the south and West 22nd Street to the north between 10th Avenue and 11th Avenue in Manhattan. The property has frontage on the north side of West 21st Street and the south side of West 22nd Street.

Site Features: The site is approximately 0.45 acres in size, and includes a vacant 5-story parking garage with a 1-story annex in the southwest corner. The property is flat with average elevation approximately 10 feet above mean sea level and the elevated High Line Park runs along the eastern property boundary.

Current Zoning and Land Use: The area is zoned for manufacturing and commercial use, and the City's zoning code for the site is M1-5.

Past Use of the Site: The site has been used for manufacturing by a gas meter company and also as a service station. Most recently it has been used by a television cable company for vehicle parking and maintenance, storage and offices.

Site Geology and Hydrogeology: The site is underlain by 13 to 17 feet of man-made/historic fill. Native soils beneath the fill layer consist of organic silty clay of estuarine origin as well as sand and silt of glacial origin. The depth-to-bedrock varies from approximately 33 feet below grade at the northern end of the site to 65 feet below grade at the southern end of the site.

The depth-to-groundwater at the site is approximately 6 to 7 feet below sidewalk grade and the local groundwater flow direction is to the southwest.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards,

criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary. There is an open spill (No. 0010394) and an existing Stipulation Agreement with Time Warner Cable for the petroleum contamination on this property.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- indoor air
- sub-slab vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

BENZENE	BENZO(A)PYRENE
TOLUENE	COPPER
ETHYLBENZENE	DIBENZ[A,H]ANTHRACENE
XYLENE (MIXED)	DICHLORODIFLUOROMETHANE
METHYL-TERT-BUTYL ETHER (MTBE)	METHYL ETHYL KETONE

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater
- soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:

The primary contaminants of concern at the site include metals, semi-volatile organic compounds (SVOCs), and volatile organic compounds (VOCs). Previous environmental

investigation in the area revealed concentrations of metals, SVOCs, and VOCs exceeding Standards, Criteria, and Guidance values in the soil and/or groundwater.

The soil samples were analyzed for metals, SVOCs, VOCs, polychlorinated biphenyls (PCBs) and pesticides. Data results from soils sampling reported one metal (copper), VOCs (petroleum related compounds), and SVOCs (polyaromatic hydrocarbons or PAHs). Maximum detections vs. applicable commercial or protection of groundwater soil cleanup objectives (CSCO/PGWSCO) are as follows: copper at 592 parts per million (ppm) vs. 270 ppm, benzene at 1.86 ppm vs. 0.06 ppm, ethylbenzene at 17.7 ppm vs. 1 ppm, methyl tert butyl ether (MTBE) at 8.7 ppm vs. 0.93 ppm, total xylene at 8.44 ppm vs. 1.6 ppm, benzo(a)pyrene at 4.84 ppm vs. 1 ppm and dibenzo(a,h) anthracene at 0.805 ppm vs. 0.56 ppm. Site-related soil contamination is not expected to extend off-site based on the available data. The PAHs and metals contamination in soils are likely related to the presence of historic fill.

Groundwater sampling indicates total metals and VOCs contamination above Class GA groundwater standards. The groundwater samples were analyzed for metals, SVOCs, VOCs, PCBs and pesticides. Some metals were found at relatively low levels in groundwater and are likely related to the presence of historic fill. Maximum groundwater detections vs. standards are as follows: MTBE at 6,190 parts per billion (ppb) vs. 10 ppb, benzene at 3,870 ppb vs. 1 ppb, toluene at 3,990 ppb vs. 5 ppb, ethylbenzene at 720 ppb vs. 5 ppb, and total xylenes at 2,270 ppb vs. 5 ppb. Low concentrations of petroleum contaminants above groundwater standards are migrating off-site.

Elevated levels of petroleum related compounds, toluene, methyl ethyl ketone and dichlorodifluoromethane were detected in sub-slab soil vapor. While there is currently no standard or guidance addressing these particular contaminants, these elevated levels have a potential to impact indoor air in the building through soil vapor intrusion. The maximum concentrations of toluene, dichlorodifluoromethane (Freon-12) and methyl ethyl ketone in sub-slab vapor were detected in the southwestern portion of the site at the respective concentrations of 1,210 micrograms per cubic meter (ug/m3), 1,730,000 ug/m3 and 782 ug/m3. Indoor air levels of these contaminants did not exceed background levels.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

Direct contact with contaminants in the soil is unlikely because the site is covered with buildings and/or pavement. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not contaminated by the site. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Inhalation of site-related contaminants due to soil vapor intrusion does not

represent a current concern because the site is vacant. Furthermore, environmental sampling indicates soil vapor intrusion is not a concern for off-site buildings.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 2: Restricted use with generic soil cleanup objectives remedy.

Due to a New York City Department of Buildings (NYCDOB) requirement that 25% of the original building must remain in place, the site remedy will be comprised of two cleanup tracks: a Track 2 cleanup meeting the commercial use or protection of groundwater soil cleanup objectives (CSCOs/PGWSCOs), as applicable, will be implemented on the eastern portion of the site, while a Track 4 cleanup for commercial use will be implemented on the western portion of the site. The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design - A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

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- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Excavation - Excavate all soil which exceeds commercial use SCOs (or protection of groundwater SCOs for petroleum-related constituents that are found in groundwater, such as benzene, toluene, ethylbenzene and xylene [BTEX] and methyl tertiary butyl ether [MTBE]) from the upper 15 feet of soil on the eastern portion of the site seeking a Track 2 remedy, as defined by 6 NYCRR Part 375-6.8(2), and transport off-site for disposal. The extent of the soil targeted for removal is expected to be the top ten (10) feet of the former UST area, up to ten (10) feet from several "hot spot" areas and the top two (2) feet from the rest of the eastern portion of the building footprint. Approximately 3,160 cubic yards of soil material will be removed from the eastern portion of the site (93 cubic yards from the "hot spots", 778 cubic yards from the former UST area and 2,289 cubic yards from across the rest of the eastern portion of the site). Clean fill meeting the requirements of Part 375-6.7(d) will be brought in to replace excavated soil and establish the designed grades at the site. If the Track 2 remedy cannot be achieved in this area, Track 4 will be the contingent remedy.

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such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of one foot of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use. The soil cover will be placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

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5. Institutional Control
Imposition of an institutional control in the form of an environmental easement for the controlled property that:

- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
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Institutional Controls: The Environmental Easement discussed in Section 5 above.

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- descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion should the on-site building become occupied and for any buildings developed on the site, including provisions for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy;
- a schedule of monitoring and frequency of submittals to the Department; and
- monitoring for vapor intrusion for any buildings re-occupied or developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

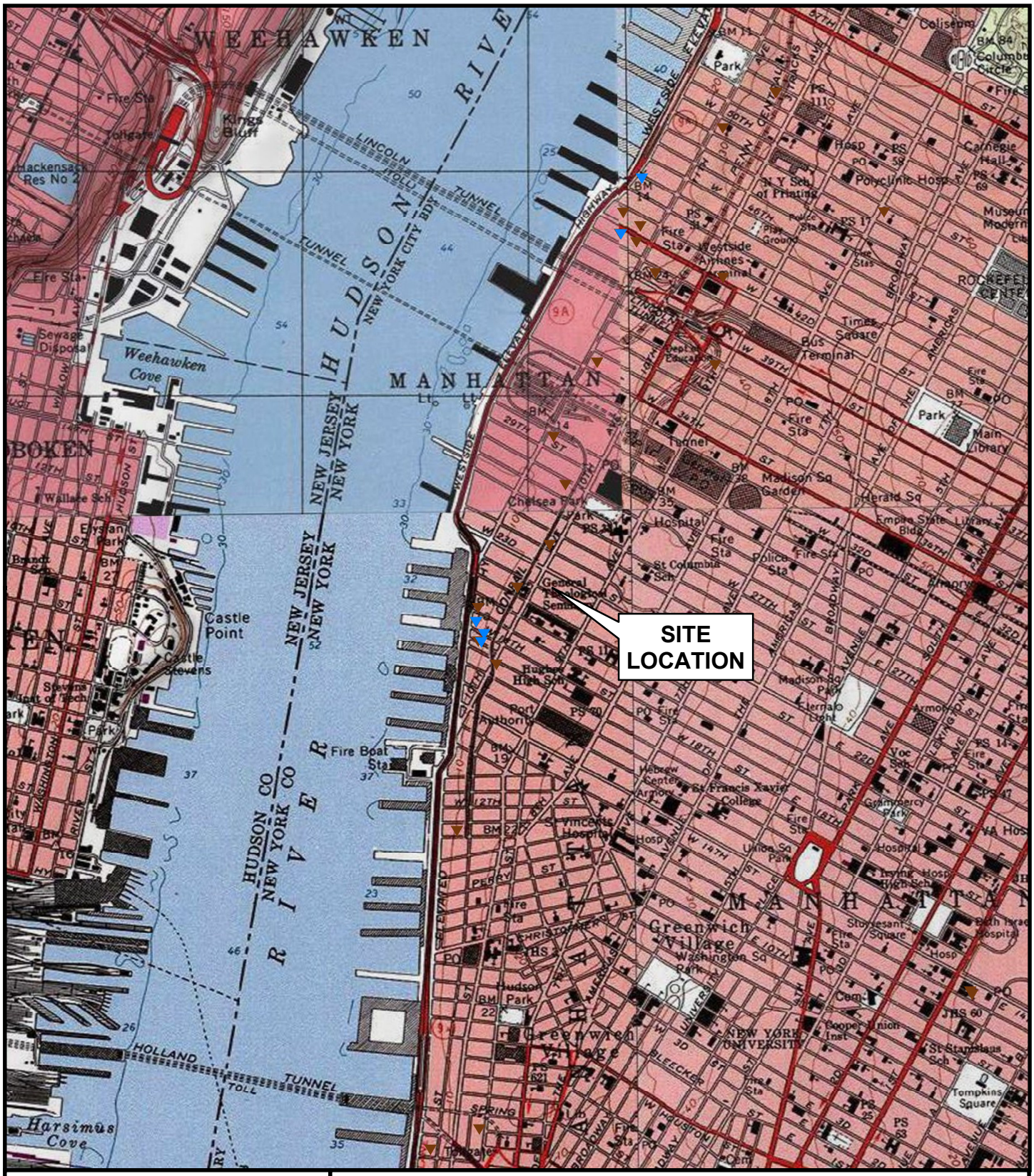

Figure 1

Site Location Map

511 West 21st Street Site
New York, New York County
Site No. C231080

DEPARTMENT OF ENVIRONMENTAL CONSERVATION • NEW YORK STATE •

Legend

- PROPERTY LINE
- EXISTING SLAB TO REMAIN
- NEW SLAB (2 FT. EXCAVATION)
- FORMER UST AREA (10 FT. EXCAVATION)
- HOT SPOT AREA (UP TO 10 FT.)

Figure 2
Site Map

511 West 21st Street Site
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