

2009 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

Prepared by:

Henningson, Durham & Richardson Architecture and Engineering, P.C.
One Blue Hill Plaza- 12th Floor, Pearl River New York 10965

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TABLE OF CONTENTS

<u>Section</u>	<u>Page No.</u>
1.0 Introduction	1
2.0 Site Reconnaissance.....	1
3.0 Conclusion	2

LIST OF FIGURES

<u>Figure</u>	<u>Following Page No.</u>
Figure 1 – Site A OU-1 Location	1
Figure 2 – Site A OU-1 2009 Uses.....	1

APPENDICES

- Appendix A – NYSDEC Periodic Review Report Form
- Appendix B – November 2009 Site Photographs

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 2009 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 Viele Avenue, 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 5.0 acres). A portion of the Nebraskaland, Inc. parcel, measuring approximately 0.3 acres in size, remains unused and undeveloped (refer to Figure 2); and, the New Fulton Fish Market Employee Parking lot (approximately 2.6 acres). 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 November 24, 2009, by HDR. Photographs were taken during the site visit and are included as Appendix B.

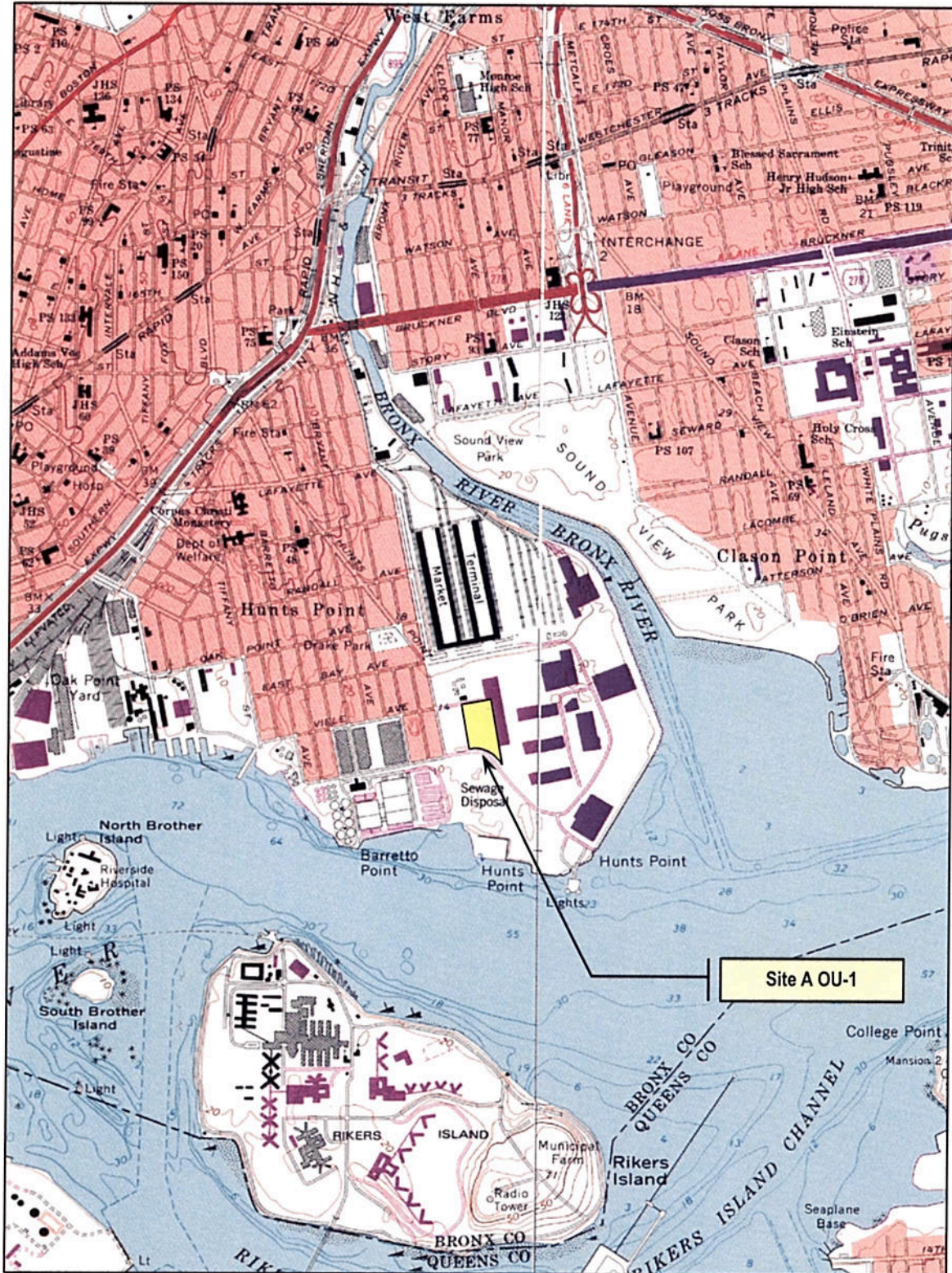
Of the two uses for Site A OU-1 described above, the Hunts Point Cooperative Market, Inc. was observed by HDR under the guidance of Brian Kenny, Operating Manager of the Hunts Point Cooperative Market, Inc. As per Mr. Kenny, no intrusive activities have taken place within the bounds of Site A OU-1 that 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 to 20 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 any addition or removal of material. Site Photograph Nos. 1 through 7, as enclosed in Appendix B, illustrates the Hunts Point Cooperative Market, Inc. portion of Site A OU-1.

Next HDR 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, HDR 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.



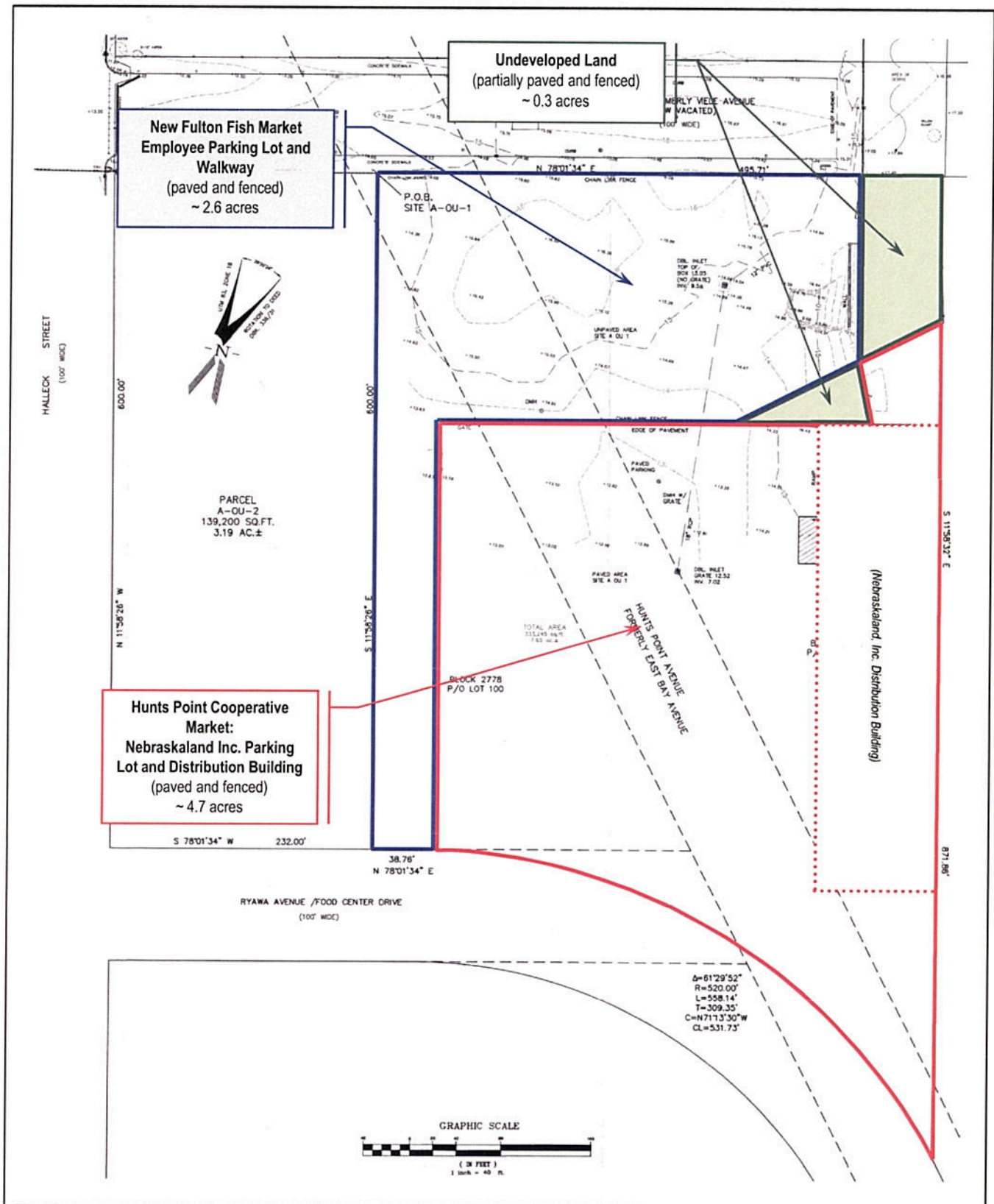
Henningson, Durham & Richardson
Architecture and Engineering, P.C.
in association with HDR Engineering, Inc.

One Blue Hill Plaza, 12th Floor
Pearl River, New York 10965

Site A OU-1 Location

Hunts Point • Bronx • New York • 10474

Figure
1



Henningson, Durham & Richardson
Architecture and Engineering, P.C.
in association with HDR Engineering, Inc.

One Blue Hill Plaza, 12th Floor
Pearl River, New York 10965

Site A OU-1 2009 Uses
Hunts Point • Bronx • New York • 10474

Figure
2

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: 355 Food Center Drive, Hunts Point, Bronx Zip Code: 10474		
City/Town: Bronx		
County: Bronx		
Allowable Use(s) (if applicable, does not address local zoning): Commercial use as an asphalt parking lot		
Site Acreage: 7.65		
Owner: City of New York		
110 William Street, New York, NY 10038		
Reporting Period: February 28, 2008 to April 09, 2009		

Verification of Site Details	Box 2	
	YES	NO
1. Is the information in Box 1 correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, are changes handwritten above or included on a separate sheet?	<input type="checkbox"/>	
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<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 during this Reporting Period?	<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. If use of the site is restricted, is the current use of the site consistent with those restrictions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, is an explanation 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 regarding 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 Controls

Parcel

Institutional Control

S_B_L Image:

Ground Water Use Restriction
Land Use Restriction
Soil Management Plan

Box 4

Description of Engineering Controls

Parcel

Engineering Control

S_B_L Image:

Cover System

Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.
(See instructions)

Control Description for Site No. V00233

Parcel:

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.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) 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) 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;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(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.

YES NO

☒ ☐

3. If this site has an ~~Operation and Maintenance (O&M) Plan~~ (or equivalent as required in the Decision Document); * Site Management Plan (SMP)

I certify by checking "YES" below that the ~~O&M Plan~~ Requirements (or equivalent as required in the Decision Document) are being met. * SMP

YES NO

☒ ☐

4. If this site has a Monitoring Plan (or equivalent as required in the remedy selection document);

I certify by checking "YES" below that the requirements of the Monitoring Plan (or equivalent as required in the Decision Document) is being met.

YES NO

☒ ☐

IC CERTIFICATIONS
SITE NO. V00233

Box 6

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 Kay Zias at 110 Williams Street, New York, NY 10038
print name print business address

am certifying as Owner's Representative (Owner or Remedial Party)

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

Kay Zias
Signature of Owner or Remedial Party Rendering Certification

12/19/09
Date

IC/EC CERTIFICATIONS

Box 7

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

I certify that all information in Boxes 4 and 5 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 One Blue Hill Plaza, Pearl River, NY 10965
print name print business address

am certifying as a Qualified Environmental Professional for the NYCEDC (Owner's Representative)

(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)

12/17/09
Date

Appendix B

November 2009 Site Photographs



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



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



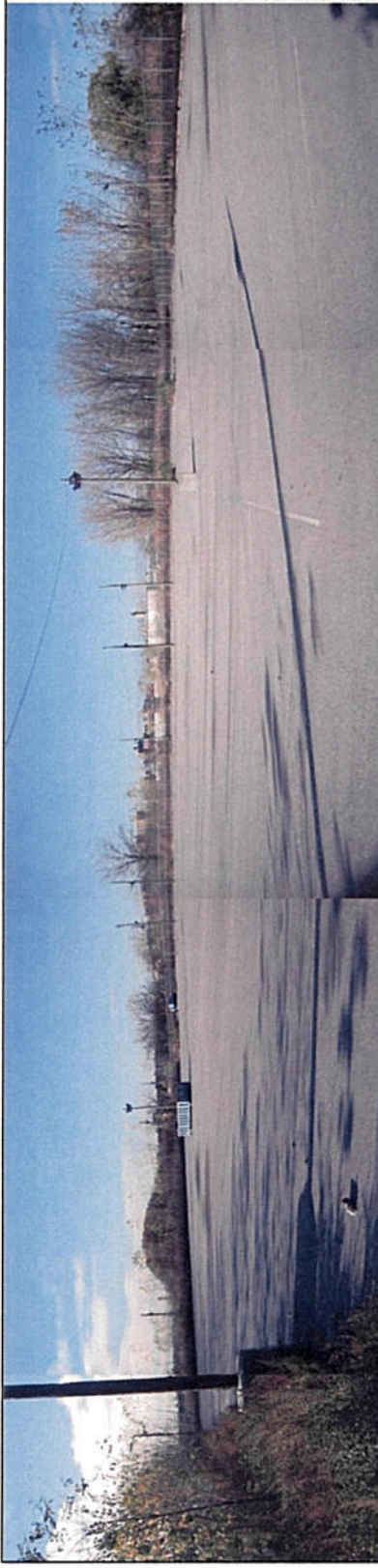
Photograph No. 3 – Hunts Point Cooperative Market vegetated portion of Site A OU-1 (looking North northwest)



Photograph No. 4 - Hunts Point Cooperative Market undeveloped land at northeast end of Site A OU-1 (looking north)



Photograph No. 5 - Hunts Point Cooperative Market Site A OU-1 Nebraskaland Inc. leasehold (looking south)



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



Photograph No. 7 -- New Fulton Fish Market employee parking walkway on Site A OU-1 to Food Center Drive (looking south)
