# Appendix C
# Hazardous Materials

Environmental Protection

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July 19, 2023

Louise Cafiero
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New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

**Re: MSK Pavilion**
**Block 1461, Lots 13 and 21**
**CEQR # 23DCP118M**

Dear Ms. Cafiero:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the May 2023 Project Description, the June 2023 Draft Environmental Impact Statement (DEIS) Hazardous Materials chapter, the June 2023 Phase I Environmental Site Assessment (Phase I), the June 2023 Phase II Subsurface Investigation Sampling Protocol (Phase II Work Plan) and the June 2023 Health & Safety Plan (HASP) prepared by AKRF, Inc., on behalf of Memorial Sloan-Kettering Cancer Center, (applicant) for the above referenced project located between East 66th Street and East 67th Street in the Lenox Hill neighborhood of Manhattan Community District 8. It is our understanding that the applicant is seeking:

1. A zoning map amendment from the New York City Department of City Planning (DCP) to rezone Block 1461, Lots 13 and p/o 21 from a R8 zoning district to a R9 zoning district.
2. A zoning text amendment to Zoning Resolution (ZR) Section 79-43 to permit modification of regulations relating to lot coverage and signage within a Large Scale Community Facility Development (LSCFD).
3. Modification pursuant to ZR Section 79-21 of the 2001 LSCFD Site Plans and zoning calculations previously authorized by DCP (C010548ZSM, N 010549ZAM) to authorize the maximum permitted floor area for all zoning lots within the 2001 LSCFD to be distributed without regard for zoning lot lines.
4. Authorizations pursuant to ZR Section 79-21 to allow for the location of a new 31-story inpatient hospital building within the 2001 LSCFD without regard for (a) height and setback regulations applicable within the interior of the 2001 LSCFD and (b) rear yard regulations to facilitate construction of the proposed project.
5. Special permit pursuant to ZR Section 79-43, as amended, to permit modifications of regulations relating to height, setback applicable on the perimeter of the 2001 LSCFD, lot coverage, and signage to facilitate construction of the proposed project.
6. Modification as required to the 2001 LSCFD Restrictive Declaration, Drawings, and Approvals (2001 Approvals).
7. A Revocable Consent from the New York City Department of Transportation.
8. A Certificate of Need from the New York State Department of Health.

The proposed actions would facilitate the redevelopment of Block 1461, Lot 21 (Development Site) with a new 31-story, 901,697 gross square feet building containing a state-of-the-art inpatient cancer treatment facility with 28 operating suites, 202 beds and necessary support space. The applicant-owned Development Site is currently developed with two multi-story adjoining buildings containing 355 housing units, while the remainder of the project area, also controlled by the applicant (Block 1461, Lot 13), is currently developed with a 16-story building which houses the Memorial Sloan-Kettering Rockefeller Research Laboratories. It should be noted that Block 1461, Lot 13 is not proposed for redevelopment.

The June 2023 Phase I report revealed that historical on-site and surrounding area land uses consists of residential, commercial, industrial and institutional uses including, a lumber yard, a stone yard, United Segar Manufacturing Company, Steam Fitting & Cigar Manufacturing, a wagon/stable yard, a hospital, The Rockefeller University & Institute For Medical Research, The Sloan-Kettering Institute, Cornell Medical College, The Robert L. Stevenson School, a laundry, a cabinet maker, as well as several residential buildings. Regulatory databases such as the New York State Department of Environmental Conservation (NYSDEC) SPILLS, Leaking Underground Storage Tank, Leaking Storage Tanks (LTANKS), Resource Conservation and Recovery Act Generators, and Petroleum Bulk Storage (PBS) Underground Storage Tanks (USTs) and PBS Aboveground Storage Tanks (ASTs) identified several sites in close proximity to the project site. The SPILLS database reported 672 SPILLS within a 1/2-mile radius of the project site and the LTANKS database reported 86 LTANKS within a 1/2-mile radius of the project site. The PBS USTs and the PBS ASTs databases reported seven USTs and 18 ASTs within a 1/8-mile radius of the project site. The Phase I also reported one Historical Auto Station and two Historical Cleaners within a 1/8-mile radius of the project site. Based on the age of the buildings that currently occupies the project site, asbestos containing materials, polychlorinated biphenyls and lead based paint could be present in the structures.

The June 2023 Phase II Work Plan proposes to install nine soil borings (SB-01 through SB-09), four temporary groundwater monitoring wells and five soil vapor probes at the project site. Soil borings will be advanced to a depth of approximately 12 feet below the basement and sub-basement areas or refusal, whichever is shallower, while soil vapor probes will be advanced to approximately eight feet below the basement and up to two feet below the sub-basement or the 2-foot interval above the water table or bedrock interface (if shallower). Up to two soil samples will be collected from each boring for laboratory analysis. Samples selected for laboratory analysis will be biased towards any intervals containing urban fill material or evidence of contamination (e.g., staining, odors, elevated photoionization detector readings). Absent any such signs, a shallow sample will be collected from the 0 to 2-foot interval and a deeper sample will be collected immediately above the groundwater or bedrock interface or at the bottom of the boring (i.e., the two-foot interval below the anticipated excavation depth). A second sample will only be collected from borings that can be advanced beyond 5 feet. If groundwater or bedrock is encountered at a shallower depth than the proposed maximum excavation depth during borehole advancement, the deeper subsurface soil sample will be collected from the two-foot interval above the groundwater interface or bedrock. Groundwater samples will be collected from four temporary well points installed in four select borings. Soil and groundwater samples will be collected and analyzed for volatile organic compounds (VOCs) via United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds via EPA Method 8270, pesticides via EPA Method 8081, polychlorinated biphenyls via EPA Method 8082 and Target Analyte List metals (filtered and unfiltered for groundwater samples). Five soil vapor samples will also be collected and analyzed for VOCs via EPA Method TO-15.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

***DEIS***

- DCP should inform the applicant that the Hazardous Materials chapter of the DEIS should be revised/updated as appropriate as the hazardous materials assessment progresses.

***Phase II Work Plan***

- DCP should instruct the applicant that as per the updated *City Environmental Quality Review (CEQR) Technical Manual* (2021 Edition), a minimum of two soil samples should be collected from each test boring/probe. One shallow soil sample should be collected from the upper two feet of soil (typically the 0-2 feet below grade surface interval). A second soil sample should be collected from the two-foot interval below the proposed maximum excavation depth(s). If groundwater or bedrock is encountered at a shallower depth than the proposed maximum excavation depth during borehole advancement, the subsurface soil sample should be collected from the two-foot interval above the groundwater interface or bedrock. Soil borings must be screened for evidence of gross contamination (based on visual/olfactory evidence of impacts and/or elevated soil screening readings obtained using accepted field instruments). Where screening indicates contamination at an intermediate interval(s) in a soil boring, i.e. between 2 feet bgs and the proposed maximum excavation depth, an additional soil sample(s) should be collected for analysis. If groundwater is encountered in a test boring/probe within five feet of surface grade, only one sample per boring may be warranted as long as adequate upgradient and downgradient groundwater samples are collected. Soil samples collected should be discrete (grab) samples.

- DCP should instruct the applicant that soil vapor sampling should typically be performed, at a minimum, to the two-foot interval below the depth of the project excavation or 1-2 feet above the water table in areas where the groundwater table is encountered at a shallower depth.

- DCP should instruct the applicant that the proposed groundwater and soil vapor sampling locations should be individually labeled on Figure 2, Site Plan and Proposed Sample Locations (e.g. GW-01, SV-01 etc.).

- DCP should instruct the applicant that if underground storage tank (UST) areas are identified at the site, additional test borings should be advanced to adequately characterize the UST areas. A minimum of two test borings should be advanced per tank cluster. Test borings should be advanced within two feet of the tanks, if possible, and to a minimum depth of five feet below the tank invert for the collection of representative soil samples. Shallow and subsurface soil samples should be collected from each soil boring as described in the *CEQR Technical Manual* and analyzed for VOCs via EPA Method 8260, SVOCs via EPA Method 8270, pesticides via EPA Method 8081, PCBs via EPA Method 8082, and TAL metals. In the event that any leaking tanks are identified at the site during the Phase II investigation, NYSDEC DER-10 guidance should be followed.

***HASP***

- DCP should instruct the applicant to include the name and phone number for an alternate Site Health and Safety Officer in the HASP.

DEP finds the June 2023 Phase II Work Plan and HASP for the proposed investigation acceptable, as long as the aforementioned information is incorporated into the Phase II Work Plan and HASP. DCP should inform the applicant that upon completion of the investigation activities, a detailed Phase II report should be submitted for DEP review and approval. The report should include, at a minimum, an executive summary, narrative of the field activities, laboratory data and conclusions, comparison of soil, groundwater and soil vapor analytical results (i.e., New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375, NYSDEC Water Quality Regulations, and New York State Department of Health's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York), updated site plans depicting sample locations, boring logs, and remedial recommendations, if warranted.

Future correspondence and submittals related to this project should include the following CEQR # **23DCP118M.** If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

cc: R. Weissbard
T. Estesen
C. Scantlebury
M. Wimbish
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October 23, 2023

Louise Cafiero
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Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

**Re: MSK Pavilion**
**Block 1461, Lots 13 and 21**
**CEQR # 23DCP118M**

Dear Ms. Cafiero:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the September 2023 Revised Environmental Impact Statement (DEIS) Hazardous Materials chapter, the September 2023 Phase II Subsurface Investigation Report (Phase II), the September 2023 Remedial Action Plan (RAP) and the September 2023 Construction Health & Safety Plan (CHASP) prepared by AKRF, Inc., on behalf of Memorial Sloan-Kettering Cancer Center, (applicant) for the above referenced project located between East 66th Street and East 67th Street in the Lenox Hill neighborhood of Manhattan Community District 8. It is our understanding that the applicant is seeking:

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During the August 2023 fieldwork, Eastern Environmental Solutions Inc. of Manorville, New York, installed nine soil borings (SB-01 through SB-09), one temporary groundwater monitoring well (MW-01) and five sub-slab vapor probes (SV-02, SV-03, SV-05, SV-07 and SV-09) at the project site. It should be noted that refusal on apparent bedrock was generally encountered at less than 5 feet below grade surface (bgs) during the advancement of the soil borings, therefore only one soil sample was collected from most borings. One soil sample was collected from the 0-2 feet bgs interval of each boring, while a second soil sample was collected from the 3-5 feet bgs interval of boring SB-07 and from the 2-3 feet bgs interval of boring SB-04. Eleven soil samples and one groundwater sample were collected and analyzed for volatile organic compounds (VOCs) via United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds (SVOCs) via EPA Method 8270, pesticides via EPA Method 8081, polychlorinated biphenyls (PCBs) via EPA Method 8082 and Target Analyte List metals and Hexavalent Chromium via EPA Methods 6000/7000 (total and dissolved for groundwater samples). Five sub-slab soil vapor samples were also collected and analyzed for VOCs via EPA Method TO-15.

The soil analytical results revealed VOCs and SVOCs were either non-detect (ND) or below New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). One pesticide (4,4'-DDE), total PCBs and three metals (manganese, nickel and zinc) were detected above NYSDEC 6 NYCRR Part 375 Unrestricted Use and/or Restricted Residential Use SCOs. The groundwater analytical results revealed VOCs, SVOCs, pesticides and PCBs were either ND or below NYSDEC Division of Water Technical Operational Guidance Series 1.1.1 Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations for Class GA standards (Water Quality Guidance Values). Three metals (manganese, mercury and sodium) were detected above NYSDEC Water Quality Guidance Values. The soil vapor analytical results revealed several VOCs including 1,4-dichlorobezene, 2-butanone, acetone, benzene, chloromethane, dichlorodifluoromethane, ethanol, ethylbenzene, isopropanol, methylene chloride, n-hexane, o-xylene, m/p-xylene, styrene, tertiary butyl alcohol, tetrachloroethene (PCE), toluene, and trichlorofluoromethane were detected. It should be noted that the PCE concentration detected in one of the soil vapor samples was above its Air Guideline Value (September 2013 update) in New York State Department of Health's (NYSDOH) October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York.

The September 2023 RAP proposes proper handling, transportation and disposal of excavated materials from the site in accordance with applicable federal, state and local regulations; dust management procedures; air monitoring procedures; stockpiling of excavated soils on polyethylene sheeting and covered with securely anchored polyethylene sheeting; all found underground storage tanks will be properly removed and closed in accordance with applicable federal, state and local regulations; dewatering, if necessary, conducted in accordance with a New York City Department of Environmental Protection Sewer Discharge Permit; the installation of a demarcation layer, such as orange snow fence, on top of existing soil/fill material; the installation of a vapor barrier/waterproofing system such as a GCP Applied Technologies (GCP) Preprufe 300R 46-mil membrane, a W.R. Meadows (WRM) Precon 73-mil membrane, or equivalent, on the underside of the

foundation slab and a GCP Preprufe 160R 32-mil membrane, a WRM Precon 73-mil membrane, or equivalent, along the outside of sub-grade walls; the installation of a composite cover across the entire project site consisting of a concrete foundation slab (this vapor barrier system will be used unless an alternative is approved by DEP); as well as the installation of two feet of DEP approved clean soil in any landscaped/grass covered areas of the site not capped with concrete/asphalt. It should be noted that the proposed redevelopment would require excavation into bedrock, and into the perched water table. The proposed development will include three sub-grade levels which will be occupied by a parking garage, potentially with some storage or mechanical space. As required by New York City code for underground garages, the sub-grade levels will be ventilated separately from the upper stories. The September 2023 CHASP addresses worker and community health and safety during construction.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

***CHASP***

- DCP should instruct the applicant that a Community Air Monitoring Plan (CAMP) should be implemented during soil disturbance activities in accordance with the NYSDOH Generic CAMP. Section 7.3 should be revised as appropriate.

- DCP should instruct the applicant that at minimum, all associated information fact sheets or safety data sheets for potential chemicals of concern that are identified and have not been included in Appendix A should be included (e.g., manganese, nickel, etc.).

DEP finds the September 2023 RAP and CHASP, which addresses worker and community health and safety during construction acceptable, as long as the aforementioned information is incorporated into the CHASP. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted for DEP review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., proper transportation/disposal manifests for removal and disposal of soil in accordance with applicable local, state, and federal laws and regulations; installation of vapor barrier system; and two feet of DEP approved certified clean fill/topsoil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.).

Future correspondence and submittals related to this project should include the following CEQR # **23DCP118M.** If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wei Yu

Wei Yu
Deputy Director, Hazardous Materials

cc: R. Weissbard
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