

May 24, 2024

Wendi Zheng
NYSDEC, Division of Environmental Remediation
47-40 21st Street,
Long Island City, NY 11101

**Re: Corrective Measures Work Plan
Willets Point Development T-Parcel
126-36 34th Avenue, Queens, New York
Langan Project No.: 170197670
NYSDEC BCP Site No. C241146F**

Dear Ms. Zheng:

Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan) has prepared this Corrective Measures Work Plan on behalf of Queens Development Group, LLC (QDG); QDG Hotel Partners, LLC; QDG 126th Street Partners, LLC; QDG Parking Partners, LLC; and QDG Retail Partners, LLC (collectively the "Volunteers") for the Willets Point Development T-Parcel Brownfield Cleanup Program (BCP) site located at 126-36 34th Avenue in Queens, New York (the site). This work plan proposes corrective measures to address the ground-intrusive work that occurred at the site on May 7, 2024, which did not conform with the June 7, 2022, Remedial Action Work Plan for Operable Unit 2 (OU-2 RAWP). This work plan provides proposed site activities to rectify the deficiencies identified in the May 22, 2024 Notice of Violation (NOV) issued by the New York State Department of Environmental Conservation (NYSDEC).

Background

Remedial action was completed at the site on May 19, 2023. Establishment of a Site Management Plan and Environmental Easement with the New York State Department of Environmental Conservation (NYSDEC) is in progress. On May 7, 2024, a contractor commenced ground intrusive work without permission and without notifying Langan or the Volunteers. The ground intrusive work is described in the following bullets and shown on the attached Figure 1. Once Langan and the Volunteers became aware of these activities, work was immediately stopped and Langan field personnel completed an inspection of the site cover system. The following was observed:

- In the southwest part of the site, an about 22-foot-long by 8-foot-wide by 8-inch thick concrete pad was installed atop the site cover system. The concrete pad was reportedly installed to support a future temporary electrical transformer.
- An about 15-foot-long by 5-foot-wide trench was excavated to about 3.5 feet below ground surface (+/- el. 9.0), which penetrated the demarcation layer and extended into residual site soil/fill, for installation of four temporary electrical conduits in the southwest part of the site. According to field observations, the trench was backfilled with on-site material once the work was completed.
- An area of the site cover system was disturbed at grade surface from construction vehicle tracking in the northwest part of the site.

Photographs from the site inspection are provided as Attachment 1. Langan notified NYSDEC of the site cover disturbance via email on May 9, 2024. In response to the above-listed activities and notification, the NYSDEC issued an NOV on May 22, 2024. NYSDEC correspondence and the NOV are provided as Attachment 2.

Proposed Corrective Measures

The following corrective measures will be implemented in accordance with the NYSDEC-approved June 7, 2022 OU-2 RAWP:

- Removal of the concrete pad and steel conduits. The concrete pad will be disposed of as construction and demolition debris and conduits will be recycled as scrap metal, in accordance with Part 360 and 361 regulations.
- Excavate to 2 feet below ground surface in the temporary utility trench area (Figure 1), repair the demarcation barrier, and restore the site cover system with a minimum of 2 feet of NYSDEC-approved clean fill or virgin quarry stone.
- Restore the site cover system disturbance area with NYSDEC-approved clean fill or virgin quarry stone (Figure 1).
- Stockpile, characterize, and dispose any excess soil/fill generated during excavation. If analytical results indicate the stockpiled material is fit for reuse, it may be reused on-site with NYSDEC approval.
- Survey the location and elevation of the repaired demarcation layer and top of the site cover system in the disturbed areas.
- Implement community air monitoring during all ground-intrusive activity.
- Document activities in daily reports and the forthcoming Final Engineering Report.

Community Air Monitoring Plan (CAMP)

Community air monitoring will be conducted in accordance with the NYSDOH Generic Community Air Monitoring Plan (CAMP). CAMP will include continuous perimeter monitoring of dust and organic vapor and will be conducted when ground-intrusive work is in progress. Visible particulates and odors will be monitored by field personnel under the supervision of the Remedial Engineer. Sustained concentrations of volatile organic compounds (VOCs) or particulate matter (PM10) will be reported to the NYSDEC and NYSDOH Project Managers and included in the daily report. In addition, a map showing the location of the downwind and upwind CAMP stations will be included in the daily report.

Reporting

Daily reports will be submitted to NYSDEC and NYSDOH Project Managers during on-site corrective measures by the end of each day. All written and photographic documentation under this Corrective Measures Work Plan will be included in the Final Engineering Report (FER) in conformance with DER-10.

Schedule

The proposed corrective measures are anticipated to begin the week of June 10, 2024 following the June 6, 2024 administrative settlement conference stipulated in the NOV. The planned corrective measures are anticipated to take about two days to complete. The NYSDEC will be notified of proposed changes, delays, and/or deviations to the schedule.

Sincerely,

**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**



Gerald Nicholls, P.E., CHMM
Associate Principal/VP

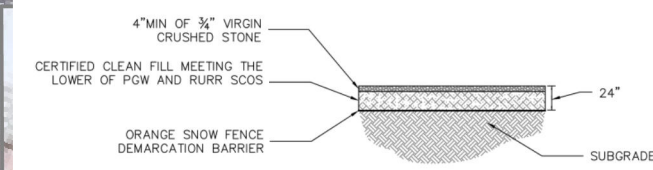
Enclosure(s): Figure 1 - Site Plan
Attachment 1 - Photographic Log
Attachment 2 - NYSDEC Correspondence

cc: A. Obligado, J. O'Connell (NYSDEC)
J. Strobel, A. Lipman, J. Santoro (QDG)
M. O'Connor, J. Hayes, E. Burgess, N. Palumbo (Langan)

Figures



- Legend**
- Approximate BCP Site Boundary
 - Site Cover System Disturbance Area
 - Concrete Slab
 - Temporary Utility Trench Area
 - Tax Parcel



Detail 1:
Typical Clean Fill Cap (Not to Scale)

- Notes:**
1. Imagery provided through Langan's subscription to Nearmap.com. Flown on 05/28/2023.
 2. Tax parcel data provided by the New York City Department of City Planning, MapPLUTO 23v2, and a survey prepared by Langan, July 28, 2023.



LANGAN
 Langan Engineering, Environmental, Surveying,
 Landscape Architecture and Geology, D.P.C.
 360 West 31st Street, 8th Floor
 New York, NY 10001
 T: 212.479.5400 F: 212.479.5444 www.langan.com

Project
**WILLETS POINT
 DEVELOPMENT T-PARCEL**
 BCP SITE NO. C241146F
 QUEENS NEW YORK

Figure Title
SITE PLAN

Project No. 170197601	1
Date 5/20/2024	
Scale 1"=60'	
Drawn By GS	Figure 1 of 1

Attachment 1 Photographic Log

Photograph Log



Photo 1: View of concrete slab installed in the southwest portion of the site (facing east).



Photo 2: View of trenched area where temporary electrical utilities were installed (facing southwest).



Photo 3: View disturbed site cover system in the northwest portion of the site (facing southwest).

Attachment 2 NYSDEC Correspondence

Nicholas Palumbo

From: Zheng, Wendi Y (DEC) <Wendi.Zheng@dec.ny.gov>
Sent: Tuesday, May 14, 2024 11:50 AM
To: Gerald Nicholls
Cc: Obligado, Andre A (DEC); O'Connell, Jane H (DEC); james.strobel@related.com; alipman@related.com; jsantoro@related.com; Michele O'Connor; Jason Hayes; Elizabeth Burgess; Nicholas Palumbo; Michael Nilson
Subject: [External] RE: Willets Point - T-Parcel (C241146F) - Notification of Site Cover Disturbance

Hi Gerry,
Please submit the corrective measures proposal in the form of a letter with PE stamp.

Thanks,

Wendi Zheng
New York State Department of Environmental Conservation
P: (718) 482-7541 | wendi.zheng@dec.ny.gov

From: Gerald Nicholls <gnicholls@Langan.com>
Sent: Thursday, May 9, 2024 4:44 PM
To: Zheng, Wendi Y (DEC) <Wendi.Zheng@dec.ny.gov>
Cc: Obligado, Andre A (DEC) <andre.obligado@dec.ny.gov>; O'Connell, Jane H (DEC) <jane.oconnell@dec.ny.gov>; james.strobel@related.com; alipman@related.com; jsantoro@related.com; Michele O'Connor <moconnor@Langan.com>; jahayes@Langan.com; Elizabeth Burgess <eburgess@langan.com>; Nicholas Palumbo <npalumbo@langan.com>; Michael Nilson <mnilson@Langan.com>
Subject: Willets Point - T-Parcel (C241146F) - Notification of Site Cover Disturbance

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Wendi,

This email serves to document our conversation regarding unauthorized ground intrusive work at the Willets Point Development T-Parcel BCP site (C241146F).

On Tuesday 5/7/2024, NYC Football Club and their construction manager, Turner, commenced ground intrusive activities without permission and without notifying Langan or Queens Development Group (Volunteers). The activities included installation of a concrete slab about 8-feet by 22-feet by 8-inches (see Photo 1) above the site cover system for a proposed construction trailer and an approximate 15-linear foot underground electrical conduit to service the proposed construction trailer.

Once Queens Development Group and Langan was aware of these activities, work was immediately stopped, the contractor was removed from the site, and Langan field personnel completed an inspection of the site cover system. We observed the following:

- An approximate 15 feet by 5 feet trench was excavated to about 3.5 feet below ground surface (+/- el. 9.0) for installation of the temporary electrical utility (see Figure and Photo 2). Based on our observations after the work was done, the trench was backfilled with site material.
- An area of the site cover system was disturbed at grade surface from construction vehicle tracking (see Figure and Photo 3).

The work performed at the site does not conform with the June 2022 Remedial Action Work Plan for OU-2 (OU-2 RAWP). To rectify this situation, our proposed next steps are:

- Excavate to 2 feet below ground surface in the area of the utility trench, repair the demarcation barrier, and restore the site cover system in accordance with the OU-2 RAWP. We propose that the concrete slab remain-in-place considering it was installed at ground surface and does not compromise the integrity of the site cover system.
- Perform community air monitoring during any future ground-intrusive activity.
- Document the work completed in the forthcoming Final Engineering Report for the site.

Please let us know if NYSDEC agrees with our proposed next steps.

<https://clients.langan.com/Sharing/filessharing/ViewPosted?transactionHash=1423287233>

Name	Type	Size
Figure - T-Parcel Site Cover Markup.pdf	.pdf	2.80 MB
Photo (1).jpg	.jpg	2.04 MB
Photo (2).jpg	.jpg	2.08 MB
Photo (3).jpg	.jpg	2.79 MB

Sincerely,

Gerry Nicholls, PE, CHMM
Associate Principal

LANGAN

Direct: 212.479.5559
Mobile: 609.933.5330
[File Sharing Link](#)

Phone: 212.479.5400 Fax: 212.479.5444
360 West 31st Street
8th Floor
New York, NY 10001-2727
www.langan.com

NEW YORK NEW JERSEY CONNECTICUT MASSACHUSETTS PENNSYLVANIA VIRGINIA WASHINGTON, DC
OHIO ILLINOIS NORTH CAROLINA TENNESSEE FLORIDA TEXAS ARIZONA COLORADO UTAH WASHINGTON CALIFORNIA
ATHENS CALGARY DUBAI LONDON PANAMA



This message may contain confidential, proprietary, or privileged information. Confidentiality or privilege is not intended to be waived or lost by erroneous transmission of this message. If you receive this message in error, please notify the sender immediately by return email and delete this message from your system. Disclosure, use, distribution, or copying of a message or any of its attachments by anyone other than the intended recipient is strictly prohibited.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 2
47-40 21st Street, Long Island City, NY 11101
P: (718) 482-4995
www.dec.ny.gov

Via Federal Express and Electronic Mail

NOTICE OF VIOLATION

May 22, 2024

Glenn Goldstein
Queens Development Group, LLC
QDG Hotel Partners, LLC
QDG 126th Street Partners, LLC
QDG Parking Partners, LLC
QDG Retail Partners, LLC
c/o Related Companies
30 Hudson Yards, 72nd Floor
New York, NY 10001
ggoldstein@related.com

Jon Stemp
Chief Infrastructure Officer
New York City Football Club
600 Third Avenue, 30th Floor
New York, NY 10016
Jon.Stemp1@cityfootball.com

Frank Gramarossa
Vice President & Construction Executive
Turner Construction Company
375 Hudson Street
New York, NY 10014
fgramarossa@tcco.com

Re: Willets Point Development T-Parcel
Site No: C241146F
Flushing, Queens County

Dear Glen Goldstein, Jon Stemp, and Frank Gramarossa:

As you know, Queens Development Group, LLC, QDG Hotel Partners, LLC, QDG 126th Street Partners, LLC, QDG Parking Partners, LLC, and QDG Retail Partners, LLC (collectively "the Applicant") executed a Brownfield Cleanup Agreement (Index # C241146F-09-23), (the "Agreement") with the New York State Department of

Environmental Conservation (“NYSDEC”), relative to the Willets Point Development T-Parcel (“the Site”) on October 31, 2023.

This letter is sent to notify the Applicant, New York City Football Club (“the Operator”) and Turner Construction Company (“the Contractor”), that the following actions and omissions at the Site constitute violations of the New York State Environmental Conservation Law (“ECL”) and the regulations promulgated thereto, potentially subjecting the Applicant, the Operator, and the Contractor to enforcement by NYSDEC. These actions and omissions were documented in an email notification submitted to NYSDEC by the Applicant on May 9, 2024, and are detailed below:

- On May 7, 2024 the Operator and the Contractor commenced ground intrusive activities at the Site, including installation of an 8' x 22' x 8" concrete slab to support a construction trailer and excavation of a 15' trench for utility installation to service the construction trailer. The Applicant, Operator, and Contractor failed to provide prior notification to NYSDEC regarding breach of the Site's cover system, which serves as the primary engineering control for the Site;
- The Applicant, Operator, and Contractor failed to implement the Community Air Monitoring Plan and Health and Safety Plan as required under the Site's Remedial Action Work Plan (RAWP); and
- The Applicant, Operator, and Contractor failed to have a qualified professional on Site to oversee the work.

Violations

1. The Applicant, Operator, and Contractor violated 6 NYCRR 375-1.6(a)(1)(i) by failing to implement and manage the approved RAWP.
2. The Applicant, Operator, and Contractor violated 6 NYCRR 375-1.6(a)(3) by failing to have a qualified environmental profession on Site to supervise the excavation, backfill, and restoration of the cover system.
3. The Applicant, Operator, and Contractor violated 6 NYCRR 375-1.11(b)(2)(i) by engaging in activities that were reasonably anticipated to prevent or interfere significantly with any proposed, ongoing, or completed remedial program at the Site by performing unauthorized excavation, breach of the cover system, backfill, and failure to comply with the RAWP.
4. The Applicant, Operator, and Contractor violated 6 NYCRR 375-1.11(b)(2)(ii) by engaging in activities that were reasonably foreseeable to expose the public health or the environment to a significantly increased threat of harm or damage at the Site by performing unauthorized excavation, breach of the cover system, backfill, and failure to comply with the RAWP.

Pursuant to ECL § 71-2705, any person who violates any of the provisions of, or who fails to perform any duty imposed by, Article 27, Title 13 or any rule or regulation promulgated thereto, may be liable for penalties of up to \$37,500 per day per violation.

In addition, pursuant to 6 NYCRR 375-3.5(c) NYSDEC may seek to terminate the Agreement for failure to comply with the terms thereof.

AN ADMINISTRATIVE SETTLEMENT CONFERENCE has been set for **Thursday June 6, 2024 at 1:00 PM** via Webex. The log in information for the settlement conference will be sent under separate cover. If you do not attend the settlement conference, NYSDEC's Office of General Counsel staff may institute a formal civil or administrative enforcement proceeding. You will be meeting with an attorney from NYSDEC to discuss settlement and you may bring your own attorney to the settlement conference.

BE ON NOTICE THAT the correction of violations at the Site in no way affects the rights of NYSDEC to seek penalties and other relief in accordance the New York State Environmental Conservation Law and the rules and regulations promulgated pursuant thereto.

Please provide confirmation of your attendance at the administrative conference described above to Jennifer Andaloro, NYSDEC Office of General Counsel at jennifer.andaloro@dec.ny.gov within ten (10) days of the date of this letter. If you have any technical questions regarding this matter, please contact NYSDEC's project manager, Wendi Zheng at wendi.zheng@dec.ny.gov.

Sincerely,



Andre Obligado, P.G.
Section Chief
Region 2, Section C

ec: A. Guglielmi, J. Andaloro, J. O'Connell, W. Zheng – NYSDEC
S. McLaughlin, S. Selmer, H. Hood – NYSDOH
M. Chertok, C. Leas – Sive, Paget & Riesel, PC (mchertok@sprlaw.com,
cleas@sprlaw.com)
J. Hayes, G. Nichols, E. Burgess – Langan Engineering, Environmental,
Surveying, Landscape Architecture and Geology, D.P.C. (jahayes@langan.com,
gnicholls@langan.com, eburgess@langan.com)