

2008 Periodic Review Report

for

Hunts Point Food Distribution Center
Operable Unit One of Parcel A

Prepared for:



New York City
Economic Development
Corporation

110 William Street, New York, New York 10038

MAR 13 2008

Prepared by:

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1.0 INTRODUCTION

Henningson, Durham & Richardson Architecture and Engineering, P.C. in association with HDR Engineering, Inc. (HDR) was contracted by the New York City Economic Development Corporation (NYCEDC) to perform the 2008 Periodic Review Report (PRR) for Operable Unit One of Parcel A (Site A OU-1) in Bronx, New York. Site A OU-1 is part of the New York State Department of Environmental Conservation's (NYSDEC's) Voluntary Cleanup Agreement (VCA, VCA Site No. V00233). In accordance with the VCP, a NYSDEC PRR package has been completed, executed, and is included as Appendix A of this report. Site A OU-1 is owned by the City of New York and managed by the NYCEDC. Site A OU-1 occupies the address 355 Food Center Drive (previously known as 1400 East Bay Avenue or former Viele Avenue) at Hunts Point in the Bronx, New York. Site A OU-1 is bounded on the north by the former alignment of Halleck Street, on the south by Food Center Drive, on the west by Operable Unit Two of Parcel A (Site A OU-2), and on the east by a tenant building, housing Nebraskaland Inc., in the Hunts Point Cooperative Market (refer to Figure 1).

Site A OU-1 consists of 7.65 acres of land that is currently fenced on the south, east and west sides of the property. The northern perimeter of the property is open to the gated and locked Halleck Street entrance of the New Fulton Fish Market Employee Parking lot. Site A OU-1 has been divided into two parcels used by different Hunts Point Distribution Center (HPFDC) tenants; Nebraskaland Inc. distribution building with associated truck and employee parking lot (as a portion of the Hunts Point Cooperative Market, approximately 4.7 acres); and, the New Fulton Fish Market Employee Parking lot (approximately 2.6 acres). A portion of Site A OU-1, measuring approximately 0.3 acres in size, remains unused and undeveloped (refer to Figure 2) but is attached to the Nebraskaland portion. Each area is surrounded with chain link and barbed wire fence with a fenced entryway securing Site A OU-1. Parcel A was historically part of a Con Edison Manufactured Gas Plant (MGP) which included several structures, material storage, as well as numerous below ground utilities. Investigative activities showed that contamination existed in three (3) dominant forms; coal tar and purifier waste and petroleum contaminated soil.

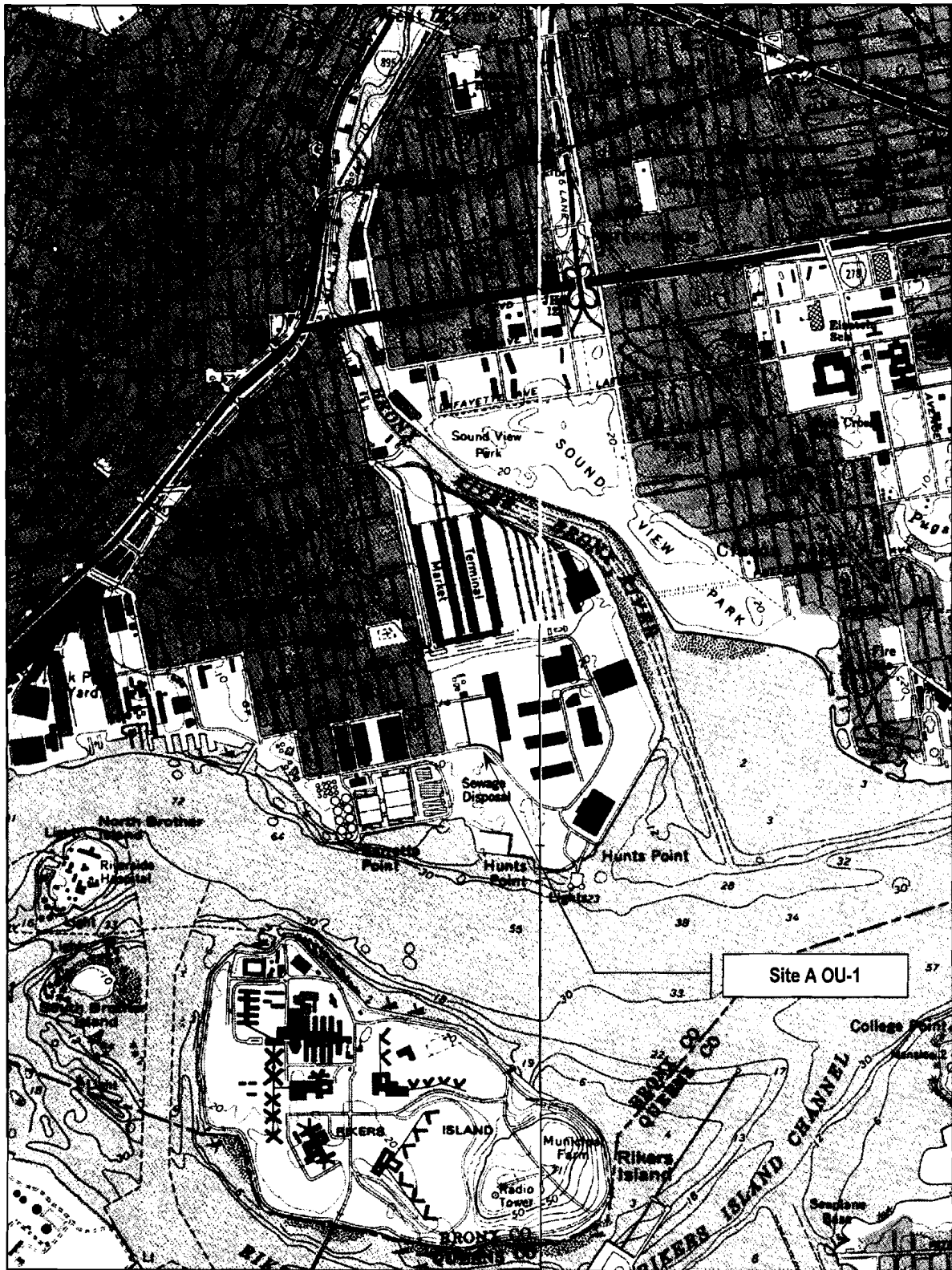
The development for Site A OU-1 included the installation of the asphalt-paved parking area adjacent to the west of the existing building occupied by Nebraskaland Inc. Site A OU-1 was later developed further in 2005 and included the installation of the New Fulton Fish Market employee parking lot. During the Fulton Fish Market employee parking lot construction, no underground utilities were installed (i.e. storm drains or electric).

The purpose of this PRR is to certify that the conditions of the Site Management Plan (SMP) have been upheld over the previous year. Specific conditions taken into consideration include those observed during the site reconnaissance, as well as the engineering controls and institutional controls in place for Site A OU-1 as part of the NYSDEC-approved remedy and as the basis for the No Further Action (NFA) determination.

2.0 SITE RECONNAISSANCE

The site reconnaissance was conducted on February 8, 2008, by Stephanie Nakai (HDR) and Ronald Day (NYCEDC). Photographs were taken during the site visit and are included as Appendix B.

Of the two uses for Site A OU-1 described above, the Hunts Point Cooperative Market, Inc. was first observed by Mr. Day and Ms. Nakai while being escorted by Brian Kenny, Operating Manager of the Hunts Point Cooperative Market, Inc. As per Mr. Kenny, no intrusive activities have taken place



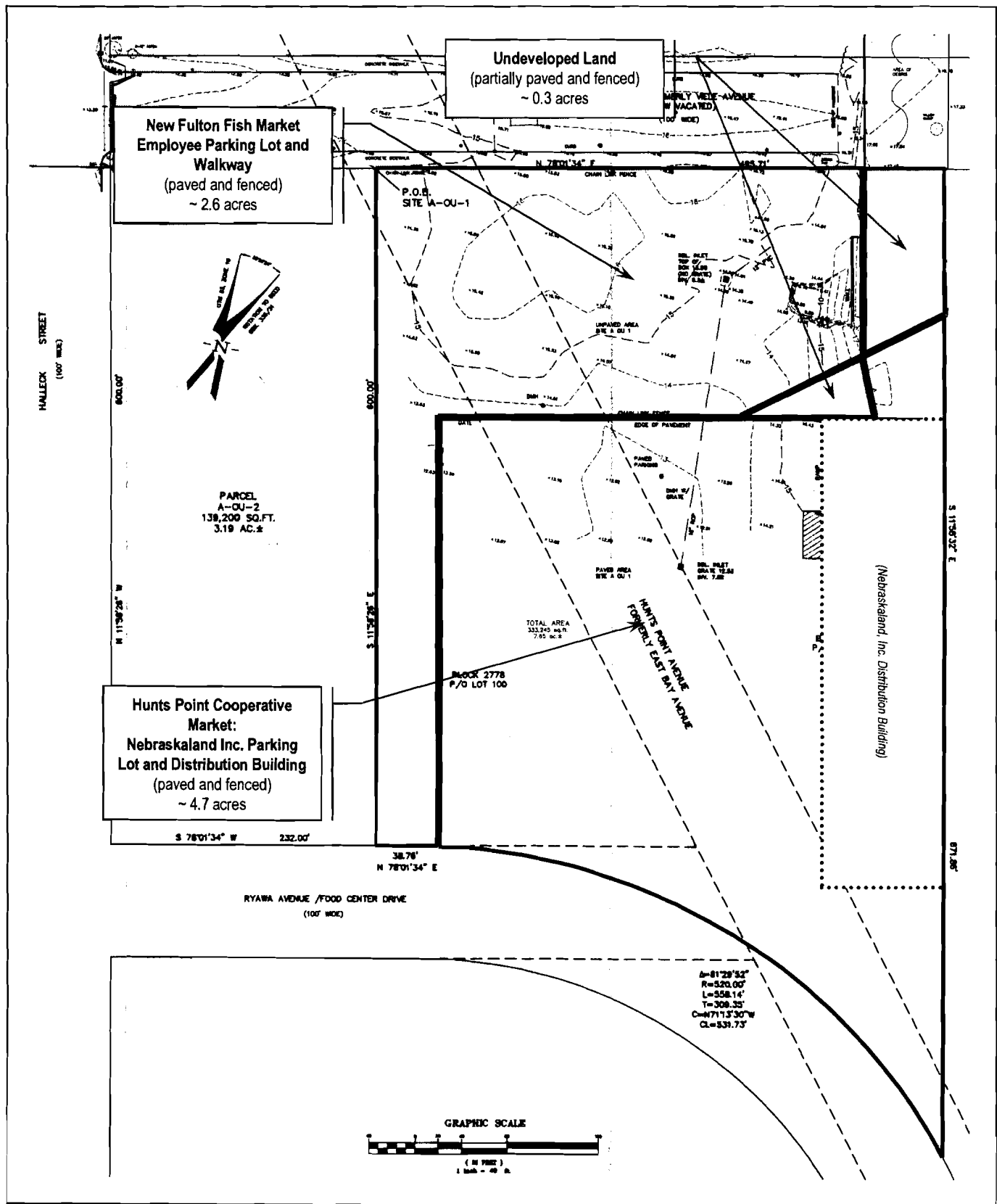
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Site A OU-1 Location

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Figure
1



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Site A OU-1 2008 Uses
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Figure
2

within the bounds of Site A OU-1 that the Hunts Point Cooperative Market, Inc is responsible for, as per the lease agreement with the NYCEDC. The eastern portion of the leasehold is currently being utilized for employee parking and truck staging in association with the Nebraskaland, Inc. distribution activities. Subsurface utilities do exist in this portion of Site A OU-1, however no maintenance or upgrades requiring subsurface intrusion have been performed. An undeveloped, concrete formed building foundation exists on the northern side of the Nebraskaland, Inc. building; the building slab is being used for truck parking. This concrete foundation has existed for a period of several decades. The Nebraskaland Inc. building was later constructed over the old concrete foundation. Chain-link cyclone fencing surrounds the Hunts Point Cooperative Market, Inc. portion of Site A OU-1 with access being available through the eastern Hunts Point Cooperative Market, Inc. gated entrance. Approximately 10 feet of unpaved and vegetated land exists along the southern perimeter of the site. As per Mr. Kenny, no re-landscaping or excavation of this area has taken place as well as no addition or removal of material. Site Photograph Nos. 1 through 5, as enclosed in Appendix B, illustrate the Hunts Point Cooperative Market, Inc. portion of Site A OU-1.

Mr. Day and Ms. Nakai next viewed the New Fulton Fish Market supplemental employee parking lot, which constitutes the northwestern portion of Site A OU-1. This portion of Site A OU-1 is completely surrounded by chain-link cyclone fencing and access may only be gained under escort by NYCEDC or New Fulton Fish Market personnel. The parking lot was graded and paved in during the spring of 2005 during the construction of the New Fulton Fish Market. During the construction of the supplemental employee parking lot, no material was exported from Site A OU-1. Imported material was confined to base gravel and asphalt for the parking surface. No vegetated landscaping exists on this portion of Site A OU-1 and the only existing utilities are overhead electric lines servicing the parking lot lighting. A small walkway was constructed along the western perimeter of Site A OU-1 to offer access to New Fulton Fish Market employees from Food Center Drive. This walkway is between two chain link fences. When the lot is not being used, the walkway entrance is gated and locked. No asphalt cuts were observed in the pavement of the New Fulton Fish Market supplemental employee parking lot. Following the site reconnaissance, Mr. Day and Ms. Nakai met with George Maroulis, the General Manager of the New Fulton Fish Market. As per Mr. Maroulis, no intrusive activities have taken place within the bounds of Site A OU-1 that the New Fulton Fish Market is responsible for, as per the lease agreement with the NYCEDC.

3.0 CONCLUSION

The institutional controls and engineering controls for Site A OU-1, also known as NYSDEC VCP Site No. V00233, have remained in place from the final redevelopment dates and continue to exist. This includes the paved surfaces, concrete slabs and surface cover. Nothing has occurred that would constitute a violation or failure to comply with the SMP for the controls implemented on Site A OU-1.



Appendix A

NYSDEC Periodic Review Report Form



Enclosure 1
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



| Site Details | | Box 1 |
|---------------|---|--|
| Site No. | V00233 | |
| Site Name | Hunts Point Food Distr Ctr (Parcel A, OU1) | |
| Site Address: | 1400 East Bay Ave., Hunts Point, Bronx Zip Code: 10474 | |
| City/Town: | Bronx | |
| County: | Bronx | |
| Current Use: | Asphalt parking lot | |
| Intended Use: | | |
| | | 355 Food Center Drive Bronx, New York 10474 |

| Verification of Site Details | Box 2 | |
|---|-------------------------------------|-------------------------------------|
| | YES | NO |
| 1. Are the Site Details above, correct? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If NO, are changes handwritten above or included on a separate sheet? | <input checked="" type="checkbox"/> | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is documentation or evidence that documentation has been previously submitted included with this certification? | <input type="checkbox"/> | |
| 3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is documentation or evidence that documentation has been previously submitted included with this certification? | <input type="checkbox"/> | |
| 4. Has a change-of-use occurred since the initial/last certification? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is documentation or evidence that documentation has been previously submitted included with this certification? | <input type="checkbox"/> | |
| 5. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment for offsite contamination are no longer valid ? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is the new information or evidence that new information has been previously submitted included with this Certification? | <input type="checkbox"/> | |
| 6. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years) ? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, are changes in the assessment included with this certification? | <input type="checkbox"/> | |

SITE NO. V00233

Box 3

Description of Institutional Control

| | YES | NO |
|------------------------------|-------------------------------------|--------------------------|
| City of New York | | |
| 355 Food Center Drive | | |
| Deed Restriction | | |
| S_B_L Image: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ground Water Use Restriction | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Land Use Restriction | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Soil Management Plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Box 4

Description of Engineering Control

| | YES | NO |
|-----------------------|-------------------------------------|--------------------------|
| City of New York | | |
| 355 Food Center Drive | | |
| Deed Restriction | | |
| S_B_L Image: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Cover System | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.
(Also see Instructions)

Control Description for Site No. V00233

1. The realty subject to this Declaration and Restrictions is known as Operable Unit 1 of Site A (the "Site"), and consists of certain property and improvements thereon situated on Block 2778, Lot 100 and 2781, Lot 500 in the Borough of the Bronx, County of the Bronx, City and State of New York;
2. This covenant prohibits the use of the Site for any purpose other than commercial uses consistent with local zoning, except the development of residential housing, community facilities, public recreating, day care/child care facilities or medical facilities, without the express written waiver of such prohibition by the Department, or if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of its citizens, hereinafter referred to as the "Relevant Agency";
3. This covenant prohibits the use of groundwater underlying the Site without rendering it safe for drinking water or industrial purposes through treatment, unless the user obtains permission to do so from the Department or Relevant Agency;
4. This covenant requires that the City, its successors and assigns continue in full force and effect all institutional and engineering controls required by the Final Engineering Report for Operable Unit 1 of Parcel A, Bronx, NY, and maintain such controls unless the owner first obtains permission to discontinue such controls from DEC or Relevant Agency;
5. This covenant provides that this declaration shall be binding on all future owners of the Site, and shall provide that owner, its successors and assigns, consent to the enforcement by the Department or Relevant Agency, and hereby covenant not to contest the authority of the Department or the Relevant Agency to seek enforcement;
6. This covenant requires that any deed of conveyance of the Site, or any portion thereof, shall recite, unless the Department or the Relevant Agency has consented to the termination of such covenants and restriction, that said conveyance is subject to this Declaration of Covenants and Restrictions.

* Note:
Refer to previous report text describing easterly-fenced, undeveloped 0.3 acres.

Control Certification Statement

For each Institutional or Engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

- (a) the Institutional Control and/or Engineering Control employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- { (c) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and } *
- (d) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control.
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

* Note:

Refer to previous report text describing easterly-fenced, undeveloped 0.3 acres.

IC/EC CERTIFICATIONS
SITE NO. V00233

Box 5

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 2 and/or 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Ronald Day at 13110 Williams Street
print name print business address

am certifying as Managing Agent (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

[Signature]
Signature of Owner or Remedial Party Rendering Certification

2/18/08
Date

Box 6

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

I certify that all information and statements in Box 4 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I THOMAS E. PEASE at 1 BLUE HILL PLAZA, PEARL RIVER, NY,
print name print business address

am certifying as a Qualified Environmental Professional for the NYCEDC (MANAGING AGENT)

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.



Thomas E. Pease
Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering
Certification

Stamp (if Required)

3/11/08
Date

Enclosure 2

Certification of Institutional Controls/ Engineering Controls (ICs/ECs) Step-by-Step Instructions, Certification Requirements and Definitions

The Owner, or Remedial Party, and when necessary, a Professional Engineer (P.E.), or the Qualified Environmental Professional (QEP), must review and complete the IC/EC Certification Form, sign the IC/EC Certifications Signature Page, and return it, along with the Periodic Review Report (PRR), within 45 days of the date of this notice.

Please use the following instructions to complete the IC/EC Certification.

I. Verification of Site Details (Box 1 and Box 2):

Answer the six questions in the Verification of Site Details Section. Questions 5 and 6 only refer to sites in the Brownfield Cleanup Program. Environmental Conservation Law (ECL) Section 27-1415-7(c) is included in section IV. **IC/EC Certification Requirements**, below. The Owner and/or your P.E. or QEP may include handwritten changes and/or other supporting documentation, as necessary.

II. Verification of Institutional / Engineering Controls (Box 3 and Box 4)

Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party is to petition the Department requesting approval to remove the control.

2. Select "YES" or "NO" for **Control Certification** for each IC/EC, based on Sections (a)-(e) of the **Control Certification Statement**.
3. If you cannot certify "YES" for each Control, please continue to complete the remainder of this **Control Certification** form. Attach supporting documentation that explains why the **Control Certification** cannot be rendered, as well as a statement of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Control Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is conducted.

If the Department concurs with the explanation, the corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) is to be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 5 and Box 6):

1. If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page. To determine WHO signs the **IC/EC Certification**, please use Table 1, **Signature Requirements** for the IC/EC Certification, below.

Appendix B

February 2008 Site Photographs



Photograph No. 1 – Hunts Point Cooperative Market portion of Site A OU-1 view from Food Center Drive (looking northeast)



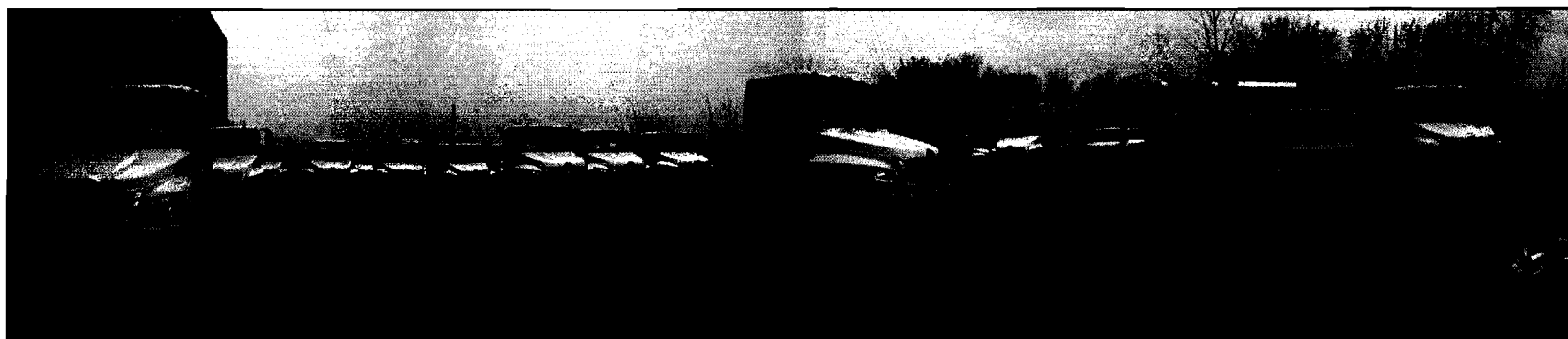
Photograph No. 2 - Hunts Point Cooperative Market southern truck parking portion of Site A OU-1 (looking north)



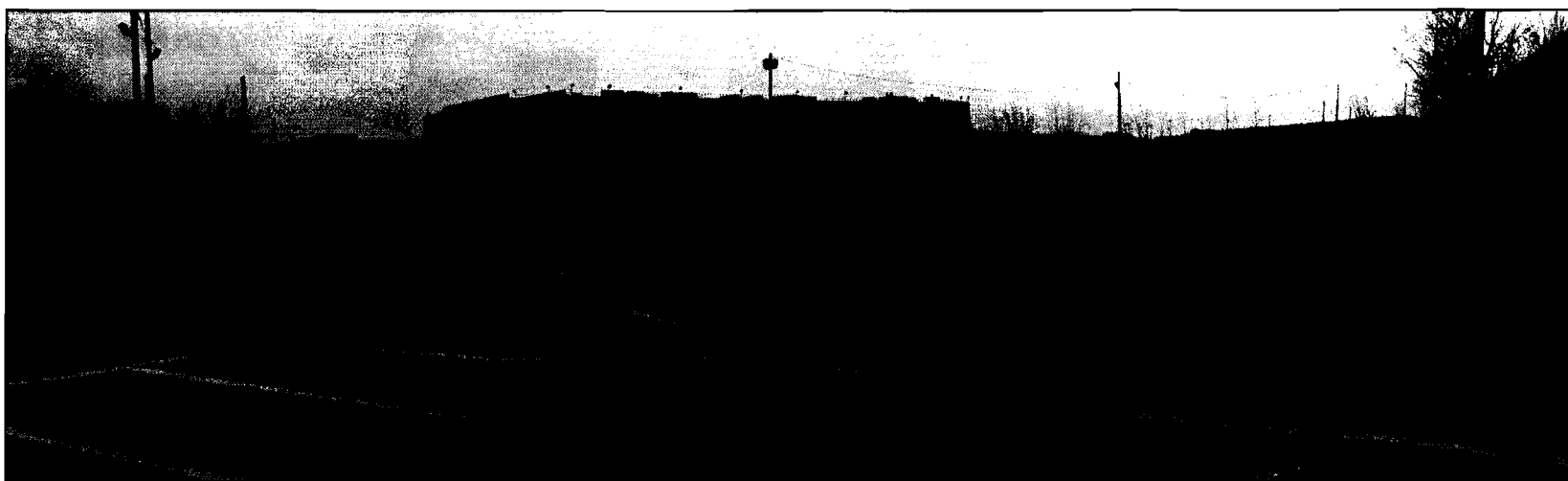
Photograph No. 3 - Hunts Point Cooperative Market employee parking portion of Site A OU-1 (looking north)



Photograph No. 4 - Hunts Point Cooperative Market vegetated portion of Site A OU-1 (looking southwest)



Photograph No. 5 - Hunts Point Cooperative Market truck northern parking portion of Site A OU-1 with concrete foundation and undeveloped portion in background (looking west)



Photograph No. 6 – New Fulton Fish Market employee parking portion of Site A OU-1 (looking southeast)



Photograph No. 7 – New Fulton Fish Market employee parking walkway entrance to Site A OU-1 from Food Center Drive (looking north)



Photograph No. 8 – New Fulton Fish Market employee parking walkway on Site A OU-1 to Food Center Drive (looking south)



Photograph No. 9 – New Fulton Fish Market employee parking lot gated entrance from Halleck Street (looking east)
