



NEW YORK
STATE OF
OPPORTUNITY.

**Department of
Environmental
Conservation**

Brownfield Cleanup Program

Citizen Participation Plan

for

Newtown Creek Bud Site – North Block

February 2021

BCP Site No. C241248
2-10 54th Avenue
Long Island City, NY 11101

Prepared by:



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Note: The information presented in this Citizen Participation (CP) Plan (CPP) was current as of the date of its approval by the New York State Department of Environmental Conservation (NYSDEC). Portions of this CPP may be revised during the investigation and cleanup process.

Applicant: **Bud North LLC (“Applicant”)**
Site Name: **Newtown Creek Bud Site – North Block (“Site”)**
Site Address: **2-10 54th Avenue, Long Island City**
Site County: **Queens**
Site Number: **C241248**

What is New York’s Brownfield Cleanup Program (BCP)?

New York’s 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>.

Citizen Participation (CP) 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 by 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; and
- 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 CP Plan (CPP) 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 CPP 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 are also 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 website. 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 that 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 disseminating information at the facility; and
- Location(s) of reports and information.

The Site location is shown in Appendix C.

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 (RIWP)] is distributed both by paper mailing through the postal service and through DEC Delivers, NYSDEC's email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the Site. For more information, visit: <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 the 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 CPP 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 CP activities.

Technical Assistance Grant (TAG)

NYSDEC must determine whether 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 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 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 of this CPP, the significant threat determination for the Site has not yet been made.

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 CP activities related to the Site's investigation and cleanup program follows on the next page:

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

Major Issues of Public Concern

This section of the CPP 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.

Redevelopment Project-Related Issues

The Applicant submitted a BCP Application to NYSDEC in October 2020 and the application was deemed complete by NYSDEC on November 6, 2020. The BCP Application was available for public comment between November 18, 2020 and December 18, 2020.

The Site is part of the Queens County Census Tract 1. According to the 2014-2018 American Community Survey (ACS) 5-year Profile data, 3.0% of the population in Census Tract 1 is living below the poverty line. The unemployment rate for Tract 1 is 3.0%, compared to the New York City unemployment rate of 3.8% (as of 2018) and the national unemployment rate of 3.9% (as of 2018). The Site is not located in an En-Zone.

The Site part of a larger development property that includes New York City Tax Block 11, Lots 1, 2, 3, and 4. On January 15, 2020, tentative approval was granted to reorganize the larger property into two lots. The North Block parcel (currently Lots 1, 2, and the northern portion of Lot 3) will be Lot 1, and the South Block parcel (not included as part of the BCP Site) will be Lot 3. The proposed development for the Site, will include demolition of the existing structures and construction of two mixed-use commercial and residential towers, and will include a private roadway and landscaped areas.

The proposed development will include preparation of a Remedial Investigation Report (RIR) and Remedial Action Work Plan (RAWP). All remedial investigation and remedial activities are expected to be conducted in accordance with Environmental Conservation Law (ECL) Article 27, Title 14, 6 New York Codes, Rules, and Regulations (NYCRR) 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents.

Potential Remediation/Construction-Related Issues

Issues of concern to the community during the on-Site remedial investigation phase will likely include those related to the possibility of discovering contamination, associated with the Site's historical commercial, industrial and automobile-related uses, which could have potential impacts on nearby public water supply (or private water wells, if any), restrictions on community activities, and/or health concerns. As most of the Site is capped by an impervious surface, there is limited existing potential exposure pathway from uncapped areas.

Issues of concern to the community during the on-Site remediation phase will likely include those related to the on-Site handling and off-Site disposal of contaminated soil. The likely concern to the surrounding community will be the possibility of the generation of vapors or dust from the Site during remediation. On-Site air quality and dust levels will be monitored during any soil excavation and removal activities in accordance with a Site-specific Health and Safety Plan (HASP) that will be included as part of the RAWP. Dust suppression techniques will be employed to prevent the generation of dust. All air and dust monitoring will be performed in accordance with the New York State Department of Health's (NYSDOH) Community Air Monitoring Program (CAMP).

Additional remediation/construction concern will be the potential presence of trucks traveling through the community, and parking or idling at or near the Site during soil excavation and disposal. The RAWP will include provisions for on-Site soil handling techniques that minimize the number of trucks and duration of time within or near the Site. In addition, provisions will be included to restrict truck traffic (to the extent possible) to designated routes along main roads while minimizing traffic within the community.

The concern over construction-related noise is also a common one for communities in which redevelopment is occurring. Construction plans will minimize noise to the extent possible and the operation of heavy

equipment will be restricted to normal working hours as will be set forth in the required New York City-issued permits. Additional mitigation measures will also be evaluated.

The site is not located in an Environmental Justice Area. Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.

Therefore, there is no need to translate future fact sheets into another language. For additional information, visit: <https://popfactfinder.planning.nyc.gov/profile/1975/demographic>

Site Information

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

Site Description

The Site, referred to as Newtown Creek Bud Site - North Block, is located in the Long Island City section of Queens, New York. The current assigned address is 2-10 54th Avenue. The Site is a 130,915-square foot (sf) section of the larger 329,600-sf development property. The Site currently comprises two buildings (constructed around 1940), with one asphalt-paved parking lot, and is occupied by two commercial businesses (Electro-Harmonix Corporation and New York Mart Group, Inc.).

The Site is bounded to the north by 54th Avenue, followed by various shipping and storage warehouses (including construction supplies, and iron and wireworks); to the west by 2nd Street, followed by a construction site; to the south by the South Block Site, which comprises remainder of the central property building occupied by Electro-Harmonix Corporation and the City Harvest shipping warehouse and office, and an asphalt-paved parking lot, followed by Newtown Creek; and to the east by van and bus rental facility, followed by an air conditioning supplies and parts warehouse.

The Site is currently zoned as R7-3 (residential) for medium-density apartment house districts with a C2-5 commercial overlay along 2nd Street, as part of the Special SHP District which seeks to transform an underutilized waterfront area into a higher-density mixed use development with residential and retail uses, community facilities, a public park and waterfront open space.

History of Site Use, Investigation, and Cleanup

Historic records identified current and historical commercial, industrial and automobile-related uses on the Site, including a sugar refinery, stone yard, lumber yard, beer distributor, and automobile repair facility with a garages and gasoline underground storage tanks (USTs). The Site was also listed on the NYSDEC Petroleum Bulk Storage (PBS) database with several closed-removed diesel, waste oil, and lube oil USTs and aboveground storage tanks (ASTs).

During a previous subsurface investigation conducted by AKRF, polycyclic aromatic hydrocarbons (PAHs) [a class of semi-volatile organic compounds (SVOCs)], metals, and polychlorinated biphenyls (PCBs) were detected in soil samples across the Site at concentrations exceeding the corresponding regulatory standards. In addition, the detected concentrations of mercury and/or lead detected in five of the soil samples may be indicative of the presence of characteristic hazardous waste at the Site. PAHs, metals, and PCBs were detected in groundwater samples across the Site at concentrations exceeding the corresponding standards or guidance values. Dichlorodifluoromethane (Freon-12), a refrigerant, was detected in groundwater, and it was detected at elevated concentrations in soil vapor. Several petroleum-related VOCs and chlorinated

solvent-related VOCs, including tetrachloroethylene (PCE) and trichloroethene (TCE), were also detected in soil vapor beneath the Site.

Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's BCP 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 on-site, 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 has proposed that the Site will be used for restricted residential purposes.

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

Investigation

The Applicant has completed a partial Site investigation before it entered into the BCP. For the partial investigation, NYSDEC will determine if the data are useable.

The Applicant will conduct an investigation of the Site, officially called a "Remedial Investigation" (RI). The RI will be performed with NYSDEC oversight. The Applicant submitted a RI Work Plan (RIWP) as part of the BCP Application and associated 30-day public comment period.

The RI has several goals:

- Define the nature and extent of contamination in soil, surface water, groundwater, and any other parts of the environment that may be affected;
- Identify the source(s) of the contamination;
- Assess the impact of the contamination on public health and the environment; and
- Provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

The Applicant will address any NYSDEC comments for the Draft RIWP and submit a finalized RIWP to NYSDEC for review and approval. The finalized RIWP will be placed in the document repositories for public review.

When the RI is complete, the Applicant will prepare and submit a report that summarizes the results. This report will also recommend whether cleanup action is needed to address Site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine whether the Site poses a significant threat to public health or the environment. If the Site is a "significant threat," it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the Site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Interim Remedial Measure (IRM)

An IRM is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

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

or

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

Once the Applicant submits a Draft RAWP for approval, NYSDEC would announce the availability of the Draft RAWP for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments and revise the Draft RAWP, if necessary, before approving the proposed remedy. The NYSDOH must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the Decision Document (DD).

The Applicant then may design and perform the cleanup action to address the Site contamination. NYSDEC and NYSDOH will oversee the activities. When the Applicant completes cleanup activities, it will prepare a Final Engineering Report (FER) 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 (COC)

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the Site, it will approve the FER. NYSDEC will then issue a 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 controls (ICs) and/or engineering controls (ECs) 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 (SMP).

An institutional control (IC) 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 IC may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all, uses.

An engineering control (EC) 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):

Christopher Allan
Project Manager
NYSDEC
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233
(518)-402-4065
Email: Christopher.allan@dec.ny.gov

Thomas Panzone
Public Participation Specialist
NYSDEC Region 2
1 Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101
(718) 482-4953
Email: Thomas.panzone@dec.ny.gov

New York State Department of Health (NYSDOH):

Shaun Surani
New York State Department of Health
Empire State Plaza, Corning Tower Rm. 1787
Albany, NY 12237
Email: beei@health.ny.gov
(518) 402-7853

Locations of Reports and Information

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

Queens Community Board District 2	Queens Public Library at Hunters Point (temporarily closed)	Queens Public Library at Long Island City (temporary alternate)	NYSDEC
43-22 50 th Street, Suite 2B, Woodside, NY 11377	47-40 Center Boulevard, Long Island City, NY 11101	37-44 21st St, Long Island City, NY 11101	625 Broadway, 12 th Floor
Attn: Debra Markell Kleinert, District Manager	Attn: Euni Chang, Manager	Attn: Ms. Tienya Smith	Attn: Lenard S. Zinoman
Phone: 718) 533-8773	Phone: (718) 533-8773	Phone: (718) 752-3700	Phone: (518) 402-7860
Hours: Monday-Friday: 9:00am-5:00pm (call for appointment)	Hours: Monday, Wednesday, Friday, and Saturday: 10:00am-5:00pm; Tuesday: 1:00pm-5:00pm; Thursday: 12:00pm-7:00pm	Hours: Monday, Wednesday, Friday, and Saturday: 10:00am-5:00pm; Tuesday: 1:00pm-5:00pm; Thursday: 12:00pm-7:00pm	Hours: Monday-Friday: 9:00am-5:00pm (call for appointment)

APPENDIX B

SITE CONTACT LIST

1. Local, State, and Federal Officials

Hon. Bill de Blasio Mayor of New York City City of New York 1 Centre Street New York, NY 10007	Hon. Scott M. Stringer New York City Comptroller Office of the Comptroller, City of NY 1 Centre Street New York, NY 10007
Hon. Jumaane Williams Public Advocate 1 Centre Street New York, NY 10007	Hon. Donovan Richards Queens Borough President 120-55 Queens Boulevard Kew Gardens, NY 11424
Hon. Catherine Nolan State Assembly District 37 47-40 21 st Street Rm 810 Long Island City, NY 11101	Hon. Jimmy Van Bramer City Council District 26 47-01 Queens Boulevard Suite 205 Sunnyside, NY 11104
Marisa Lago Commissioner NYC Department of City Planning 120 Broadway, 31 st Floor New York, New York 10271	Hon. Kirsten Gillibrand U.S. Senate 780 Third Avenue, Suite 2601 New York, New York 10017
Hon. Charles Schumer U.S. Senate 780 Third Avenue, Suite 2301 New York, NY 10017	Audrey Pheffer, County Clerk Queens County Clerks' Office 88-11 Sutphin Boulevard # 106 Jamaica, NY 11435
Hon. Carolyn Maloney U.S. House of Representatives 31-19 Newtown Avenue, Astoria, NY 11102	Hon. Michael Gianaris New York State Senator, 12 th District 31-19 Newton Avenue # 402 Astoria, NY 11102
Mark McIntyre, Director Mayor's Office of Environmental Remediation 100 Gold Street, 2 nd Floor New York, NY 10038	Denise Keehan-Smith Chairwoman, Queens Community Board 2 43-22 50 th Street, Suite 2B Woodside, NY 11377
Julie Stein DEP – Bureau of Environmental Planning and Assessment 96-05 Horace Harding Expressway Flushing, New York 11373	Vincent Sapienza Commissioner, NYC Dept. of Environmental Protection 59-17 Junction Boulevard Flushing, NY 11373
Debra Markell Kleinert District Manager, Queens Community Board 2 43-22 50 th Street, Suite 2B Woodside, NY 11377	

2. Residents, Owners, and Occupants of the Site and Adjacent Properties

The Newtown Creek Bud Site – North Block, with the address 2-10 54th Avenue, Long Island City, New York, is currently owned by Bud North LLC, with a mailing address of 387 Park Avenue South, 7th Floor, New York, NY 10016. The adjacent site that is included as part of the larger property development (located on Lot 4 and the remaining portion of Lot 3) is owned by Bud South LLC. A list of the remaining adjacent properties and owners is provided below:

<u>Adjacent to the north:</u>	<u>Adjacent to the east:</u>
<p><u>Block 13, Lot 175</u> Current Occupant 52-37 2nd Street Long Island City, NY 11101</p> <p>Bryce Newtown LLC (owner) c/o Bryan Cave, LLP 1290 Avenue of the Americas New York, NY 10104</p> <p><u>Block 13, Lot 160</u> Current Occupant 52-39 54th Avenue Long Island City, NY 11101</p> <p>Dragon Development LLC (owner) 117 Flushing Avenue Brooklyn, NY 11237</p>	<p><u>Block 36, Lot 90</u> Vacant Land</p> <p>Bryce Newtown LLC (owner) c/o Bryan Cave, LLP 1290 Avenue of the Americas New York, NY 10104</p> <p><u>Block 36, Lot 75</u> Current Occupant 5-02 54th Avenue Long Island City , NY 11101</p> <p>Bryce Newtown LLC (owner) c/o Bryan Cave, LLP 1290 Avenue of the Americas New York, NY 10104</p>

<u>Adjacent to the south:</u>	<u>Adjacent to the west:</u>
<p><u>Block 11, Lots 4 and 3 (partial)</u> Commercial Business and Food Charity Organization Queens, NY 11101</p> <p>Bud South LLC (owner) 387 Park Avenue S, 7th Floor New York, NY 10016</p>	<p><u>Block 6 Lot 50</u> Parking Queens, NY 11101</p> <p>NYC Housing Preservation and Development (owner)</p> <p><u>Block 6, Lot 45</u> Outdoor Space Queens, NY 11101</p> <p>NYC Department of Parks and Recreation (owner)</p> <p><u>Block 6, Lot 40</u> Vacant Land Queens, NY 11101</p> <p>NYC Housing Preservation and Development (owner)</p>

3. Local News Media

New York Post 1211 Avenue of the Americas New York, New York 10036	New York Daily News 4 New York Plaza New York, New York 10004
Spectrum New York 1 News 75 Ninth Avenue New York, NY 10011 Email: ny1news@ny1.com	Queens Chronicle 71-19 80 th Street, Suite 8-201 Glendale, NY 11385
LIC/Astoria Journal 69-60 Grand Avenue Maspeth, NY 11378	Queens Gazette 42-16 34 th Avenue Long Island City, NY 11101
LIC Post news@queenspost.com	

4. Public Water Supply

Public water is provided by The City of New York, Department of Environmental Protection:

Customer Service Center
59-17 Junction Boulevard, 13th Floor
Flushing, New York 11373

5. Additional Contacts

None.

6. Nearby School and Day Care Centers

Daycares:

Brighter Babies
50-09 2nd Avenue
Long Island City, NY 11101
Director
(718) 786-2273
Distance: 0.2 miles north of the Site

Little Ones LLC
4-74 48th Avenue
Long Island City, NY 11101
Director
(718) 392-1254
Distance: 0.4 miles north of the Site

City Owlets
10-42 Jackson Avenue
Long Island City, NY 11101
Director
(718) 786-6957
Distance: 0.5 miles northeast of the Site

Birch Family Services - Western Queens Early Childhood Center
10-24 49 Ave
Long Island City, NY 11101

Schools:

The Riverview School
1-50 51st Avenue
Long Island City, NY 11101
(718) 609-3320
Ms. Gina Raffi-Naporano, Site Coordinator
Distance: 0.2 miles north of the Site

Public School 78
48-09 Center Boulevard
Long Island City, NY 11101
(718) 392-5402
Louis Pavone, Principal
Distance: 0.4 miles north of the Site

7. Document Repositories

Queens Public Library at Hunters Point
47-40 Center Boulevard
Long Island City, NY 11101
Ms. Euni Chang, Manager
(718) 990-4150

Queens Community Board District 2
Debra Markell Kleinert, District Manager
43-22 50th Street, Suite 2B
Woodside, NY 11377
(718) 533-8773

Letters signed by representatives of the designated document repositories are included in *Attachment F*.

8. Local Community Board

Queens Community Board District 2
Debra Markell Kleinert, District Manager
43-22 50th Street, Suite 2B
Woodside, NY 11377
(718) 533-8773

Community, Civic, Religious and Other Environmental Organizations:

Consolidated Edison Corporate Affairs
Richard David - Director
59-17 Junction Boulevard - 2nd Floor
Elmhurst, NY 11373

NYPD Police Precinct Council
Diane Ballek – President
5-47 50th Avenue
Long Island City, NY 11101

FDNY

Engine 258 Ladder 115
10-40 47th Avenue
Long Island City, NY 11101

New City Church

1-50 51st Ave
Long Island City, NY 11101

St. Mary's Roman Catholic Church

1008 49th Ave
Long Island City, NY 11101

NYC Parks and Recreation

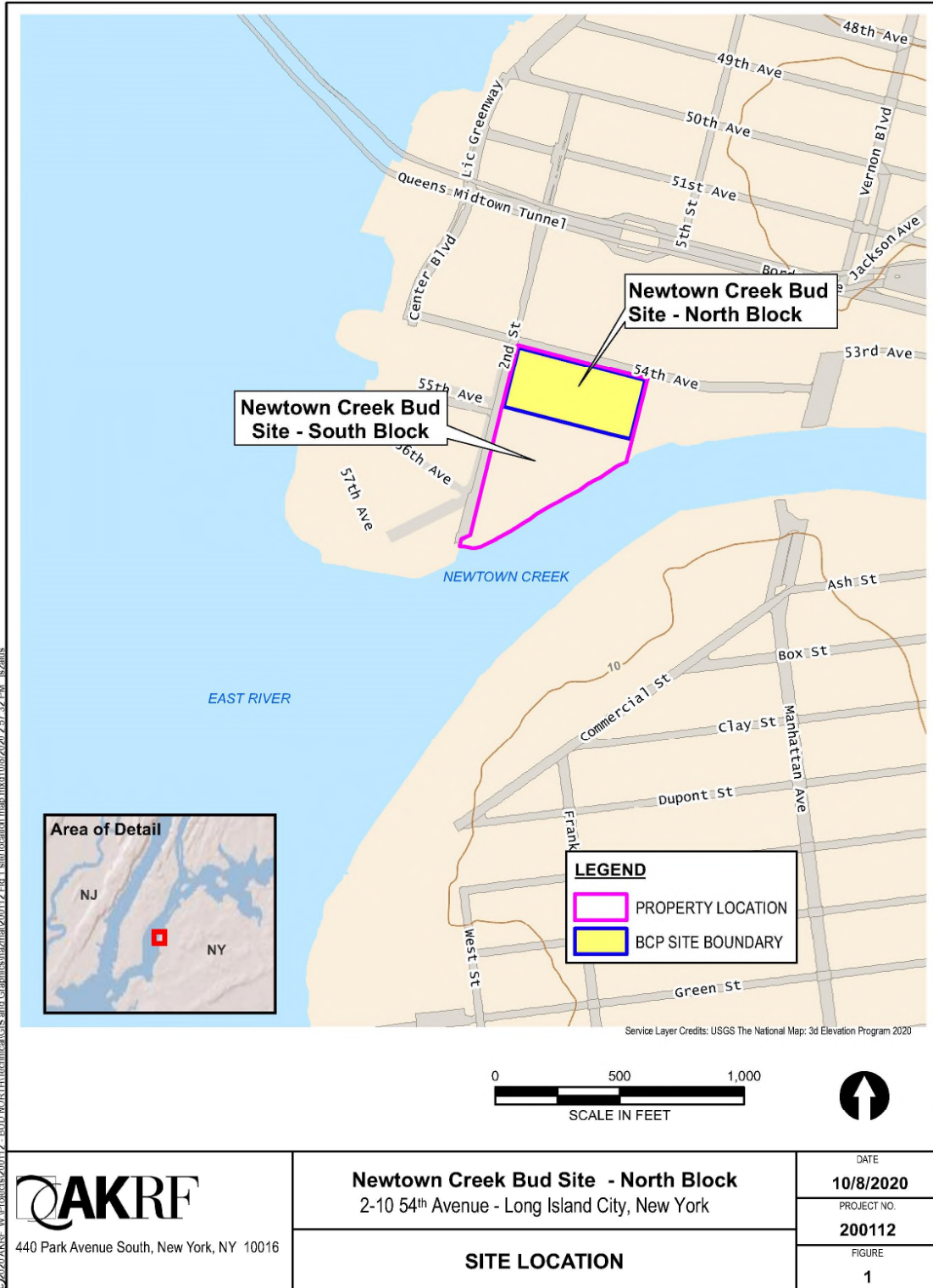
830 5th Avenue, Room 203
New York, NY 10065

Friends of Gantry Neighborhood Parks

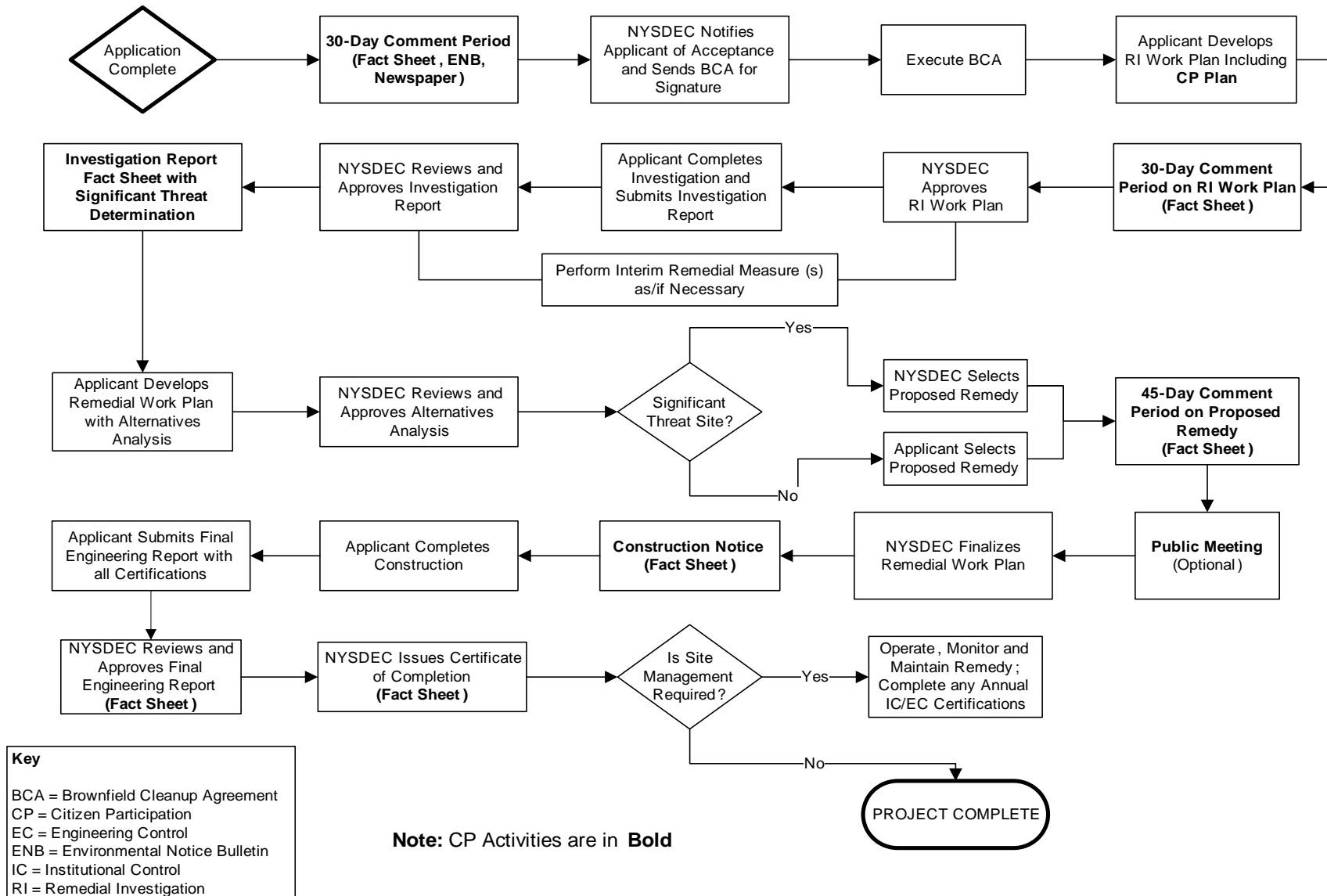
4-74 48th Avenue, #10K
Long Island City, NY 11109

APPENDIX C

SITE LOCATION MAP



Appendix D– Brownfield Cleanup Program Process





Division of Environmental Remediation

Remedial Programs

Scoping Sheet for Major Issues of Public Concern

Instructions

This Scoping Sheet assesses major issues of public concern; impacts of the site and its remedial program on the community; community interest in the site; information the public needs; and information needed from the public.

The information generated helps to plan and conduct required citizen participation (CP) activities, and to choose and conduct additional CP activities, if appropriate. The scoping sheet can be revisited and updated as appropriate during the site's remedial process to more effectively implement the site's CP program.

Note: Use the information as an aid to prepare and update the Major Issues of Public Concern section of the site CP Plan.

General Instructions

- When to prepare: During preparation of the CP Plan for the site. It can be revisited and updated any time during the site remedial process.
- Fill in site name and other information as appropriate.
- The Scoping Sheet may be prepared by DEC or a remedial party, but must be reviewed and approved by the DER site project manager or his/her designee.

Instructions for Numbered Parts

Consider the bulleted issues and questions below and any others that may be unique or appropriate to the site and the community to help complete the five Parts of this Scoping Sheet. Identify the issue stakeholders in Parts 1 through 3 and adjust the site's contact list accordingly.

Part 1. List Major Issues of Public Concern and Information the Community Wants.

- Is our health being impacted? (e.g. Are there problems with our drinking water or air? Are you going to test our water, yards, sumps, basements? Have health studies been done?)
- There are odors in the neighborhood. Do they come from the site and are they hazardous?
- Are there restrictions on what we may do (e.g. Can our children play outside? Can we garden? Must we avoid certain areas? Can we recreate (fish, hunt, hike, etc. on/around the site?)
- How and when were the site's contamination problems created?
- What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
- The site is affecting our property values!
- How can we get more information (e.g. who are the project contacts?)
- How will we be kept informed and involved during the site remedial process?

- Who has been contacted in the community about site remedial activities?
- What has been done to this point? What happens next and when?
- The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

Part 2. List Important Information Needed From the Community, if Applicable.

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby people, properties, natural resources, etc.?
- Are activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Does the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

Part 3. List Major Issues and Information That Need to be Communicated to the Community.

- Specific site investigation or remediation activities currently underway, or that will begin in the near future.
- The process and general schedule to investigate, remediate and, if applicable, redevelop the site.
- Current understanding about the site contamination and effects, if any, on public health and the environment.
- Site impacts on the community and any restrictions on the public's use of the site and/or nearby properties.
- Planned CP activities, their schedule, and how they relate to the site's remedial process.
- Ways for the community to obtain/provide information (document repositories, contacts, etc.).

Part 4. Community Characteristics

a. - e. Obtain information from local officials, property owners and residents, site reports, site visits, "windshield surveys," other staff, etc.

f. Has the affected community experienced other **significant** present or past environmental problems unrelated to this site? Such experiences could significantly affect public concerns and perspectives about the site; how the community will relate to project staff; the image and credibility of project staff within the community; and the ways in which project staff communicate with the community.

g. In its remedial programs, DER seeks to integrate, and be consistent with, environmental justice principles set forth in *DEC Commissioner Policy 29 on Environmental Justice* and *DER 23 – Citizen Participation Handbook for Remedial Programs*. Is the site and/or affected community wholly or partly in an Environmental Justice (EJ) Area? Use the Search feature on DEC's public web site for "environmental justice". DEC's EJ pages define an EJ area, and link to county maps to help determine if the site and/or community are in an EJ area.

h. Consider factors such as:

- Is English the primary language of the affected community? If not, provisions should be considered regarding public outreach activities such as fact sheets, meetings, door-to-door visits and other activities to ensure their effectiveness.
- The age demographics of the community. For example, is there a significant number of senior citizens in the community? It may be difficult for some to attend public meetings and use document repositories. This may suggest adopting more direct interaction with the community with activities such as door-to-door visits, additional fact sheets, visits to community and church centers, nursing homes, etc.
- How do people travel about the community? Would most people drive to a public meeting or document repository? Is there adequate public transportation?

Part 5. Affected/Interested Public.

Individuals and organizations who need or want information and input can change during the site's remedial process. This need is influenced by real, potential, or perceived impacts of the site or the remedial process. Some people may want information and input throughout the remedial process. Others may participate only during specific remedial stages, or may only be interested in particular issues.

It is important to revisit this question when reviewing this scoping sheet. Knowing who is interested in the site – and the issues that are important to them – will help to select and conduct appropriate outreach activities, and to identify their timing and the information to be exchanged.

Check all affected/interested parties that apply to the site. **Note: Adjust the site's contact list appropriately.** The following are some ways to identify affected/interested parties:

- Tax maps of adjacent property owners
- Attendees at public meetings
- Telephone discussions
- Letters and e-mails to DER, the remedial party, and other agencies
- Political jurisdictions and boundaries
- Media coverage
- Current/proposed uses of site and/or nearby properties (recreational, commercial, industrial)
- Discussions with community organizations: grass roots organizations, local environmental groups, environmental justice groups, churches, and neighborhood advisory groups



Division of Environmental Remediation

Remedial Programs Scoping Sheet for Major Issues of Public Concern

Site Name: Newtown Creek Bud Site – North Block

Site Number: C241248

Site Address and County: 2-10 54th Avenue, Long Island City, Queens

Remedial Party(ies): Bud North LLC

Note: For Parts 1. – 3. the individuals, groups, organizations, businesses and units of government identified should be added to the site contact list as appropriate.

Part 1. List major issues of public concern and information the community wants. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and information needs. **Use this information as an aid to prepare or update the Major Issues of Public Concern section of the site Citizen Participation Plan.**

A subsurface investigation of the Site was conducted by AKRF and was documented in an Interim Investigation Report, dated April 2020. The findings of the investigation were used to support the BCP Application.

- The contamination present at the Site stems from historical commercial, industrial and automobile-related uses, including a sugar refinery, stone yard, lumber yard, beer distributor, and automobile repair facility with a garages and gasoline USTs.
- The Site was listed on the NYSDEC PBS database with several closed-removed diesel, waste oil, and lube oil USTs and ASTs.
- The proposed Site uses include residential and commercial uses. As such, there will be restrictions on Site use, which will be determined following remediation.
- As most of the Site is currently capped by an impervious surface, there is limited existing potential exposure pathway from uncapped areas. A Community Air Monitoring Plan (CAMP) would be developed as part of the RAWP that would will be implemented during all subsurface disturbance activities to mitigate potential exposures to particulates and organic vapors.
- The proposed remediation of the Site will not diminish, and may improve, the property values in the surrounding area.
- Adjacent property occupants and owners will be kept informed about the progress of the Site cleanup activities. Periodic fact sheets will be sent by mail.
- Local, state, and federal officials will be contacted about the Site remediation activities.
- Up to now, limited subsurface investigations were conducted at the Site. A draft RIWP was prepared to further investigate the extent of on-site contamination. The RIWP includes provisions for analysis of soil, groundwater, and soil vapor beneath the entire Site. Findings from the Remedial Investigation will be used to prepare a RAWP, which includes the proposed remedy to address Site contamination and protect the health and safety of the public in the surrounding community.

- For more information about the Site or BCP program, contact the NYSDEC or NYSDOH Project Manager. Contact information is provided in Appendix A.

How were these issues and/or information needs identified?

- These issues were identified based on a review of historic records of the Site presented in previous environmental reports, including: a Phase I Environmental Site Assessment (ESA) prepared by AKRF in March 2019, and the Interim Investigation Report, prepared by AKRF in April 2020. A description of the proposed project was also presented in the BCP Application.

Part 2. List important information needed **from** the community, if applicable. Identify individuals, groups, organizations, businesses and/or units of government related to the information needed.

- Adjacent property owners and occupants will be informed of the Site remediation activities and can reach out to the Site's NYSDEC and/or NYSDOH Project Manager to obtain additional information.
- Nearby uses do not need to be restricted, since measures will be implemented during all investigation and remediation activities to protect the health safety of the public and local community. These measures include, monitoring for dust that may be emanating from the Site and implementing dust controls such as spraying water or minimizing subsurface disturbance. Odors will be mitigated by the use of protective foams and/or covering any contaminated areas of disturbance or stockpiles with tarps.

How were these information needs identified?

- Research was completed to identify the names and contact information of adjacent property owners and local government officials. These individuals are included in the Site Contact List under Appendix B.

Part 3. List major issues and information that need to be communicated **to** the community. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and/or information.

- A subsurface investigation of the Site was conducted by AKRF, which was documented in an Interim Investigation Report, dated April 2020. The findings of the investigation were used to support the BCP Application. Based on the findings of the investigation, a draft RIWP was submitted to NYSDEC and NYSDOH. The RIWP includes provisions for further analysis of on-site soil, groundwater, and soil vapor. The findings will be used to develop a RAWP and selected a cleanup remedy.
- Document repositories, where copies of all documents regarding the investigation and remediation of the Site are available to the public, have been established at Queens Public Library at Hunters Point, 47-40 Center Boulevard, Long Island City, NY 11101 and Queens Community Board District 2, 43-22 50th Street, Suite 2B, Woodside, NY 11377.

How were these issues and/or information needs identified?

- These needs were identified by summarizing the project timeline and a review of the information included in the BCP Application. Any contact information or details pertaining to the Site that have changed since issuance of the BCP Application, have been updated in this CP Plan.

Part 4. Identify the following characteristics of the affected/interested community. This knowledge will help to identify and understand issues and information important to the community, and ways to effectively develop and implement the site citizen participation plan (mark all that apply):

a. Land use/zoning at and around site:

☒ Residential ☐ Agricultural ☐ Recreational ☒ Commercial ☐ Industrial

b. Residential type around site:

☒ **Urban** ☐ **Suburban** ☐ **Rural**

c. Population density around site:

☒ **High** ☐ **Medium** ☐ **Low**

d. Water supply of nearby residences:

☒ **Public** ☐ **Private Wells** ☐ **Mixed**

e. Is part or all of the water supply of the affected/interested community currently impacted by the site?

☐ **Yes** ☒ **No**

Provide details if appropriate:

[Click here to enter text.](#)

f. Other environmental issues significantly impacted/impacting the affected community?

☐ **Yes** ☒ **No**

Provide details if appropriate:

[Click here to enter text.](#)

g. Is the site and/or the affected/interested community wholly or partly in an Environmental Justice Area?

☐ **Yes** ☒ **No**

h. Special considerations:

☐ **Language** ☐ **Age** ☐ **Transportation** ☐ **Other**

Explain any marked categories in h:

[Click here to enter text.](#)

Part 5. The site contact list must include, at a minimum, the individuals, groups, and organizations identified in Part 2. of the Citizen Participation Plan under 'Site Contact List'. Are *other* individuals, groups, organizations, and units of government affected by, or interested in, the site, or its remedial program? (Mark and identify all that apply, then adjust the site contact list as appropriate.)

☒ **Non-Adjacent Residents/Property Owners:** See list in Appendix B of the Citizen Participation Plan

☒ **Local Officials:** See list in Appendix B of the Citizen Participation Plan

☒ **Media:** See list in Appendix B of the Citizen Participation Plan

☐ **Business/Commercial Interests:** [Click here to enter text.](#)

☐ **Labor Group(s)/Employees:** [Click here to enter text.](#)

☐ **Indian Nation:** [Click here to enter text.](#)

☒ **Citizens/Community Group(s):** See list in Appendix B of the Citizen Participation Plan

☒ **Environmental Justice Group(s):** See list in Appendix B of the Citizen Participation Plan

- ☐ **Environmental Group(s):** [Click here to enter text.](#)
- ☒ **Civic Group(s):** See list in Appendix B of the Citizen Participation Plan
- ☐ **Recreational Group(s):** [Click here to enter text.](#)
- ☒ **Other(s):** Schools, Daycares: See list in Appendix B of the Citizen Participation Plan

Prepared/Updated By: Patrick Diggins, AKRF, Inc.

Date: 02/24/2021

Reviewed/Approved By: Thomas V. Panzone

Date: 2/3/21