



Department of
Environmental
Conservation

Brownfield Cleanup Program

Citizen Participation Plan for 542 West 29th Street

June 2019

BCP Site No. C231136
538-542 West 29th Street
New York, New York 10001

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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: **W29 Owner LLC (“Applicant”)**
Site Name: **542 West 29th Street (“Site”)**
Site Address: **538-542 West 29th Street, New York**
Site County: **New York**
Site Number: **C231136**

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 who 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 interested 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
- 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 Plan (CPP) 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 CPP and the citizens participation 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 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;
- Location(s) of reports and information.

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.

Note: The first Site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the Site. See <http://www.dec.ny.gov/chemical/61092.html> .

Subsequent fact sheets about the Site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive Site information in paper form. Please advise the NYSDEC Site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

Citizen Participation Activities

The table at the end of this section identifies the citizen participation 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 citizen participation activities integrate with the Site investigation and cleanup process. The public is informed about these citizen participation activities through fact sheets and notices distributed by the NYSDEC at significant points during the program. Elements of the investigation and cleanup process that match up with the citizen participation 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 CPP 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.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the Site had not yet been made.

To verify the significant threat status of the Site, the interested public may contact the NYSDEC project manager identified in Appendix A.

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 is shown on the next page:

Citizen Participation Activities	Timing of Citizen Participation Activity(ies)
Application Process:	
<ul style="list-style-type: none"> • Prepare Site contact list • Establish document repository(ies) 	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to Site contact list • Conduct 30-day public comment period 	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.
After Execution of Brownfield Site Cleanup Agreement (BCA):	
<ul style="list-style-type: none"> • Prepare Citizen Participation Plan 	Before start of Remedial Investigation Note: Applicant must submit CPP to NYSDEC for review and approval within 20 days of the effective date of the BCA.
Before NYSDEC Approves Remedial Investigation Work Plan (RIWP):	
<ul style="list-style-type: none"> • Distribute fact sheet to Site contact list about proposed remedial investigation (RI) activities and announcing 30-day public comment period about draft RIWP • Conduct 30-day public comment period 	Before NYSDEC approves RIWP. If RIWP 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.
After Applicant Completes Remedial Investigation:	
<ul style="list-style-type: none"> • Distribute fact sheet to Site contact list that describes RI results 	Before NYSDEC approves Remedial Investigation Report (RIR)
Before NYSDEC Approves Remedial Action Work Plan (RAWP):	
<ul style="list-style-type: none"> • Distribute fact sheet to Site contact list about draft RAWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RAWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period 	Before NYSDEC approves RAWP. 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.
Before Applicant Starts Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to Site contact list that describes upcoming cleanup action 	Before the start of cleanup action.
After Applicant Completes Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to Site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report • Distribute fact sheet to Site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) 	At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.

3. Major Issues of Public Concern

This section of the CPP 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 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.

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 following major issues of public concern were identified: air quality, health of workers, nuisance odors and noise, and construction-related traffic. These issues are of the most concern to adjacent property businesses and residents. Site contamination will be addressed by the Remedial Action Work Plan (RAWP) and community exposure concerns will be addressed by a Community Air Monitoring Program (CAMP) and site-specific Construction Health and Safety Plan (CHASP), each of which shall be approved by the NYSDEC prior to the respective phases of work.

The site was previously developed for commercial, residential and minor manufacturing uses including: a lumber yard (1930); auto repair facility (1924-2012); private garage (1950-1987); a light manufacturer (1970); and auto repair shop (1927-2005). Based on the analytical data generated during environmental investigations at the Subject Property in 2014, 2016 and 2018, there is documented soil, groundwater and soil vapor contamination at the site. Petroleum-related volatile organic compounds (VOC) and semivolatile organic compounds (SVOC) were detected in soil and groundwater concentrations exceeding regulatory criteria. Sub-slab and soil vapor analytical results identified petroleum and chlorinated solvent-related compounds beneath the existing building slabs. Contaminants are discussed in further detail in Section 4. The identified contaminants will be remediated to support the redevelopment of the Site for mixed residential/commercial use in accordance with a NYSDEC-approved RAWP.

Site information is available through the Project Contacts mentioned in Section 2 and detailed in Appendix A. The BCP Application, which includes the previous investigations at the Site, and future reports prepared for the NYSDEC will be available in the document repository discussed in Section 2 and detailed in Appendix A. The RAWP will include schedules for the planned work to make the CPP as consistent as possible with the NYSDEC Division of Environmental Remediation's (DER) Citizen Participation Handbook for Remedial Programs (DER-23). Public Affairs asks that the Handbook's "Scoping Sheet for Major Issues of Public Concern" be used by applicants/responsible parties to inform their completion of this section of the plan.

4. Site Information

Site Description

The site is located at 538-542 West 29th Street in the Chelsea neighborhood of New York, New York and is identified as Tax Block 700, Lots 55, 56 and 57 on the Manhattan Borough Tax Map. A site location map is provided in Appendix C. The site encompasses an area of about 9,900 square feet (0.227 acres) and is improved with one three-story commercial building (Lot 55), one three-story mixed-use commercial and residential building (Lot 56), and one two-story warehouse (Lot 57). All of the tenant spaces are vacant. The site is bounded by West 29th Street to the north, mixed-use residential and commercial buildings followed by the elevated High Line and Tenth Avenue to the east, a multi-story residential apartment building followed by West 28th Street to the south, and a multi-story mixed-use residential and commercial building followed by Eleventh Avenue to the west. The No. 7 subway southern extension runs north-south below Eleventh Avenue, which is about 200 feet to the west of the Subject Property. A Site Plan is provided in Appendix C.

History of Site Use, Investigation, and Cleanup

The site and surrounding area have been developed since the early 1800's. The site was developed prior to 1890 with two unspecified use buildings which were demolished between 1899 and 1922. Lot 57 was formerly used as a lumber storage yard (1909-1944) and various auto repair facilities over a span of about 50 years (1945-1994). In 1995, the Lot 57 was purchased by Gotham Seafood Corporation, a seafood wholesaler. Sanborn maps indicate that Lots 55 and 56 were improved with mixed use-residential and commercial developments from about 1890 to 2005. Certificates of Occupancy (CO) provided by the New York City Department of Buildings (NYCDOB) identified an auto repair shop within Lot 56 in 1924 and 2012. In addition, available CO's for Lot 55 dated 1970 and 1987 identified manufacturing and a heating plant with potential fuel storage. Currently, all of the lots are vacant.

Adjoining properties were historically used for residential, commercial, industrial and manufacturing operations.

Environmental investigations were completed prior to entry into the NYSDEC BCP and are summarized below:

April 2, 2014 Phase I ESA, prepared by AEI Consultants

The Phase I ESA was completed for 542 West 29th Street (Lot 57) in general accordance with American Society of Testing and Materials (ASTM) International Standard E1527-13 and the United States Environmental Protection (USEPA) All Appropriate Inquiries (AAI)

Rule. The following recognized environmental conditions (REC) were identified:

- Historic Site Use: The site historically operated as an auto repair facility for about 50 years (1945-1994) and was historically surrounded by auto repair facilities, commercial parking lots/garages and a former metal fabrication facility. Inadvertent releases of petroleum products, solvents, and/or other hazardous materials may have occurred associated with the historical use of the site, or may have migrated to the site from surrounding properties, and adversely impacted soil, groundwater and soil vapor.
- Documented Soil and Groundwater Impacts at the South-Adjoining Property: The Avalon West Chelsea residential development adjoins the site to the south, and subsurface contamination was reported in 2007. Elevated levels of petroleum-related compounds and chlorinated solvents were identified in soil and groundwater. The chlorinated solvents were identified on the eastern side of the Avalon West Chelsea property and determined to originate from up-gradient automotive repair operations or from an up-gradient former metal fabrication operation southeast of the site along West 28th Street. The sources of the petroleum contamination were not directly identified due to the presence of several active and historic auto repair facilities within and in the vicinity of the Avalon property.

During the Avalon West Chelsea residential redevelopment, a test pit was excavated directly south of 542 West 29th Street (Lot 57). Strong petroleum-like odors were documented as far as 100 feet from the test pit. Subsurface sampling was conducted in January 2012 within the footprint of the Avalon West Chelsea residential development and included collection of soil samples, installation of temporary monitoring wells, and collection of groundwater samples. Petroleum contaminants were identified above NYSDEC standards in both soil and groundwater. The chlorinated solvent, cis-1,2-dichloroethene was identified in one groundwater sample above NYSDEC standards. Remediation via in situ chemical oxidation was conducted at the Avalon West Chelsea development in May 2013. Following treatment, soil samples were collected and all samples met soil cleanup objectives; however, groundwater impacts above the targeted guidelines were still identified.

- Closed Petroleum Spill at Vicinity Property: 524 West 29th Street, located about 260 feet southeast and up-gradient to the site, was listed as “Closed-Lack of Recent Info” in the New York Leaking Tanks and New York Spills databases. According to the regulatory database, a release was reported at this site on October 20, 2003 due to petroleum-contaminated soil and groundwater

encountered when one 4,000-gallon and one 550-gallon gasoline underground storage tanks (UST) were removed from the property. Elevated levels of benzene, xylene, methyl tertiary-butyl ether (MTBE), and toluene were found in soil and groundwater samples collected from the UST footprints. Air Sparge/Soil Vapor Extraction (AS/SVE) remediation techniques were performed at the property from November to December 2011. Air samples were collected after four weeks and all targeted volatile organic compounds (VOC) were non-detect. Groundwater contaminant concentrations declined and the AS/SVE system reached asymptotic recovery rates. Additional remediation was not warranted or feasible. The spill case was closed on March 12, 2012. Based on the facility's close proximity to the site, residual contamination from the USTs may have impacted groundwater and soil vapor within Lot 57.

May 2014, Phase II ESA, prepared by P.W. Grosser

P.W. Grosser completed a Phase II ESA at 542 West 29th Street (Lot 57) in June 2014 to determine if subsurface soil, soil vapor and groundwater conditions at the property were impacted as a result of the findings from the April 2, 2008 Phase I ESA performed by AEI Consultants. The investigation included the advancement of five soil borings, collection of three groundwater samples from soil borings, installation and collection of three sub-slab soil vapor samples, and collection of three indoor and one outdoor air samples. Field observations and laboratory analytical results are summarized below:

- **Soil:** Five soil borings were advanced up to 8 feet bgs using a track-mounted GeoProbe[®] rig throughout the site. No evidence of petroleum impacts (e.g., staining, odors or photoionization detector [PID] readings above background) were observed during the soil boring investigation. Soil samples were analyzed for VOCs and compared to the NYSDEC Unrestricted Use (UU) Soil Cleanup Objectives (SCO). No VOCs were detected in soil samples collected with the exception of acetone. Acetone is a common laboratory reagent, and its presence in soil samples at the site is likely the result of laboratory contamination.
- **Groundwater:** Groundwater samples were analyzed for VOCs and analytical results were compared to the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGV) for drinking water (Class GA). Two VOCs, benzene and MTBE (maximum concentrations of 1.4 micrograms per liter [$\mu\text{g/L}$] and 11 $\mu\text{g/L}$, respectively), were detected in groundwater from soil boring location SB-1 (Lot 57) at concentrations above the NYSDEC criteria. These contaminants are common gasoline

constituents. Based on the lack of an on-site source, PW Grosser asserted that it appears the VOC contamination in groundwater is related to an off-site source.

- Soil Vapor: Sub-slab soil vapor and air samples were analyzed for VOCs and analytical results were compared to the Air Guideline Values (AGV) and Soil Vapor/Indoor Air Matrices specified in the New York State Department of Health (NYSDOH) Guidance for Evaluating Soil Vapor Intrusion in the State of New York, dated October 2006 and revised May 2017. Trichloroethene (TCE) was detected above AGVs at a concentration of 2.78 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) in sub-slab sample SS-3.

NYSDOH provides decision matrices for eight chlorinated VOCs (carbon tetrachloride, 1,1-dichloroethene, cis-1,2-dichloroethene, TCE, methylene chloride, tetrachloroethene [PCE], 1,1,1-trichloroethane, and vinyl chloride). The decision matrices recommend a range of activities (e.g., monitor, mitigate) based on the sub-slab and indoor air sample results. Three of the eight VOCs that can be evaluated using the NYSDOH decision matrices were detected in sub-slab soil vapor samples (PCE, TCE, and 1,1,1-trichloroethane). Based on the concentrations reported PW Grosser concluded that no further action is recommended pursuant to the NYSDOH decision matrices.

June 2016, RIR, prepared by Hydro Tech

Hydro Tech performed a Remedial Investigation (RI) at 542 West 29th Street (Lot 57) to determine the nature and extent of contamination and to establish remedial action objectives. The investigation consisted of a site inspection, advancement of five soil borings, installation of three groundwater monitoring wells, installation of two soil vapor points and collection of ten soil, three groundwater, and two soil vapor samples and one indoor ambient air sample. Field observations and laboratory analytical results are summarized below:

- Stratigraphy: Historic fill was observed up to 12 feet bgs.
- Soil: Five soil borings were advanced up to 12 bgs using a track-mounted GeoProbe[®] rig. No evidence of petroleum impacts (e.g., staining, odors or PID readings above background) were observed during the soil boring investigation. Soil samples were analyzed for VOCs, semivolatile organic compounds (SVOC), polychlorinated biphenyl (PCB), pesticides, and metals and compared to the NYSDEC UU and Restricted Use Restricted-Residential (RURR) SCOs. PCBs and pesticides were not detected at concentrations exceeding SCOs. One VOC (acetone) and seven SVOCs (benzo[a]anthracene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[b]fluoranthene, chrysene, dibenzo[a,h]anthracene, and

indeno[1,2,3-cd]pyrene) were detected above UU and RURR SCOs, respectively. Metals (arsenic, barium, cadmium, copper, lead, mercury, hexavalent chromium, zinc, selenium and nickel) were detected at concentrations above UU SCOs and lead, mercury, barium, copper, and cadmium were detected at concentration above RURR SCOs in both shallow and deep soil samples.

- **Groundwater:** Groundwater samples were analyzed for VOCs, SVOCs, PCBs, pesticides, and metals (total and dissolved) and analytical results were compared to the NYSDEC Title 6 New York City Rules and Regulation (6 NYCRR) Part 703.5 class GA Groundwater Quality Standards (GQS). Six SVOCs (benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, and indeno[1,2,3-cd]pyrene) and six dissolved metals (arsenic, magnesium, manganese, selenium, sodium, and thallium) were detected at concentrations greater than their respective GQSs. VOCs, PCBs and pesticides were not detected above GQSs.
- **Soil Vapor:** Soil vapor and air samples were analyzed for VOCs and analytical results were compared to the NYSDOH AGV and Soil Vapor/Indoor Air Matrices specified in the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in the State of New York, dated October 2006 and revised May 2017. The maximum total petroleum VOCs detected in soil vapor samples were lower than the total petroleum concentration for indoor air. TCE was detected above AGVs at a concentration of 6.9 µg/m³ in soil vapor sample SV-1. Methylene chloride was detected above AGVs at a concentration of 110 µg/m³ in soil vapor sample SV-2. Six of the eight VOCs that can be evaluated using the NYSDOH decision matrices were detected in sub-slab soil vapor samples (PCE, TCE, carbon tetrachloride, cis-1,2-dichloroethene, methylene chloride, and 1,1,1-trichloroethane). Based on the concentrations reported, Hydro Tech concluded no further action is recommended pursuant to the NYSDOH decision matrices.

April 2018 Phase I ESA, prepared by ESPL Environmental Consultants Corporation

The Phase I ESA was completed for 538-540 West 29th Street (Lots 55 and 56) in general accordance with ASTM International Standard E1527-13 and the USEPA AAI Rule. The following REC was identified:

- **E-Designation:** The site was listed in the New York City Department of Buildings (NYCDOB) with an environmental E-Designation (E-142) for hazardous materials, noise attenuation, and air quality.

March 11, 2019 Phase I ESA, prepared by Langan

The Phase I ESA was completed for 538-542 West 29th Street (Lots 55, 56, and 57) in

accordance with ASTM International Standard E1527-13 and the USEPA AAI Rule. The following RECs and Business Environmental Risks (BER) were identified:

- REC 1 - Documented Contamination at the Site: The site was previously developed for commercial, residential and minor manufacturing uses including: a lumber yard (1930); auto repair facility (1924-2012); private garage (1950-1987); a light manufacturer (1970); and auto repair shop (1927 to 2005). Based on the analytical data generated during environmental investigations at the site in 2014, 2016, and 2018, there is documented soil, groundwater and soil vapor contamination at the site. Petroleum-related VOCs and SVOCs were detected in soil and groundwater at concentrations exceeding applicable regulatory criteria. Sub-slab and soil vapor analytical results identified petroleum and chlorinated solvent-related compounds beneath the existing building slabs.

Open NYSDEC Spill Nos. 1805506 and 1805508 were reported on August 20, 2018 due to identification of petroleum impacts to soil, soil vapor and groundwater during a subsurface investigation performed at 538 and 540 West 29th Street. The petroleum impacts were observed in the southern portions of Tax Lots 55 and 56.

- REC 2 - Historical Use of Adjoining and Surrounding Properties: Historical uses of adjoining and surrounding properties include:
 - A gasoline filling station located at 563 West 29th Street (1930)
 - Auto repair shops/garages (516-520 West 29th Street [1938, 2002 to 2005, 2010], 522-532 West 29th Street [1930, 1963-2001], 539 West 28th Street [1930], 546 West 29th Street [1930], 548 West 29th Street [1976 to 2006], 312 Eleventh Avenue [1930 to 2005])
 - A planing mill (lumber) and box factory located at 547-557 West 28th Street (1890 to 1911)
 - A light manufacturer (1956) and chemical dying factory (1968) located at 515 West 29th Street
 - A chemical corporation located at 533 West 29th Street (1920)
 - A motor freight station at 529-537 West 29th Street (1950 to 1991)

Multiple surrounding properties are subject to environmental regulatory oversight through the OER and NYSDEC based on historic site use or documented contamination. Adjacent and surrounding sites with environmental regulatory oversight include: Avalon West Chelsea (282 Eleventh Avenue), Midtown Center Auto (548 West 29th Street), 534 West 29th Street (VCP Site No. 14CVCP199M), 550 West 29th Street (Voluntary Cleanup Program [VCP] Site No. 15CVCP060M)

and 522-532 West 29th Street (VCP Site No. 13CVCP151M). Publicly available documents associated with these sites reported petroleum and chlorinated solvent impacts in soil, groundwater and/or soil vapor that may have contributed to the documented contamination at the site.

- **BER 1 – E-Designation:** The site is listed with an environmental E-Designation (E-142) for hazardous materials, noise (window wall attenuation and alternative means of ventilation), and air quality resulting from the June 23, 2005 High Line/ West Chelsea rezoning (CEQR #03DCP069M). Satisfaction of the E-Designation requirements is subject to review and approval by the OER. If the site is remediated under the BCP, the OER will defer to the NYSDEC for compliance with the E-Designation for hazardous materials.
- **BER 2 - Historic Fill:** Based on previous subsurface investigations performed at the site in 2014, 2016, and 2018, historic fill was identified at the site. Historic fill is typical in this area of NYC. The fill layer, predominately consisting of sand with varying amounts of gravel, silt, wood, brick, asphalt, concrete, ash, slag, and coal, extends to depths ranging from about 3 to 12 feet below grade surface. The presence of this material does not trigger a regulatory reporting requirement, but will require implementation of management and off-site disposal that can carry a cost premium as compared to clean native soil during any future site redevelopment that includes excavation and off-site disposal.

March 11, 2019 Phase II ESI, prepared by Langan

- The Phase II ESI was prepared for due diligence purposes and summarizes the May/June 2018 RI, in addition to previous site investigations performed in May 2014 and June 2016 at the site.

5. Investigation and Cleanup Process

Application

The Applicant has applied for acceptance into New York’s Brownfield Cleanup Program as a Volunteer. This means that an 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. A Volunteer must fully characterize the nature and extent of contamination onsite, 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 in its Application proposes that the Site will be used for restricted or

unrestricted purposes.

To achieve this goal, the Applicant will conduct 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 has submitted a Remedial Investigation Report (RIR) with its Application for submission to NYSDEC, which will determine if the investigation goals and requirements of the BCP have been met or if additional work is needed before a remedy can be selected.

NYSDEC will use the information in the RIR to determine whether 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.

Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a Site when a source of contamination or exposure pathway can be effectively addressed before the Site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, then the NYSDEC will require a 30-day public comment period.

Remedy Selection

When 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” (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 Action Work Plan”. The Remedial Work Plan (RAWP) describes the Applicant’s proposed remedy for addressing contamination related to the Site.

When the Applicant submits a draft RAWP for approval, NYSDEC would announce the availability of the draft 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 selected remedy is formalized in the Site Decision Document.

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 Certificate of Completion (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

The purpose of Site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the Site cleanup program. This phase begins when the COC is issued. 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 would be 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 pumps and treats 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):

Michael MacCabe
Project Manager
NYSDEC
Division of Environmental Remediation,
Bureau of Technical Support
625 Broadway, 11th Floor
Albany, NY 12233-7020
Phone: (518) 588-3394
Email: michael.maccabe@dec.ny.gov

New York State Department of Health (NYSDOH):

NYSDOH
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237

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 – Muhlenberg Branch

209 West 23rd Street
New York, NY 10011
Phone: (212) 924-1585

Manhattan Community Board 4

330 W 42nd Street, 26th Floor
New York, NY 10036
Phone: (212) 736-4536
Email: jbodine@cb.nyc.gov

Hours:

Monday to Thursday: 10 AM – 7 PM
Friday: 10 AM – 6 PM
Saturday: 10 AM – 5 PM
Sunday: Closed

Appendix B - Site Contact List

Government Officials

Chief Executive Officer

Hon. Bill de Blasio
City Hall
260 Broadway Avenue
New York, NY 10007

NYC Comptroller

Hon. Scott Stringer
NYC Comptroller
1 Centre Street
New York, NY 10007

NYC Public Advocate

Hon. Jumaane Williams
1 Centre Street, 15th Floor North
New York, NY 10007

NYC Council

Hon. Corey Johnson
NYC Council Speaker
224 West 30th Street, Suite 1206
New York, NY 10001

NYS Senator

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

NYS Assembly Member

Hon. Richard N. Gottfried
NYS Assembly Member
214 West 29th Street
New York, NY 10001

U.S. Senators

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

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

U.S. House of Representative

Hon. Jerrold Nadler
201 Varick Street, Suite 669
New York, NY 10014

NYC Office of Environmental Remediation

Mark McIntyre, Director
100 Gold Street, 2nd Floor
New York, NY 10038

NYC Department of Environmental Protection

Vincent Sapienza, Acting Commissioner
59-17 Junction Boulevard
Flushing, New York 11373

New York City Planning Commission, Chairman

Marisa Lago
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Borough of Manhattan, Borough President

Hon. Gale Brewer
431 West 125th Street
New York, NY 10027

New York City Department of Transportation, Manhattan Borough Commissioner

Ed Pincar
55 Water Street, 9th Floor
New York, New York 10041

Residents, Owners, and Occupants, of the Property and Adjacent Properties

Property

Owner:

W29 Owner LLC
148 Madison Avenue,
16th Floor
New York, New York 10016

Occupants

Vacant
538 West 29th Street
New York, NY, 10001

Vacant
540 West 29th Street
New York, NY, 10001

Vacant
542 West 29th Street
New York, NY, 10001

Adjacent Properties

East Side 11th & 28th LLC
Avalon West Chelsea
539 West 28th Street
New York, NY 10001
(646) 640-2375

West 29th Street Ministorage
Associates
Manhattan Mini Storage
302 11th Avenue
New York, NY 10001
(646) 786-7205

LK2, LLC
536 West 29th Street
New York, NY 10001
(212) 239-1563

South of Hudson Yards Condos
550 West 29th Street
546 West 29th Street
New York, NY 10001
(646) 480-7665

Eric Lackawanna RLRDCO
281 11th Avenue
New York, NY 10001
Phone Number Not Provided

W29 534 High Line Owners LLC
534 West 29th Street
New York, NY 10001
(212) 758-2089

Dugout Doug-One, LLC
David Nolan New York
527 West 29th Street
New York, NY 10001
(212) 925-6190

P F J LTD
LOFT 29
525 West 29th Street
New York, NY 10001
(646) 688-3343

Public Water Supplier

The responsibility for supplying water in New York City is shared between the NYC Department of Environmental Protection, the Municipal Water Finance Authority, and the New York City Water Board.

New York City Department of Environmental Protection

Vincent Sapienza, Acting Commissioner
59-17 Junction Boulevard
Flushing, New York 11373

New York City Municipal Water Finance Authority

255 Greenwich Street, 6th Floor
New York, New York 10007

New York City Water Board

NYC Department of Environmental Protection
59-17 Junction Boulevard, 8th Floor
Flushing, New York 11373

Request for Contact

We are unaware of any requests for inclusion on the contact list

Schools and Daycare Facilities

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within ½ mile of the site:

Bright Horizons Day Care at Hudson Yards
(about 100 feet north of the site)
Ean Gensler, Center Director
529A West 29th Street
New York, NY 10001
(212) 643-3474

Avenues: The World School
(about 915 feet southeast of the site)
Dr. Evan Glazer, Head of School
259 10th Avenue
New York, NY 10001
(718) 937-7640

Bright Horizons Day Care at Chelsea
(about 2,700 feet southeast of the site)
Sheri Nabb, Center Director
258 West 26th Street
New York, NY 10001
(212) 366-4365

New York Public School 11
(about 2,800 feet southeast of the site)
Robert Bender, Principal
320 West 21st Street
New York, NY 10001
(718) 638-3237

New York Alternative High School
(about 2,900 feet northeast of the site)
Richard Carranza, Chancellor
269 West 35th Street
New York, NY 10001
(212) 868-7238

Keswell School
(about 2,100 feet southeast of the site)
Ivy Feldman, Executive Director
331 West 25th Street
New York, NY 10001
(212) 229-1715

City Knoll Middle School
(about 1,600 feet northeast of the site)
Kaye Kerr, Principal
425 West 33rd Street
New York, NY 10001
(212) 695-9115

Community, Civic, Religious, and other Environmental Organizations:

Consolidated Edison
281 11th Avenue
New York, NY 10001

Kevin J. Coleman, Commanding Officer
10th NYPD Police Precinct
230 West 20th Street
New York, NY 10011

Engine 1 Ladder 24
FDNY
142 West 31st Street
New York, NY 10001

Saint Peter's Church - Chelsea
346 West 20th Street
New York, NY 10011

St Columba Church
343 West 25th Street
New York, NY 10001

German Lutheran Church of St. Paul
315 West 22nd Street
New York, NY 10011

Guardian Angel Church
193 10th Avenue
New York, NY 10011

Manor Community Church
350 West 26th Street
New York, NY 10001

Saint Michael Catholic Church
424 West 34th Street
New York, NY 10001

Hillsong Church
311 West 34th Street
New York, NY 10001

Document Repository

Letters were sent to and received from the following locations certifying as a repository for public access to documents generated under the BCP program:

New York Public Library – Muhlenberg Branch

209 West 23rd Street
New York, NY 10011
(212)-924-1585

Hours:

Monday to Thursday:	10 AM – 7 PM
Friday:	10 AM – 6 PM
Saturday:	10 AM – 5 PM
Sunday:	Closed

Manhattan Community Board 4

330 West 42nd Street, #2601
New York, NY 10036
Phone: (212) 736-4536

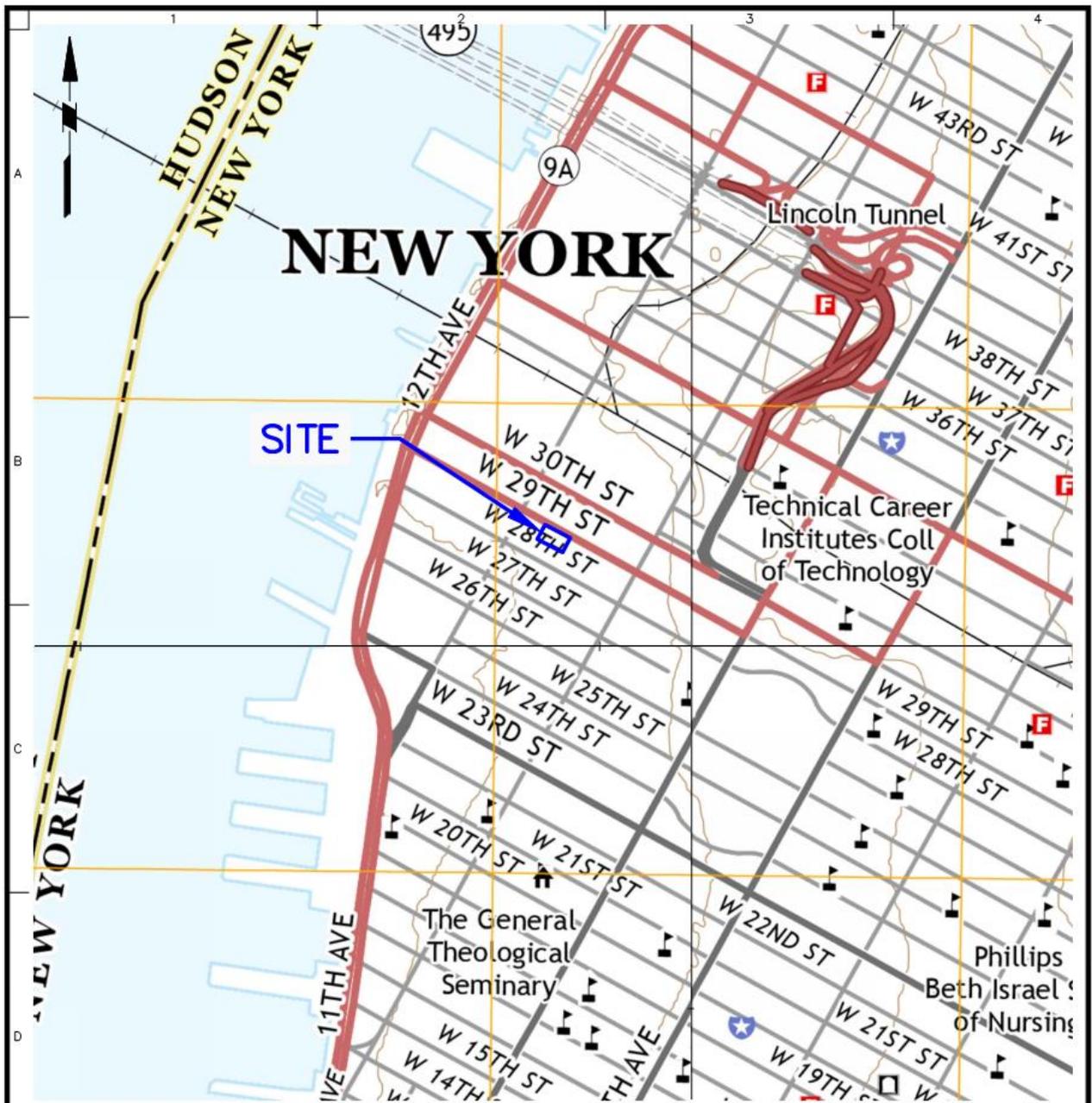
Item 8 - Community Board

The local community board is Manhattan Community Board 4.

Manhattan Community Board 4

Burt Lazarin, Chair
330 West 42nd Street, #2601
New York, NY 10036
Phone: (212) 736-4536

Appendix C1 - Site Location Map (Topo)

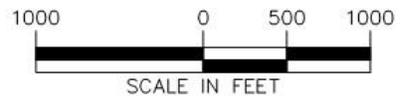


LEGEND:

APPROXIMATE BCP SITE BOUNDARY

NOTES:

1. BASE MAP TAKEN FROM UNITED STATES GEOLOGICAL SURVEY 7.5 MINUTE TOPOGRAPHIC MAPS FOR THE BROOKLYN, CENTRAL PARK, JERSEY CITY AND WEEHAWKEN QUADRANGLES, DATED 2016.
2. BCP = BROWNFIELD CLEANUP PROGRAM



LANGAN

Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.
21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com

Project

**538-542 WEST
29TH STREET**

BLOCK No. 700, LOT Nos. 55,
56 & 57

NEW YORK

NEW YORK

Figure Title

**SITE
LOCATION
MAP**

Project No.

170515401

Date

10/19/2018

Drawn By

KN

Checked By

ELS

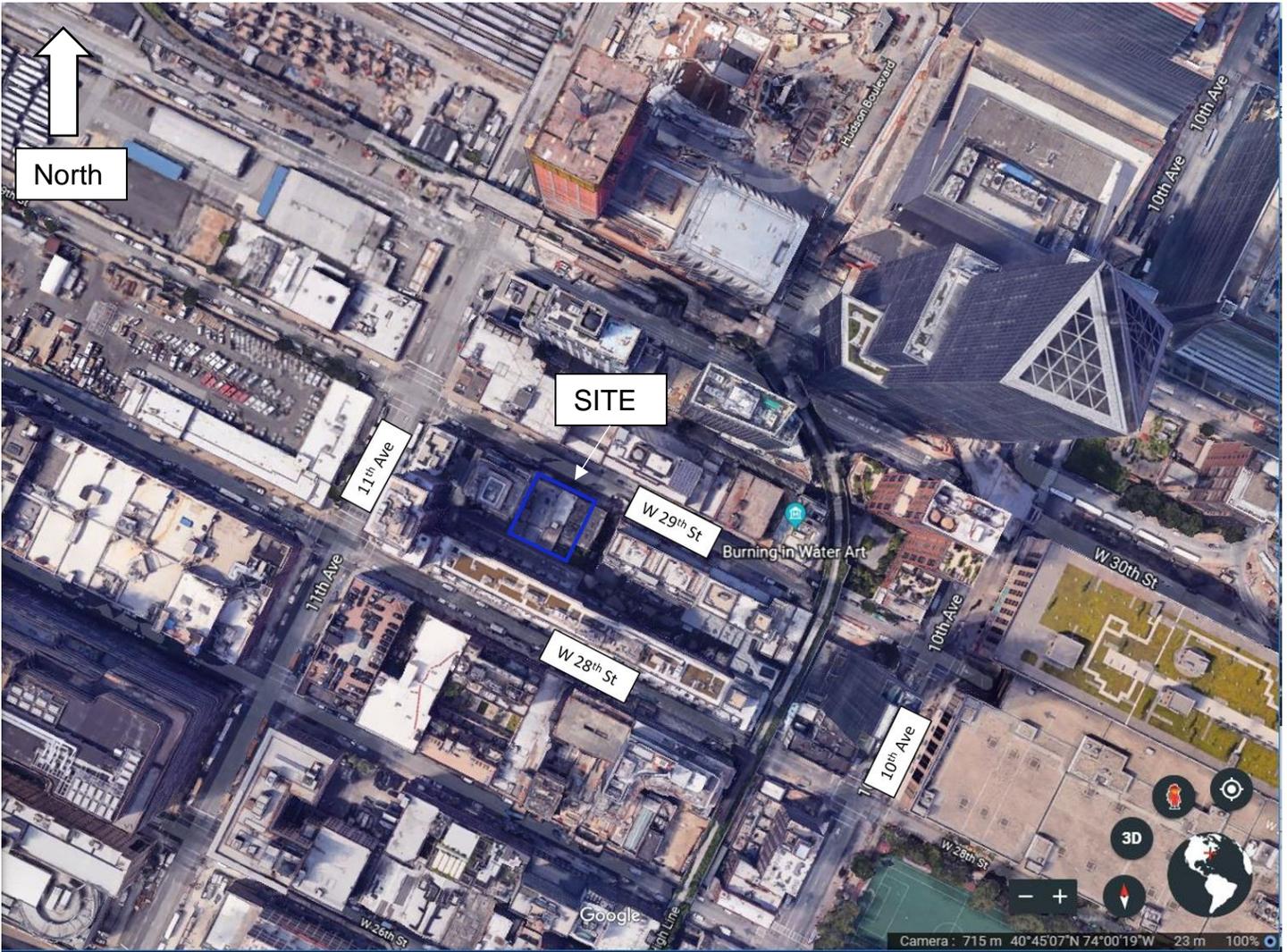
Figure No.

1

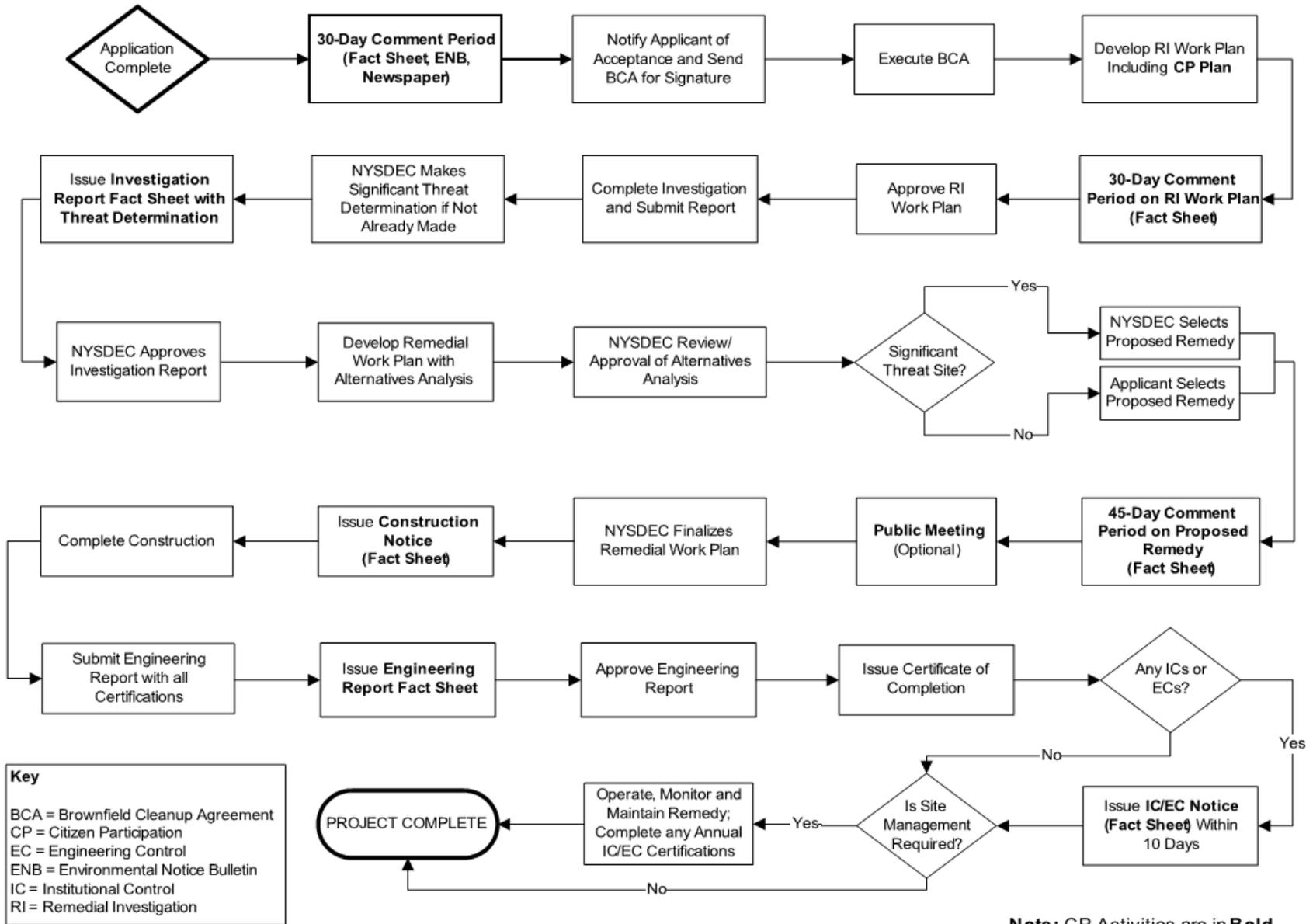
Sheet 1 of 9

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Appendix C2 - Site Location Map (Aerial)



Appendix D - Brownfield Cleanup Program Process



Key
 BCA = Brownfield Cleanup Agreement
 CP = Citizen Participation
 EC = Engineering Control
 ENB = Environmental Notice Bulletin
 IC = Institutional Control
 RI = Remedial Investigation

Note: CP Activities are in **Bold**