

2012 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 - 12th 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 2012 Periodic Review Report (PRR) for the Perimeter Site located along Food Center Drive (FCD) in the Hunts Point Food Distribution Center (HPFDC) of the Bronx, New York (refer to Figure 1). 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 VCP, and the Voluntary Cleanup Agreement (VCA), entered into by the City of New York and NYSDEC, this PRR package has been completed and executed. The Institutional and Engineering Controls Certification Form is included as Appendix A of this report.

The purpose of this PRR is to certify that the conditions of the Site Management Plan (SMP) have been upheld over the previous year. Specific conditions taken into consideration include those observed during the site reconnaissance, as well as the engineering controls and institutional controls in place for the Perimeter Site as part of the NYSDEC-approved remedy signifying that the remedial objectives for the site have been met.

As required by the VCA, an annual inspection has been conducted and this Periodic Review Report (PRR) has been prepared in accordance with NYSDEC Draft DER-10 *Technical Guidance for Site Investigation and Remediation* requirements. This is the fifth 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 SMP compliance report; and
- Overall PRR conclusions and recommendations.

The Institutional Controls (IC) and Engineering Controls (EC) for the Perimeter Site have remained in place from the final redevelopment dates and continue to exist. This includes the paved surfaces of FCD and surface cover in the islands. None of the controls at the Perimeter Site have been altered in a way that would constitute a violation or failure to comply with the SMP for the site.

Moreover, a supplemental site investigation was conducted with limited soil and groundwater sampling along FCD in support of the proposed FCD Greenway construction. The previously approved SMP for the Perimeter Site provides environmental guidelines for the management of subsurface soils and fill as well as the long-term maintenance, repair and replacement of the engineering control (cover system) during and after any intrusive work which breaches the cover system. The guidelines established in the SMP were applied during boring installation and are being required for all work conducted during the FCD Greenway construction.

There is no recommendation for changes to the SMP or the site reporting requirements.

2.0 SITE OVERVIEW

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



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

NOTE: All site boundaries are approximate.



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Perimeter Site Location
Hunts Point • Bronx, New York 10474

Figure
1

portion of Food Center Drive; (2) extending into the eastern portion of Operable Unit 2 of Parcel E; 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 2.

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 within the northern terminus of the Perimeter Site, 0.6 acre of AB Parcel exists within the Perimeter Site, and 0.02 acre of GP Parcel exists within the Perimeter Site (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 acres.

The Site was historically part of a Consolidated Edison of New York, Inc. (Con Edison) 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.

This report will serve to document that the conditions of the Site Management Plan (SMP) have been upheld over the previous year, including: the 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. The supplemental site investigation conducted in support of the proposed FCD Greenway construction was performed in accordance with the SMP, and was formally observed by HDR personnel.

3.0 EVALUATION OF REMEDY

The purpose of the engineering control at the Perimeter Site is to address possible human health exposures to residual contaminants. Virtually the entire length of the Perimeter site is capped by an asphalt roadway, except for the GP Parcel and a small landscaped strip along the southern extent of the AB Parcel; all landscaped areas are capped with one foot of material as described in the SMP. In addition, the secured portion of the E OU-2 Parcel is covered in coarse gravel.

Site groundwater is relatively shallow and is approximately 8 to 10 feet below the ground surface (bgs). The groundwater has the potential to be impacted by residual coal tar waste, purifier waste, and light oils that were produced as by-products of the manufactured gas process; however, Site groundwater is not used as a potable source anywhere in the Hunts Point peninsula.

Therefore, the remaining contamination on-site in the soil/fill, rock, or groundwater could only be released during intrusive activities that breach the cap. In order to avoid exposures associated with Site contaminants a SMP and Health and Safety Plan (HASP) have been approved by the NYSDEC to be implemented whenever intrusive work is conducted. A Community Air Monitoring Program (CAMP) will also be used whenever it is deemed necessary by NYSDEC in order to protect workers and the community from contaminant exposure. These plans are designed to protect workers, tenants and their employees, and passers-by from residual MGP contaminants. The plans include ways to avoid inhalation, ingestion and dermal contact exposures. The HASP, SMP, and CAMP also provide proper handling information for any contaminated media that may be generated in the future as the result of any intrusive work, as well as ways to minimize possible pathways to on or off site receptors.

The property remains in compliance with the requirements of the IC/ECs:



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Perimeter Site Features
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**Figure
2**

- All Engineering Controls are being operated and maintained as specified in the SMP;
- All Engineering Controls are inspected and certified annually; 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 in July 18, 2007. The remediation contemplates Institutional Controls in the form of Site restrictions. Adherence to these 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. 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 bound on the north and east with chain-link fencing and locked gates. There is no public access to this portion of the site. The portion of the Perimeter Site that extends into AB Parcel is also bound on the south, east, and west with chain-link fencing. Access to the AB Parcel portion of the Site is restricted to site occupants associated with Anheuser Busch. Lastly, the portion of the Perimeter Site that extends into GP Parcel is bound on the east by the East River and on the south and west with chain-link fencing. The GP Parcel is planned to undergo final redevelopment for end-use as the South Market portion of the South Bronx Greenway, as detailed in the South Bronx Greenway Master Plan dated 2005, providing a recreational path for pedestrian and bicycle traffic. It is, however, currently gated and only accessible to the occupants of the Anheuser Busch leasehold. Additional NYSDEC-approved SMPs exist for Parcel C (including the entire AB and GP Parcels) and Parcel E. The SMPs for these sites contain similar language to the Perimeter Site SMP.

Following the installation of a high pressure gas transmission line, exposure to the remaining contaminants in the Perimeter Site soils was eliminated by the installation of a cap, and a Declaration of Covenants and Restrictions, dated July 18, 2007, was filed. Subsequently, the AB Parcel was developed as a large distribution facility. The AB Parcel portion of the Site was completed as asphalt parking with a landscaped strip along the southern fence. In conjunction with the AB Parcel, the GP Parcel underwent redevelopment including the rehabilitation of the waterfront bulkhead. During the AB and GP Parcel redevelopments all materials were handled in accordance with the approved Site C SMP as documented in the NYSDEC approved 2008 PRR.

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 Appendix B. The existing Iroquois Gas Pipeline

maintenance facilities remain active, and in place near the southwestern terminus of the AB Parcel (refer Appendix B).

The portion of the Perimeter Site that underlies FCD is completely paved with asphalt roadway. No landscaped vegetation exists in this area of the site. FCD was previously a private street under NYCEDC's jurisdiction. It has gone through the formal mapping process. In April 2007, an application was filed to map FCD 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. FCD is now mapped as a one way public street.

During the site reconnaissance of the Perimeter Site, HDR visually identified locations used during the limited soil and groundwater sampling activities performed along the Perimeter Site (AB end of FCD, through the Baldor entrance) which included Geoprobe holes and test pits (in roadway and sidewalk, respectively) and repaving/concrete work. The borings were located in areas of proposed excavation, planted areas of the Greenway, and in areas near previously discovered coal tar and purifier waste deposits. In general, the borings were intended to be located outside of, or adjacent to the previously investigated Perimeter Site to avoid disturbance to existing utilities. In addition to the soil borings, four test pits were advanced on the north side of the sidewalk along FCD (adjacent to the produce market), in order to gain information on the footings associated with the existing corrugated metal fence located parallel to the roadway. Any Patching/repaving activities took place on FCD with new asphalt installed by licensed drillers. These activities were directly overseen by HDR personnel and all SMP protocols were followed and maintained (HASP, CAMP, etc).

The Site has consistently been operated in conformance with these restrictions over the December 31, 2011 through February 15, 2013 annual PRR reporting period. The EC/ICs objectives are to:

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

As noted below and documented in this PRR, the ECs and ICs have remained in place (with the exception of the noted activities performed in accordance with the SMP) and have functioned appropriately over this reporting period.

4.0 SMP COMPLIANCE REPORT

The NYCEDC maintains a comprehensive plan for notifying utilities and City of New York agencies of the subsurface conditions present at the Perimeter Site. A copy of the current NYCEDC Workers/Department Notification Plan can be found appended to this report as Appendix C. All utility companies are notified of the potential site conditions and to coordinate planned and emergency subsurface utility activities with NYCEDC staff. Both Con Edison 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.

Site reconnaissance was conducted on February 8, 2013 by HDR. Photographs were taken during the site visit and are included as Appendix B. The following conditions were observed during reconnaissance activities:

- The northwest portion of Site E OU-2 is occupied by a Con Edison 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 pipeline's existence on the property. Two locked gates secure the entrance to the unpaved portion of the site.
- There have been no identified intrusive activities on the AB or GP Parcel portions of the Site since the 2010 PRR and Certification of the Site. Hurricane Sandy did wash trash and debris in the northeastern and southeastern portion but has been cleaned up. Erosion did occur along the seawall from storm surge, which was documented in the Post Hurricane Inspection Report (October 26, 2012). There is no immediate exposure risk and repairs will be made by NYCEDC Capital prior to final site development but no schedule has been established.
- NYCEDC completed construction on the Farragut Street Landing Project, located adjacent to Food Center Drive, in the former area of Farragut Street. In association with this project a stormwater and/or sewer connection was completed that traversed the Perimeter VCP. This work was performed by the City of New York (NYCDEP) and the surface was subsequently repaved. Under a beneficial use determination all excavated material generated during the project was reused on-site under appropriate cover. Additionally, all construction activities were completed under a health and safety plan. HDR did not directly oversee these activities.
- A supplemental site investigation for the FCD Greenway was conducted during the last reporting period as discussed above. All engineering controls for the roadway portion of the Perimeter Site have been replaced and continue to be fully operational. HDR directly oversaw this activity which is additionally documented in the NYSDEC approved July 2012, *Construction Workplan for the Food Center Drive Greenway*.

Based on the annual site inspection of February 8, 2012 and site information reviewed during the reporting period, the engineering controls described in the SMP appear to be in place and functional for the entire VCP Site.

Direct contact exposure to residual subsurface contamination (i.e., on-site soil/fill) is prevented by the paved roadways, Con Edison compressor station, asphalt parking lot and capped vegetated areas. No major maintenance of the barrier is required under normal conditions.

The annual Site inspection has been evaluated as part of the EC/IC certification and confirmed that the Site remedies continue to be protective of public health and the environment and are performing as designed. A signed IC/EC Certification is provided as Appendix A.

5.0 CONCLUSIONS & RECOMMENDATIONS

The Perimeter Site, also known as NYSDEC VCP Site No. V00641, has been developed into four uses: a paved roadway, an unpaved Con Edison compressor station, a paved parking area with minimal landscaping, and an area of public green space. The condition of the engineering controls in each of those areas is summarized below:

5.1 Paved Roadway

The engineering controls for the paved roadway are currently in place and have remained in place since the 2011 PRR and Certification of the Site. With the exception of the supplemental site investigation at the Perimeter Site (limited soil and groundwater sampling) no major changes took place. In this vicinity, Farragut Street construction has been completed.

5.2 Unpaved Con Edison Compressor Station (Site E OU-2)

The engineering controls for the compressor station are currently in place and have remained in place since the 2009 PRR and Certification of the Site.

5.3 Paved Area

The engineering controls for the paved and landscaped areas of the AB Parcel are currently in place and have remained in place since the 2011 PRR and Certification of the Site.

5.4 Greenway

The engineering controls for the landscaped areas of the GP Parcel are currently in place and have remained in place since the 2011 PRR and Certification of the Site.

The institutional controls and engineering controls for Perimeter Site, also known as NYSDEC VCP Site No. V00641, have remained in place from the final redevelopment dates and continue to exist, except where noted in this or previous PRRs. This includes the paved surfaces and surface cover. The requirements of the IC/EC component of the SMP have been met during the reporting period. Site maintenance staffs were reminded of SMP requirements after completion of the annual site inspection/ reconnaissance.

Nothing has occurred that would constitute a violation or failure to comply with the SMP for the controls implemented at the Perimeter Site.

Appendix A

NYSDEC Periodic Review Report Form



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



Site No.	Site Details	Box 1	
Site Name Hunts Pt. FDC Perimeter			
Site Address: Food Center Drive Zip Code: 10474			
City/Town: Bronx			
County: Bronx			
Site Acreage: 1.9			
Reporting Period: December 31, 2011 to February 15, 2013			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

N/A

Signature of Owner, Remedial Party or Designated Representative

N/A

Date

Description of Institutional ControlsParcelOwnerInstitutional Control**2781-500**

Mr. Art Aguilar

Ground Water Use Restriction
 Landuse Restriction
 Soil Management Plan

Description of Engineering ControlsParcelEngineering Control**2781-500**

Cover System

Engineering Control Details for Site No. V00641**Parcel: 2781-500**

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.

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. V00641

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.

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

3/13/2013
Date

IC/EC CERTIFICATIONS

Box 7

Signature

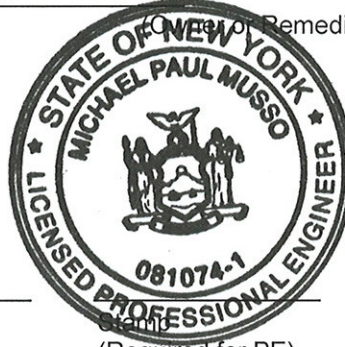
I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

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 – Southern terminus of Perimeter Site at southeast corner of intersection with Food Center Drive and Farragut Street (looking northeast)
Note: Construction in this photograph is outside of the Metes & Bound of the VCA. Construction is associated with the Farragut Street Park Project.



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



Photograph No. 3 – Southern Portion of Perimeter Site, Food Center Drive (looking northeast)



Photograph No. 4 – Sidewalk (near Site F) of Perimeter Site, Food Center Drive (looking south)
Note: Concrete filled soil boring, associated with the South Bronx Greenway along Food Center Drive.



Photograph No. 5 – Northern portion of Perimeter Site, cutting across Food Center Drive into Site E OU-1 (looking west)



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)



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

Appendix C

Worker/Department 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.