



NYC Parks

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City of New York
Parks & Recreation

Olmsted Center
Flushing Meadows
Corona Park
Flushing, NY 11368
www.nyc.gov/parks

December 16, 2020

Christopher H. Allan, Environmental Engineer
Superfund and Brownfield Cleanup Section
Division of Environmental Remediation
NYS-DEC-Region 2
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, NY 11101

Re: **PERIODIC REVIEW REPORT FOR 7/31/17 – 7/31/20 SITE NO. V00406
ELMHURST PARK, QUEENS BOROUGH**

Dear Mr. Allan,

The New York City Department of Parks & Recreation (DPR) hereby provides the New York State Department of Environmental Conservation (DEC) with a revised Periodic Review Report (PRR) for the period of 7/31/17 to 7/31/20, concerning the Elmhurst Park site (78-01 57th Avenue, Elmhurst, NY 11373) per your correspondences of June 26, 2020 and December 15, 2020.

A hard copy of this report is being delivered to you by U.S. Postal Service and electronically by the internet (Christopher.Allan@dec.ny.gov).

Please call me at (718) 760-6922 or (347) 865-3193 (cell) should you have any questions.

Sincerely,

Marty Rowland, Ph.D., P.E.
Senior Project Manager for Site Remediation
New York City Department of Parks & Recreation
Capital Projects Division

cc: Kay Zias, NYC-DPR Director, Environmental Unit
Jacykewycz, NYC-DPR Deputy Chief, Queens Operations

Enclosures: Periodic Review Report for Elmhurst Park, December 2020

Enclosure 1

Periodic Review Report for December 2020

Periodic Review Report – December 2020

Site No. V00406

Site Name: Gas Holder Site

Site Address: 78-01 57th Avenue

Elmhurst (Queens), NY 11373

Site Location

Elmhurst Park is located between 57th Avenue and Grand Avenue, opposite 79th Street in the Borough of Queens. The site is bordered on the west by a CSX freight rail line. A Verizon facility with truck parking and residential rear yards border the park on the east.

Summary of remedial action and site history

The Site was remediated by KeySpan energy, the former property owner, in accordance with the Voluntary Cleanup Agreement (VCA) Index# D2-0002-99-10 that was issued in 2000. This VCA required KeySpan to investigate and remediate contaminated media, which was defined as soil and groundwater at the Newtown Holders Tank Site.

The land was transferred to the New York City Department of Parks & Recreation (DPR) for use as a park. In October 2007, DPR prepared a Site Management Plan (SMP) in accordance with the requirements of the December 2002 New York State Department of Environmental Conservation (DEC) DER-10 Technical Guidance for Site Investigation. That SMP, subsequently approved by DEC, describes how DPR manages residual contamination remaining at the site in perpetuity by providing a process for oversight of Institutional Controls (ICs) and Engineering Controls (ECs) and for regular reporting of the effectiveness of these controls in Periodic Review Reports (PRRs).

Site Institutional Controls:

Land Use Restriction (Restricted Residential uses, including Parkland)

Soil Management Plan

Groundwater Use Restriction

Engineering Control:

Cover System

DPR completed construction of the first phase of the park in October 2008. The first PRR followed this construction in early 2009. The site was closed to the public until the cover was complete and fully covered in lawn. In October 2009, phase two redevelopment began and was completed in June 2011. The third and final phase began in June 2011 and was completed in June 2012.

Compliance and Recommendations

Institutional controls compliance during reporting period

Site development as Parkland is in compliance with the restricted residential land use restriction and groundwater use restriction. All park activities are in compliance with the Soil and Pipe Management Plan of the SMP.

Engineering control compliance during reporting period

The phase two development included constructing the playground and comfort station building foundation, installing pavements, site furniture, additional trees, shrubs, and groundcover. Additional fill material was added to the hill to make it more elevated for winter sledding. All construction work was in compliance with the Soil and Pipe Management Plan of the SMP. No contamination was detected during construction. The Engineering Control (i.e., two feet of clean fill as a surface cover) is complete and intact. There is a minimum of two feet of clean fill over the entire site. Many areas have a significantly greater cover thickness. Note that it was understood that the site was to be inspected over the evaluation period of July 31, 2017 through July 31, 2020, completed on July 10, 2020. Going forward, an annual inspection will be conducted during July.

Dead Grass

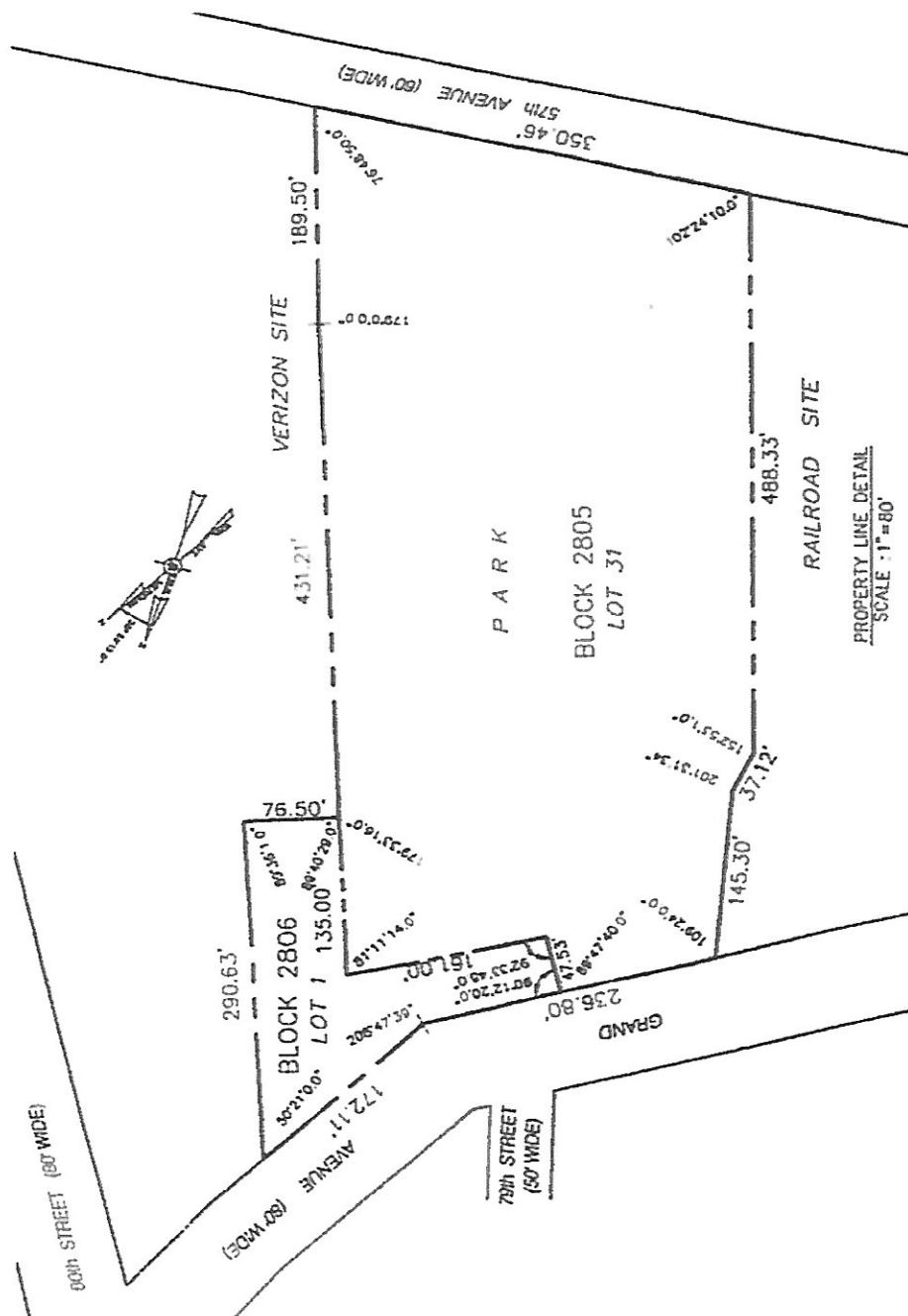
As noted in the July 10, 2020 field inspection report (Attachment 3), several areas have dead grass that could become eroded and thereby impact the soil cover (see Photos 2, 3, 4, 6, and 8). In an August 18, 2020 email from Christopher Allan, DEC asked for DPR's commitment for repairs. In September 2020, DPR's Maintenance and Operations (M&O) Division re-seeded these areas. M&O is scheduled to again re-seed these areas in the Spring of 2021 to assure a healthy grass cover.

Torn Synthetic Turf

Photo 5 documents a small tear in the synthetic turf. On November 6, 2020, that tear was repaired, documented in Photo 9.

APPENDIX A

MEETS AND BOUNDS



SCHEDULE A 1

(Description)

AS TO BLOCK 2805 LOT 31:

ALL that certain plot, piece or parcel of land, situate, lying and being in the former Town of Newtown, now the Second Ward of the Borough of Queens, City and State of New York, being part of the Braw Farm and bounded and described as follows to Wit;

BEGINNING at the Northwestern corner thereof at a point on the Southerly side of Grand Street where the same is intersected by the boundary line, between the premises hereby conveyed and land formerly belonging to William Fawn and now or late of S.M. Parker, as the fence now stands, and;

RUNNING THENCE along said side of Grand Street North sixty six degrees, forty six minutes, twenty five seconds East one hundred fifty six and thirty seven one hundredths feet to a fence separating the premises hereby conveyed from the land now or formerly belonging to Mary J. Robins on thence along said fence and land of Mary J. Robinson South twenty three degrees, one minute fifteen seconds East forty seven and fifty three one hundredths feet to the Southwesterly corner of said land of Robinson;

THENCE along said land of Robinson, as the fence now stands a North sixty nine degrees, thirty two minutes thirty seconds East, one hundred and sixty one feet;

THENCE still along said land of Robinson as the fence now stands, and along land now or late of J. Krum formerly of Edward Leverich the three following courses and distances South eleven degrees, thirty eight minutes forty four seconds East, one hundred and thirty five feet and South eleven degrees, twelve minutes East four hundred and thirty one and twenty one one hundredths feet, and South ten degrees, twelve minutes East, one hundred and eighty nine and fifty one hundredths feet to the Northerly side of the North Hempstead Plank Road;

THENCE along said side of said Road, North eighty seven degrees fifty seconds West, three hundred and fifty and forty six one hundredths feet to said land formerly belonging to William Swan as the fence now stands, and

THENCE along said last mentioned less as the fence now stands, North nine degrees, twenty five minutes West six hundred and fifty eight and eighty three one hundredths feet to the point or place of BEGINNING.

Excepting therefrom that portion of the premises that lies with lot 22 block 22 as shown on the present tax map for the City of New York, Queens County.

AS TO BLOCK 2806 LOT 1

ALL that certain tract, or parcel of land situate at Maspeth in the Second Ward of the Borough of Queens, City and State of New York, bounded and described as follows:

BEGINNING at a point in the southeasterly line of Grand Street, where the same is intersected by the easterly line of land of the Newtown Gas Company, which point of beginning is distant 67.78 feet Northeasterly from the Northeasterly line of Greiffenberg Street as established on the Final Map of the City of New York; and

RUNNING THENCE southeasterly along said land of the Newtown Gas company on a course which forms an interior angle of 90 degrees 12 minutes 20 seconds with the southeasterly line of Grand Street a distance of 47.53 feet to an angle in said land;

THENCE northeasterly still along said land on a course which forms an interior angle of 92 degrees 35 minutes 50 seconds with the last course a distance of 160.94 feet to an angle in said land;

THENCE southerly along said land on a course which forms an exterior angle of 81 degrees 18 minutes 20 seconds with the last course a distance of 134.95 feet to an angle in said land;

THENCE easterly still along said land on a course which forms an interior angle of 89 degrees 40 minutes 30 seconds with the last course a distance of 76.50 feet to the land now or formerly of Amelia Archer;

THENCE northerly along said land on a course which forms an interior angle of 89 degrees 56 minutes 29.63 feet to the southeasterly side of Grand Street; and

THENCE southwesterly along said Street 172 feet 11 inches; and

THENCE still along said Street 112.43 feet to the point or place of BEGINNING

APPENDIX B

DEED RESTRICTION

DECLARATION OF COVENANTS and RESTRICTIONS

THIS COVENANT, made the 1st day of August, 2007, by and through the City of New York, by and through its Department of Parks and Recreation, a duly authorized department of a municipal corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 1234 Fifth Avenue, New York, NY 10029 in favor of the New York State Department of Conservation ("the Department"), an agency of the State of New York, with offices at 625 Broadway, Albany, New York 12233.

WHEREAS, The City of New York is the owner of real property located at 78-01 57th Avenue in Queens County, State of New York, which is part of lands conveyed by the Brooklyn Union Gas Company to the City of New York by deed dated November 1, 2005 and recorded in the Office of the New York City Register on March 30, 2007, CRFN No. 2007000166275, and hereinafter referred to as "the Controlled Property", and

WHEREAS, the Controlled Property is the subject of a Voluntary Cleanup Agreement entitled "In the Matter of the Implementation of an Investigation and, if needed, remediation of 78-01 57th Avenue, Elmhurst, Queens, by The Brooklyn Union Gas Company, d/b/a Brooklyn Union, Index No. D2-0002-99-10, effective October 24, 2000 ("Agreement"); and

WHEREAS, the New York State Department of Environmental Conservation approved the Remedial Action Work Plan ("RAWP") for the Controlled Property which set forth the selected remedy for the Controlled Property, and such RAWP required submission of a Site Management Plan and that the Controlled Property be subject to restrictive covenants

NOW, THEREFORE, New York City Department of Parks and Recreation, for itself and its successors and/or assigns, covenants that

First, the Controlled Property subject to this Declaration of Covenants and Restrictions is as shown on the map attached to this declaration as Schedule "A" and made a part hereof, and consists of the parcel of land, in the Borough of Queens, County of Queens, State of New York, identified as Tax Map Block No. 2805, Lot No. 31 and Block No. 2806, Lot No. 1, and more particularly bounded and described in Schedule "B"

Second, unless prior written approval by the New York State Department of Environmental Conservation 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 the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained

The Controlled Property shall not be used for a less restrictive use than restricted-residential. Restricted-residential includes active recreational uses, *for* parkland.

Vegetable gardens and farming are prohibited

2007-024713

The owner must operate and maintain all engineering controls as specified in the Site Management Plan.

The owner must cause all engineering controls on the Controlled Property to be inspected and certified at a frequency and in a manner as specified in the Site Management Plan.

The owner must cause all data and information pertinent to management of the Controlled Property to be reported at the frequency and in the manner defined in the Site Management Plan.

All future activities on the Controlled Property that will disturb residual contaminated material remaining under the soil cover system (consisting of at least two feet of clean imported soils and concrete building slabs) are prohibited unless such activities are conducted in accordance with the soil and piping management provisions in the Site Management Plan.


The use of the groundwater underlying the Controlled Property is prohibited without treatment rendering it safe for the intended purpose.

Third, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon the owner and all future owners of the Controlled Property and shall provide that the owner, and its successors and assigns, consent to the enforcement by the Relevant Agency of the prohibitions and restrictions contained herein, and hereby covenants not to contest the authority of the Department to seek enforcement.


Fourth, any deed of conveyance of the Controlled Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions and the Site Management Plan.

IN WITNESS WHEREOF the undersigned has executed this instrument the day
written below

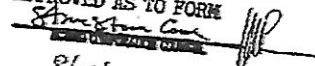
CITY OF NEW YORK
Department of Parks and Recreation

By: 

Sworn to before me this 22 day of
August, 2007


Notary Public

APPROVED AS TO FORM


8/15/07

Notary Public
State of New York
Commission Expires 1/20/2010

Attachment 1

Site Management Periodic Review Report Notice / Institutional and Engineering Controls Certification Form



Enclosure 2
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.	V00406	
Site Name K - Newtown/Elmhurst Former Gas Holder		
Site Address: 78-01 57TH AVENUE Zip Code: 11373		
City/Town: Elmhurst		
County: Queens		
Site Acreage: 6.000		
Reporting Period: July 31, 2017 to July 31, 2020		
		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"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
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? Restricted-Residential, Commercial, and Industrial		<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. Otherwise continue.		
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

Description of Institutional ControlsParcelOwnerInstitutional Control

28050031

City of New York Parks and Recreation

Soil Management Plan
Landuse Restriction

The Controlled Property shall not be used for a less restrictive use than restricted-residential. Restricted-residential includes active recreational uses i.e. parkland.

Vegetable gardens and farming are prohibited.

The owner must operate and maintain all engineering controls as specified in the Site Management Plan.

The owner must cause all engineering controls on the Controlled Property to be inspected and certified at a frequency and in a manner as specified in the Site Management Plan.

The owner must cause all data and information pertinent to management of the Controlled Property to be reported at the frequency and in the manner defined in the Site Management Plan.

All future activities on the Controlled Property that will disturb residual contaminated material remaining under the soil cover system (consisting of at least two feet of clean imported soils and concrete building slabs) are prohibited unless such activities are conducted in accordance with the soil and piping management provisions in the Site Management Plan.

The use of the groundwater underlying the Controlled Property is prohibited without treatment rendering it safe for the intended purpose.

2806-1

City of New York Parks and Recreation

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction

The Controlled Property shall not be used for a less restrictive use than restricted-residential. Restricted-residential includes active recreational uses i.e. parkland.

Vegetable gardens and farming are prohibited.

The owner must operate and maintain all engineering controls as specified in the Site Management Plan.

The owner must cause all engineering controls on the Controlled Property to be inspected and certified at a frequency and in a manner as specified in the Site Management Plan.

The owner must cause all data and information pertinent to management of the Controlled Property to be reported at the frequency and in the manner defined in the Site Management Plan.

All future activities on the Controlled Property that will disturb residual contaminated material remaining under the soil cover system (consisting of at least two feet of clean imported soils and concrete building slabs) are prohibited unless such activities are conducted in accordance with the soil and piping management provisions in the Site Management Plan.

The use of the groundwater underlying the Controlled Property is prohibited without treatment rendering it safe for the intended purpose.

Description of Engineering Controls

Parcel
28050031

Engineering Control

Cover System

2806-1

Cover System

Box 5

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. Otherwise continue.**

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

Attachment 2

Periodic Review Report Certification – December 2020

IC/EC CERTIFICATIONS

Box 7

Professional Engineer 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 Martin A. Rowland at 117-02 Roosevelt Ave.
print name print business address
Flushing, NY 11368

am certifying as a Professional Engineer for the NYC Dept of Parks & Recreation
(Owner or Remedial Party)

Martin A. Rowland

Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification



Stamp
(Required for PE)

12/16/2020

Date

Attachment 3

Field Inspection Report Form – Elmhurst Gas Tank Park Site
July 10, 2020



Supplemental Sheet
Field Inspection Form – Elmhurst Gas Tank Park
Periodic Review of IC / EC Elements*

Inspection Date (month/day/year): Su M T W Th F Sa July 10, 2020

Inspection Time: 8:15am Inspector Name: Marty Rowland

Institutional Controls (IC) [restrictions]

acceptable unacceptable**

- | | | |
|---|---|--------------------------|
| 1. Active recreational uses allowed (<i>as well as passive and nature-based uses</i>) | X | <input type="checkbox"/> |
| 2. Prohibition of vegetable gardens / farming | X | <input type="checkbox"/> |
| 3. Prohibition of groundwater use | X | <input type="checkbox"/> |
| 4. Prohibition against disturbing covered, contaminated soils | X | <input type="checkbox"/> |

Engineering Controls (EC)

- | | | |
|---|---|--------------------------|
| 5. Soil cover system – at least 2 feet of clean, imported soils and / or concrete building slabs; no subsidence, potholes, or cracked slabs | X | <input type="checkbox"/> |
|---|---|--------------------------|

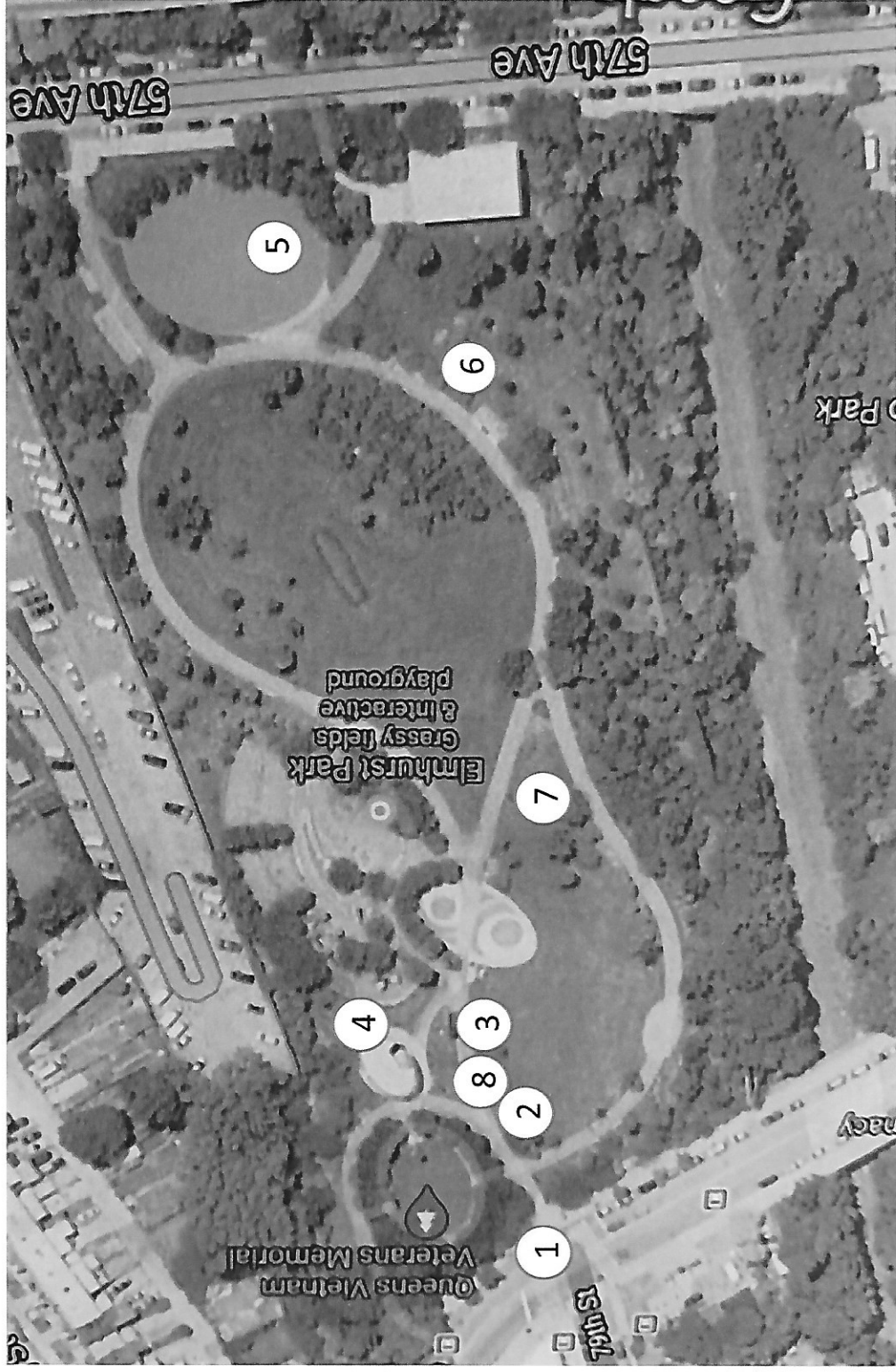
** why unacceptable (identify by nos. 1-5): _____

All areas of the park are acceptable.

However, maintenance required to correct several patches of dead grass.

M. Rowland
7/10/20

* as described in the October 2007 Elmhurst Gas Tank Park Site Management Plan, DEC Site # V00-406



Photos Taken at Elmhurst Park on July 10, 2020



Photo 1 – Entrance Gate



Photo 2 – Dead Grass Path Entrance, Right



Photo 3 – More Dead Grass



Photo 4 – Dead Grass, Right Side of Comfort Station



Photo 5 – Tear in Artificial Turf



Photo 6 – Dead Grass, Outer Path



Photo 7 – People Exercising With Masks



Photo 8 – Dead Grass Plus Tire Tracks

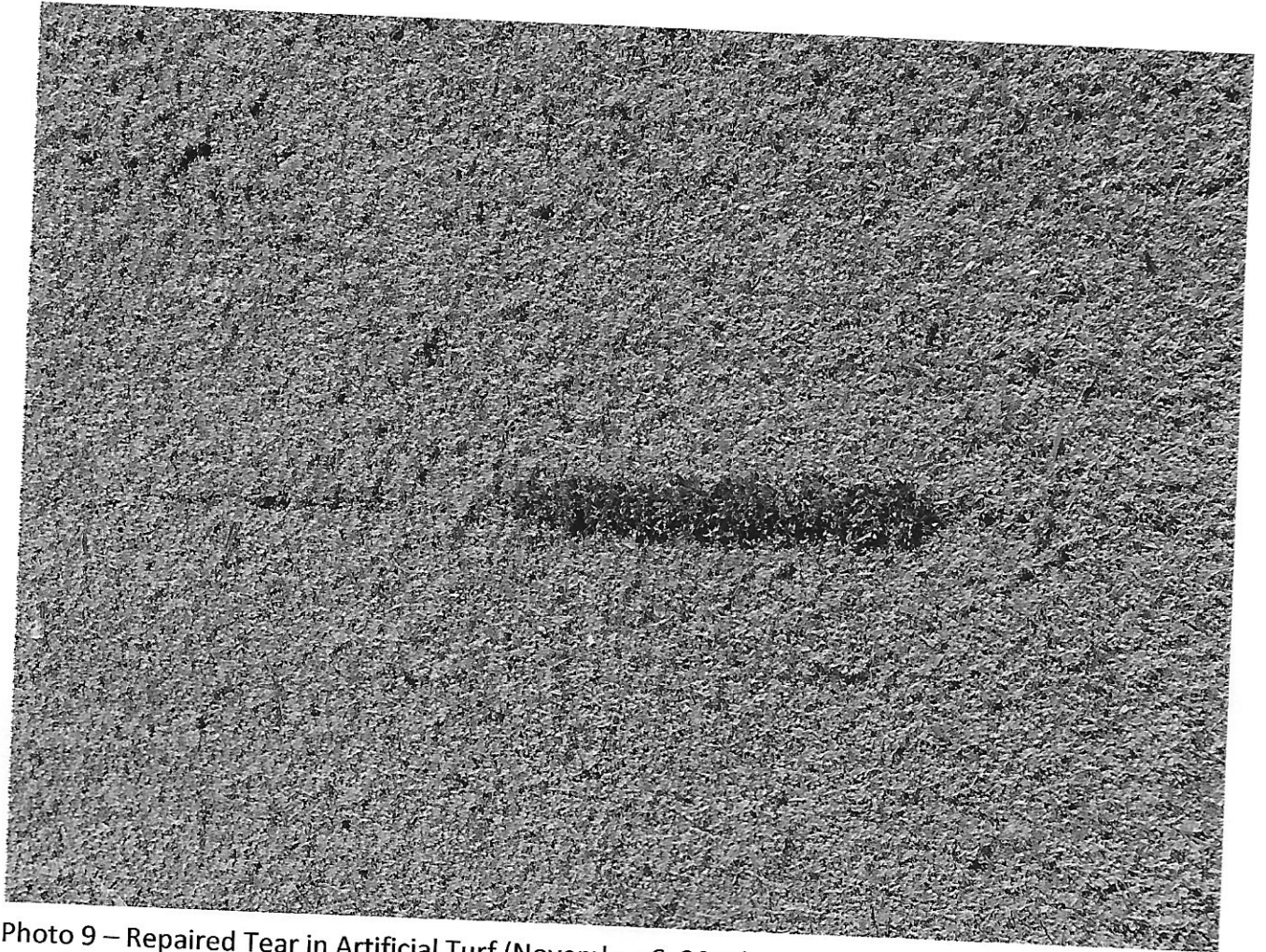


Photo 9 – Repaired Tear in Artificial Turf (November 6, 2020)