

**2010 Periodic Review Report**

**for**

**Hunts Point Food Distribution Center**  
**Operable Unit One of Parcel A**

Prepared for:



110 William Street, New York, New York 10038

Prepared by:



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

## TABLE OF CONTENTS

<u>Section</u>	<u>Page No.</u>
1.0 INTRODUCTION.....	1
2.0 SITE OVERVIEW.....	1
3.0 EVALUATION OF REMEDY.....	2
4.0 SMP COMPLIANCE REPORT .....	4
5.0 CONCLUSIONS & RECOMMENDATIONS.....	4

## 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 2010 Uses .....	2

## APPENDICES

- Appendix A – NYSDEC Periodic Review Report Form
- Appendix B – March 2011 Site Photographs
- Appendix C – Department/Worker Notification Plan

## 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 2010 Periodic Review Report (PRR) for Operable Unit One of Parcel A (Site A OU-1) in the Bronx, New York. Site A OU-1 is part of the New York State Department of Environmental Conservation's (NYSDEC's) Voluntary Cleanup Program (VCP), Site No. V00233. In accordance with the VCP, and the Voluntary Cleanup Agreement (VCA entered into by the City of New York and NYSDEC) this PRR package has been completed and executed. The Institutional and Engineering Controls Certification Form is included as Appendix A of this report.

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 Assignable Release and Covenant Not To Sue. The receipt of the release signifies that the remedial objectives for the site have been met.

As required by the VCA, an annual inspection has been conducted and this Periodic Review Report (PRR) has been prepared in accordance with NYSDEC Draft DER-10 *Technical Guidance for Site Investigation and Remediation* requirements. This is the third annual PRR prepared for the Site. The reporting period includes January 1, 2010 through December 31, 2010 (in accordance with the NYSDEC 45-Day Notification). The report includes the following elements:

- A site overview;
- An evaluation of the site remedy performance, effectiveness, and protectiveness;
- A SMP compliance report; and
- Overall PRR conclusions and recommendations.

The Institutional controls (IC) and Engineering Controls (EC) 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. None of the controls at Site A OU-1 have been altered in a way that would constitute a violation or failure to comply with the SMP for the site. There are no recommendations for changes to the SMP or the site reporting requirements.

## 2.0 SITE OVERVIEW

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 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 Inc. (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





Aerial Photo Source: © 2011 Google.  
Imagery Date: June 18, 2010

NOTE: All site boundaries are approximate.



Henningson, Durham & Richardson  
Architecture and Engineering, P.C.  
One Blue Hill Plaza  
Pearl River, NY 10965

**Site A OU-1 Location**  
Hunts Point • Bronx, New York 10474

**Figure  
1**

into two parcels used by different Hunts Point Distribution Center (HPFDC) tenants, The Hunts Point Cooperative Market Inc. (Nebraskaland) and the New Fulton Fish Market (Fish Market). The Nebraskaland portion of the site (approximately 5.0 acres) includes part of the distribution building, a truck and employee parking lot and a vegetated portion measuring approximately 0.3 acres in size that remains unused and undeveloped (refer to Figure 2). The Fish Market portion of the site includes an employee parking lot measuring approximately 2.6 acres in size. Each area is surrounded with chain link and/or barbed wire fence with a fenced entryway securing Site A OU-1 entirely.

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 waste, purifier waste and petroleum contaminated soil. Site A OU-1 was developed in two (2) phases. The first was the construction of the asphalt-paved parking area adjacent to the west side of the existing Nebraskaland building. Site A OU-1 was further developed in 2005 to include the Fish Market employee parking lot. During the Fish Market employee parking lot construction, no underground utilities were installed (i.e. storm drains or electric).

In the developed areas of Site A OU-1 the residual contamination in the Site soils was encapsulated following development of the Site. Virtually the entire developed site is capped by asphalt parking areas with the exception of a 10-foot wide strip of landscaping along the southern boundary of the Site and small islands in the parking lot. This area was backfilled after construction with "clean fill" imported and placed at the surface to prevent contact with the underlying residual contamination.

The 0.3 acres in the northeastern corner of the site remains undeveloped. This undeveloped area is vegetated and totally enclosed with fencing. The Site fencing and vegetation prevent contact with the contamination present in the subsurface.

### 3.0 EVALUATION OF REMEDY

The remaining contamination on-site in the soil/fill, rock, or groundwater could only be released during intrusive activities. Currently the Site is predominantly developed as an asphalt parking lot and the residual contaminants are encapsulated from the public by the asphalt cap. The undeveloped portion of the Site is entirely surrounded with fencing and is vegetated.

The property remains in compliance with the requirements of the IC/ECs:

- All Engineering Controls are being operated and maintained as specified in the SMP;
- All Engineering Controls are inspected and certified annually; and
- Data and information pertinent to Site Management is reported at the frequency and in a manner defined in the SMP.

The deed restriction which formally documents IC/ECs at the Site was filed on July 18, 2007. The remediation identifies Institutional Controls in the form of Site restrictions. Adherence to the Institutional Controls is required under the Deed Restriction. Site restrictions include:

- *Use of groundwater underlying the Site is prohibited without treatment rendering it safe for the intended use;*





Aerial Photo Source: © 2011 Google.  
Imagery Date: June 18, 2010



Henningson, Durham & Richardson  
Architecture and Engineering, P.C.  
One Blue Hill Plaza  
Pearl River, NY 10965

## Site A OU-1 Features

Hunts Point • Bronx, New York 10474

Figure  
2

- *All future activities on the Site that will disturb residual contaminated material are prohibited unless they are conducted in accordance with the soil/materials management provisions in the SMP; and*
- *The owner of the property shall prohibit the Site from ever being used for purposes other than commercial or industrial use provided the long term Engineering and Institutional Controls remain in full force and effect as set forth in the Site Management Plan without express written waiver of such prohibition by the Department, or the Relevant Agency.*

Site reconnaissance was conducted on March 15, 2011, by HDR. Photographs were taken during the site visit and are included as Appendix B.

Nebraskaland was observed by HDR under the guidance of Bruce Reingold, General Manager of the Hunts Point Cooperative Market, Inc. As per Mr. Reingold the Hunts Point Cooperative Market, Inc. has performed no intrusive activities within the bounds of Site A OU-1 within the past year. The eastern portion of the leasehold is currently being used for employee parking and truck staging in association with Nebraskaland 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 building; the building slab is being used for truck parking. This concrete foundation has existed for a period of several decades. The Nebraskaland building was later constructed over part 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 gated entrance. Approximately 10 to 20 feet of unpaved and vegetated land exists along the southern perimeter of the site. As per Mr. Reingold, no re-landscaping or excavation of this area has taken place and there has been no addition or removal of fill material or soils. 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 Fish Market personnel. The parking lot was graded and paved 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 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 Fish Market supplemental employee parking lot. Following the site reconnaissance, HDR met with Steven Bettencourt, the Maintenance Manager of the Fish Market. As per Mr. Bettencourt the New Fulton Fish Market has performed no intrusive activities within the bounds of Site A OU-1 within the past year.

Subsurface utilities do exist in Site A OU-1. However, no maintenance or upgrades requiring subsurface intrusion have been performed on these structures within the past year. A Generic Worker/Department Notification plan has been created to provide notification, prior to the commencement of work, to the NYSDEC when intrusive activities are scheduled. This plan has been included as Appendix C.

The Site has consistently been operated in conformance with these restrictions over the January 1, 2010 through December 31, 2010 annual PRR reporting period. The EC/ICs objectives are to:

- Prevent ingestion/direct contact with contaminated soil, fill material, weathered bedrock or groundwater; and
- Prevent contact with or inhalation of volatiles from contaminated subsurface soil, fill material, weathered bedrock or groundwater.

As noted below and documented in this PRR, the ECs and ICs have remained in place and have functioned appropriately over this reporting period.

#### **4.0 SMP COMPLIANCE REPORT**

Based on the annual site inspection of March 15, 2011 and site information reviewed during the reporting period, the engineering controls described in the SMP are in place and functional.

Direct contact exposure to residual subsurface contamination (i.e., on-site soil/fill/bedrock) is prevented by the surrounding asphalt parking lots and vegetation along the south end of the Site. No major maintenance of the barrier is required under normal conditions.

The annual Site inspection has been evaluated as part of the EC/IC certification and confirmed that the Site remedies continue to be protective of public health and the environment and are performing as designed. A signed IC/EC Certification is provided as Appendix A.

#### **5.0 CONCLUSIONS & RECOMMENDATIONS**

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, except where noted in this or previous PRRs. This includes the paved surfaces, concrete slabs and surface cover. Additionally, the institutional and engineering controls required in the deed restriction and SMP have been met during this reporting period. Site maintenance staffs were reminded of SMP requirements after completion of the annual site inspection/reconnaissance.

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 No.**     **V00233**

**Site Details**

**Box 1**

**Site Name**   **Hunts Point Food Distr Ctr (Parcel A, OU1)**

Site Address: 355 Food Center Drive     Zip Code: 10474  
City/Town: Bronx  
County: Bronx  
Site Acreage: 7.65

Reporting Period: January 1, 2010 to December 31, 2010

- |  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information above correct?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| If NO, include handwritten above or on a separate sheet.   |                                     |                                     |
| 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"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. 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"/> |
| <b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b> |                                     |                                     |
| 5. Is the site currently undergoing development?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Box 2**

- |   | YES                                 | NO                       |
|---|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs/ECs in place and functioning as designed?            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

**SITE NO. V00233****Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
2778-100	City of New York	Ground Water Use Restriction
2781-500		Land Use Restriction Site Management Plan

**Description of Engineering Controls**

<u>Parcel</u>	<u>Engineering Control</u>
2778-100	Cover System
2781-500	

---

**Control Description for Site No. V00233****Parcels: 2778-100 & 2781-500**

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

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

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

5/4/11  
Date

IC/EC CERTIFICATIONS

Box 7

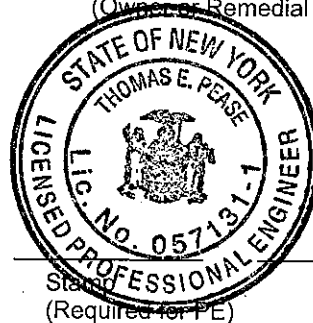
**Qualified Environmental Professional Signature**

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)

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



5/2/11  
Date

## Appendix B

### March 2011 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 east)



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 (looking south)

---

## Appendix C

### Department/Worker Notification Plan

---

The New York City Economic Development Corporation (NYCEDC) maintains a comprehensive plan for notifying utilities and City agencies of the subsurface conditions present. Currently under this comprehensive plan, all utility companies have been notified to coordinate planned and emergency subsurface utility work with Rory Melvin (Hunts Point Food Distribution Center Site Manager, NYCEDC's Asset Management Division), who is at the site on a regular basis, and Ms. Kay Zias (Vice President, NYCEDC Planning Division).

At that time, NYCEDC will contact the parties performing the anticipated work about the potential contamination beneath the site and inform them that any soil handling work that is conducted in this area must conform to the approved Site Management Plan (SMP). NYCEDC will instruct their consultant to be present and provide guidance during any subsurface work and to coordinate notifications to the New York State Department of Environmental Conservation (NYSDEC).

Furthermore, all tenant leaseholds within the Food Distribution Center, whether or not they are located on a Voluntary Cleanup Program (VCP) project site, are contractually obligated to abide by the notification systems described above for any invasive work within their leaseholds. Both the approved SMP and Health and Safety Plan (HASP) requirements are appended to all tenant leases.

At least 10 days prior to the start of any activity that is reasonably anticipated to encounter remaining contamination, the site owner or their representative will notify the NYSDEC, or if the NYSDEC shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the state and the health of the state's citizens, hereinafter referred to as "the Relevant Agency". Currently this notification will be made to:

Mr. Ronnie Lee, P.E.  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233-7016  
Tel: (518) 402-9768

And

Director, Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233-7010

Notifications to the Relevant Agency will be submitted by:

Ms. Kay Zias  
NYCEDC  
110 William Street, 6<sup>th</sup> Floor  
New York, NY 10038

Or

Mr. Kevin McCarty  
HDR  
One Blue Hill Plaza, 12<sup>th</sup> Floor  
P.O. Box 1509  
Pearl River, NY 10965

Soils generated during any invasive work will be segregated, and stockpiled based on soil composition, any soils that cannot be reused within the confines of the excavated area will be sampled

---



for waste characteristic and disposed of in accordance with all applicable state and federal regulations. Excavated soils that exhibit signs of coal tar or purifier waste contamination as described in the approved SMP will be segregated and stocked piled separately, sampled for waste characterization, and then subsequently transported off site for disposal at an appropriately permitted facility.