DECISION DOCUMENT

180 East 125th Street Development Site Brownfield Cleanup Program Manhattan, New York County Site No. C231160 August 2025



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

DECLARATION STATEMENT - DECISION DOCUMENT

180 East 125th Street Development Site **Brownfield Cleanup Program** Manhattan, New York County Site No. C231160 August 2025

Statement of Purpose and Basis

This document presents the remedy for the 180 East 125th Street Development Site brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the 180 East 125th Street Development Site and the public's input to the proposed remedy presented by NYSDEC.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

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

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent

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feasible in the future development at this site, any future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York (or most recent edition) to improve energy efficiency as an element of construction.

As part of the remedial design program, to evaluate the remedy with respect to green and sustainable remediation principles, an environmental footprint analysis will be completed. The environmental footprint analysis will be completed using an accepted environmental footprint analysis calculator such as SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWiseTM (available in the Sustainable Remediation Forum [SURF] library) or similar NYSDEC accepted tool. Water consumption, greenhouse gas emissions, renewable and nonrenewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial design program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

Additionally, the remedial design program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the proposed remedy. Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial design program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities.

2. Excavation

Excavation and off-site disposal of all on-site soils which exceed unrestricted use soil cleanup objectives (SCOs), as defined by 6 NYCRR Part 375-6.8 to depths ranging from 7 to 18 feet below grade. If a Track 1 cleanup is achieved, a Cover System will not be a required element of the remedy.

Approximately 27,000 cubic yards of contaminated soil will be removed from the site. Collection and analysis of confirmation samples at the remedial excavation depth will be used to verify that SCOs for the site have been achieved. If confirmation sampling indicates that SCOs were not achieved at the stated remedial depth, the Applicant must notify NYSDEC, submit the sample results and, and in consultation with NYSDEC, determine if further remedial excavation is necessary. Further excavation for development will proceed after confirmation samples demonstrate that SCOs for the site have been achieved.

To ensure proper handling and disposal of excavated material, waste characterization sampling will be completed for all identified contaminated site material. Waste characterization sampling will be performed exclusively for the purposes of off-site disposal in a manner suitable to

receiving facilities and in conformance with applicable federal, state and local laws, rules, and regulations and facility-specific permits.

3. Backfill

Backfill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

4. Vapor Intrusion Evaluation

As part of the Track 1 remedy, a soil vapor intrusion evaluation will be completed. The evaluation will include a provision for implementing actions recommended to address exposures related to soil vapor intrusion.

5. Local Institutional Controls

If no Environmental Easement (EE) or Site Management Plan (SMP) is needed to achieve soil, groundwater, or soil vapor remedial action objectives, then the following local use restriction will be relied upon to prevent ingestion of groundwater: Article 141 of the New York City Department of Health and Mental Hygiene (NYCDOHMH) code, which prohibits potable use of groundwater without prior approval.

Conditional Track 1

The intent of the remedy is to achieve a Track 1 unrestricted use, therefore, no EE or SMP is anticipated. If the soil vapor intrusion (SVI) evaluation is not completed prior to completion of the Final Engineering Report, then an EE and SMP will be required to address the SVI evaluation and implement actions as needed. If a mitigation or monitoring action is needed, a Track 1 cleanup can only be achieved if the mitigation system or other required action is no longer needed within 5 years of the date of the Certificate of Completion.

In the event that Track 1 unrestricted use is not achieved, including achievement of soil, groundwater, and soil vapor remedial objectives, the following contingent remedial elements will be required, and the remedy will achieve a Track 2 restricted residential cleanup.

Contingent Remedial Elements

6. Institutional Control

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

- require the remedial party or site owner to complete and submit to the NYSDEC a periodic certification of institutional and engineering controls in accordance with Part
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary

DECISION DOCUMENT August 2025 Page 3 water quality treatment as determined by the NYSDOH or NYCDOHMH; and

• require compliance with the NYSDEC approved SMP.

7. Site Management Plan

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

- a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
 - Institutional Controls: The Environmental Easement discussed in Remedy Element 6
 - Engineering Controls: Potentially vapor mitigation if identified following the SVI evaluation discussed in Remedy Element 4 above.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and NYSDEC notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
- b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
 - monitoring of groundwater to assess the performance and effectiveness of the remedy;
 - a schedule of monitoring and frequency of submittals to the NYSDEC; and
 - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

Declaration

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

August 11, 2025

Date

Scott Deyette, Director Remedial Bureau B

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180 East 125th Street Development Site Manhattan, New York County Site No. C231160 August 2025

SECTION 1: SUMMARY AND PURPOSE

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

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance, based on the reasonably anticipated use of the property.

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

SECTION 2: CITIZEN PARTICIPATION

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

DECInfo Locator - Web Application https://gisservices.dec.ny.gov/gis/dil/index.html?rs=C231160

Manhattan Community Board 11 1664 Park Avenue, Ground Floor New York, NY 10035

Phone: (212) 831-8929

DECISION DOCUMENT 180 East 125th Street Development Site, Site No. C231160 New York Public Library - Harlem Branch 9 West 124th Street New York, NY 10027 Phone: (212) 348-5620

Receive Site Citizen Participation Information By Email

Please note that NYSDEC's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. public for encourage the sign one more county listservs http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The 0.98-acre site is located at 180 East 125th Street in the Harlem neighborhood of Manhattan, NY and is designated as Block 1773, Lot 27 on the NYC tax map. The site is bounded to the north by East 125th Street, to the east by 3rd Avenue, to the south by East 124th Street and Fire Department of the City of New York (FDNY) Engine 35 Fire House, and to the west by a vacant undeveloped lot.

Site Features: The site is currently vacant, and no structures are present.

Current Zoning and Land Use: The site is currently zoned C4-4D, which is a commercial and residential zoning district. The site is located in an urban area characterized by multi-story commercial and residential buildings.

Past Site Use: Historical use of the site includes residential homes (1896-1911), a school (1896-1911), a lodging house (1911-1950s), furniture and clothing stores (1920s-1960s), printing (1950s), United States Postal Service (1968-2013), and a clothing store and a supermarket (2013-2019). The structures were demolished in 2020, and the site is currently vacant.

Site Geology and Hydrogeology: Site soils consist of fill material generally comprised of light brown to brown, medium to fine sand with silt and varying amounts of gravel, concrete, rock fragments and brick to depths between 5 to 12 feet below ground surface (ft bgs). The fill is underlain by fine to medium sand, with varying amounts of coarse gravel. Groundwater is present at approximately 15 to 17 ft bgs. Groundwater flow is generally from east to west.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

NYSDEC may consider the current, intended, and reasonably anticipated future land use of the

site and its surroundings when evaluating a remedy for soil remediation. For this site, an alternative that restricts the use of the site to restricted-residential use (which allows for commercial use and industrial use) as described in Part 375-1.8(g) was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicants under the Brownfield Cleanup Agreement are Volunteers. The Applicants do not have an obligation to address off-site contamination. However, NYSDEC has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: **Summary of the Remedial Investigation**

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

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

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

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or

that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

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

6.1.2: RI Results

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

DDE benzo(a)anthracene benzo(a)pyrene **DDT**

benzo(k)fluoranthene tetrachloroethene (PCE) lead trichloroethene (TCE)

mercury benzene polychlorinated biphenyls (PCB) toluene

perfluorooctane sulfonic acid (PFOS)

The contaminants of concern exceed the applicable SCGs for:

- groundwater
- soil

6.2: **Interim Remedial Measures**

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

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

6.3: **Summary of Environmental Assessment**

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

Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), per- and polyfluoroalkyl substances (PFAS), and pesticides. Soil vapor was analyzed for VOCs. Based upon investigations conducted to date, the primary contaminants of concern are SVOCs and metals in soil and chlorinated VOCs and PFAS in groundwater.

Soil: Soil data were compared to unrestricted use soil cleanup objectives (UUSCOs). SVOCs detected at concentrations exceeding their respective UUSCOs include maximum concentrations of benzo(a)anthracene at 0.13 parts per million (ppm) (UUSCO of 1 ppm), benzo(a)pyrene at 12 ppm (UUSCO of 1 ppm), and benzo(b)fluoranthene at 14 ppm (UUSCO of 1 ppm). Metals detected at concentrations exceeding their respective UUSCOs include maximum concentrations of lead at 479 ppm (UUSCO of 63 ppm), and mercury at 0.714 ppm (UUSCO of 0.18 ppm). PCBs were detected at concentrations up to 0.486 ppm (UUSCO of 0.1 ppm). Pesticides detected at concentrations exceeding their respective UUSCOs include maximum concentrations of 4,4'-DDE at 0.0776 ppm (UUSCO of 0.0033 ppm), and 4,4'-DDT at 0.0148 ppm (UUSCO of 0.0033 ppm). PFAS detected at concentrations exceeding their respective unrestricted use guidance values include perfluorooctanesulfonic acid (PFOS) up to 5.03 parts per billion (ppb) (UU guidance value of 0.88 ppb). VOCs and 1,4-dioxane were not detected above their respective UUSCOs.

Data does not indicate any off-site impacts to soil related to this site.

Groundwater: One VOC, tetrachloroethene (PCE), was detected at concentrations exceeding Class GA Ambient Water Quality Standard and Guidance Values (AWQSGVs) at a concentration of 5.6 ppm (AWQSGV of 5 ppb). PFAS detected at concentrations exceeding their respective AWQSGVs include perfluorooctanoic acid (PFOA) up to 177 parts per trillion (ppt) (AWQSGV of 6.7 ppt), and PFOS up to 785 ppt (AWQSGV of 2.7 ppt). Aside from naturally occurring minerals such as sodium and manganese, no dissolved metals were detected above their respective AWQSGVs. No SVOCs, PCBs or pesticides were detected above their respective AWQSGVs.

Data does not indicate any off-site impacts in groundwater related to this site.

Soil Vapor: Various chlorinated VOCs were detected in soil vapor including PCE up to 14 micrograms per cubic meter (ug/m³), and trichloroethene (TCE) up to 0.39 ug/m³. Various petroleum-related VOCs were detected in soil vapor including benzene up to 4.2 ug/m³, and toluene up to 21 ug/m³.

Data does not indicate any off-site impacts in soil vapor related to this site.

6.4: **Summary of Human Exposure Pathways**

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

The site is vacant, completely fenced, and secured with a lock which restricts public access. Persons who enter the site may come in contact with contaminants in soil by walking on, digging through, or otherwise disturbing the soil. People are not drinking contaminated groundwater because the area is served by a public water supply that is not affected by site contamination. Volatile organic compounds in the soil vapor (air spaces within the soil) can move into buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Because the site is vacant and unoccupied, soil vapor intrusion is not a current concern. The potential exists for inhalation of site-related contaminants due to soil vapor intrusion for any future on-site redevelopment and building occupancy. Environmental sampling indicates that soil vapor intrusion from site contamination is not a concern for off-site buildings.

6.5: **Summary of the Remediation Objectives**

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

The remedial action objectives for the site are:

Groundwater

RAOs for Public Health Protection

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

Soil

RAOs for Public Health Protection

Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

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

Soil Vapor

RAOs for Public Health Protection

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

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set

forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 1: Unrestricted use remedy.

The selected remedy is referred to as the Excavation remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design

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

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York (or most recent edition) to improve energy efficiency as an element of construction.

As part of the remedial design program, to evaluate the remedy with respect to green and sustainable remediation principles, an environmental footprint analysis will be completed. The environmental footprint analysis will be completed using an accepted environmental footprint analysis calculator such as SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWiseTM (available in the Sustainable Remediation Forum [SURF] library) or similar NYSDEC accepted tool. Water consumption, greenhouse gas emissions, renewable and nonrenewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial design program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable

remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

Additionally, the remedial design program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the proposed remedy. Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial design program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities.

2. Excavation

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Approximately 27,000 cubic yards of contaminated soil will be removed from the site. Collection and analysis of confirmation samples at the remedial excavation depth will be used to verify that SCOs for the site have been achieved. If confirmation sampling indicates that SCOs were not achieved at the stated remedial depth, the Applicant must notify NYSDEC, submit the sample results and, and in consultation with NYSDEC, determine if further remedial excavation is necessary. Further excavation for development will proceed after confirmation samples demonstrate that SCOs for the site have been achieved.

To ensure proper handling and disposal of excavated material, waste characterization sampling will be completed for all identified contaminated site material. Waste characterization sampling will be performed exclusively for the purposes of off-site disposal in a manner suitable to receiving facilities and in conformance with applicable federal, state and local laws, rules, and regulations and facility-specific permits.

3. Backfill

Backfill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

4. Vapor Intrusion Evaluation

As part of the Track 1 remedy, a soil vapor intrusion evaluation will be completed. The evaluation will include a provision for implementing actions recommended to address exposures related to soil vapor intrusion.

5. Local Institutional Controls

If no Environmental Easement (EE) or Site Management Plan (SMP) is needed to achieve soil, groundwater, or soil vapor remedial action objectives, then the following local use restriction

will be relied upon to prevent ingestion of groundwater: Article 141 of the NYCDOHMH code, which prohibits potable use of groundwater without prior approval.

Conditional Track 1

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In the event that Track 1 unrestricted use is not achieved, including achievement of soil, groundwater, and soil vapor remedial objectives, the following contingent remedial elements will be required, and the remedy will achieve a Track 2 restricted residential cleanup.

Contingent Remedial Elements

6. Institutional Control

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

- require the remedial party or site owner to complete and submit to the NYSDEC a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOHMH; and
- require compliance with the NYSDEC approved SMP.

7. Site Management Plan

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

- a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
 - Institutional Controls: The Environmental Easement discussed in Remedy Element 6 above.
 - Engineering Controls: Potentially vapor mitigation if identified following the SVI evaluation discussed in Remedy Element 4 above.

This plan includes, but may not be limited to:

• an Excavation Plan which details the provisions for management of future

- excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and NYSDEC notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
- b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
 - monitoring of groundwater to assess the performance and effectiveness of the remedy;
 - a schedule of monitoring and frequency of submittals to the NYSDEC; and
 - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

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