



**New York State Department of Environmental Conservation**

## **Brownfield Cleanup Program**

# **Citizen Participation Plan** for **438 11<sup>th</sup> AVENUE SITE**

**438-444 11<sup>th</sup> AVENUE  
NEW YORK, NY 10018**

June 2016  
Revised: March 2025

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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 site’s investigation and cleanup process.

Applicant: **438-444 Eleventh Avenue, L.L.C**  
Site Name: **438 11<sup>th</sup> Avenue (“Site”)**  
Site Address: **438-444 11<sup>th</sup> Avenue**  
Site County: **New York**  
Site Number: **C231095**

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

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. 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. 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 a 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 investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and 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: <http://www.dec.ny.gov/chemical/8450.html>.

## **2. Citizen Participation Activities**

### *Why NYSDEC Involves the Public and Why It Is Important*

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision-makers form or adopt final positions.

Involving citizens affected and interest in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment;
- Improving public access to, and understanding of, issues and information related to a particular site and that Site’s investigation and cleanup process;

- Providing citizens with early and continuing opportunities to participate in NYSDEC’s site investigation and cleanup process;
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community; and
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision-making.

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

*Project Contacts*

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

*Locations of Reports and Information*

The locations of the reports and information related to the Site’s investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC website. If this occurs, NYSDEC will inform the public in fact sheets distributed about the Site and by other means, as appropriate.

*Site Contact List*

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site’s investigation and cleanup process. The 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 activities at the Site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- Chief executive officer and planning board chairperson 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 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 A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

### *CP Activities*

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a 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 site's investigation and cleanup.

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

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

### *Technical Assistance Grant*

NYSDEC must determine if the Site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the Site, as described in Section 5.

If the Site is determined to be 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 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 Site.

For more information about TAGs, go online at <http://www.dec.ny.gov/regulations/2590.html>.

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Requirements (Activities)	Timing of CP Activity(ies)
<b>Application Process:</b>	
<ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repositories</li> </ul>	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to site contact list</li> <li>• Conduct 30-day public comment period</li> </ul>	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
<b>After Execution of Brownfield Site Cleanup Agreement:</b>	
<ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>	Before start of Remedial Investigation
<b>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>• Conduct 30-day public comment period</li> </ul>	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
<b>After Applicant Completes Remedial Investigation:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>	Before NYSDEC approves RI Report
<b>Before NYSDEC Approves Remedial Work Plan (RWP):</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul>	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
<b>Before Applicant Starts Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	Before the start of cleanup action.
<b>After Applicant Completes Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC)</li> </ul>	At the time NYSDEC approves Final Engineering Report. These two fact sheets are combined if possible if there is not a delay in issuing the COC.

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

This section of the CP Plan identifies major issues of public concern that relate to the Site. Additional major issues of public concern may be identified during the course of the Site's investigation and cleanup process.

The Site is not located in an Environmental Justice Area. Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Therefore, no future fact sheets will need to be translated into another language.

Environmental justice efforts focus on improving the environment in communities, specifically minority and low -income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.

The major issues of concern to the public will be potential impacts of nuisance odors/dust and noise during the removal of affected soil at the Site. Another example of a major issue of public concern would be the impact of increased truck traffic on the surrounding neighborhood. Construction safety issues will also be addressed.

This work will be performed in accordance with procedures which will be specified under a detailed Remedial Program which considers and takes preventive measures for exposures to future residents of the property and those on adjacent properties during construction. Detailed plans to monitor the potential for exposure including a Health and Safety Plan (HASP) and a Community Air Monitoring Plan (CAMP) are required components of the remedial program. Implementation of these plans will be under the direct oversight of the NYSDEC and the New York State Department of Health (NYSDOH).

These plans will specify the following worker and community health and safety activities during remedial activity at the Site:

- On-site air monitoring for worker protection;
- Perimeter air monitoring for community protection;
- The use of odor, vapor, and dust controls, such as water or foam sprays, as needed;
- Monitoring and control of soil, sediments, and water generated during remediation; and
- Truck routes which avoid residential streets.

The HASP and the CAMP will be prepared as part of the Remedial Action Work Plan (RAWP) and will be available for public review at the document repository as identified in Appendix A (page 11).

Furthermore, the Applicant has prepared a Scoping Sheet for Major Issues of Public Concern which will assist them in identifying any concerns. Experience from similar projects, 311 complaints and other construction projects in the area will help in identifying such issues.



#### **4. Site Information**

Appendix C contains a map identifying the location of the Site.

##### *Site Description*

The Site to be remediated and redeveloped is located in the Hudson Yards neighborhood of New York County and is comprised of parts of two tax parcels (Block 708, Lots 1 and 62) totaling approximately 38,150 square feet (0.87 acres). The street address for the Site is 438 11<sup>th</sup> Avenue, New York, NY. The Site is located on the east side of 11th Avenue, north side of West 36<sup>th</sup> Street and south side of West 37<sup>th</sup> Street in Manhattan. The Site has approximately 100 feet of street frontage on Eleventh Avenue. The eastern boundary of the Site is defined by the western boundary of the Amtrak easement, which is identifiable as a service road that runs parallel to the railroad track and transects Lot 1. Lot 1 consists of an unpaved lot, which is about 20 feet below street level and used by Amtrak as an equipment staging area. A vegetated incline separates the staging area from the building on Lot 62. Lot 62 is improved with a vacant single-story garage building that was formerly occupied by a lumber yard and construction supply distributor.

The land use in the immediate vicinity of the Site is primarily commercial in accordance with the C6-4 zoning which surrounds the property. Adjacent land use includes the Jacob Javits Convention Center to the west, single-story commercial properties including auto repair shops, to the north and east and construction sites and vacant land to the south. Residential and mixed use tower buildings are present further to the east and mixed in with smaller commercial properties (parking garages, auto repair, retail, etc.).

There are no schools in the immediate area (1,000 ft) of the Site, however there is a children's home and education center, Tikva Children's Home, located at 475 10th Avenue approximately 650 ft east of the Site and on the same block. However it is not clear if this is the location of the facility or the administrative office.

The elevation of the current Site grade is about el 7 on Lot 1 and el 26 on Lot 62, in reference to the North American Vertical Datum of 1988 (NAVD88). . The area topography gradually slopes downward to the northwest toward the Hudson River. The depth to groundwater beneath the Site is approximately between el -7 and el 1 in Lot 1 and between el 0 and el 10 in Lot 62. Based on regional groundwater elevation maps, groundwater flows to the west-northwest toward the Hudson River.

##### *History of Site Use, Investigation, and Cleanup*

The Site is currently owned by Mid-Town Development Limited Partnership. The Requestor is under contract to purchase the property. The lower part of the property is currently occupied by a materials supply company while the upper parking area is occupied by a horse drawn carriage company for storage.

A review of Sanborn maps, directory listings and aerial photos shows that the Site served various industrial / commercial uses throughout the 1920s and 1930s including an electric sign maker, a wire works, a service station, auto repair shop an auto radiator shop and several retail stores. Sometime between 1934 and 1951 the buildings were demolished and the NY Central rail line was extended through the Site. By 1996 the rail lines were gone and the Site was used as a storage yard for equipment, structural steel and lumber.

Note that prior to the mid-1930's, the area now defined as Lot 1 was comprised of 28 separate lots (1-16, 49-61).

A Phase II investigation performed at the Site in April 2015 identified petroleum volatile organic compounds (VOCs) and polychlorinated biphenyls (PCBs) in soil which are likely related to the historic use of the property as a rail yard.

## **5. Investigation and Cleanup Process**

### *Application*

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program (BCP) as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the Site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination on-site, and 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 proposes that the Site will be used for the construction of a new 60-story mixed use building which will cover the entire Site. The project includes a 29,000 sf cellar level, 27,000 sf of commercial / retail space, 640,000 sf of office space and 242,000 sf of residential space. Plans include a full height basement level requiring excavation to a depth of approximately 20 ft below existing grade.

To achieve this goal, the Applicant will conduct investigation and cleanup activities at the Site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement (BCA) executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the Site.

### *Investigation*

The Applicant completed a preliminary site investigation before it entered into the BCP. The Applicant will now conduct an investigation of the Site officially called a "remedial investigation" (RI). This investigation will be performed with NYSDEC oversight. The Applicant previously developed a remedial investigation work plan, which was subject to public comment.

The site investigation has several goals:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and the environment; and
- 4) Provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the Site poses a significant threat to public health or the environment. If the Site is a significant threat, it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the Site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

### *Remedy Selection*

When the investigation of the Site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the Site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a Certificate of Completion (COC) (described below) to the Applicant.

**or**

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a Remedial Work Plan. The Remedial Work Plan describes the Applicant's proposed remedy for addressing contamination related to the Site.

When the Applicant submits a proposed Remedial Work Plan for approval, NYSDEC would announce the availability of the proposed plan for public review during a 45-day public comment period.

### *Cleanup Action*

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a Final Engineering Report (FER) that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the Site.

### *Certificate of Completion*

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the Site, it will approve the FER. NYSDEC then will issue a COC to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the Site after it receives a COC.

### *Site Management*

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by the Applicant under NYSDEC oversight, if contamination will remain in place. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the Site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan (SMP).

An institutional control is a non-physical restriction on use of the Site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup 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. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that is pumping and treating groundwater. Site management continues until NYSDEC determines that it is no longer needed.

# **Appendix A**

## **Project Contacts and Locations of Reports and Information**

### **Project Contacts**

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

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

Daniel R. Nierenberg, P.G.  
Project Manager  
NYSDEC  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7016  
Tel: 518-402-9554  
Email: Daniel.nierenberg@dec.ny.gov

Thomas Panzone  
Regional Citizen Participation Specialist  
NYSDEC Region 2  
Office of Communications Services  
47-40 21st Street  
Long Island City, NY 11101-5407  
Tel: (718) 482-4953  
Email: thomas.panzone@dec.ny.gov

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

Harolyn Hood  
New York State Department of Health  
Bureau of Environmental Exposure Investigation  
Empire State Plaza – Corning Tower Room 1787  
Albany, New York 12237  
Tel: (518) 402-7860  
Email: beei@health.ny.gov

### **Locations of Reports and Information**

The facilities identified below are being used to provide the public with convenient access to important project documents:

#### **New York Public Library – Columbus Branch**

742 Tenth Avenue  
New York, NY, 10019  
Phone: (212) 586-5098  
Digital Repository: <https://clients.langan.com/PublicFiles/438-11th-Avenue-New-York-NY>

### **Hours**

Sun closed  
Mon 10:00 am - 7:00 pm  
Tue 10:00 am - 7:00 pm  
Wed 10:00 am - 7:00 pm  
Thu 10:00 am - 7:00 pm

Fri 10:00 am - 5:00 pm

Sat 10:00 am - 5:00 pm

**Manhattan Community Board 4**

424 West 33rd Street, Suite 580

New York, NY, 10001

Phone: (212) 736-4536

## **Appendix B - Site Contact List**

### **Local Government Contacts:**

Hon. Eric Adams  
Mayor of New York City  
City Hall  
New York, NY 10007

Hon. Mark Levine  
Manhattan Borough President  
1 Centre Street, 19th Floor  
New York, NY 10007

Ms. Jessica Chait  
Chair, Manhattan Community Board 4  
424 West 33rd Street, Suite 580  
New York, NY, 10001

Mr. Jesse Bodine  
District Manager, Manhattan Community Board 4  
424 West 33rd Street, Suite 580  
New York, NY, 10001

Maarten de Kadt, Co-Chair  
Leslie Boghosian Murphy, Co-chair  
Environmental Committee  
Manhattan Community Board 4  
424 West 33rd Street, Suite 580  
New York, NY, 10001

Hon. Erik Bottcher  
NYC Council Member  
3<sup>rd</sup> District  
224 West 30th Street, Suite 1206  
New York, NY 10001

Daniel Garodnick  
Chair, NYC Department of City Planning  
120 Broadway  
31st Floor  
New York, NY 10271

Edward Pincar, Jr.  
New York City Department of Transportation  
Manhattan Borough Commissioner  
55 Water Street, 9<sup>th</sup> Floor  
New York, NY 10041

New York County Clerk's Office  
Milton Tingling, County Clerk  
60 Centre Street, Room 161  
New York, New York 10007

Hon. Jumaane D. Williams  
Public Advocate  
1 Centre Street, 15<sup>th</sup> Floor  
New York, NY 10007

Hon. Brad Lander  
Office of the Comptroller  
1 Centre Street  
New York, NY 10007

Hon. Brad Hoylman-Sigal  
NYS Senator  
322 Eighth Avenue, Suite 1700  
New York, NY 10001

Hon. Tony Simone  
NYS Assembly Member  
214 West 29th Street  
New York, NY 10001

Hon. Charles Schumer  
U.S. Senator  
780 Third Avenue, Suite 2301  
New York, NY 10017

Hon. Kirsten Gillibrand  
U.S. Senator  
780 Third Avenue, Suite 2601  
New York, NY 10017

Hon. Jerrold Nadler  
U.S. House of Representatives  
201 Varick Street, Suite 669  
New York, NY 10014



Rohit Aggarwala  
Commissioner, NYC Dept. of Environmental Protection  
59–17 Junction Boulevard, 13th Floor  
Flushing, NY 11373

Mayor's Office of Climate & Environmental Justice  
253 Broadway 14<sup>th</sup> Floor  
New York, NY 10007

Shaminder Chawla  
Director, NYC Office of Environmental Remediation  
100 Gold Street 2<sup>nd</sup> Floor  
New York, NY 10038

### **Adjacent Property Owner Contacts**

Contact information for the identified owners, as listed in the New York City ACRIS Database, are as follows:

#### West

1. NEW YORK CONVENTION CENTER  
JACOB K. JAVITS CONVENTION CENTER  
655 W. 34TH STREET  
NEW YORK, NY 10001-1114

#### North

2. 550 ASSOCIATES, L.P.  
409 RIVER RD.  
CLIFTON, NJ 07014-1520

OCCUPANT  
450 11<sup>TH</sup> AVENUE  
NEW YORK, NY 10018

3. 550 ASSOCIATES, L.P.  
409 RIVER RD.  
CLIFTON, NJ 07014-1520

OCCUPANT  
550 WEST 37<sup>TH</sup> STREET  
NEW YORK, NY 10018

4. CELLCO PARTNERSHIP  
549 WEST 37<sup>TH</sup> STREET  
NEW YORK, NY 10018

OCCUPANT  
549 WEST 37<sup>TH</sup> STREET  
NEW YORK, NY 10018

5. CENTRAL PARK CARRIAGES LLC  
8 CEDARS RD.  
CALDWELL, NJ 07006-5803

OCCUPANT  
547 WEST 37<sup>TH</sup> STREET  
NEW YORK, NY 10018

6. PANORAMIC HUDSON LLC  
C/O THE CHETRIT GROUP  
512 SEVENTH AVENUE, 15<sup>TH</sup> FLOOR  
NEW YORK, NY 10018

OCCUPANT  
545 WEST 37<sup>TH</sup> STREET  
NEW YORK, NY 10018

7. PANORAMIC HUDSON LLC  
C/O THE CHETRIT GROUP  
512 SEVENTH AVENUE, 15<sup>TH</sup> FLOOR  
NEW YORK, NY 10018

OCCUPANT  
541 WEST 37<sup>TH</sup> STREET  
NEW YORK, NY 10018

East

8. OWNER/AGENT  
522 W. 37<sup>TH</sup> STREET  
NEW YORK, NY 10018-1130

OCCUPANT  
522 WEST 37<sup>TH</sup> STREET  
NEW YORK, NY 10018

9. CONVENTION CENTER HA  
617 11<sup>TH</sup> AVENUE  
NEW YORK, NY 10036-2001

OCCUPANT  
527 WEST 36<sup>TH</sup> STREET  
NEW YORK, NY 10018

South

10. CITY OF NEW YORK - DEPARTMENT OF PARKS & RECREATION/ DCAS  
1 CENTRE STREET  
NEW YORK, NY 10007-1602
11. CITY OF NEW YORK - DEPARTMENT OF PARKS & RECREATION/ DCAS  
1 CENTRE STREET, ROOM 2000N  
NEW YORK, NY 10007-1604
12. NEW YORK CONVENTION CENTER  
JACOB K. JAVITS CONVENTION CENTER  
655 W. 34<sup>TH</sup> STREET  
NEW YORK, NY 10001-1114

OCCUPANT  
418 11<sup>TH</sup> AVENUE  
NEW YORK, NY 10018

**Local News Media**

The West Sider  
7th Avenue & 28th Street  
New York, NY 10001 (212) 868-019

New York Daily News  
4 New York Plaza  
New York, NY 10004

New York Post  
1211 Avenue of the Americas  
New York, NY 10036-8790

NY 1 News  
75 Ninth Avenue  
New York, NY 10017

**Public Water Supplier**

Paul Rush, Deputy Commissioner  
New York City Department of Environmental Protection  
59-17 Junction Boulevard  
Flushing, NY 11373

**Requested Contacts**

No requests have been made at this time.

**Schools and Daycare Facilities**

Tikva Children's Home  
475 10th Avenue, New York, NY 10018  
(917) 262-1818  
Attn: Mark Dreerman, Principal

Gramercy School  
460 West 34<sup>th</sup> Street  
New York, NY 10001  
Attn: Principal

## **Community, Civic, Environmental and Religious Organizations**

Metropolitan Community Church of New York  
446 West 36<sup>th</sup> Street  
New York, NY 10018  
Attn: Pastor

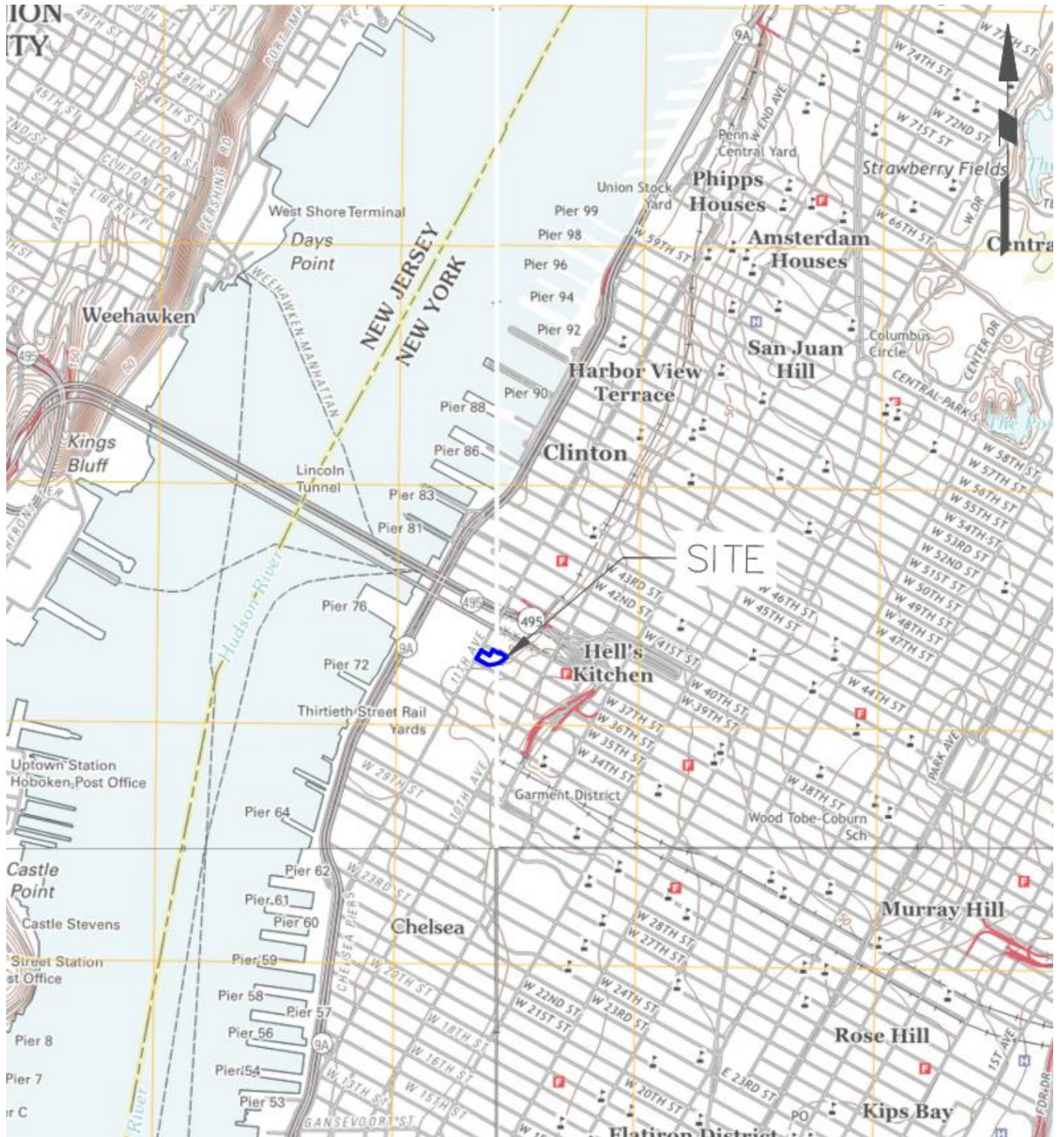
Carol Conslato, Director  
Con Edison Public Affairs  
4 Irving Place, Room 1650S  
New York, NY 10003

Midtown South Precinct  
Attn: Brian Weber  
Precinct Community Council  
357 West 35<sup>th</sup> Street  
New York, NY 10001

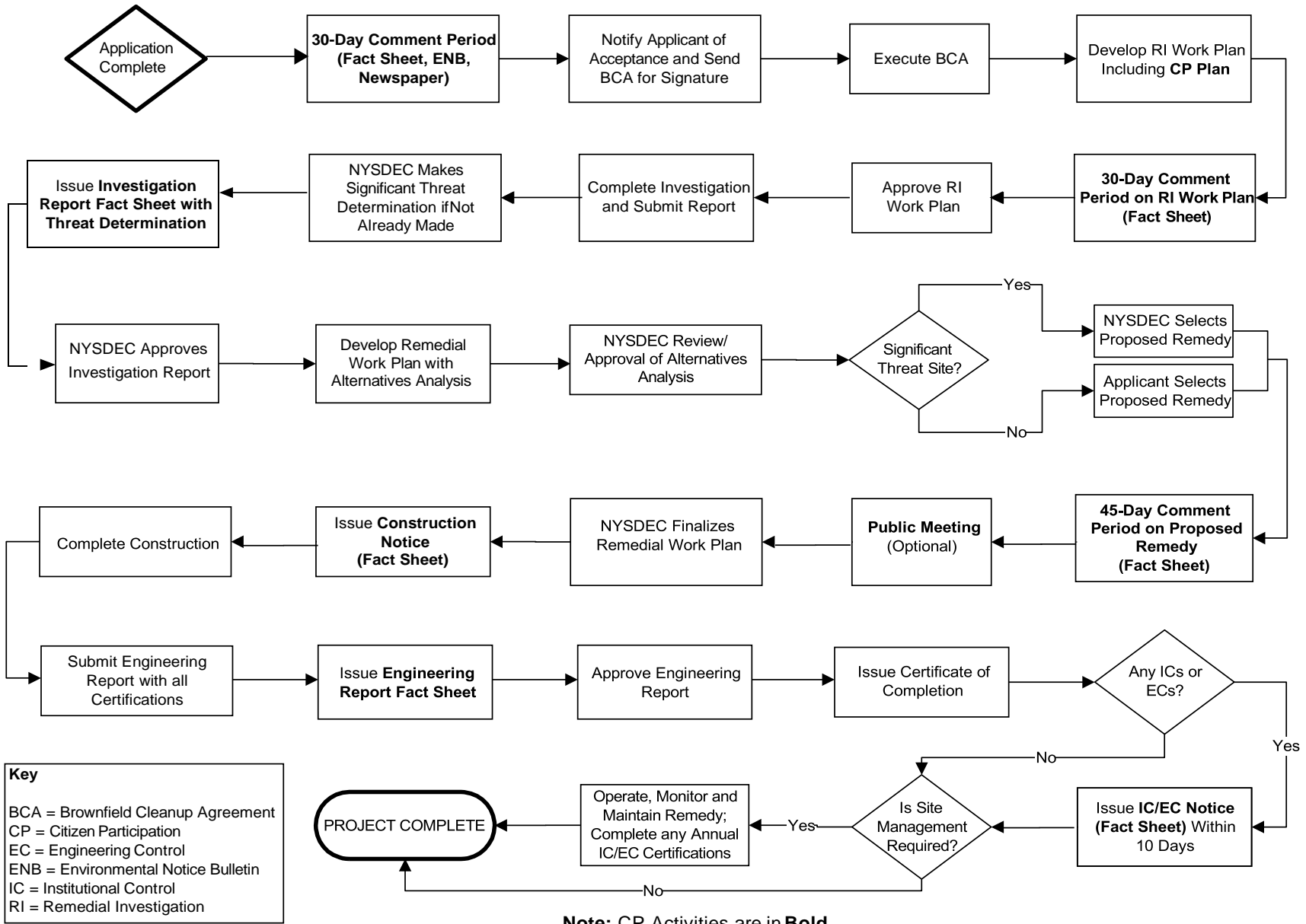
FDNY  
Engine 34  
Ladder 21  
440 West 38<sup>th</sup> Street  
New York, NY 10018

Friends of the High Line  
The Diller-von Furstenberg Building  
820 Washington Street  
New York, NY 10014

# Appendix C - Site Location Map



# Appendix D – Brownfield Cleanup Program Process



**APPENDIX E**

**SCOPING SHEET**



# Remedial Programs

## Scoping Sheet for Major Issues of Public Concern

### Instructions

This Scoping Sheet assesses: major issues of public concern; impacts of the site and its remedial program on the community; community interest in the site; information the public needs; and information needed from the public, if applicable.

The information generated helps to plan and conduct required citizen participation (CP) activities, and to choose and conduct additional CP activities, if appropriate. The scoping sheet can be revisited and updated as appropriate during the site's remedial process to more effectively implement the site's CP program.

**Note: Use the information as an aid to prepare and update the Major Issues of Public Concern section of the site CP Plan.**

### General Instructions

- When to prepare: During preparation of the CP Plan for the site. It can be revisited and updated anytime during the site remedial process.
- Fill in site name and other information as appropriate.

### Instructions for Numbered Parts

Consider the bulleted issues and questions below and any others that may be appropriate to the site and the community to help complete the five Parts of this Scoping Sheet. Include the issue stakeholders in Parts 1 through 3 and adjust the site's contact list accordingly.

#### **Part 1. List Major Issues of Public Concern and Information the Community Wants.**

- Is our health being impacted? (e.g. Are there problems with our drinking water or air? Are you going to test our water, yards, sumps, basements? Have health studies been done?)
- There are odors in the neighborhood. Do they come from the site and are they hazardous?
- Are there restrictions on what we may do (e.g. Can our children play outside? Can we garden? Must we avoid certain areas? Can we continue to recreate (fish, hunt, hike, etc. on/around the site?)
- How and when were the site's contamination problems created?
- What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
- The site is affecting our property values!
- How can we get more information (e.g. who are the project contacts?)
- How will we be kept informed and involved during the site remedial process?
- Who has been contacted in the community about site remedial activities?
- What has been done to this point? What happens next and when?
- The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

#### **Part 2. List Important Information Needed From the Community, if Applicable.**

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby properties, natural resources, etc.?

- Are there activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Do the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

**Part 3. List Major Issues and Information That Need to be Communicated to the Community.**

- The process and general schedule to investigate, remediate and, if applicable, redevelop the site.
- Current understanding about the site contamination and effects, if any, on public health and the environment.
- Site impacts on the community and any restrictions on the public's use of the site and/or nearby properties.
- Planned CP activities, their schedule, and how they relate to the site's remedial process.
- Ways for the community to obtain/provide information (document repositories, contacts, etc.).

**Part 4. Community Characteristics**

**a. - e.** Obtain information from local officials, property owners and residents, site reports, site visits, “windshield surveys,” other staff, etc.

**f.** Has the affected community experienced other **significant** present or past environmental problems unrelated to this site? Such experiences could significantly affect public concerns and perspectives about the site; how the community will relate to project staff; the image and credibility of project staff within the community; and the ways in which project staff communicate with the community.

**g.** Consider factors such as:

- Is English the primary language of the affected community? If not, provisions should be considered regarding public outreach activities such as fact sheets, meetings, door-to-door visits and other activities to ensure their effectiveness.
- The age demographics of the community. For example, is there a significant number of senior citizens in the community? It may be difficult for some to attend public meetings and use document repositories. This may suggest adopting more direct interaction with the community with activities such as door-to-door visits, additional fact sheets, visits to community and church centers, nursing homes, etc.
- How do people travel about the community? Would most people drive to a public meeting or document repository? Is there adequate public transportation?

**Part 5. Affected/Interested Public.** Individuals and organizations who need or want information and input can change during the site's remedial process. This need is influenced by real, potential or perceived impacts of the site or the remedial process. Some people may want information and input throughout the remedial process. Others may participate only during specific remedial stages, or may only be interested in particular issues. It is important to revisit this question when reviewing this scoping sheet. Knowing who is interested in the site – and the issues that are important to them – will help in the selection and conduct of appropriate outreach activities, and to identify their timing and the information to be exchanged.

Check all affected/interested parties that apply to the site. **Note: Adjust the site's contact list appropriately.** The following are some ways to identify affected/interested parties:

- Tax maps of adjacent property owners
- Attendees at public meetings
- Telephone discussions
- Letters and e-mails to DER, the remedial party, and other agencies
- Political jurisdictions and boundaries
- Media coverage
- Current/proposed uses of site and/or nearby properties (recreational, commercial, industrial)
- Discussions with community organizations: grass roots organizations, local environmental groups, environmental justice groups, churches, and neighborhood advisory groups



## Remedial Programs

### Scoping Sheet for Major Issues of Public Concern (see instructions)

**Remedial Party:** 438-444 Eleventh Avenue, L.L.C.

**Site Name:** 438 11th Avenue

**Site Number:** C231095

**Site County:** New York

**Note: For Parts 1. – 3., the individuals, groups, organizations, businesses, and units of government identified should be added to the site contact list as appropriate.**

**Part 1.** List major issues of public concern and information the community wants. Identify individuals, groups, organizations, businesses, and/or units of government related to the issue(s) and/or information. **Use this information as an aid to prepare or update the Major Issues of Public Concern section of the site Citizen Participation Plan.**

Remediation of soil and potentially groundwater and soil vapor contamination may impact air quality, noise, odors and traffic while work is being performed. The NYSDEC and NYSDOH will oversee the project to ensure that these issues are monitored and mitigated during implementation of the workplan.

How were these issues and/or information identified?

Previous investigations identified the contaminated soil.

**Part 2.** List important information needed **from** the community, if applicable. Identify individuals, groups, organizations, businesses, and/or units of government related to the needed information.

No additional information is required from the community at this time.

How were these information needs identified?

There are no information needs at this time.

**Part 3.** List major issues and information that need to be communicated **to** the community. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and/or information.

Information will be communicated to the public as outlined in the Citizen’s Participation (CP) Plan. The NYSDEC and NYSDOH contacts are provided in the CP Plan. A document repository has been established for the public to review documentation.

How were these issues and/or information identified?

Issue identification is the same as “Part 1” response. Information communication was established by the NYSDEC and NYSDOH as part of the NYS Brownfield Cleanup Program remediation.

**Part 4.** Identify the following characteristics of the affected/interested community. This knowledge will help to identify and understand issues and information important to the community, and ways to effectively develop and implement the site citizen participation plan (mark all that apply):

**a.** Land use/zoning around site:

- Residential     Agricultural     Recreational     Commercial     Industrial

b. Residential type around site:

**Urban**       **Suburban**       **Rural**

c. Population density around site:

**High**       **Medium**       **Low**

d. Community economic status:

**Yes**     **No**     **High**       **Medium**       **Low**

e. Water supply of nearby residences:

**Public**       **Private Wells**     **Mixed**

f. Other environmental issues significantly impacting affected community?

Provide details if appropriate:

Not applicable.

g. Special considerations:

**Language**       **Age**       **Transportation**       **Other**

Explain marked categories in g.:

Not applicable.

**Part 5.** The site contact list must include, at a minimum, the individuals, groups, and organizations identified in the instructions for **Part 5**. Are other individuals, groups, organizations, and units of government affected by, or interested in, the site, or its remedial program? (Mark and identify all that apply, then adjust the site contact list as appropriate.)

**Non-Adjacent Residents/Property Owners:** Please see contact list

**Local Officials:** Please see contact list

**Media:** Please see contact list

**Business/Commercial Interests:** Please see contact list

**Labor Group(s)/Employees:** None Identified

**Indian Nation:** None Identified

**Citizens/Community Group(s):** Please see contact list

**Environmental Justice Group(s):** None Identified

**Environmental Group(s):** None Identified

**Civic Group(s):** None Identified

**Recreational Group(s):** None Identified

**Other(s):** Please see contact List

**Date Completed:** June 29, 2016

**Prepared By:** Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.

**Reviewed By:** Michael D. Burke, CHMM