

2011 Periodic Review Report

for

Hunts Point Food Distribution Center
Operable Unit One of Parcel E

Prepared for:



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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1. 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 2011 Periodic Review Report (PRR) for Operable Unit One of Parcel E (Site E OU-1) in Hunt's Point, Bronx, New York. Site E OU-1 is part of the New York State Department of Environmental Conservation's (NYSDEC) Voluntary Cleanup Program (VCP), Site No. V00414-2. 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 E 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 fourth annual PRR prepared for the Site. The reporting period includes March 31, 2011 through December 31, 2011. The annual Site inspection was performed on January 13, 2012. 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 E OU-1 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. None of the controls at Site E 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. SITE OVERVIEW

Site E OU-1 is owned by the City of New York and managed by the NYCEDC. Site E OU-1 occupies the address 155 Food Center Drive, Hunts Point, Bronx, New York (Figure 1). The Site is bound on the north by Food Center Drive, on the south by the Hunts Point Cooperative Market, on the west by Operable Unit Two of Parcel E (Site E OU-2), and on the east by land owned by the City of New York and leased to Baldor Specialty Foods, Inc. (Baldor) as a food warehouse and distribution center (refer to Figure 2).

Site E OU-1 consists of 6.99 acres of land. The majority of the parcel is located within the bounds of the current Baldor leasehold. Access to the Baldor property and Site E OU-1 is controlled by a



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

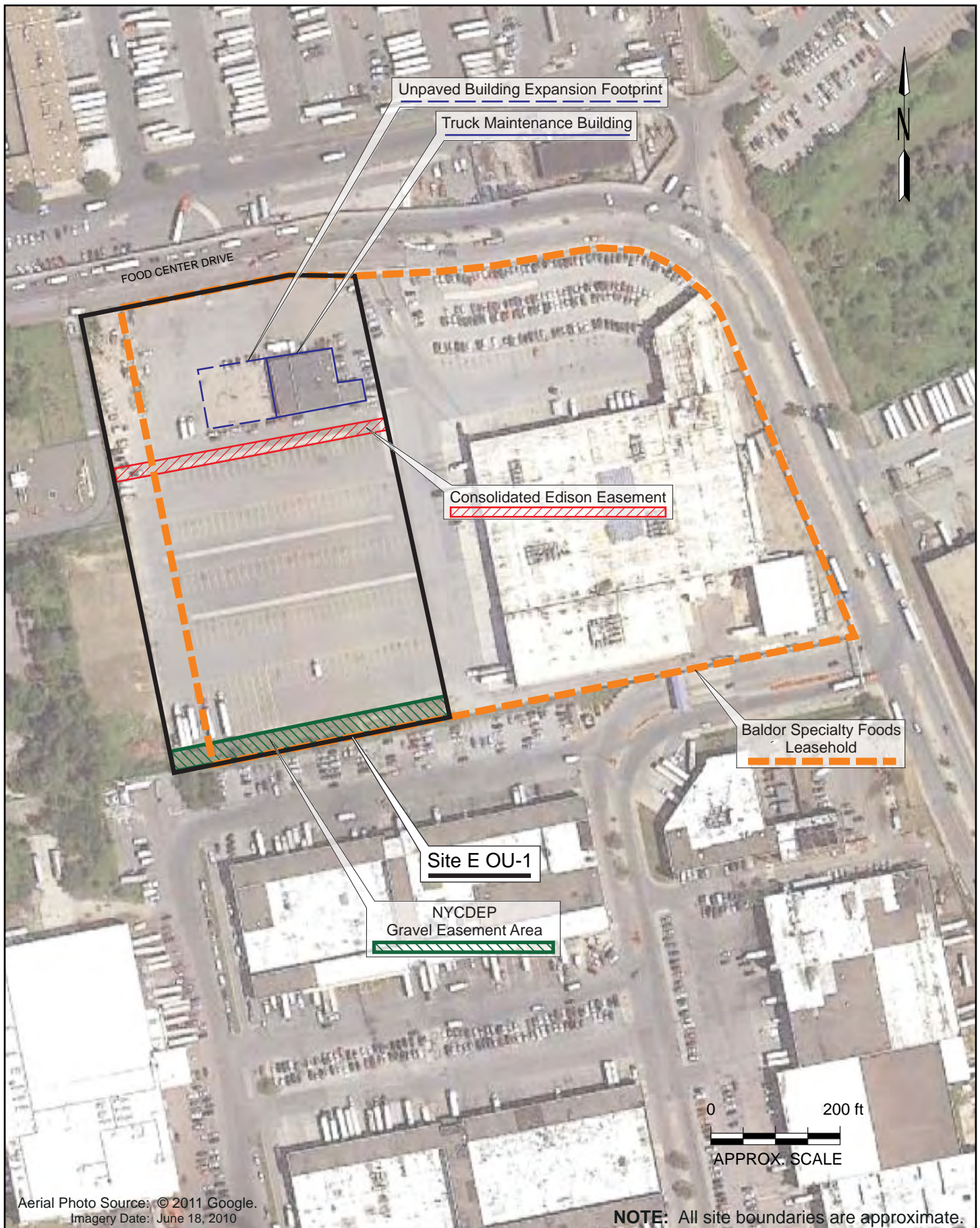
NOTE: All site boundaries are approximate.



Henningson, Durham & Richardson
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One Blue Hill Plaza
Pearl River, NY 10965

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

**Figure
1**



secured gate and perimeter fencing. There is no fencing separating the E OU-1 parcel from the remainder of the Baldor leasehold or from the eastern boundary of the Site E OU-2 parcel. Site E OU-1 is partially occupied by a truck maintenance facility and tractor trailer parking lot under the existing leasehold between the City of New York and Baldor.

Parcel E was historically part of a Consolidated Edison of New York, Inc. (Con Edison) manufactured gas plant (MGP), which consisted of several structures, and numerous below ground utilities. The parcel was also used for material storage. Investigative activities showed that contamination existed in three (3) primary forms: coal tar, purifier waste and petroleum contaminated soil. The majority of Site E OU-1 was developed for use as a truck maintenance facility and a paved parking area. The area of the truck maintenance facility includes a concrete slab and building foundation. A small area located adjacent west of the truck maintenance building is not paved. This area was intended to accommodate a building expansion proposed by A&P Foods, a former tenant. However, the expansion was not completed. The area is currently covered in gravel with minimal vegetation. It is unfenced but contained within the Baldor fencing.

Additionally, there is an unpaved area adjacent to the southern site perimeter. This unpaved area is an approximately 20 to 25 foot wide strip which is a New York City Department of Environmental Protection (NYCDEP) easement for the sewer/stormwater system. It is unfenced, but is contained within the Baldor fencing. The area has remained unpaved from the time of development, and is currently covered with gravel and void of vegetation.

A 40-foot wide, east-west orientated Con Edison easement runs through the paved area of the site. In addition, two gas lines cross the paved area of Site E OU-1. The smaller of the two gas lines runs parallel to and south of the easement and is noted by Con Edison as being abandoned. The northern high-pressure gas line is within the easement, measures 24-inches in diameter, and extends from the nearby Con Edison Halleck Street Transmission Station continues to the east across Food Center Drive to a Con Edison facility located along the Bronx River. The asphalt/concrete paving, concrete building slabs and one-foot of material overlying the vegetated area effectively constitute the engineering cap and control for Site E OU-1.

3. 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 portions of the Site are entirely contained within the site fencing and are covered in gravel.

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 at a frequency and in a manner defined in the SMP; 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. Adherences to these Institutional Controls are 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;*
- *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 January 13, 2012, by HDR. Photographs were taken during the site visit and are included as Appendix B.

Upon arriving on Site E OU-1, HDR met with Kevin Mahon, Baldor's Warehouse Manager. As per Mr. Mahon, Baldor has performed no intrusive activities within the bounds of Site E OU-1 over the past year. Once the interview was complete, HDR traversed the site and inspected the engineering controls. HDR noted the following observations. The southern unpaved NYCDEP easement continues to be unobstructed, per the requirements of the easement. The unpaved area ends shortly before the eastern perimeter of Site E OU-1 and is bordered to the north by a 3-foot high metal guard rail. Gravel remains in place over the area and remains level and void of vegetation. No excavation took place and no subsurface soil was removed from the site during this reporting period. It is anticipated that the NYCDEP easement will be paved with asphalt in the future with the possible removal of the metal railing system.

The majority of the site is paved with asphalt and tractor-trailer parking spaces are delineated with concrete-paved strips. The engineered cap is in place and is unchanged from the previous Periodic Review Report. The existing truck maintenance building is near the northern perimeter of Site E OU-1 and remains unchanged. The western half of the originally designed structure has a concrete foundation with rebar protruding from the ground surface but construction was never completed. This area continues to remain unpaved and covered with gravel and minimal vegetation. Two parking lot light poles were also observed in this area, which is consistent with prior reports.

As mentioned above, subsurface utilities do exist in Site E 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 March 31, 2011 through December 31, 2011 annual PRR reporting period. The EC/ICs objectives are to:

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

Based on the annual site inspection of January 13, 2012 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 gravel cover. 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. CONCLUSIONS & RECOMMENDATIONS

The institutional controls and engineering controls for Site E OU-1, also known as NYSDEC VCP Site No. V00414-2, 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 restrictions 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 E OU-1.

Appendix A

NYSDEC Periodic Review Report Form



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site No.	Site Details	Box 1	
Site Name Hunts Point Food Distr Ctr (Parcel E)			
Site Address: 155 Food Center Drive Zip Code: 10474			
City/Town: Bronx			
County: Bronx			
Site Acreage: 7.0			
Reporting Period: March 31, 2011 to December 31, 2011			
		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? 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**2781-500**New York City Economic Development
Corp.Ground Water Use Restriction
Landuse Restriction
Soil Management Plan**Description of Engineering Controls**ParcelEngineering Control**2781-500**Cover System
Fencing/Access Control**Engineering Control Details for Site No. V00414****Parcel: 2781-500**

1. Prohibits use of the site for any purpose other than the Contemplated Use set forth in the Agreement (Restricted Commercial use);
2. Prohibits use of the groundwater underlying the site without rendering it safe for drinking water or industrial purposes through treatment, unless the user obtains permission to do from DEC;
3. 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;
4. Provides that the City, its successors and assigns hereby consent to DEC's enforcement of this covenant.

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

IC CERTIFICATIONS
SITE NO. V00414

Box 6

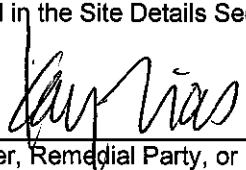
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 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 William 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.


Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

2/22/12
Date

IC/EC CERTIFICATIONS

Box 7

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 Michael P. Musso at One Blue Hill Plaza Pearl River, NY 10965,
print name print business address

am certifying as a for the NYCDEC (Owner's Representative)
(Owner or Remedial Party)

Michael P. Musso
Signature of, for the Owner or Remedial Party,
Rendering Certification



2/21/2012
Date

Appendix B

January 2012 Site Photographs



Photograph No. 1 – Site E OU-1: View from the eastern edge parking lot of the site (looking east)



Photograph No. 2 – Site E OU-1: View from the southern edge of site (looking east)



Photograph No. 3 – Site E OU-1: Southern perimeter and NYCDEP sewer/stormwater easement (looking east)



Photograph No. 4 – Site E OU-1: Southern perimeter and NYCDEP sewer/stormwater easement (looking west)



Photograph No. 5 – Site E OU-1: Incomplete construction of truck maintenance building expansion (looking northeast)



Photograph No. 6 – Site E OU-1: Incomplete construction of truck maintenance building expansion (looking southeast)



Photograph No. 7 – Site E OU-1: Marker for Consolidated Edison of New York easement and 24-inch gas line and saw-cut asphalt associated with gas line-installation and maintenance (looking north-northwest)



Photograph No. 8 – Site E OU-1: Typical Patch of Asphalt Cap Site Wide.



Photograph No. 9 – Site E OU-1: Fencing near employee auxiliary parking (looking east)

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, 6th Floor
New York, NY 10038

Or

Ms. Angela Martello Stowe
HDR
One Blue Hill Plaza, 12th 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.