Hunts Point Food Distribution Center Redevelopment Plan

Site Management Plan for Parcel B, Bronx, NY

- Final -

Prepared for:

New York City Economic Development Corporation

110 William Street, New York, New York 10038

Prepared by:

HDR

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

November 2009

SITE MANAGEMENT PLAN

Parcel B • November 2009

1.0 Overview and Objectives

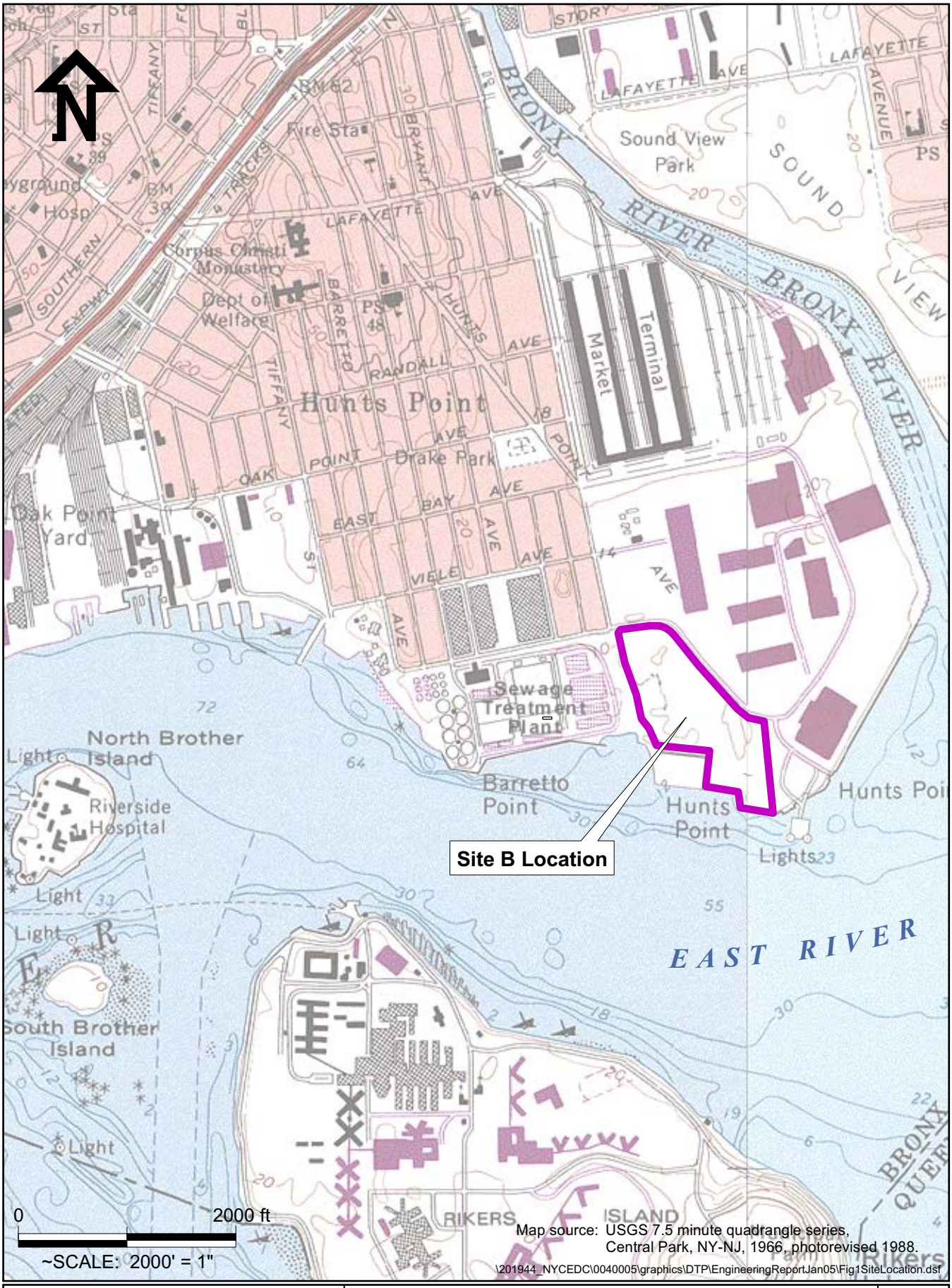
Parcel B (the Site) is located south of Food Center Drive (FCD). The property is owned by the City of New York (NYC) and is being leased to the New Fulton Fish Market Cooperative for a wholesale distribution facility location. The New Fulton Fish Market Cooperative is operating the distribution facility under the terms of its lease agreement with the New York City Economic Development Corporation (NYCEDC). The location of Parcel B is shown on Figure 1. The site has been characterized during a previous investigation under the Voluntary Cleanup Agreement with New York State Department of Environmental Conservation (NYSDEC). The user of this Site Management Plan (SMP) should refer to the Parcel B Engineering Report and Operations and Maintenance Plan for other information relating to the engineering controls that were recommended for the site remediation. The objective of this SMP is to set guidelines for the management of soil/fill material during the site redevelopment process and any activities which would breach the surficial cap (engineering control or cover system) at the Site. This SMP addresses environmental concerns related to those engineering controls, maintaining the cover system, repair of the system in the event it is disturbed, management of any displaced fill should the cap be disturbed as well as the importation of material following any work. This document has been reviewed and approved by the NYSDEC and New York State Department of Health (NYSDOH).

2.0 Nature and Extent of Contamination

Based on data obtained from the previous investigation and the proposed and approved engineering controls for the redevelopment at the site, an Engineering Report for the Parcel B, Bronx, New York was developed in June 2007 by Henningson, Durham & Richardson Architecture and Engineering, PC | Lawler Matusky and Skelly Engineers, LLP (HDR|LMS). Parcel B was part of a Consolidated Edison coal gasification plant that was constructed between 1924 and 1932 and operated until the early 1960s. The plant was constructed to manufacture both oven gas and carbureted water gas as major products and coke, ammonium sulphate, coal tar, water gas tar, and light oil as by-products. A total of approximately forty-six (46) buildings or structures existed that were actively involved in overall gas production.

Several large above ground and underground storage tanks previously existed at the central and northern portions of Site B. The above ground storage tanks included two (2) 1,000,000 gallon tanks and two (2) 150,000 gallon tanks that stored oil, as well as two (2) 500,000 gallon tanks that stored tar. The underground storage tanks included one (1) 2,000,000 gallon tank and four (4) 7,500 gallon tanks, each of which reportedly stored oil. Evidence of at least one of the storage tanks was found during the site investigation, and consisted of several large steel plates. It is unknown which of these tanks, if any, that the plates were related to. A former propane storage plant consisting of fourteen (14) tanks on concrete footings previously existed to the south and west of the storage tanks. Each of these tanks was 9 feet in diameter, 30 feet long, and had a capacity of 30,000 gallons. The propane tanks are not present, but the concrete footings still exist in the southwest corner of the Site.

Across the Hunts Point peninsula three types of waste material of potential concern were encountered during the investigation activities. The following categories were assigned to the material based on visual observation and are as follows: Coal Tar; Purifier Waste, and; a mixture of historic fill impacted by petroleum. These materials were identified at the Site, and although there was a significant removal action performed small amounts of purifier waste and/or coal may be encountered on the site if there are excavations into the historic fill on the site. Therefore, this document outlines the procedures for notifications, material handling and material disposal in the



Map source: USGS 7.5 minute quadrangle series, Central Park, NY-NJ, 1966, photorevised 1988.

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HDR | LMS Henningson, Durham & Richardson Architecture and Engineering, P.C. in association with HDR Engineering, Inc. One Blue Hill Plaza Pearl River, NY 10965	**Site B Location** **Site B • Hunts Point, NY**	**Figure 1**

event of intrusive activities at the Site. Fill that has been impacted by this waste material may also be encountered during intrusive activities and those procedures are also included in this document.

Coal tar is a product of the destructive distillation of bituminous coal. It is a dark, reddish brown to black, oily, viscous liquid that does not readily mix with water. It has a very strong odor, which many people find similar to mothballs or driveway sealant. It is commonly found mixed with site fill materials. Coal tars, derived from both coal carbonization and carbureted water gas processes, are complex mixtures of organic chemicals. The following two major classes of chemical compounds are found in coal tar:

- Volatile organic compounds (VOCs) characterized by benzene, toluene, ethylbenzene and xylene, which are identified by their initials as the BTEX compounds, and
- Semi-volatile organic compounds (SVOCs) known as polycyclic aromatic hydrocarbons or PAHs.

Purifier Waste is typically found as a mixture of wood chips with a very strong, unpleasant burnt or acrid odor. Once exposed at the ground surface, the purifier waste will often develop an iridescent blue color known as "prussian blue". It contains significant quantities of chemically complexed Cyanide compounds. In addition to containing complexed Cyanide, water which comes into contact with purifier waste is often acidic. If the acidic water discharges to a stream or other surface water body, it may cause harm to fish and wildlife.

There are three major means by which a toxic substance can come into contact with or enter the body. These are called routes of exposure and are as follows:

1. Inhalation (breathing) of gases, vapors, dusts or mists is a common route of exposure. Chemicals can enter and irritate the nose, air passages and lungs. They can become deposited in the airways or can be absorbed through the lungs into the bloodstream. The blood can then carry these substances to the rest of the body.
2. Direct contact (touching) with the skin or eyes is also a route of exposure. Some substances are absorbed through the skin and enter the bloodstream. Broken, cut or cracked skin will allow substances to enter the body more easily.
3. Ingestion (swallowing) of food, drink, or other substances is the third route of exposure. Chemicals that get in or on food, cigarettes, utensils or hands can be swallowed. Substances can be absorbed into the blood and then transported to the rest of the body.

The constituents of potential concern (COPCs) for soils at the Site consist primarily of VOCs (BTEX compounds), SVOCs (PAHs), Metals, and complexed Cyanide compounds.

Results of ground water sampling indicate that constituents in the soil/fill materials have impacted ground water quality above applicable NYSDEC Technical Operational Guidance Series 1.1.1 (TOGS 1.1.1) standards for ground water, requiring treatment prior to use.

3.0 Contemplated Use

The Site is currently being used as the New Fulton Fish Market Cooperative, a redevelopment use established prior to any activity covered under this Site Management Plan. Any work performed in or near this Site area should not be performed without following the Department/Worker Notification procedures described in Section 5.0 and properly identifying all underground utilities in accordance with the City ordinance law. There are high pressure gas mains as well as buried electrical cables that are present adjacent to and within the site and no work should be performed near this area without contacting NYCEDC, Consolidated Edison and Iroquois Gas.

As part of the redevelopment project, the Site was identified for restricted commercial use as a distribution facility within the Hunts Point Cooperative Market Area. A number of commercial enterprises and municipally operated facilities are also located in the area including; the Hunts Point Produce Market, Hunts Point Meat Market, and NYCDEP Sewage Treatment Plant.

4.0 Purpose and Description of Surface Cover System

The purpose of the surface cover system is to eliminate the potential for human contact with the historic impacted fill material, eliminate the potential for contaminated runoff from the property and help prevent and limit infiltration of surface water through the fill. The cover also enabled the soil vapor extraction system to function as it was designed for the period of time it needed to operate. The cover system consists of an asphalt layer over the parking lot section with a minimum of 6-inches of asphalt and crushed gravel sub base material, concrete sidewalks and concrete building slabs beneath the site structures. Any areas where there was open landscaping a geotextile fabric was placed over the fill, followed by one foot of material which met the chemical limitations for the restricted residential criteria in NYSDEC Part 375. These open areas were outside of the influence of the air sparge/soil vapor extraction system.

5.0 Management of Soils/Fill and Long-Term Maintenance of Cover System

The purpose of this section is to provide environmental conditions for the management of subsurface soils/fill and the long-term maintenance/replacement of the cover system during and after any future intrusive work which breaches the cover system.

The SMP covers, but is not limited to, the following conditions:

- Any breach of the cover system, for the purposes of construction or utility work, planned and emergency, requires notification and coordination with Ron Day (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). Once notification has been received by NYCEDC the attached Department/Worker Notification Plan must be followed.
- Upon completion of intrusive efforts, the cover will be replaced as it was originally installed and the work documented. Backfill material used must be from an acceptable source, free of potential industrial sources of chemical or petroleum contamination (refer to Sections 5.1 through 5.3 for additional excavation/backfill-specific requirements). The repaired area must be covered with a similar layering of material comparable to that which was removed, and the repairs carried out in accordance with applicable City specifications for the surface removed.
- During construction activities, control of surface erosion and run-off of the entire area must be maintained at all times. Section 402 of the Clean Water Act requires permits for stormwater discharges from construction activities, which disturb one or more acres of land to obtain a permit (NYSDEC General Permit GP-02-01). A Stormwater Pollution Prevention Plan (SWPPP) must also be developed.
- Site soil/fill that is excavated and is intended to be removed from the property must be managed, stockpiled, characterized, and properly disposed of in accordance with City, State and Federal regulations.
- Prior to any construction activities, workers are to be notified of the site conditions with clear instructions regarding how the work is to proceed. Invasive work performed at the property will be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety. A general Health & Safety Plan (HASP) to be reviewed by any contractor involved in subsurface work and used by that contractor as a base for preparing an individual HASP has been prepared and is attached with this SMP. The contractor will have in

their possession a HASP that has been reviewed by workers involved in intrusive work where the site cover materials will be disturbed.

- The Owner or it's agent shall annually, or such time as NYSDEC may allow or require, complete and submit to the NYSDEC Certification Report beginning in the year following the completion of construction and approval of the Final Engineering Report by NYSDEC and NYSDOH. The Certification Report shall contain a statement signed by the entity responsible for direct management of the property (tenant) certifying that the institutional controls put in place, pursuant to the, Voluntary Cleanup Agreement for the Site and the Declaration of Covenants and Restrictions imposed upon the fee title to the site and recorded in the Office of the New York City Register, as specified in the VCA, are still in place, have not been altered and are still effective. Additionally, the Certification Report shall specify that the remedy and protective cover have been maintained, and that the conditions at the site are fully protective of public health and the environment.

- All City and State permits that are applicable to the work must be applied and approved including, but not limited to a New York City Department of Sanitation Fill Management Operation (FMO) permit.

- The Owner or its agent shall annually submit to the NYSDEC on or before March 15 of each year a Periodic Review Report (PRR) beginning in the year following the completion of construction and approval of the Final Engineering Report by NYSDEC and NYSDOH.

- 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

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

If the cover system has been breached during the period covered by that Certification Report, the owner of the property shall include certification that all work was performed in conformance with this SMP within the final certification report.

In addition, a deed restriction was filed May 8, 2008 in accordance with the requirements of the New York State Voluntary Cleanup Program (VCP) limiting the future use of the property identified in the metes and bounds description in the NYSDEC Voluntary Cleanup Agreement (VCA) for this Site as a commercial distribution facility. The property that is subject to this deed restriction is shown on Figure 1.

5.1 Excavated and Stockpiled Soil/Fill Disposal

Soil/fill that is excavated as part of any project breeching the site cap that includes waste material as described in Section 2.0 of this document cannot be used/reused as fill below the cover system. It will be further characterized prior to transportation off-site for disposal at a properly permitted facility. All material requiring offsite handling and disposal will be segregated according to the contractor's chosen disposal facility requirements. Prior to any fill material being removed from the Site, each disposal facility will provide to the contractor the maximum concentrations allowed for compounds and analytes listed in Table 2 as well as the minimum sampling frequency and analytical requirements. The analytical requirements and limits will be in accordance with the facilities most current operating permit for its destination State. The Contractor will review all analytical results in comparison to the allowable facility concentrations and will determine if the material is permissible at the subject facility. No material will be removed to a NYSDEC-registered recycling facility with the exception of road base material (asphalt) or existing above grade structures (concrete) but they will not contain site fill in any appreciable amounts. Following disposal of material, the records associated with the disposal will be made available for review should they be requested.

5.2 Sub-grade Material for Reuse

On-Site excavated sub-grade material used to backfill excavations or placed to increase grades or elevation shall meet the following criteria:

1. Excavated on-Site soil/fill which appears to be visually impacted with either coal tar or purifier waste materials as described in Section 2.0 of this SMP shall be segregated from material proposed to be used as backfill, sampled, and analyzed for proper off-Site disposal (as described in Section 5.1 of this SMP).
2. The remaining material can be used as backfill in accordance with NYCRR Solid Waste Management Facilities Part 360 1-15(b)(8), which allows for the re-use of non-hazardous, contaminated soil which has been excavated as part of a construction project, other than a department-approved or undertaken inactive hazardous waste disposal site remediation program, and which is used as backfill for the same excavation or excavations containing similar contaminants at the same site.

5.3 Imported Material for Use as Backfill

Imported material for use of backfill on the Site must adhere to the following conditions. Off-Site soils intended for use as site backfill cannot otherwise be defined as solid waste in accordance with 6 NYCRR Part 360-1.2(a).

1. Registered Facility Source:

   Any off-Site material brought to the site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination. For example, uncontaminated C&D as defined in 6 NYCRR Part 360-16.2 (c) that has been processed by a NYSDEC-registered C&D recycling facility may be used provided it meets the existing New York State Department of Transportation (NYSDOT) Standard Specification as described below in Section 5.3.2.

   This material is not acceptable to be used in the upper (top) foot of fill unless it is either placed beneath the approved engineered surface cover, or unless it is sampled as described in 3a and meets the criteria in 3c or 3d.

2. Recycled Portland Cement Concrete Aggregate (RCA):

   If Recycled Portland Cement Concrete Aggregate (RCA) is used beneath the top foot or approved engineering surface and it comes from other than a New York State Department of Transportation project, documentation showing that the material comes from a NYSDEC permitted or registered facility is required. Off-site material imported for filling and grading purposes shall conform to Section 304 of New York State Department of Transportation Standard Specifications Construction and Materials Volume 1 (2002). Section 304 option B, “single layer of Type I Sub-base Course” provides 3 alternate types of material suitable for backfill material. Material originating as RCA from a registered facility with less than 10% fine-grained sediments by weight passing through a 200 sieve does not require analytical testing.

   a. Alternate A: at least 95% by weight, of (RCA) and free from organic and other deleterious material. This material may contain up to 5% by weight asphalt and/or brick;

   b. Alternate B: a mixture of RCA conforming to Alternate A above mixed with less than 50% total stone, sand, gravel, or blast furnace slag. This material may contain up to 5% by weight asphalt and/or brick; or

   c. Alternate C: bituminous material that is reclaimed from bituminous pavement and/or shoulders (Reclaimed Asphalt Pavement, or RAP) on a project constructed by the Department of Transportation and is well-graded from coarse to fine and free from organic or other deleterious material, including tar. This material is at least 95%, by weight, reclaimed bituminous material and has a maximum top size, at time of placement, of 50mm.” If Alternate C is used, documentation of its being from a Department of Transportation source must be provided (This is similar to the reference for RCA).

Table 1: NYSDOT Gradation Table 304-1

Sieve Size No.	Sieve Size Designation	Percent Passing by Weight (%)
N/A	100 mm	-
N/A	75 mm	100
N/A	50 mm	90 - 100
N/A	6.3 mm	30 - 65
40	425 µm	5 - 40
200	75 µm	0 - 10

3. Non-Regulated Soil and Sand:

   If the contractor designates a source of soil to be used as fill, it shall be further documented in writing to only contain soil and no man-made materials (such as construction and demolition (C&D) debris). Sand from an operating gravel pit or similar facility operating under a mining permit must contain less than 7% fine-grained sediments by weight passing through a 200 sieve. Also covered under this section is material from non-commercial locations where there is no information available. These materials as described in this section (Section 5.3.3), shall be subject to the following acceptance criteria:

   a. Soils will be subject to the collection of one (1) representative composite sample per source per 1000 cubic yards. The sample(s) should be analyzed for TCL VOCs, SVOCs, pesticides, PCBs, arsenic, barium, beryllium, cadmium, chromium (Hexavalent and trivalent), copper, lead, manganese, total mercury, nickel, selenium, silver, zinc, and total cyanide in accordance with the quality assurance standards set forth in 40 CFR Part 136 and the most current NYSDEC Analytical Services Protocol (ASP). Soil analyses shall be reported as Category A deliverables specified in the most current NYSDEC ASP. The soil will be acceptable for use as backfill for depths below the one foot surface cover if analytical results indicate that the contaminants, if any, are present at concentrations below those described in Table 2: Backfill Analytical Parameters. Table 2 was created through collaboration between the NYSDEC, NYSDOH, NYCEDC and HDR|LMS.

   b. If any of the parameters exceed the thresholds set in Table 2, and there is still a desire to use the soil below the top foot, a written request will be made to the NYSDEC which will include a full description of the soil, its source, volume and analytical data. The NYSDEC will review the data and provide a written response within a reasonable time of the request.

   c. If the results of the analyses indicate the soil meets or is below the concentrations listed in Table 2, then it will be acceptable for use within the upper foot if open soil is desired. A Geotextile fabric of permeable membrane shall be placed on the surface of the material below the top foot to prevent mixing from frost heave or other settling related actions.

d. If any of the parameters exceed Table 2, and there is still a desire to use the soil in the upper foot, a written request will be made to the NYSDEC which will include a full description of the material, its source, volume and analytical data. The NYSDEC will review the data and provide a written response within a reasonable time of the request.

4. Non-Regulated Gravel and Rock:

If the contractor designates a source of soil to be used as fill, it shall be further documented in writing to only contain soil and no man made materials (such as construction and demolition (C&D) debris). Crushed gravel or rock from an operating gravel pit or similar facility operating under a mining permit does not require analytical testing. Sand from an operating gravel pit or similar facility operating under a mining permit is not included in this section (refer to Section 5.3.3).

Table 2: Backfill Analytical Parameters

Contaminant	CAS Number	Backfill Limits (ppm)
Metals		
Arsenic	7440-38-2	16
Barium	7440-39-3	400
Beryllium	7440-41-7	47
Cadmium	7440-43-9	7.5
Chromium, hexavalent [1]	18540-29-9	19
Chromium, trivalent [1]	16065-83-1	1,500
Copper	7440-50-8	270
Total Cyanide	57-12-5	27
Lead	7439-92-1	450
Manganese	7439-96-5	2,000
Total Mercury	-	0.73
Nickel	7440-02-0	130
Selenium	7782-49-2	4
Silver	7440-22-4	8
Zinc	7440-66-6	2,480
PCBs/Pesticides		
2,4,5-TP Acid (Silvex)	93-72-1	3.8
4,4'-DDE	72-55-9	17
4,4'-DDT	50-29-3	47
4,4'-DDD	72-54-8	14
Aldrin	309-00-2	0.19
alpha-BHC	319-84-6	0.02
beta-BHC	319-85-7	0.09
Chlordane (alpha)	5103-71-9	2.9
delta-BHC	319-86-8	0.25
Dibenzofuran	132-64-9	210
Dieldrin	60-57-1	0.1

Endosulfan I	959-98-8	102
Endosulfan II	33213-65-9	102
Endosulfan sulfate	1031-07-8	200
Endrin	72-20-8	0.06
Heptachlor	76-44-8	0.38
Lindane	58-89-9	0.1
Polychlorinated biphenyls	1336-36-3	1

Table 2: Backfill Analytical Parameters (continued)

Contaminant	CAS Number	Backfill Limits (ppm)
Volatiles		
1,1,1-Trichloroethane	71-55-6	0.68
1,1-Dichloroethane	75-34-3	0.27
1,1-Dichloroethene	75-35-4	0.33
1,2-Dichlorobenzene	95-50-1	1.1
1,2-Dichloroethane	107-06-2	0.02
cis-1,2-Dichloroethene	156-59-2	0.25
trans-1,2-Dichloroethene	156-60-5	0.19
1,3-Dichlorobenzene	541-73-1	2.4
1,4-Dichlorobenzene	106-46-7	1.8
1,4-Dioxane	123-91-1	0.1
Acetone	67-64-1	0.05
Benzene	71-43-2	0.06
n-Butylbenzene	104-51-8	12
Carbon tetrachloride	56-23-5	0.76
Chlorobenzene	108-90-7	1.1
Chloroform	67-66-3	0.37
Ethylbenzene	100-41-4	1
Hexachlorobenzene	118-74-1	3.2
Methyl ethyl ketone	78-93-3	0.12
Methyl tert-butyl ether	1634-04-4	0.93
Methylene chloride	75-09-2	0.05
n-Propylbenzene	103-65-1	3.9
sec-Butylbenzene	135-98-8	11
tert-Butylbenzene	98-06-6	5.9
Tetrachloroethene	127-18-4	1.3
Toluene	108-88-3	0.7
Trichloroethene	79-01-6	0.47
1,2,4-Trimethylbenzene	95-63-6	3.6
1,3,5-Trimethylbenzene	108-67-8	8.4
Vinyl chloride	75-01-4	0.02
Xylene (mixed)	1330-20-7	1.6

Table 2: Backfill Analytical Parameters (continued)

Contaminant	CAS Number	Backfill Limits (ppm)
Semivolatiles		
Acenaphthene	83-32-9	98
Acenapthylene	208-96-8	107
Anthracene	120-12-7	500
Benz(a)anthracene	56-55-3	1
Benzo(a)pyrene	50-32-8	1
Benzo(b)fluoranthene	205-99-2	1.7
Benzo(g,h,i)perylene	191-24-2	500
Benzo(k)fluoranthene	207-08-9	1.7
Chrysene	218-01-9	1
Dibenz(a,h)anthracene	53-70-3	0.56
Fluoranthene	206-44-0	500
Fluorene	86-73-7	386
Indeno(1,2,3-cd)pyrene	193-39-5	5.6
m-Cresol	108-39-4	0.33
Naphthalene	91-20-3	12
o-Cresol	95-48-7	0.33
p-Cresol	106-44-5	0.33
Pentachlorophenol	87-86-5	0.8
Phenanthrene	85-01-8	500
Phenol	108-95-2	0.33
Pyrene	129-00-0	500

Footnotes:
1. The SCO for this specific compound (or family of compounds) is considered to be met if the analysis for the total species of this contaminant is below the specific SCO for hexavalent chromium.

Notes:
The following material may be imported, without chemical testing, to be used as backfill beneath pavement or the final soil cover (i.e. the uppermost 1 or 2 feet, depending on the site's use restriction):
- Rock or stone, consisting of virgin material from a permitted mine or quarry;
- Recycled concrete, brick or asphalt from a NYSDEC-registered C&D processing facility which conforms to Section 304 of the New York State Department of Transportation Standard Specifications Construction and Materials Volume 1 (2002). This material must contain less than 10% (by weight) material which would pass through a size 200 sieve.

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 Ron Day (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
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625 Broadway
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And

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Notifications to the Relevant Agency will be submitted by:

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New York, NY 10038

Or

Mr. Kevin McCarty
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.