

**2008 Periodic Review Report**  
**for**  
**Hunts Point Food Distribution Center**  
**Perimeter Site**

Prepared for:



New York City  
Economic Development  
Corporation

110 William Street, New York, New York 10038

Prepared by:

Henningson, Durham & Richardson Architecture and Engineering, P.C.  
One Blue Hill Plaza - 12<sup>th</sup> Floor, P.O. Box 1509, 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 2008 Periodic Review Report (PRR) for the Iroquois Gas Pipeline (e.g. Perimeter Site) located in the Hunts Point Food Distribution Center (HPFDC) of the Bronx, New York. The Perimeter Site is part of the New York State Department of Environmental Conservation's (NYSDEC) Voluntary Cleanup Program (VCP), Site No. V00641. In accordance with the NYSDEC VCP, a PRR package has been completed, executed, and is included as Appendix A of this report. The Perimeter Site is owned by the City of New York and managed by the NYCEDC. The Perimeter Site, with a total of 1.86 acres of land, may be broken into three primary areas: (1) underlying a portion of Food Center Drive; (2) extending into the eastern portion of Operable Unit 2 of Parcel E (e.g. Site E OU-2); and, (3) extending into the southern portion of both the Anheuser Busch Redevelopment Parcel and Greenway Park Redevelopment Parcel (AB Parcel and GP Parcel, respectfully). See Figure 1.

Site E OU-2 and sections of the AB Parcel (Site C OU-1) and GP Parcel (Site C OU-2) are additionally enrolled in the NYSDEC VCP. Approximately 0.4 acres of Site E OU-2 exists along the northern terminus of the Perimeter Site, 0.6 acre of AB Parcel exists along the northern terminus of the Perimeter Site, and 0.02 acre of GP Parcel exists near the southern terminus of the Perimeter Site (refer to Figure 2). The portions of the AB and GP Parcels that are occupied by the Perimeter Site are not otherwise enrolled in the VCP. The portion of the Perimeter Site that underlies Food Center Drive is approximately 3,940 feet in length (0.75 mile) and has an approximate area of 0.86 acre.

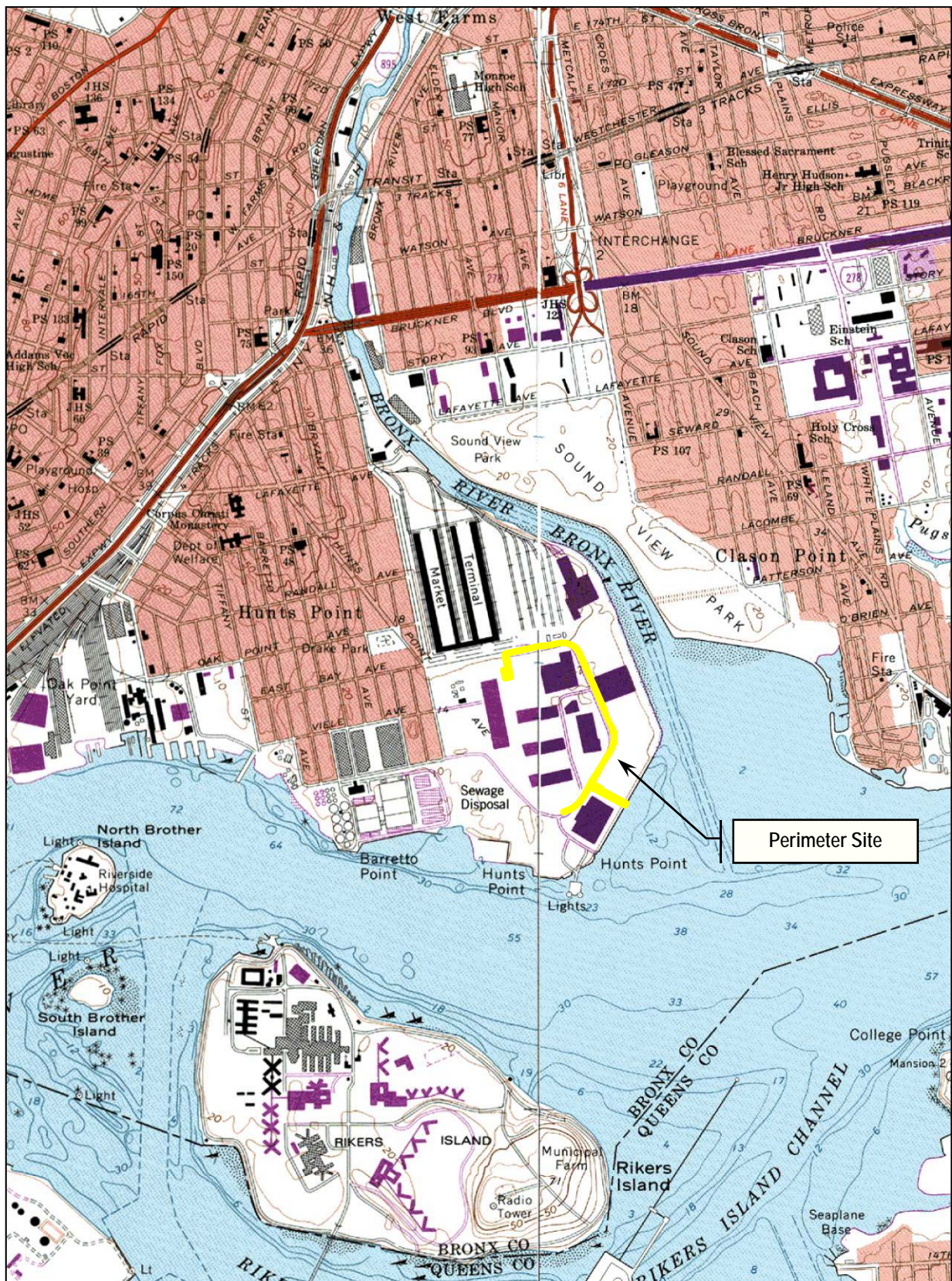
The Site was historically part of a Consolidated Edison of New York, Inc. (ConEdison) Manufactured Gas Plant (MGP) which included several structures, material storage, and numerous below ground utilities. Investigative activities across the HPFDC have shown that contamination exists in three (3) dominant forms: coal tar, purifier waste and petroleum contaminated soil. The purpose of this PRR is to certify that the conditions of the Site Management Plan (SMP) have been upheld over the previous year. The Perimeter Site SMP provides environmental guidelines for the management of soil/fill material and for the maintenance/replacement of the cover system(s) (e.g., engineering controls) implemented on the site. Additional NYSDEC-approved SMPs exist for other VCP sites within the HPFDC, such as for Parcels C (including the entire AB and GP Parcels) and E. The SMPs for these sites contain similar language to the Perimeter Site SMP. Specific conditions taken into consideration include those observed during the site reconnaissance, as well as the engineering controls and institutional controls in place for the Perimeter Site as part of the NYSDEC-approved remedy and as the basis for the No Further Action (NFA) determination.

## 2.0 SITE RECONNAISSANCE

The site reconnaissance was conducted on March 7, 2008, by Stephanie Nakai (HDR) and Ronald Day (NYCEDC). Photographs were taken during the site visit and are included as Appendix B.

The portion of the Perimeter Site that extends into Site E OU-2 is bounded on the north and east with chain-link fencing and locked gates. There is no public access to this portion of the site. Similarly, the portion of the Perimeter Site that extends into AB Parcel is bounded on the south, east, and west with chain-link fencing and locked gates. Access to the portion contained in the AB Parcel is restricted to the site occupants associated with the Anheuser Busch leasehold. Lastly, the portion of the Perimeter Site that extends into GP Parcel is bounded on the west with chain-link fencing and is additionally undergoing redevelopment for the end-use as the South Market portion of the South





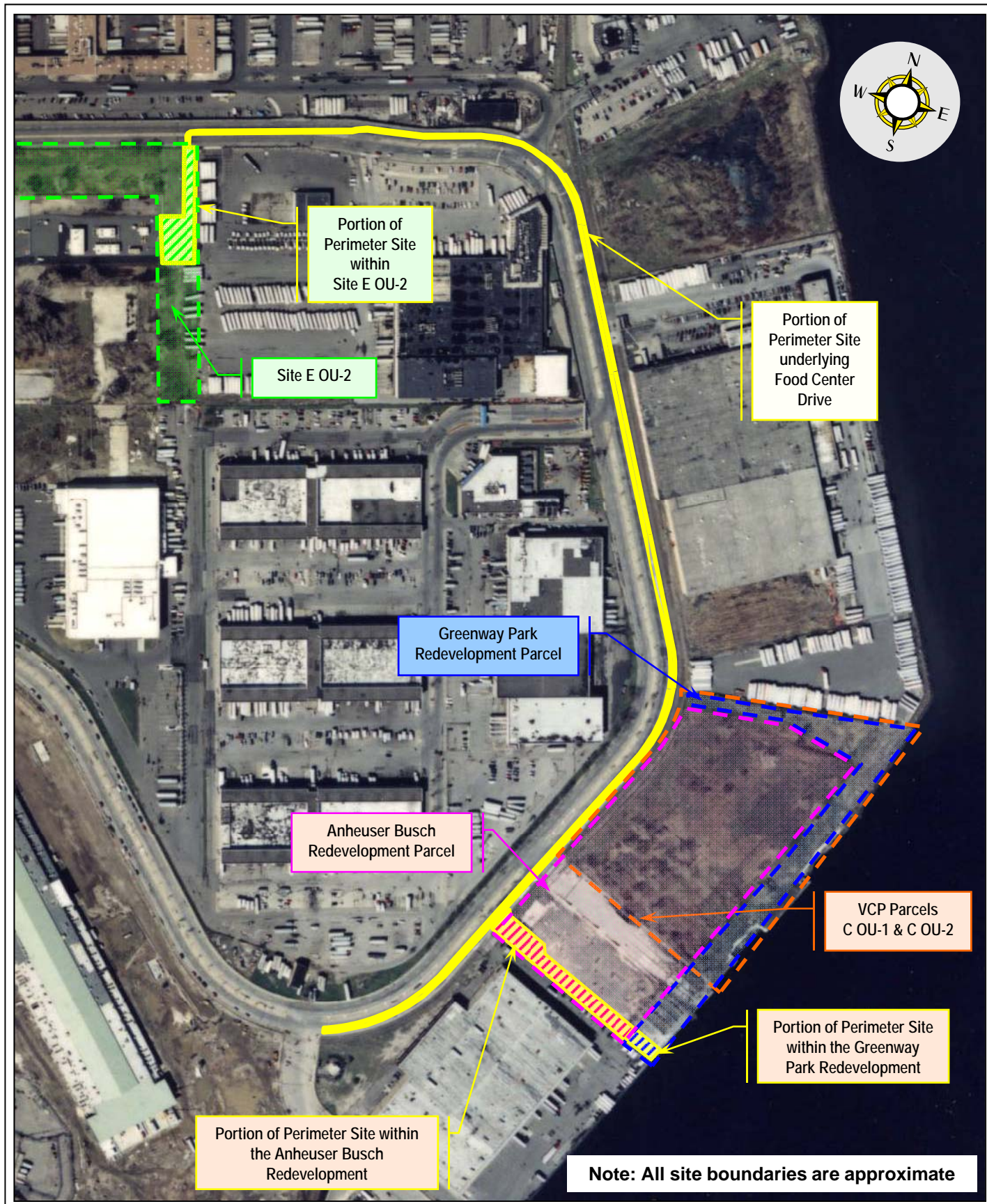
Henningson, Durham & Richardson  
Architecture and Engineering, P.C.  
in association with HDR Engineering, Inc.  
One Blue Hill Plaza, 12<sup>th</sup> Floor  
Pearl River, New York 10965

### Perimeter Site Location

Hunts Point • Bronx • New York • 10474

Figure  
1





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Pearl River, New York 10965

## Perimeter Site Features

Hunts Point • Bronx • New York • 10474

Figure  
2

Bronx Greenway, as detailed in the South Bronx Greenway Master Plan dated 2005. The use of this land will be as a recreational path for pedestrian and bicycle traffic. It is, however, currently gated and only accessible to the occupants of the Anheuser Busch leasehold.

The northeastern portion of Site E OU-2, upon which the Perimeter Site extends, has not undergone any changes to its use, engineering controls or institutional controls since the issuance of the Perimeter Site Declaration of Covenants and Restrictions dated July 18, 2007. This portion of the Perimeter Site is occupied by a ConEdison Compressor station and is unpaved and covered in coarse gravel with the exception of the entrance that is paved as roadway and bordered by guardrails. The area has signage notifying the public of the Iroquois Gas Pipeline's existence on the property. Two locked gates secure the entrance to this portion of the site, as seen in Photograph No. 6, included in Appendix B of this report.

Site C OU-1 and Site C OU-2 have undergone redevelopment activities over the past two to three years. Site C OU-1 has been redeveloped as part of the AB Parcel by the NYCEDC and Anheuser Busch, the leaseholder, as a large distribution facility. During this activity the pavement over the Perimeter Site VCP parcel was removed. After removal, the pavement was crushed and redistributed over the area. Since the completion of the site reconnaissance the portion of the site contained within the AB Parcel has been completed as asphalt parking with a landscaped strip along the southern fence. In conjunction with the AB Parcel activities, the GP Parcel has undergone redevelopment activities including the rehabilitation of the waterfront bulkhead. During the bulkhead rehabilitation, the relieving platform and associated overburden (upland fill) materials were removed. A geotextile overlain with stone and then riprap was placed on the slope to stabilize the shoreline. All overburden material, classified as upland fill, was reused on Site C OU-1 as fill in accordance with a NYSDEC-approved Beneficial Use Determination (BUD) dated May 7, 2007 (enclosed as Appendix C of this report). Since the completion of the site reconnaissance, the upland section of the GP Parcel has also been landscaped. All materials were handled in accordance with the approved Site C OU-1 SMP. Landscaped areas in the AB and GP Parcels were completed by laying a geotextile fabric over the site fill materials, then one foot of clean fill was placed and the areas were planted.

The entrance to the Parcel C portion of the Perimeter Site is set east of the CSX Railroad lines and has a locked gated entrance, as illustrated in Photograph No. 7 in Appendix B. The existing Iroquois Gas Pipeline maintenance facilities were not disturbed during the site activities, they remain active, and in place near the southwestern terminus of the AB Parcel (refer to Photograph No. 8 in Appendix B). Since the completion of the site reconnaissance activities, construction activities in the AB Parcel have been completed. The engineering cap of asphalt paving and one-foot of clean fill in landscaped areas is now in place. The NYCEDC contracted with HDR to observe site operations and to conduct particulate air monitoring across the AB and GP Parcels during all intrusive activities. In addition, a list of permits obtained for the AB and GP Parcels activities are as follows:

- United States Army Corps of Engineers (USACE) Individual Section 10/404 Permit;
- NYSDEC 6NYCRR Part 608 Water Quality Certification;
- NYSDEC ECL Article 15 Protection of Waters Permit;
- NYSDEC ECL Article 25 Tidal Wetlands Permit;
- NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit with an associated NYSDEC-approved Storm Water Pollution Prevention Plan (SWPPP) submittal;
- NYSDEC Beneficial Use Determination (BUD) approval; and,
- New York City Department of Sanitation (DSNY) Fill Material Operation (FMO) Permit.



The portion of the Perimeter Site that underlies Food Center Drive is completely paved with asphalt roadway. No landscaped vegetation exists in this area of the site. This portion of the site has had the asphalt/concrete engineering cap saw-cut on several occasions for the purpose of utility maintenance and upgrading. The NYCEDC maintains a comprehensive plan for notifying utilities and City of New York agencies of the subsurface conditions present at the Perimeter Road. Previously, all utility companies were notified of the potential site conditions and to coordinate planned and emergency subsurface utility activities with NYCEDC staff. In addition to the NYCEDC notification plan, both ConEdison and Verizon maintain comprehensive Standard Operating Procedures (SOP), which include detailed health and safety practices, and material handling and disposal procedures which have been established in association with The City of New York and take into account the special handling procedure set forth in the Perimeter Site SMP. HDR has made a concerted effort to obtain and significantly document all subsurface activities to the extent possible. While the handling of subsurface material has not been completely documented, the engineering cap has been sufficiently replaced following the conclusion of all intrusive activities. Thus, the engineering controls for the roadway portion of the Perimeter Site have been maintained and continue to be fully operational.

In April 2007, an application was filed to map the Perimeter Road (Food Center Drive) as a public street as per the Uniform Land Use Review Procedure (ULURP). As part of this process, the utility companies and relevant municipal departments of Transportation, City Planning and Environmental Protection participated in the mandated agency mapping conference and commented on the application. The Bronx Borough President approved the changes and the ULURP process was completed in early 2009. The Perimeter Road is now mapped as Food Center Drive, a one way public street, and a more automated Notification System is being implemented. A copy of the current NYCEDC Workers/Department Notification Plan can be found appended to this report as Appendix D. This system consists of using the "One Call" notification system (Call before you dig) and the NYC Department of Transportation road opening permit systems. Under the current New York City Code 753 Contractors are required to contact the "One Call" network for any road opening work within the Street and Right-of-Way. As a standard process, the Office of Construction Mitigation and Coordination (OCMC) for New York City Department of Transportation (NYCDOT) will be notified by One-Call with specific work information, dates and contact. Arrangements have been made between NYCDOT and NYCEDC to have notification passed immediately from NYCDOT to NYCEDC of any anticipated invasive subsurface work in Food Center Drive.

### **3.0 CONCLUSION**

The Perimeter Site, also known as NYSDEC VCP Site No. V00641, has been divided into four (4) separate and distinct areas for final redevelopment: a paved roadway, an unpaved ConEdison compressor station, a paved area (intended primarily for use as parking), and an area of public green space. The condition of the engineering controls in each of those areas is summarized below:

#### **3.1 Paved Roadway**

The engineering controls for the paved roadway are currently in place and have remained in place since the date of execution of the Declaration of Covenants and Restrictions with the following exceptions:

- Numerous pavement cut areas existed prior to the placement of the restrictions. Additional areas exist that have been observed as having undergone repairs. The roadway was, until recently, an unmapped private street within the NYCEDC jurisdiction with significant underground utilities located beneath it. Various maintenance and repairs to the utilities appear to have taken place. As previously described, the roadway is now mapped as a

public street and a comprehensive Department/Worker Notification Plan (Appendix D) is being implemented for all future intrusive work.

- ConEdison and Verizon have indicated, during all repairs on utilities located in Food Center Drive, that material will be removed and properly disposed of in accordance with the established ConEdison and Verizon SOPs associated with activities in the City of New York and in accordance with NYCEDC Department/Worker Notification Plan (Appendix D) and the Perimeter Site SMP. These procedures include corporate requirements related to health and safety, excess material disposal at facilities permitted by both ConEdison and Verizon, and replacement of fill material with non-NYSDEC regulated approved backfill.
- Previously, other utility owners with subsurface lines beneath Food Center Drive did not have a process for managing intrusive site activities but were notified by NYCEDC of the potential for contamination to be encountered and of the notification procedures required if utility repair activities needed to be made. Therefore, it is only possible to certify the existence and continued operation of the engineering control along the roadway. In the future, these utilities/contractors under New York City Code 753 will be required to contact "One Call" and obtain opening permits which will result in NYCEDC notification of intrusive work.

### 3.2 Unpaved ConEdison Compressor Station (Site E OU-2)

The ConEdison compressor station, which underlies an eastern portion of NYSDEC VCP Site E OU-2, is covered in coarse gravel with the exception of the entrance that is paved as a roadway. It is currently only accessible through a secured gate. There have been no alterations to this parcel since the date of execution of the Declaration of Covenants and Restrictions.

### 3.3 Paved Area

The area of the Perimeter Site parcel located within the AB Parcel has been developed as a paved parking area with a small landscaped strip along the southern boundary. During the Site reconnaissance activities, the AB Parcel was undergoing redevelopment activities and was covered with milled, graded and rolled asphalt. No significant areas of soil/fill were exposed during the redevelopment activities. The area has been subsequently paved with the remainder of the site and the landscaped area has been covered with a geotextile and one foot of approved fill, in accordance with the approved SMP. The area will be maintained in accordance with the SMPs for both Parcel C and the Perimeter Site.

### 3.4 Greenway

A strip of land east of the AB Parcel and extending to the Bronx River has been subdivided out of the Parcel C redevelopment and has been designated as the GP Parcel, as defined above. This will be used for an open Greenway that will extend along the Bronx River. Full redevelopment of the Greenway will be completed at a later date. Since the completion of the site reconnaissance, the surface of the GP Parcel has been covered and stabilized using materials approved in the Site C SMP. Currently, the gated GP Parcel is not yet open to the public. This area will also be under the jurisdiction of the SMPs for both Parcel C and the Perimeter Site.



## Appendix A

### NYSDEC Periodic Review Report Form

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Enclosure 1  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Periodic Review Report Notice**  
**Institutional and Engineering Controls Certification Form**



Site Details	Box 1
<b>Site No.</b> V00641	
<b>Site Name</b> Hunts Pt. FDC Perimeter	
Site Address: Food Center Drive      Zip Code: 10474-	
City/Town: Bronx	
County: Bronx	
Current Use: <del>Roadway</del> <b>Roadway, Public Greenway and General Paved Area</b>	
Intended Use:	

Verification of Site Details	Box 2	
	YES	NO
1. Are the Site Details above, correct?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If NO, are changes handwritten above or included on a separate sheet?	<input checked="" type="checkbox"/>	
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification? *1	<input checked="" type="checkbox"/>	
3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification? *2	<input checked="" type="checkbox"/>	
4. Has a change-of-use occurred since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	
5. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment for offsite contamination are no longer valid? *3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	<input type="checkbox"/>	
6. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years)? *3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SITE NO. V00641

**Description of Institutional Control**

	YES	NO
<b>City of New York</b>		
Food Center Drive		
Deed Restriction		
S_B_L Image:		
Ground Water Use Restriction	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land Use Restriction	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soil Management Plan *4	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Description of Engineering Control**

	YES	NO
<b>City of New York</b>		
Food Center Drive		
Deed Restriction		
S_B_L Image:		
Cover System *4	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.  
(Also see instructions)

**Notes:**

- \*1 - Parcel C has been divided and assigned new addresses for the purpose of redevelopment.
- \*2 - The list of permits obtained for the redevelopment of the AB and GP Parcels can be seen in Section 2.0 of the 2008 Periodic Review Report (PRR) for the Perimeter Site
- \*3 - Since the submission of the original PRR report in April 2008, HDR has submitted, and the Departments (NYSDOH and NYSDEC) have approved (November 4, 2008) The Qualitative Exposure Assessment (QEA) Report for the Perimeter Site.
- \*4 - Please see the attached description of the Soil Management Plan and Cover System Exceptions. As described in Sections 3.1, 3.3 and 3.4 of the 2008 Periodic Review Report for the Perimeter Site, it is not possible to account for all of the utility maintenance performed in the roadway section of the Perimeter Site however, it can be certified that the engineering controls (pavement) are currently in place and functional. The cover system had been removed from the Perimeter Site in the areas of the AB and GP Parcel redevelopments, however all work has been in accordance with the NYSDEC approved SMP and NYSDEC was notified of the activity.



#### **Control Description for Site No. V00641**

1. The realty subject to this Declaration of Covenants and Restriction is known as the Perimeter Site, and consists of certain property and improvements situated on Block 2781, Lot 500 in the Borough of the Bronx, County of Bronx, City and State of New York, bounded and described in a metes and bounds description attached as Schedule B and made part of this covenant;
2. Unless prior approval by the Department, or if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as the "Relevant Agency", is first obtained, there shall be no excavation at the Perimeter Site which threatens the integrity of the pavement or building foundations or which results in unacceptable human exposure to contaminated soils;
3. The owner of the Perimeter Site shall maintain the pavement or building foundations existing at the Perimeter Site or, after obtaining the written approval of the Department or Relevant Agency, shall cover the Perimeter Site with another material. If redevelopment or excavation occurs on the Perimeter Site, any soils that are excavated must be managed, characterized, and properly disposed of off-site in an approved and permitted landfill in accordance with regulations and directives of the Department or Relevant Agency, or re-deposited on-site and covered by filter fabric and a two-foot soil cover unless the owner demonstrates to the satisfaction of the Department or Relevant Agency that such soil is not contaminated with any substance that will pose a risk to human health;
4. The owner shall prohibit use of the Perimeter Site for purposes other than restricted commercial/industrial uses, without the express written waiver of such prohibition by the Department or Relevant Agency;
5. The owner of the Perimeter Site shall prohibit use of the groundwater underlying the Perimeter Site without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency;
6. The owner of the Perimeter Site shall continue in full force and effect any institutional and/or engineering controls required under the Agreement and maintain such controls unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency. The owner of the Perimeter Site shall annually certify to the Department or Relevant Agency that any such institutional control and/or engineering controls have been maintained;
7. This declaration is and shall be deemed a covenant and shall run with the land and shall be binding on all future owners of the Perimeter Site, and shall provide that the owner, its successors and assigns, consent to the enforcement by the Department or the Relevant Agency or the covenants and restriction that Paragraph XI of the Agreement require to be recorded, and hereby covenant not to contest the authority of the Department or the Relevant Agency to seek enforcement;
8. Any deed of conveyance of the Perimeter Site, or any portion thereof, shall recite, unless the Department or the Relevant Agency has consented to the termination of such covenants and restriction, that said conveyance is subject to this Declaration of Covenants and Restriction.

#### **Control Certification Statement**

For each Institutional or Engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

- (a) the Institutional Control and/or Engineering Control 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) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (d) 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.
- (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.

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## **Soil Management Plan and Cover System Exceptions**

### **Food Center Drive Roadway**

The Control Certification pertaining to the portion of the Perimeter Site underlying Food Center Drive, with the approximate dimensions of 3,940 feet in length (0.75 mile) and an area of 0.86 acre, cannot be completed with regard to the requirements set forth in the Site/Soil Management Plan (SMP) and Cover System. The portion of the Perimeter Site that underlies Food Center Drive is completely paved with asphalt for the roadway. No landscaped vegetation exists in this area of the site. This portion of the site has had the asphalt/concrete engineering cap saw-cut on several occasions for the purpose of utility maintenance and upgrading. The handling, disposal and/or importation of materials for this purpose have not been documented. The lack of available documentation is due to the lack of notification of intrusive activities to the NYCEDC by the utilities. Maintaining control pertaining to the requirements for the handling, disposal and/or importation of material can and is continued within the privatized parcels of Site E OU-2, AB Parcel and GP Parcel. Additionally, the NYCEDC and its qualified environmental professional consultants are able to certify that the engineering cap has been replaced or repaired following the conclusion of the intrusive activities. It is concluded that the engineering controls for the portion of the Perimeter Site underlying Food Center Drive continue to be fully operational. A revised Department/Worker Notification plan has been implemented and is included as part of this PRR submission.

### **Anheuser Busch and Greenway Park Parcels**

The Control Certification pertaining to the portion of the Perimeter Site underlying the AB and GP Parcels, cannot be completed with regards to the requirements set forth in the Cover System. As stated in the 2008 Periodic Review Report for the Perimeter Site, the AB Parcel during this certification period underwent redevelopment activities. During site reconnaissance, this section of the parcel was covered with milled, graded and rolled asphalt. No significant areas of soil/fill were exposed during the redevelopment activities. Subsequently, the area has been paved and landscaped with the remainder of the site in accordance with the SMP. A strip of land east of the AB Parcel and extending to the Bronx River has been subdivided out of the Parcel C redevelopment and has been designated as the GP Parcel, as defined in the report. This area will be used for an open Greenway that will extend along the Bronx River. Following site reconnaissance, the surface has been covered and stabilized using materials approved in the Site C SMP. The redeveloped areas will be maintained in accordance with the SMPs for both Parcel C and the Perimeter Site, and all construction activities that have taken place have been in accordance with the NYSDEC and NYSDOH approved Site C SMP.

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IC/EC CERTIFICATIONS  
SITE NO. V00641

Box 5

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 2 and/or 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I KAY ZIAS at 110 WILLIAM ST NY NY 10038  
print name print business address

am certifying as Owner's Representative (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Kay Zias  
Signature of Owner or Remedial Party Rendering Certification

8/4/09  
Date

Box 6

**QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE**

I certify that all information and statements in Box 4 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Thomas Pease at 7 Pearl River NY 10965  
print name print business address

am certifying as a Qualified Environmental Professional for the owner

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.



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

Stamp (if Required)

8/3/09  
Date



## Appendix B

### February 2008 Site Photographs

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Photograph No. 1 – Southern terminus of Perimeter Site at southeast corner of intersection with Food Center Drive and Farragut Street (looking northeast)



Photograph No. 2 – Southern portion of Perimeter Site, Food Center Drive (looking northeast)

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Photograph No. 3 – Southern Portion of Perimeter Site, Food Center Drive (looking northeast)  
(Note: Iroquois Gas Pipeline mark-out and saw-cut asphalt associated with pipeline installation)



Photograph No. 4 – Northern portion of Perimeter Site, Food Center Drive (looking west)

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Photograph No. 5 – Northern portion of Perimeter Site, cutting across Food Center Drive into Site E OU-2 (looking west)

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Photograph No. 6 –Portion of Perimeter Site at entrance into Site E OU-2 (looking south)



Photograph No. 7 –Portion of Perimeter Site at entrance into Site C OU-1 (looking east-southeast)





Photograph No. 8 –Iroquois Gas Pipeline monitoring station location on the Perimeter Site and Site C OU-1 (looking southwest)





Photograph No. 9 –Portion of Perimeter Site extending into Site C OU-1 (looking east-southeast)

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Photograph No. 10 – Portion of Perimeter Site extending into Site C OU-2 (looking east-southeast)

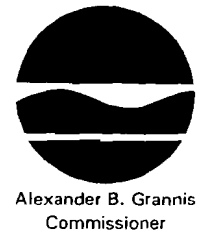
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## Appendix C

### NYSDEC VCP Parcel C Beneficial Use Determination (BUD)

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**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**  
**Remedial Bureau B**  
625 Broadway, Albany, New York 12233-7016  
Phone: (518) 402-9768 • FAX: (518) 402-9020  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



May 7, 2007

Ms. Kay Zias  
New York City Economic  
Development Corporation  
110 William Street  
New York, New York 10038

Dear Ms. Zias:

Re: **Voluntary Cleanup Project**  
Hunts Point Food Distribution Center  
Hunts Point Parcel C  
Site No. V00412-2

Following our review of the Beneficial Use Determination (BUD) Petition submitted by HDR|LMS on behalf of the New York City Economic Development Corporation (NYCEDC), requesting approval for the importation of pavement, concrete, overlying soils and excavated sediment generated from the demolition of bulkheads and relieving platforms at 600 Food Center Drive, for use as grading fill on the Anheuser-Busch redevelopment project site, we are conditionally approving this request. The Anheuser-Busch redevelopment site is located on a portion of the Hunts Point Parcel C Voluntary Cleanup Program (VCP) Site. This Beneficial Use Determination has been assigned #899-2-03. This approval is conditioned upon compliance with the following requirements:

1. The materials generated from the bulkhead demolition work at 600 Food Center Drive, or any other Hunts Point site will not be used in the top one (1) foot of cover at the Anheuser-Busch redevelopment site in vegetated areas or other areas not covered by structures or asphalt. Soils used in the top one (1) foot in vegetated areas must comply with the approved Imported Backfill Limits for Hunts Point.
2. Manufactured gas plant (MGP) wastes described in the petition will be removed from excavated and demolished materials for disposal under Parts 360 or 370 Series, as appropriate.

3. Exempt-type construction and demolition (C&D) debris materials (e.g., concrete), will be examined for visual contamination by MGP, and any MGP waste removed via pressure-washing or mechanical abrasion (brushing) prior to size reduction or placement.
4. All soils or soil-like overburden materials excavated from 600 Food Center Drive will be tested for leachable concentrations of contaminants using TCLP extraction, in accordance with the protocols outlined in the January 5, 2007 letter from Mr. Kevin McCarty of HDR|LMS, to ensure that this material is non-hazardous as defined in 6 NYCRR Part 371. This requirement also applies to all soils or soil-like overburden materials excavated from the Hunts Point Parcel B VCP Site Parcel and the Hunts Point Parcel C VCP Site. A minimum of one (1) sample for each 1,000 cubic yards will be analyzed using TCLP extraction.
5. Based on the January 2007 analytical results of samples taken from the sediments near the Hunts Point Parcel B VCP Site and the Hunts Point Parcel C VCP Site, excavated sediments from these locations may be placed under the final cover (i.e. buildings, asphalt parking lot or one (1) foot of clean soil cover) on the upland portions of Hunts Parcel C VCP Site without further testing. While some minor levels of contaminants were detected in these sediments, they were comparable to the levels in the historic fill that remain on the Hunts Point Parcel C VCP Site.
6. Based on the January 2007 analytical results of samples taken from the sediments near 600 Food Center Drive, excavated sediments from this location must be representatively sampled and tested for total concentrations of contaminants to ensure that these sediments meet (after amendment, as necessary) the imported backfill criteria as approved specifically for the Hunts Point VCP Sites, for both geotechnical and chemical characteristics. A minimum of one (1) sample for each 1,000 cubic yards will be analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), Target Analyte List (TAL) Metals, and pesticides/polychlorinated biphenyls (Pest/PCBs). Sediment samples from 600 Food Center Drive will be compared to the approved Imported Backfill Limits provided to Mr. Kevin McCarty of HDR|LMS in a letter from the Department, dated October 27, 2006. In evaluating the sediment sampling data, the Department may issue a site-specific exemption for exceedances of the Imported Backfill Limits for one or more parameters based upon site-specific conditions such as the presence of historic fill on the site; the background levels of residual contamination on the Hunts Point Parcel C VCP Site; the placement of the sediment material under the impervious areas of the final cover (see Comment No. 5 above); etc., in accordance with the 6 NYCRR Part 375-6.7(d).
7. The Department reserves the right to modify, suspend or revoke this determination at any time should conditions warrant. Additionally, this



determination does not exempt the NYCEDC from any local, state, or federal requirements.

This BUD presumes that all materials from 600 Food Center Drive will only be placed within the boundaries of the Hunts Point Parcel C VCP Site. Please note that the Department's Bureau of Waste Reduction & Recycling must separately review any proposal to use solid wastes as grading fill on any portions of the Anheuser-Busch redevelopment site that are not within the boundaries of the VCP Site.

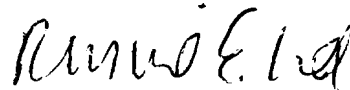
On completion of the VCP project, the NYCEDC must submit a report to the myself and the other Department addressees below, of the actual, separate volumes of soil, exempt C&D debris, and amended excavated sediment used as fill pursuant to this BUD:

Mr. Thomas J. Lynch, P.E.  
NYSDEC  
Bureau of Solid Waste, Reduction  
& Recycling  
625 Broadway, 9<sup>th</sup> Floor  
Albany, NY 12233-7253

Mr. Kenneth B. Brezner, P.E.  
Regional Solid Materials Engineer  
NYSDEC  
1 Hunters Point Plaza  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101

If you have any questions regarding this conditional beneficial use determination approval, please do not hesitate to contact me at (518) 402-9768.

Sincerely,



Ronnie E. Lee, P.E.  
Project Manager  
Bureau of Eastern Remedial Action  
Division of Environmental Remediation

cc: R. Lee / file

ec: R. Cozzy, NYSDEC  
K. Prather, NYSDEC  
A. Nagi, NYSDEC Reg. 2  
K. Brezner, NYSDEC Reg. 2  
S. Maresca, NYSDEC Reg. 2  
S. Selmer, NYSDOH  
K. McCarty, HDR|LMS

Ms. Kay Zias  
May 7, 2007

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## Appendix D

### Worker/Department Notification Plan

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The New York City Economic Development Corporation (NYCEDC) maintains a comprehensive plan for notifying utilities and City agencies of the subsurface conditions present at the Perimeter Road (also known as Food Center Drive). The Perimeter Road was previously a private street under NYCEDC's jurisdiction. It has recently gone through the formal mapping process. Previously under this comprehensive plan, all utility companies were 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). 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 Site Management Plan (SMP) and Health and Safety Plan (HASP) requirements are appended to all tenant leases.

In April 2007, an application was filed to map the Perimeter Road (Food Center Drive) as a public street as per the Uniform Land Use Review Procedure (ULURP). As part of this process, the utility companies and relevant municipal departments of Transportation, City Planning and Environmental Protection participated in the mandated agency mapping conference and commented on the application. The Bronx Borough President approved the changes and the ULURP process was completed in early 2009. The Perimeter Road is now mapped as Food Center Drive, a one way public street, and a more automated Notification System is described below.

This system consists of using the "One Call" notification system (call before you dig) and the New York City Department of Transportation (NYCDOT) road opening permit systems. Under the current New York City Code 753, Contractors are required to contact the "One Call" network for any road opening work within the street and right-of-way. As a standard process, the Office of Construction Mitigation and Coordination (OCMC) for NYCDOT will be notified by One-Call with specific work information, dates and contacts. Arrangements have been made between NYCDOT and NYCEDC to have notification passed immediately from NYCDOT to NYCEDC of any anticipated invasive subsurface work in Food Center Drive.

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

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

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



And

Director, Division of Environmental Remediation

NYSDEC

625 Broadway

Albany, NY 12233-7010

Notifications to the Relevant Agency will be submitted by:

Ms. Kay Zias

NYCEDC

110 William Street, 6<sup>th</sup> Floor

New York, NY 10038

Or

Mr. Kevin McCarty

HDR

One Blue Hill Plaza, 12<sup>th</sup> Floor

PO 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.