DECISION DOCUMENT

Far Rockaway Project
Brownfield Cleanup Program
Far Rockaway, Queens County
Site No. C241224
May 2019

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

DECLARATION STATEMENT - DECISION DOCUMENT

Far Rockaway Project
Brownfield Cleanup Program
Far Rockaway, Queens County
Site No. C241224
May 2019

Statement of Purpose and Basis

This document presents the remedy for the Far Rockaway Project site, a 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 (the Department) for the Far Rockaway Project site and the public's input to the proposed remedy presented by the Department.

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; and
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at

a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

Excavation and off-site disposal of all on-site soils which exceed unrestricted SCOs, as defined by 6 NYCRR Part 375-6.8. If a Track 1 cleanup is achieved, a site cover will not be a required element of the remedy.

Approximately 59,698 cubic yards of contaminated soil will be removed from the site.

Excavation and removal of any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination.

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and/or complete the backfilling of the excavation and establish the designed grades at the site.

3. 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.

Conditional Track 1

The intent of the remedy is to achieve Track 1 unrestricted use; therefore, no environmental easement or site management plan is anticipated. If the soil vapor intrusion (SVI) evaluation is not completed prior to completion of the Final Engineering Report, then a Site Management Plan (SMP) and Environmental Easement (EE) 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 five years of the date of the Certificate of Completion.

In the event that Track 1 unrestricted use is not achieved, including achievement of groundwater and soil vapor remedial objectives, the following contingent remedial elements will be required, and the remedy will achieve a Track 4 restricted residential cleanup, at a minimum.

<u>Contingent Remedy Elements</u>

4. Cover System

A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but

are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

5. Institutional Control

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

- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allows 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;
- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- requires compliance with the Department approved Site Management Plan.

6. 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 paragraph 5 above.
   - Engineering Controls: The cover system described in paragraph 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 Department notification; and
   - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
   - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

<u>Declaration</u>

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.

May 31, 2019

Date

Gerard Burke, Director
Remedial Bureau B

DECISION DOCUMENT

Far Rockaway Project
Far Rockaway, Queens County
Site No. C241224
May 2019

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), 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, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department 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

The Department 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 the Department 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:

Queens Public Library - Far Rockaway Branch
1637 Central Avenue
Far Rockaway, NY 11691
Phone: (718) 327-2549

Queens Community Board 14
1931 Mott Avenue, Room 311
Far Rockaway, NY 11691
Phone: (718) 471-7300

Receive Site Citizen Participation Information By Email

Please note that the Department'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. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:
The site is located in an urban area consisting of a mix of commercial and residential buildings. The site address is 20-02 Mott Avenue, Far Rockaway, New York 11691. The New York City Tax map identifies the site as Block 15537, portion of Lot 1 and is approximately 4 acres in area. The site fronts Mott Avenue and is between Redfern Avenue and Central Avenue. Commercial/manufacturing buildings surround the site in all directions followed by residential buildings. There is a church located north along Redfern Avenue. The site is located approximately 1/2 mile west of the Nassau Expressway and approximately 3/4 mile north of Seagirt Blvd.

Site Features:
The site is developed with a shopping plaza with an asphalt parking lot in the center. The entrance to the parking lot is located on Mott Avenue.

Current Zoning and Land Use:
The majority of the Units are unoccupied and unfinished due to on-going repairs from a fire. The current occupants include Food Dynasty Supermarket, Thriftway Pharmacy, and Surf Car System Services. It should be noted that Snow White Dry Cleaners recently vacated the site in December 2016. According to the NYC OASIS database, the current zoning designations are C4-2 which is a commercial district that also allows residential uses, and C8-1, a heavy commercial district that does not permit residential use.

Past Uses of the Site:
In 1890 the site was part of the Long Island Rail Road (LIRR), including a railroad yard, depot, tracks, multiple coal bins, pumps, engine rooms, oil house, tanks. By 1983 the site was occupied by a shopping center has been developed as it appears today. A dry cleaner operated on the site from the 1960s to 2016.

Site Geology and Hydrogeology:
The elevation of the property ranges from 25-30 feet above mean sea level. The depth to groundwater is approximately 20 feet below surface grade. The groundwater flow is generally northerly towards Motts Basin.

According to maps and reports published by the United States Geological Survey (USGS), the site is underlain by sand, silt, clay gravel, cobbles and boulders. These deposits overlie crystalline

bedrock.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department 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, alternatives (or an alternative) that restrict(s) 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) were/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 Applicant under the Brownfield Cleanup Agreement is a Volunteer. The Volunteer does not have an obligation to address off-site contamination. The Department has determined that this site poses a significant threat to human health and the environment and there are off-site impacts that require remedial activities; accordingly, enforcement actions are necessary.

The Department will seek to identify any parties (other than the Volunteer) known or suspected to be responsible for contamination at or emanating from the site, referred to as Potentially Responsible Parties (PRPs). The Department will bring an enforcement action against the PRPs. If an enforcement action cannot be brought or does not result in the initiation of a remedial program by any PRPs, the Department will evaluate the off-site contamination for action under the State Superfund. The PRPs are subject to legal actions by the State for recovery of all response costs the State incurs or has incurred.

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
- indoor air
- sub-slab 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. The Department 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 contaminant(s) of concern identified at this site is/are:

benzo(a)anthracene
benzo(a)pyrene
benzo(b)fluoranthene
lead
mercury
tetrachloroethene (PCE)
methylene chloride
polychlorinated biphenyls (PCB)
trichloroethene (TCE)

The contaminant(s) 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), and pesticides. Soil vapor and indoor air were sampled for VOCs. Based upon investigations conducted to date, the primary contaminants of concern include the VOCs tetrachloroethene (PCE) and its degradation products, and SVOCs.

Soil - One VOC, tetrachloroethene, was detected above unrestricted use soil cleanup objective (UUSCO) at a concentration of 2.6 parts per million (ppm) as compared to the UUSCO of 1.3 ppm. It was found in shallow soil beneath the former drycleaner on the eastern portion of the site. Multiple SVOCs were detected exceeding their respective UUSCOs including benzo(a)anthracene at 1.4 ppm, benzo(a)pyrene at 1.5 ppm, and benzo(b)fluoranthene at 1.3 ppm. Each of these compounds has a UUSCO of 1 ppm. The metals copper, lead and mercury were also detected at concentrations slightly exceeding their respective UUSCOs: lead at a maximum concentration of 100 ppm (UUSCO is 63 ppm); copper at a maximum concentration of 53 ppm (UUSCO is 50 ppm); and mercury at a maximum concentration of 0.23 ppm (UUSCO is 0.18 ppm). One pesticide, 4,4-DDT, was detected at a maximum concentration of 0.0081 ppm as compared to the UUSCO of 0.0033 ppm. No PCBs were detected in soil. Data does not indicate any off-site impacts in soil related to this site.

Groundwater - One VOC, methylene chloride, was detected in one sample at a concentration exceeding the ambient water quality standards (AWQS) at a concentration of 8.8 parts per billion (ppb). Methylene chloride is a common lab artifact and is not believed to be a site related contaminant of concern. No site-related inorganic contaminants were detected in groundwater above their ambient standards. PCBs were detected in one sample at a concentration of 0.48 ppb, as compared to the AWQS of 0.09 ppb. Data does not indicate any off-site impacts in groundwater related to this site.

Soil Vapor - VOCs were detected in the soil vapor throughout the site. PCE was detected at concentrations ranging from 4.86 micrograms per cubic meter (ug/m3) to 24.4 ug/m3. TCE was detected in one soil vapor sample at a concentration of 1.17 ug/m3.

Sub-Slab Soil Vapor and Indoor Air - Soil vapor intrusion sampling was conducted at the on-site building. Sub-slab soil vapor samples were collected beneath the former dry cleaner and pharmacy. PCE was detected at concentrations up to 5,980 ug/m3 and TCE was detected at a concentration of 16 ug/m3 beneath the slab of the former dry cleaners. PCE was also detected under the slab of the former pharmacy at a concentration of 418 ug/m3. Corresponding indoor air samples collected at the former dry cleaner showed levels of PCE at a concentration of 104 ug/m3, which is above the New York State Indoor Air Guideline of 30 ug/m3 for PCE. The indoor air sample at the former pharmacy detected PCE at a concentration of 6.98 ug/m3. Data indicates additional investigation is needed to further evaluate soil vapor intrusion off-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 covered with buildings and pavement; however, people may come into contact with contaminated soil or groundwater if they dig below the surface. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the soil vapor (air between soil particles), may move into overlying 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. The potential exists for people to inhale site contaminants in indoor air due to soil vapor intrusion in on-site buildings; however, this is not a current concern since the buildings are vacant. Additional investigation is needed to determine whether actions are needed to address exposures associated with soil vapor intrusion off-site.

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 this 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.

RAOs for Environmental Protection

- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in 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;
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The intent of the remedy is to achieve Track 1 unrestricted use; therefore, no environmental easement or site management plan is anticipated. If the soil vapor intrusion (SVI) evaluation is not completed prior to completion of the Final Engineering Report, then a Site Management Plan (SMP) and Environmental Easement (EE) 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 five years of the date of the Certificate of Completion.

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Contingent Remedy Elements

4. Cover System

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- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- requires compliance with the Department approved Site Management Plan.

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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 paragraph 5 above.
   - Engineering Controls: The cover system described in paragraph 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 Department notification; and
   - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
   - 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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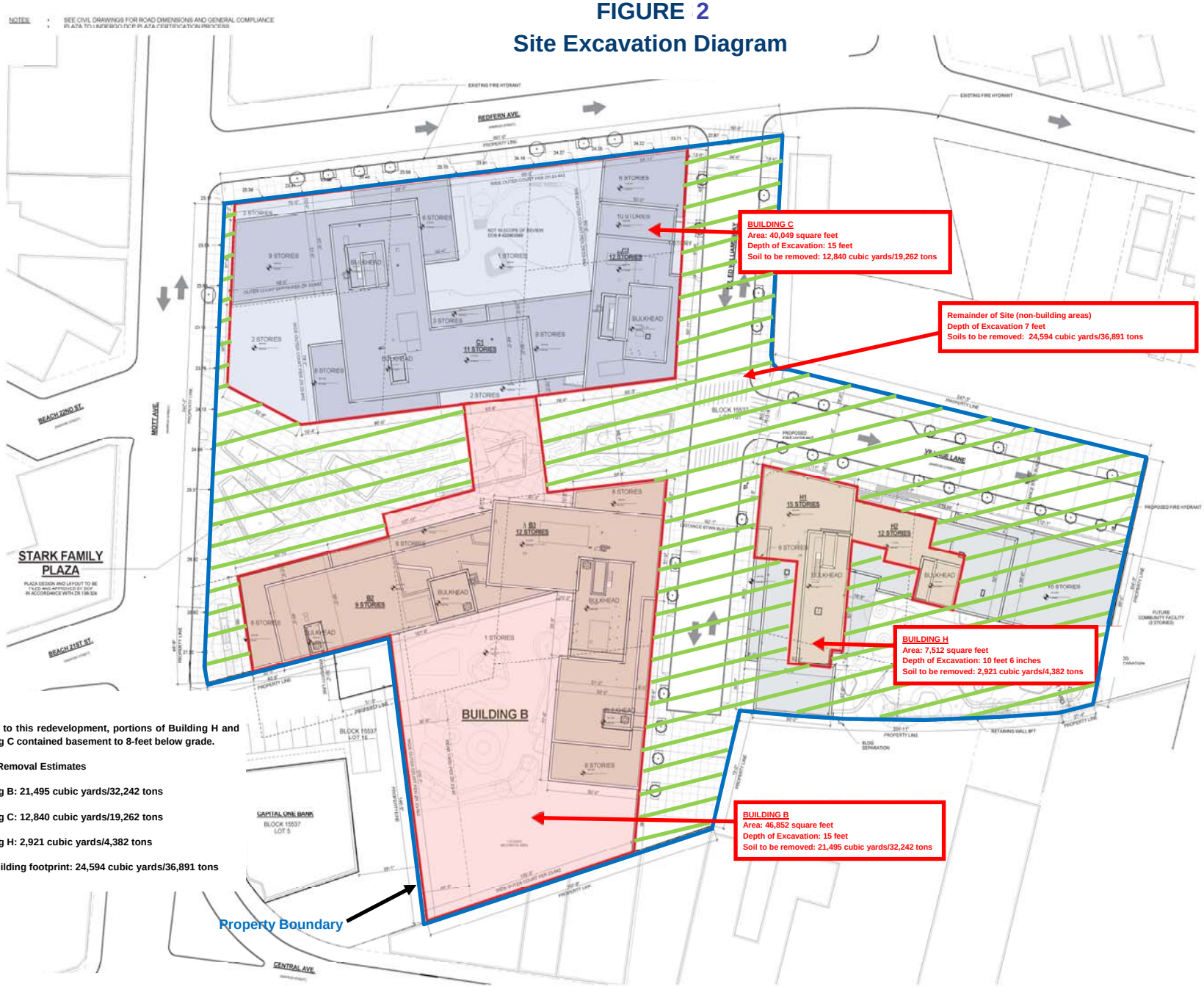
Adapted from Google Maps

TITLE: Property Location Map		**DATE:** 01/23/2018 **SCALE:** Not to Scale
FIGURE: 1 **DRAWING:**	Far Rockaway Project Far Rockaway, New York BCP Site No. C241224	**DRAWN BY:** T.B. **APPR. BY:** J.C.

FIGURE 2
Site Excavation Diagram



Notes:

1. Prior to this redevelopment, portions of Building H and Building C contained basement to 8-feet below grade.

2. Soil Removal Estimates

Building B: 21,495 cubic yards/32,242 tons

Building C: 12,840 cubic yards/19,262 tons

Building H: 2,921 cubic yards/4,382 tons

Non-Building footprint: 24,594 cubic yards/36,891 tons