

RESPONSIVENESS SUMMARY

RBF1, 401 West 19th Street, Manhattan, NY
Brownfield Cleanup Program Site No. C231166

and

RBEC1, 441 West 26th Street, Manhattan, NY
Brownfield Cleanup Program Site No. C231168

RBF1

The New York State Department of Environmental Conservation (DEC) received a Brownfield Cleanup program (BCP) application and draft Remedial Investigation Work Plan (RIWP) on October 8, 2025, from RBF1, LLC (the Applicant). The application was deemed complete by DEC on December 15, 2025. The public comment period started on December 24, 2025, and was to have ended on January 23, 2026; however, it was extended to end on February 23, 2026, at the request of the public.

RBEC1

DEC received a BCP application and draft RIWP on November 12, 2025, from RBEC1, LLC (the Applicant). The application was deemed complete by DEC on January 20, 2026. The public comment period started on January 28, 2026, and was to have ended on February 28, 2028; however, was extended to end on March 29, 2026, at the request of the public.

This responsiveness summary responds to all questions and comments raised during the public comment period. The following are the comments received with DEC's responses:

Comment 1: *Elevated lead and metals - Soil sampling reportedly found lead concentrations as high as 2,150 mg/kg (Fulton) and 2,680 mg/kg (Elliott-Chelsea), described as more than five times the Restricted Use Restricted-Residential Soil Cleanup Objectives and approximately 30 to 40 times higher than what is generally considered acceptable for unrestricted residential use.*

Response 1: The samples referred to were collected at a depth of 5 to 7 feet below grade, at depths that would not be a direct exposure pathway to people. These sites also have existing cover systems, consisting of concrete, asphalt, and vegetated areas to prevent direct exposure to any underlying potentially contaminated soil.

Community input is a central component of DEC's Brownfield Cleanup Program (BCP), and periodic fact sheets will be distributed to the public at specific milestones throughout the investigation and remedy selection process. Following the completion of the application comment period and, assuming the site is deemed eligible for the BCP, the first required submittal is a Community Participation Plan (CPP) which outlines the public outreach requirements, identifies project contacts, and establishes the document repositories.

The site will then undergo a comprehensive investigation to define the full nature and extent of contamination on the site. A draft RIWP was included with the application and is available at:

<https://www.dec.ny.gov/data/DecDocs/C231166/>

and

<https://www.dec.ny.gov/data/DecDocs/C231168/>

Once the data is collected and analyzed, a Remedial Investigation Report (RIR) will be prepared which includes conclusions and recommendations to address any identified contamination. The RIR will be posted to the publicly accessible document repositories. The consultant will evaluate various alternatives to remediate the contamination in an Alternatives Analysis/Remedial Work Plan (AA/RWP), which will be subject to a 45-day public comment period. DEC will consider public comments, revise the AA/RWP as needed, and issue a final Decision Document. NYSDOH must concur with the proposed cleanup.

Comment 2: *Vapor intrusion risks - The materials indicate tetrachloroethene (PCE) detected in soil vapor samples at the Fulton site, with reported concentrations reaching 100 µg/m³, along with other compounds that may require mitigation to protect indoor air quality.*

Response 2: The maximum concentration of PCE detected in soil vapor at the RBF1 site was collected at a depth of 12 feet below grade surface in an area of the parking lot. There are no enclosed structures in this area of the site. As noted above, a comprehensive investigation of the site has yet to be completed. The investigation will include collection of additional soil vapor and soil vapor intrusion samples, as necessary, to determine what remedial actions may be needed to address the site's contamination.

Comment 3: *Petroleum impacts - The record describes field observations consistent with petroleum impacts (e.g., stained soil and odors) and associated concerns for groundwater quality.*

Response 3: A comprehensive investigation of the site will be completed if the site enters the BCP, which will include defining the nature and extent of any petroleum contamination on the site.

Comment 4: *Proximity to sensitive receptors - These conditions exist in the immediate vicinity of sensitive populations and daily-use community facilities. The Fulton site is adjacent to a children's playground, and nearby institutions include San Jose Day Nursery, the Bayard Rustin Educational Campus, and P.S. 11 Sarah J. Garnet School.*

Response 4: All future work at the site that includes soil disturbance would be completed under DEC-approved work plans, which includes a robust Community Air

Monitoring Plan (CAMP) that is prepared in consultation with NYSDOH. Any identified sensitive receptors will be accounted for in the CAMP.

Comment 5: *The public requested an alternative to demolition:*

- *Eliminate the most disruptive and highest-risk element of this plan: deep soil excavation into the urban fill zone. In a project with documented contamination concerns and sensitive receptors nearby, preventing disturbance at the source should be treated as a primary public-health strategy.*
- *Retaining structures is far more sustainable and economical than demolition and replacement — which creates massive waste and in turn requires mining, manufacturing and transportation of carbon-intensive materials for the new construction*
- *There is an alternative to demolition which is renovation which is cheaper and less harmful to the environment and does not displace NYCHA tenants. NYCHA tenants have voiced their opposition to demolition, and their wishes and needs should be respected.*

Response 5: DEC regulates the investigation and remediation of the soil, groundwater, and soil vapor beneath the site (the “environmental media”) but does not regulate land use decisions or building demolition. The BCP focuses on reducing the public’s exposure to contaminants in environmental media and ensuring that the remedial program for the site is protective of public health and the environment for the intended site use. The scope of the redevelopment and the logistics of building demolition are outside DEC’s jurisdiction. Land use is regulated by the NYC Zoning Resolution, and building demolition/reconstruction must be permitted through NYC Department of Buildings.

Comment 6: *Given these findings and the current redevelopment approach (demolition plus deep excavation into the urban fill zone), I urge NYSDEC to require and enforce the strictest possible Community Air Monitoring Plan (CAMP) and related dust/vapor controls, with clear, enforceable action levels and public-facing reporting that residents can understand.*

Response 6: All BCP sites are required to implement a CAMP for any ground intrusive work. The CAMP includes continuous real-time monitoring of dust (PM 10) and organic vapors and specifies action levels to ensure the surrounding community is not exposed to site-related contaminants during remedial activities. The CAMP is included as an appendix to the RIWP and will also be included in all future work plans.

Comment 7: *The public requested a clear communication channel:*

- *Request for a clear, centralized public webpage that residents can easily locate and navigate. A plain-language summary (and straightforward access to the full record) would materially improve the integrity of public participation.*
- *The community deserves a clear explanation in plain English and Spanish (free of technical jargon) of what was found, what standards apply, and what*

protections will be required and enforced.

- *I am concerned with your plan(s) to communicate your findings with the community, and keeping the public up-to-date. How in-depth, or how often, will the community itself be kept informed? Will this be through regular meetings that the community will have an opportunity to take part in and voice their concerns?*

Response 7: DEC is committed to keeping the community informed about the BCP activities. As noted above, this site is only at the application stage. DEC has no other information except what was included in the applications. Once a comprehensive investigation has been conducted and we understand the nature and extent of contamination at the site, a fact sheet will be issued in English and Spanish (as well as any other identified languages commonly spoken by area residents based on Census data) that summarizes the information in plain language and includes contact information for DEC and DOH project managers, who are available to answer questions from the community. All documents submitted as part of the application package can be accessed at the following locations:

- RBF1 (Fulton Houses): <https://extapps.dec.ny.gov/data/DecDocs/C231166/>
- RBEC1 (Elliott-Chelsea Houses): <https://extapps.dec.ny.gov/data/DecDocs/C231168/>

In addition, paper repositories are established at the following locations:

New York Public Library – Muhlenberg Branch
209 West 23rd Street
New York, NY 10011

Manhattan Community Board 4
424 W. 33rd Street, Suite 580
New York, NY 10001

Comment 8: *Publish real-time public reporting of monitoring results in accessible, plain language.*

Response 8: All intrusive activities will require CAMP monitoring, and those results will be included with daily reports to be submitted during work under a DEC-approved work plan. Daily reports will be posted to the links provided above.

Comment 9: *Independent environmental oversight be ensured during all phases of investigation and cleanup.*

Response 9: DEC will provide environmental oversight of all approved work plans if these sites are accepted into the BCP programs. Furthermore, the applicant must retain qualified environmental professionals and professional engineers licensed by New York State to perform the BCP work.

Comment 10: *Protection of Sensitive Populations*

The site's proximity to residential buildings and community facilities warrants heightened precaution. Investigation activities should:

- *Avoid scheduling high-impact work during peak community use times where feasible*
- *Provide advance notice to nearby residents and Community Board 4*
- *Maintain clear on-site signage and a designated community contact person*

Response 10: Work hours are typically regulated under NYC regulations. For example, drilling work hours will be regulated by permits issued by NYC Department of Transportation (DOT), and excavation work hours will be regulated by NYC Department of Buildings (DOB). DEC will issue fact sheets to announce major milestones throughout the project. Community Board 4 will serve as one of the document repositories.

Comment 11: *In addition, with recent extreme weather storm runoff a Storm Water Pollution Plan and coverage under a National Pollution Discharge Elimination System (NPDES) availability should be made known to the residents so they can determine if compliance is being met.*

Response 11: Future excavation at the site will be regulated under DEC's General Permit for Stormwater Discharges from Construction Activities, and/or under NYC DEP's Unified Stormwater Rule. Both programs require a Stormwater Pollution Prevention Plan that complies with federal, state, and local requirements.

Comment 12: *What I am about to unpack concerns 420 W. 19th St., basement, which is within the confines of Robert Fulton Houses; an inspection report confirmed the presence of chrysotile asbestos in the basement.*

Response 12: DEC does not regulate asbestos in the existing building. Asbestos abatement activities are regulated by NYC DEP.

Comment 13: *The issue that I complained to NYCHA about for over three (3) decades and continues sporadically to this day is that hot steamy water was continually being pumped out of the basement through a black high pressure hose line that was stretched through the window, discharging the water onto the grassy dirt area directly outside, which is saturated with decades of rat, mice, bird and dog feces, and God only knows what other toxins are in the soil.*

Response 13: DEC is not aware of the situation described in this comment. Any future ground intrusive activities will be performed with DEC oversight under approved work plans.

Comment 14: *Residents of 416 W 25th Street request immediate implementation of comprehensive protection consistent with CEQR requirements, NYC environmental regulations, and industry best practices. The required mitigation measures include:*

- *Provision of high-quality HEPA air purifiers for every apartment exposed to construction emissions.*

- *Window filters or professional sealing to prevent dust and particulate infiltration.*
- *Continuous indoor and outdoor air-quality monitoring, including PM2.5 and diesel particulates, with transparent public disclosure.*
- *Weekly environmental reports, including all particulate readings and emission data.*
- *Aggressive dust suppression protocols during demolition and debris removal.*
- *Strict diesel-emission controls and anti-idling enforcement for all equipment onsite.*
- *A dedicated rapid-response hotline for residents to report air-quality or safety concerns.*
- *A formal medical reimbursement procedure should any resident experience health effects caused or exacerbated by construction-related exposure.*
- *Full compliance with all EIS/CEQR mitigation obligations with expanded protections if thresholds are exceeded.*

Response 14: DEC does not have jurisdiction over the building demolition activities. These comments should be directed to NYC DOB.

Comment 15: *Contaminated dust will be released from both excavation and demolition. An elementary school, PS33, is adjacent to the project site.*

- *How will real time monitoring of particulate matter be integrated with laboratory analysis of its contaminants? (lead? silica? asbestos?)*
- *Will mist sprays be installed during proposed excavations so as to capture and return air-borne particulates into the excavation area?*
- *Will sensor array be designed to enable sampling that ensures relative independence from wind conditions via multiple placements of both near and far sensors?*

Toxic volatile organic compounds will be released from excavation, given soil test data. How will community members be able to confirm that air monitors for VOC's and SVOC's are

- *installed at all locations of substrate excavation?*
- *installed according to a design that ensures adequate sampling irrespective of wind conditions?*
- *are linked to reliable plans for notification and evacuation?*

Perimeter soils risk becoming settlement sinks of air-borne poisons. The Penn South campus contains extensive areas of planted soils – substrate that can't be scrubbed of contaminants.

- *will perimeter soils be removed and reconstitute with clean soil and replanting, post-excavation?*

Response 15: Details regarding the specific dust and vapor suppression and mitigation measures will be included in the future AA/RWP. Both the RIWP and the AA/RWP will

require the implementation of a CAMP that will continuously monitor dust and organic vapors during all ground intrusive activities. Daily reports will be provided in the links included above.