



Department of
Environmental
Conservation

Brownfield Cleanup Program

Citizen Participation Plan

for

27-10 49th Avenue, Long Island City, New York

March 2019

27-10
49th Avenue
Long Island City
Queens, New York

Contents

<u>Section</u>	<u>Page Number</u>
1. What is New York's Brownfield Cleanup Program?	3
2. Citizen Participation Activities.....	3
3. Major Issues of Public Concern.....	8
4. Site Information.....	8
5. Investigation and Cleanup Process	9
Appendix A - Project Contacts and Locations of Reports and Information	12
Appendix B - Site Contact List.....	14
Appendix C - Site Location Map.....	16
Appendix D - Brownfield Cleanup Program Process	17

* * * * *

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: **Hunters Point SG LLC**
Site Name: **27-10 49th Avenue, Long Island City, New York (“Site”)**
Site Address: **27-10 49th Avenue, Long Island City, New York**
Site County: **Queens**
Site Number: **C241219**

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

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. 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.

CP Activities

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

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

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

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

Technical Assistance Grant

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

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, it has been determined that the site does not pose a significant threat.

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 follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)
Application Process: <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository(ies) 	<p>At time of preparation of application to participate in the BCP.</p>
<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 	<p>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.</p>
After Execution of Brownfield Site Cleanup Agreement (BCA):	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	<p>Before start of Remedial Investigation</p> <p>Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.</p>
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period 	<p>Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.</p>
After Applicant Completes Remedial Investigation:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results 	<p>Before NYSDEC approves RI Report</p>
Before NYSDEC Approves Remedial Work Plan (RWP):	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period 	<p>Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.</p>
Before Applicant Starts Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	<p>Before the start of cleanup action.</p>
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) 	<p>At the time the cleanup action has been completed.</p> <p>Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.</p>

3. Major Issues of Public Concern

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

The subject property is in a commercial/industrial neighborhood, adjacent to the Dutch Kills Creek. Sampling conducted on Site confirms that contamination is not migrating off-site into Dutch Kills.

4. Site Information

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

Site Description

- **location** - 27-10 49th Avenue, Long Island City, Queens County, New York setting - urban, suburban or rural
- **setting** - urban
- **site size** -38,300 square feet
- **adjacent properties** – The site is located in an industrial business zone (M3-2), the surrounding parcels are currently utilized for commercial, industrial and manufacturing purposes. The site is bound to the north by 49th Avenue followed by a commercial warehouse operated by Mana Products, a cosmetics manufacturer. It is bound to the west by 27th Street followed by a warehouse space operated by UPS. It is bound to the south by a warehouse building operated by Leadstone, USA, a quartz manufacturing company and a commercial building of unknown use. It is bound to the east by Dutch Kills Creek.

History of Site Use, Investigation, and Cleanup

The site was most recently operated by Black Bear Lubricants as a warehouse for mixing, repackaging and distribution of petroleum products. Carey Limousine utilized the second floor of the building as office space, with a small reception area on the first floor. Carey Limousine also utilized the parking lot for vehicle parking. Prior to these operations the property was used by courier companies for distribution.

Potential sources of contamination on the site are petroleum spills associated with the operations of Black Bear Lubricants, historic fill and repair operations associated with the former courier companies.

Seven (7) underground storage tanks (USTs) have been identified in relation to the subject property: Five (5) 4,000-gallon gasoline USTs, one (1) 7,500-gallon heating oil

UST, and one (1) 550-gallon waste oil UST. The gasoline USTs were removed in 1990, the heating oil UST was abandoned in place in 2005, and the waste oil UST was abandoned in place in 2009.

In October 2017 Hunters Point SG, LLC entered into a contract to purchase the property from Kinloch Company Inc. Hunters Point SG, LLC performed due diligence investigation activities between October 2017 and March 2018. Contamination in excess of the most stringent standards was identified during due diligence and Hunters Point SG, LLC contacted the New York City Mayor's Office of Environmental Remediation (OER) to explore entering into the Voluntary Cleanup Program (VCP) as a Volunteer. A Pre-application meeting was held with OER in February 2018 and the VCP application was submitted in March 2018, prior to Hunters Point SG LLC closing on the property. A Remedial Investigation Report was submitted to OER and approved on March 19, 2018. A Remedial Action Workplan was submitted to OER and approved on April 10, 2018. Following approval of the workplan, AESI conducted additional delineation testing requested by OER including soil, groundwater and soil vapor sampling. Results of the investigation activities conducted have been submitted to both OER and NYSDEC for review.

On May 25, 2018 Hunters Point SG, LLC met with OER and NYSDEC to discuss moving forward with remediation of the site. At that meeting it was determined that NYSDEC would take primary oversight of the remediation going forward.

Hunters Point SG, LLC submitted a BCP application to the NYSDEC in July 2018 and a Remedial Investigation Workplan in August 2018. The Site was accepted into the program in October 2018 and the RIWP was implemented in October and November 2018. A Remedial Investigation Report was submitted in January 2019 documenting that delineation had been completed on site. A Remedial Action Report was submitted in January 2019 outlining the proposed scope of work for remediation at the site.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination 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

purposes.

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

Remedy Selection

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

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

or

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

When the Applicant submits a draft Remedial Work Plan 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 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 final engineering report. 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 are detailed in a Site Management Plan.

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):

Charles Post
Project Manager, Division of
Environmental Remediation
NYSDEC
625 Broadway, Albany, NY 12233-1706
518-402-9768

New York State Department of Health (NYSDOH):

Arunesh Ghosh
Project Manager
NYSDOH
Empire State Plaza
Corning Tower
Albany, NY 12237
518-486-1443

Locations of Reports and Information

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

Long Island City Branch of the Queens
Public Library
37-44 21st St
Long Island City, NY 11101
Monday: 9 am-8 pm
Tuesday: 1 pm-6pm
Wednesday: 10 am-6 pm
Thursday: 12 pm- 8 pm
Friday: 10 am- 6 pm
Saturday: 10 am- 5 pm

NYSDEC
Division of Environmental Remediation
625 Broadway, Albany, NY 12233-1706
Attn: Charles Post
Project Manager
518-402-9768
Hours: Monday-Friday 9am-5pm

Queens Community Board 2
Denise Keehan-Smith
43-22 50th Street,
Woodside, NY 11377
(718)-533-8773

Appendix B - Site Contact List

Property Owner

Hunters Point SG, LLC
10 West Forest Avenue
Englewood, New Jersey 07631

Environmental Consultant

Atlantic Environmental Solutions, Inc
5 Marine View Plaza, Suite 401
Hoboken, New Jersey 07030

Residents, owners, and occupants of the site and properties adjacent to the site:

Adjacent Properties

Block: 111 Lot: 11
49-10 27th Street, Queens, New York
Adjacent to the East

United Parcel Service-Owner
643 West 43rd Street
New York, New York 10036

Block: 115 Lot: 1
27-11 49th Avenue, Queens, New York
Adjacent to the North

27-11 49th Avenue Realty LLC -Owner
27-11 49th Avenue
Queens, New York

Block: 113 Lot: 1
50-09 27th Street, Queens, New York
Adjacent to the South

34-06 73RD LLC, as tenants in common
84-11 Elmhurst Avenue Apt 1F
Elmhurst, NY 11373

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:

Lagcc Early Childhood Learning

Gail O. Mellow, President
31-10 Thomson Avenue
Long Island City, NY 11101
(718) 482-5295

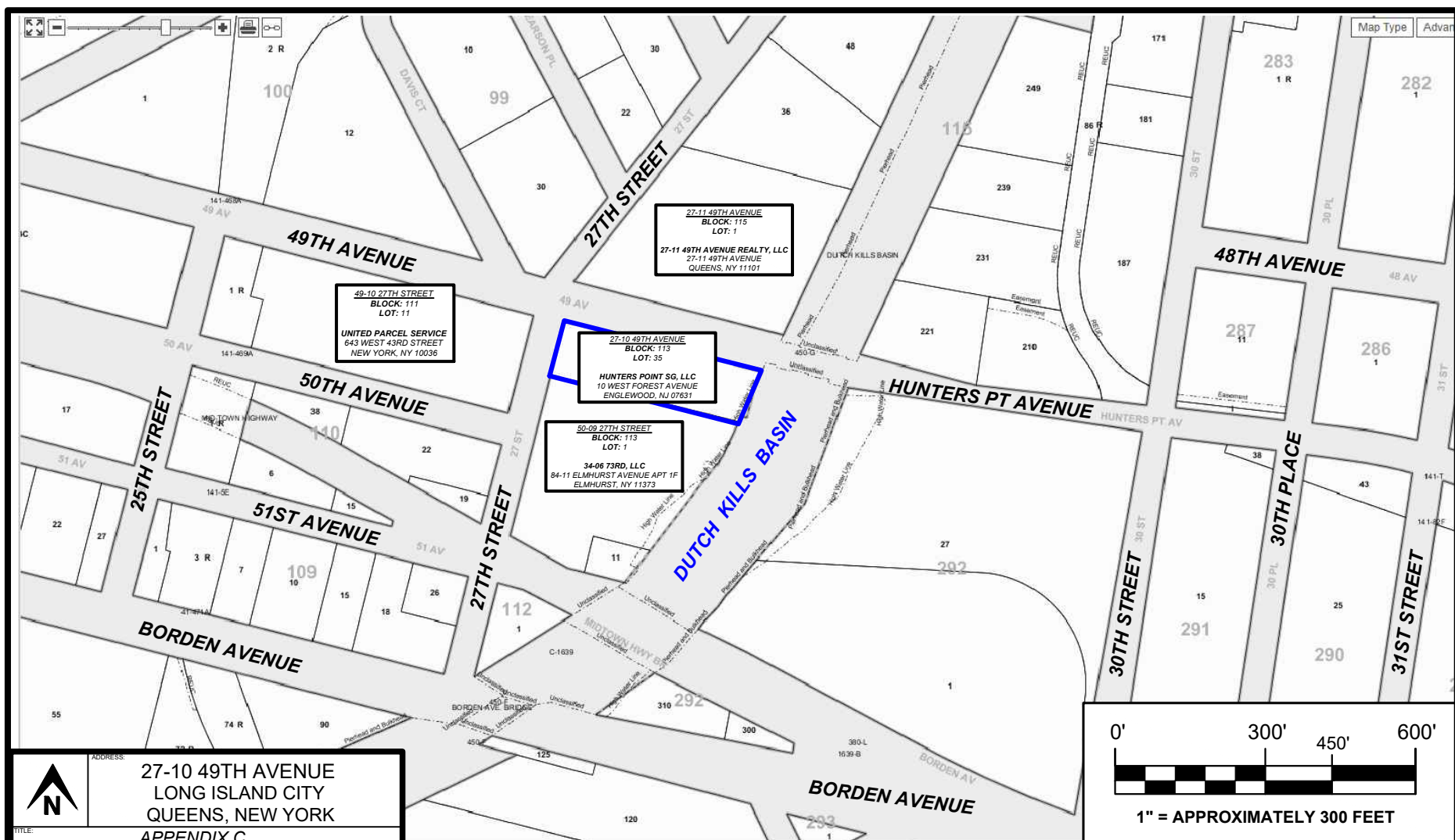
The Learning Experience
Richard Weissman
Day Care Center
27-28 Thomson Avenue
Long Island City, NY 11101
(718) 433-4007

High School of Applied Communication
Connor Kelly-Principal
30-20 Thomson Avenue
Long Island City, NY 11101
(718) 389-3163

PS 078
Mr. Pavone-Principal
4809 Center Boulevard
Long Island City, NY 11109
(718) 392-5402

LaGuardia Community College
Dr. Gail O. Mellow-President
31-10 Thomson Avenue
Long Island City, NY 11101
(718) 482-5242

LaGuardia International High School
Jaclyn Valane-Principal
45-35 Van Dam Street
Long Island City, NY 11101
(718) 392-3433



ADDRESS:
27-10 49TH AVENUE
LONG ISLAND CITY
QUEENS, NEW YORK

TITLE:
**APPENDIX C
SITE LOCATION MAP**

JOB NO. 37321	CREATED BY: SD	DATE: 3/12/2019
------------------	-------------------	--------------------



Atlantic Environmental Solutions, Inc.
5 Marine View Plaza, Suite 303 • Hoboken, New Jersey 07030 • P 201.876.9400 • F 201.876.9563

LEGEND:

SITE BOUNDARY
(BLOCK: 113, LOT: 35)



SOURCE:

NYC DEPARTMENT OF FINANCE, DIGITAL TAX MAP

Appendix D– Brownfield Cleanup Program Process

