

2012 Periodic Review Report
for
Hunts Point Food Distribution Center
Parcel B

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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1.0 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 2012 Periodic Review Report (PRR) for Parcel B (Site B) in the Bronx, New York. Site B is part of the New York State Department of Environmental Conservation's (NYSDEC's) Voluntary Cleanup Program (VCP), Site No. V00436-02. 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 Final Engineering Report (FER) and Site Management Plan (SMP) have been upheld over the previous reporting year. Specific considerations include observations during the site reconnaissance to verify the engineering and institutional controls in place for Site B as part of the NYSDEC-approved remedy and as the basis for the 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 DER-10 *Technical Guidance for Site Investigation and Remediation* requirements. This is the third annual PRR prepared for the Site. The reporting period includes December 31, 2011 through February 15, 2013. The report includes the following elements:

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

The institutional and engineering controls for Site B have remained in place from the final redevelopment date and continue to exist. These engineering controls include the paved surfaces, concrete slabs (building), vapor barrier, remediation extraction system (closed), monitoring wells (closed), and surface cover. None of the controls at Site B have been altered in a way that would constitute a violation or failure to comply with the FER/SMP for the site. The AS/SVE system's operation and performance was documented in the FER submitted by HDR, on behalf of NYCEDC, to NYSDEC in January 2010 and approved by NYSDEC on June 7, 2010. The air sparge/soil vapor extraction system and corresponding monitoring wells have been closed out in accordance with the June 7, 2010 FER approval letter. There are no recommendations for changes to the SMP or the site reporting requirements.

2.0 SITE OVERVIEW

Site B is owned by the City of New York and managed by the NYCEDC. Site B occupies 800 Food Center Drive, which is the location of the New Fulton Fish Market Cooperative Market at Hunts Point in the Bronx, New York. Hunts Point is located in the South Bronx on a large peninsula that extends out into the East River. Site B is bounded on the north by Food Center Drive, the west by the New York City Department of Environmental Protection Sewage Treatment Plant (NYCDEP STP), the

east by a New York City Department of Sanitation (DSNY) salt storage facility and abandoned waste transfer station, and the south by the Bronx River (Figure 1).

Site B consists of 29.04 acres (Figure 2) and has been developed to include the New Fulton Fish Market building, truck and employee parking lots, and two storage buildings along the eastern side of the property. The Site is surrounded with chain link and/or barbed wire fence with an attended/gated entryway securing Site B entirely.

Parcel B 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. The redevelopment of the Site included the construction of a 325,000 square foot building to serve as the relocated center of the Fulton Fish Market, a metropolitan seafood market. The remainder of the Site is primarily used for parking and covered with asphalt paving and access roads. Open and landscaped areas are limited to exterior parking islands.

The remediation of purifier and coal tar wastes, the capping of residual impacted fill with engineering controls, and the institutional controls in place at the site are protective of public health and the environment. The combination of active remedies in the form of removal, treatment and engineering controlled structures effectively prepared the Site for its occupancy and reuse as a viable and safe facility.

Engineering Controls

The previous condition of the Site allowed infiltration of precipitation to pass through the soil and percolate to the groundwater. Following development of the Site and the associated construction of the building and parking lot, the percolation of rainwater through the fill has been limited to areas containing landscaping. Any landscaped areas were covered with one foot of fill that, at a minimum, meets the requirements set in the SMP. An asphalt cap was placed over the remainder of the Site to facilitate the collection of precipitation by directing it to the storm water system and moving water away from the Site without allowing contact with remaining fill materials.

The installation of the asphalt cap (parking lot) also isolated the fill material and prevents dermal and inhalation contact with workers, patrons, or anyone present at the Site. There is the potential for encountering historic fill and minor remaining deposits of coal tar and purifier wastes if the cap is breached.

Air Sparge/Soil Vapor Extraction (AS/SVE)

An area impacted by VOCs existed in the central portion of the Site. The VOC constituents detected within that area were typically associated with gasoline and fuel oils. This impacted area extended from at least the northern limit of the Site (adjacent to Food Center Drive) towards the south, extending for approximately 600 feet. The shallow depth of the groundwater contamination made air sparging an efficient method for removing dissolved contaminants from site groundwater. This system, as well as associated monitoring wells, was closed out during previous reporting years.

Soil Vapor Intrusion Mitigation

To address potential soil vapor intrusion for the New Fulton Fish Market building, several issues were considered including the installation of a vapor barrier, operation of the soil vapor extraction system, operation of the building's HVAC system and on-site testing of vapor pressure points. During the building construction, a sub slab vapor barrier was installed to protect workers inside the



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 B Location

Hunts Point • Bronx, New York 10474

Figure
1



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

Site B Features

Hunts Point • Bronx, New York 10474

Figure
2

building from potential subsurface vapors associated with the impacted soil and groundwater at the site.

Institutional Controls

The specific Site B institutional controls include:

- A Deed Restriction attached to the tenant documents and contract. The Deed Restriction includes the requirements set forth in the VCA D3-0004-99-04 under which this Plan was prepared. In addition, the Deed Restriction will require that the tenant notify the Owner (City of New York), which in turn will notify NYSDEC of any intrusive work (utility, drainage additions, repairs or modifications) planned on the Site. Additionally, both NYSDEC and NYSDOH must review the Health and Safety Plan (HASP) developed by any Contractor prior to beginning future intrusive activities.
- A SMP and general HASP exist for this Site. In the event intrusive work penetrating the cap is planned, adherence with the SMP and development of a task specific HASP is required. The SMP will be followed by the “persons” or Contractor conducting the work as well as the HASP, developed by the persons conducting the work. The Plans serve to provide information and outline procedures to be used by workers to protect them from being exposed to contaminants in subsurface material. Excavation Plans will be reviewed by the Owner, NYSDEC and NYSDOH prior to the initiation of work.
- Municipal, State and Federal regulations provide a control for solid and hazardous wastes. Adherence with applicable Municipal, State and Federal regulations for handling, transport and disposal of any excess material generated is required during the performance of any intrusive work. This requires the implementation of the SMP and HASP previously mentioned.
- 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 is included as Appendix C.
- A site-specific Qualitative Human Health Exposure Assessment (QEA) has been prepared for Parcel B.

The cap also requires inspection and maintenance so that it is kept in a condition that will preserve post construction conditions (no human contact and no significant infiltration of precipitation to 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 the New Fulton Fish Market building and an asphalt employee, truck, and patron parking lot. The residual contaminants are encapsulated from the public by the asphalt cap and building foundation. There are very few landscaped portions of the Site. Where there is landscaping one foot of clean fill and vegetation serve as a cap.

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 April 10, 2008. 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;*
- *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 February 8, 2013 by HDR. Photographs were taken during the site visit and are included as Appendix B.

The New Fulton Fish Market was observed by HDR under the guidance of Mr. George M Maroulis, Market Manager of the New Fulton Fish Market. As per Mr. Maroulis the Hunts Point Cooperative Market, Inc. has performed no intrusive activities within the bounds of Site B within the past year. The eastern and western portion of the leasehold is currently being used for employee parking and patron parking in association with Fish Market distribution activities, respectively. Two Semi-permanent cinderblock and chain link fence storage structures do exist for maintenance machinery and temporary storage facilities along the eastern portion of the Site. Chain-link cyclone fencing surrounds Site B with access through the southeastern Market gated/attended entrance. Very limited areas of unpaved and vegetated land exist along the perimeters of the site and near the gate entrance. As per Mr. Maroulis, no re-landscaping or excavation of this area has taken place and there has been no addition or removal of fill material or soils.

Subsurface utilities do exist in Site B. 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. Catch Basins were repaved and new grates installed along the western portion of the patron parking areas but no subsurface intrusive work occurred during these upgrades and construction activities. A few potholes were repaired as a result of snow removal efforts during the 2012 winter months.

The decommissioning and closure of the AS/SVE system wells and monitoring wells associated with the remediation system completed the final remedy at the New Fulton Fish Market Site.

The Site has consistently been operated in conformance with the site restrictions. The objectives of the EC/ICs 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.

Exposure to vapors is prevented by an engineered vapor barrier system built on-site. The vapor barrier system is a positive pressure application. The barrier products were installed on the exteriors of the building foundation slab and all subsurface walls. The membrane was installed to provide a continuous system with no gaps or penetrations. No current direct contact exposure pathways to possible residual subsurface contamination have been identified for worker occupants.

4.0 SMP COMPLIANCE REPORT

Based on the annual site inspection conducted on February 8, 2013 and site information reviewed during the reporting period, the engineering controls described in the FER/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 limited vegetation at the Site. No major maintenance of the barrier is required under normal conditions. However, a few potholes were repaired as a result of snow removal efforts during the 2012 winter months. No fill material was exposed in any of these areas and the cap remained fully functional.

The annual Site inspection has occurred as part of the PRR process and confirmed that the Site remedies continue to be protective of public health and the environment. The site remedies are performing as designed.

5.0 CONCLUSIONS & RECOMMENDATIONS

The institutional controls and engineering controls for Site B, also known as NYSDEC VCP Site No. V00436-02, have remained in place from the final redevelopment dates and continue to exist. The engineering controls include paved surfaces, concrete slabs (building), vapor barrier, remediation extraction system (closed), monitoring wells (closed), and surface cover. Additionally, the institutional and engineering controls required in the deed restriction have been met.

Site maintenance staff was 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 B. The institutional controls and engineering controls at the Site will continue to be monitored during the annual NYSDEC PRR submission.

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 Details

Box 1

Site No. **V00436**

Site Name **Hunts Point Food Dist. Ctr. (Parcel B)**

800 Food Center Drive, Bronx, NY

Site Address: ~~Food Center Drive/ East River~~ Zip Code: 10474

City/Town: New York

County: Bronx

Site Acreage: 30.0

Reporting Period: December 31, 2011 to February 15, 2013

YES NO

1. Is the information above correct?

☐ ☒

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?

☐ ☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐ ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☐ ☒

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?

☐ ☒

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial

☒ ☐

7. Are all ICs/ECs in place and functioning as designed?

☒ ☐

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.

N/A

Signature of Owner, Remedial Party or Designated Representative

N/A

Date

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
2780-73	NYC Dept. of Small Business Services	
		Ground Water Use Restriction Landuse Restriction Site Management Plan
2781-160	NYC Dept. of Small Business Services	
		Ground Water Use Restriction Landuse Restriction Site Management Plan
2781-306	NYC Dept. of Small Business Services	
		Ground Water Use Restriction Landuse Restriction Site Management Plan

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
2780-73	
	Cover System
2781-160	
	Cover System
2781-306	
	Cover System

Engineering Control Details for Site No. V00436**Parcel: 2780-73**

The deed restriction limits use of the property to commercial use, and restricts any excavation activities from being performed without prior notification of the Department as outlined in the Institutional Controls section of the Final Engineering Report, and the Site Management Plan, dated November 2009.

Parcel: 2781-160

The deed restriction limits use of the property to commercial use, and restricts any excavation activities from being performed without prior notification of the Department as outlined in the Institutional Controls section of the Final Engineering Report, and the Site Management Plan, dated November 2009.

Parcel: 2781-306

The deed restriction limits use of the property to commercial use, and restricts any excavation activities from being performed without prior notification of the Department as outlined in the Institutional Controls section of the Final Engineering Report, and the Site Management Plan, dated November 2009.

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.

N/A

Signature of Owner, Remedial Party or Designated Representative

N/A

Date

IC CERTIFICATIONS
SITE NO. V00436

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 Art Aguilar 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

3/13/2013
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, P.E. at 1 Blue Hill Plaza, Pearl River, NY 10965,
print name print business address

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

Michael P. Musso

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



(Required for PE)

3/15/2013
Date

Appendix B

February 2013 Site Photographs



Photograph No. 1 – The New Fulton Fish Market southern parking portion of Site B (looking northwest)



Photograph No. 2 – The New Fulton Fish Market western parking portion of Site B (looking northwest)



Photograph No. 3 – The New Fulton Fish Market northwestern parking portion of Site B (looking southeast)



Photograph No.4 - The New Fulton Fish Market north parking portion of Site B (looking southeast)



Photograph No. 5 - The New Fulton Fish Market northeast parking portion storage of Site B (looking southwest)



Photograph No. 6 – The New Fulton Fish Market employee parking portion of Site B, well patch seen (looking southeast)



Photograph No. 7 – The New Fulton Fish Market entrance at Site B (looking southwest)



Photograph No. 8 – The New Fulton Fish Market south parking portion, Remediation Trailer Removal at Site B (looking south)



Photograph No. 9 – The New Fulton Fish Market southwest parking portion, one of the remaining Catch Basins for repair



Photograph No. 10 – The New Fulton Fish Market southwest parking portion, one of the remaining Sewer Manholes for repair

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 Mr. Art Aguilar (Assistant 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:

Mr. Art Aguilar
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.