962-972 FRANKLIN AVENUE REZONING
Chapter 7: Hazardous Materials

A. INTRODUCTION

As detailed in the 2021 *City Environmental Quality Review (CEQR) Technical Manual*, the goal of a hazardous materials assessment is to determine whether an action may increase the exposure of people or the environment to hazardous materials, and if so, whether this increased exposure would result in potential significant adverse public health or environmental impacts. A hazardous material is any substance that under certain circumstances may pose a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi-volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: (a) hazardous materials exist on a site; (b) an action would increase pathways to their exposure; or (c) an action would introduce new activities or processes using hazardous materials.

B. PRINCIPAL CONCLUSIONS

The Proposed Actions would not result in significant adverse impacts related to hazardous materials. A Phase I Environmental Site Assessment (ESA) was prepared in February 2023 in order to evaluate potential contamination of the Proposed Development Site. The Phase I ESA identified Recognized Environmental Conditions (RECs). As described in the 2023 Phase I ESA and a previous Phase I ESA that was prepared for the property by The ELM Group, Inc. (ELM) in 2016, soil contaminants consisting of polycyclic aromatic hydrocarbons (PAHs) and metals were identified on the Proposed Development Site. A Phase II Site Investigation was conducted at the Proposed Development Site in November 2023. As discussed below, the presence of elevated concentrations of SVOCs and the metals, arsenic, copper, mercury, lead, nickel, selenium and zinc, detected in the soils at the two properties, 962 and 972 Franklin Avenue, will require waste classification sampling for disposal authorization at a secure disposal facility. Groundwater was not encountered during site investigation activities. Based on the New York State Department of Health (NYSDOH) guidelines and analytical results, elevated concentrations of tetrachloroethylene and trichloroethylene exist in the soil vapor beneath the Proposed Development Site. As part of the planned site redevelopment activities, ALC recommends that a Soil Management Plan be developed and implemented to address contaminated soils during the planned redevelopment activities.

The Applicant has submitted the results of the Phase II report for NYC Department of Environmental Protection (NYCDEP) review and approval.[1] NYCDEP indicated in a letter dated January 10, 2024 that it reviewed the Phase II report and it did not request any additional information or reports be prepared for its review. Based on the contamination identified, NYCDEP recommends that an (E) Designation for hazardous materials should be placed pursuant to Section 11-15 of the New York City Zoning Resolution for the Proposed Development Site. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. NYCDEP advised that further hazardous materials assessments should be coordinated through the Mayor's Office of Environmental Remediation (NYC OER). By placing an (E) Designation on the Proposed Development Site,

where confirmed RECs have been identified relating to soil, the potential for an adverse impact to human health and the environment resulting from the Proposed Actions would be avoided. NYC OER would provide the regulatory oversight of any future supplemental sampling that may be warranted; including environmental scope, investigation, and potential remedial action during this process. Building permits are not issued by the DOB without prior NYC OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) Designation would require that the Applicant conduct any required supplemental subsurface investigations and have an approved Remedial Action Plan (RAP), where appropriate, under the review and approval of NYC OER. The RAP provided to NYC OER to satisfy the (E) Designation must also include a mandatory Construction Health and Safety Plan (CHASP). With the inclusion of the remedial measures described above, which involve the mapping of (E) Designation (E-728) on the Proposed Development Site, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials.

C. METHODOLOGY

An assessment was conducted to determine whether the Proposed Actions could lead to increased exposure of people or the environment to hazardous materials and whether the increased exposure would result in significant adverse public health impacts or environmental damage. In February 2023, ALC Environmental prepared a Phase I Environmental Site Assessment (ESA) for the Proposed Development Site (Block 1192, Lots 63 and 66). A Phase II Site Investigation was conducted at the Proposed Development Site in October 2023. A summary of the Phase I ESA and Phase II Site Investigation is presented below and is also included as **Appendix B** to the EIS. The existing conditions described below are based on the Phase I ESA, which included reconnaissance of the Proposed Development Site and vicinity, description and physical setting of the Proposed Development Site and vicinity, historical source review and description of historical conditions in the surrounding area, interviews, review of environmental databases and regulatory agency records, review of previous environmental reports/documentation, and review of environmental liens.

D. EXISTING CONDITIONS

Proposed Development Site

Phase I Environmental Site Assessment

This section summarizes the findings of the Phase I ESA, specifically with respect to current and historical site conditions and RECs identified for the Proposed Development Site. A Phase I ESA was prepared for the Proposed Development Site in order to identify any RECs from existing or historic land uses. The Phase I ESA was prepared in conformance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process E 1527-21. The assessment was undertaken to determine whether additional investigations are necessary and whether any remedial or environmental control measures would be required on the Proposed Development Site for the Proposed Actions to avoid the potential for impacts pertaining to hazardous materials.

Current and Historic Site Use

Lot 63

According to the historical and municipal records reviewed, the subject lot was previously improved with a single-story building constructed sometime between 1888 and 1908 and was previously utilized as the bottling department and barrel storage for Consumers Park Brewery. The lot was redeveloped in the late 1930s with the existing single-story building, which was initially used for spring manufacturing and was subsequently occupied by a manufacturer of metal products. The referenced metal products manufacturer vacated the building before 1965. Between at least 1969 and 2007, the subject building was occupied by a chemical manufacturing company identified in the city directories as Lustray Labs Inc. According to the 1969 Certificate of Occupancy obtained from the NYC Department of Buildings, the referenced chemical manufacturer produced toiletries such as hair spray, lacquers, rinses, and shampoo. The building was subsequently part of M.S. Golombeck - a spice manufacturing and storage facility that operated at the adjacent northern property. Additional tenants listed in the city directories include Arcade Laundry Co. and Star Napkin & Towel Supply Co. in 1928, Stewart & Co. and Doran B.H. Inc. in the early 1960s, Select Beauty Brands Inc. between 1965 and 1970, and Quality Metal Fabricators Inc. in 1985. No other prior uses were identified.

The existing subject building is approximately 12,968 square feet in area and contains a boiler room, restroom, and storage areas. Primary access/egress into the building is via an entrance on Franklin Avenue. Per the historical Sanborn maps and municipal records reviewed, the subject building was constructed in the late 1930s. The structural improvements consist of a slab-on-grade foundation with masonry walls and a flat roof. The interior finishes consist of wood framing, exposed brick walls, sheetrock walls and ceilings, and concrete flooring. No central heating, ventilation, and air conditioning (HVAC) systems were observed by ALC Environmental Inc. inside the warehouse building. However, ALC observed an inactive natural gas-fired boiler and inactive water heater inside the subject building, as well as a furnace. Per information obtained from a previous Phase I ESA from August 2017, the referenced boiler previously supplied hot water to the steel chamber located in one of the adjacent northern buildings (Lot 46). Portions of the warehouse appear to have been heated by space heaters.

Lot 66

According to the historical and municipal records reviewed, the subject lot was previously improved with a four-story building constructed before 1908. The referenced building was occupied by the Rubel Corp. - Ice Division. All structures associated with Rubel Ice Corp. were demolished before 1951, and the subject lot was converted into tennis courts with an associated small office along the south border of the lot. By 1963, the tennis courts were no longer present, but the small office building is still present. Per the city directories reviewed, Stones Accountants occupied the small office building in 1976. No other prior uses were identified.

Recognized Environmental Conditions

Based on the information gathered as a result of the Phase I ESA process, ALC Environmental identified the following RECs in connection with the Proposed Development Site:

- According to the historical sources reviewed (Fire Insurance maps and city directories), Lot 63 (962 Franklin Avenue) has historically been used for manufacturing purposes. Former identified occupants of the existing single-story warehouse building include a spring manufacturer depicted

in the 1951 Fire Insurance (Sanborn map), a metal products manufacturer depicted in the 1963 Sanborn map, and a chemical manufacturer depicted between 1978 and 2007. Per the 1969 Certificate of Occupancy reviewed, the referenced chemical manufacturer produced toiletries such as hair spray, lacquers, rinses, and shampoo. In addition, Arcade Laundry Co. and Star Napkin & Towel Supply Co. were listed in the 1928 city directory. Lot 66 was occupied by Rubel Ice Corp. in the late 1920s and 1930s. All structures associated with Rubel Ice Corp. were demolished before 1951.

- Per the historical Sanborn maps and city directories reviewed, the northern adjoining property (124 Montgomery Street) was occupied by a manufacturer of mattresses and cotton Felts (Burton Dixie Corp.) from as early as 1932 until at least 1951. An additional manufacturing company (Leake Manufacturer Corp.) was listed in the 1960 city directories, and EJK Corp. Aircraft & Machine Division was listed between at least 1965 and 1985. This site was subsequently occupied by M. S. Golombeck Inc.- Spice Importers until at least 2017.

- ALC reviewed a Phase I ESA and Phase II Site Investigation Report prepared by The Elm Group, Inc. (Elm). The report details subsurface investigations conducted at the Subject Property and adjoining northern property on March 21 and 22, 2017. Groundwater was not encountered during the investigation. The analytical results of the soil samples collected revealed the presence of PAHs and metals (including barium, copper, mercury, zinc, cadmium, and lead) at levels exceeding the New York State Department of Environmental Conservation (NYSDEC) Unrestricted Residential and Restricted Residential Soil Cleanup Objectives (SCOs). However, ELM stated that the contaminants identified did not appear to be related to the former uses of the Subject Property and adjoining northern property but rather a result of non-indigenous fill brought into the Subject Property and adjoining northern property as part of grading/development activities. No fuel oil compounds, volatile organic compounds (VOCs), or semi volatile organic compounds (SVOCs) were identified in the soil samples collected and analyzed.

- No underground or above ground storage tanks were observed at the Subject Property during the site inspection. However, ALC noted a fuel oil fill port and vent pipe on the northern façade of the small office building in Lot 66, near the northeast corner of the building. Due to unsafe conditions, ALC was not able to inspect the interior of the building. It is unknown if the building has a basement level and whether or not the tank associated with the referenced fill port and vent pipe is still present. Based on the fact that there are no registered tanks associated with the Subject Property, ALC presumes that this potential tank has a capacity of less than 1,100 gallons and therefore was not required to be registered with the NYSDEC. The possible presence of a fuel oil tank inside the building in Lot 66 is considered a REC.

No historical recognized environmental condition (HREC) or controlled recognized environmental conditions were identified by ALC in the Phase I ESA. ALC provided the following recommendations in their Phase I ESA. These include:

- Regarding the presence of PAHs and metal contaminants in on-site soils associated with the historical uses of the Subject Property and adjoining northern property, since the exposure pathway is through direct contact with on-site soils, contaminated soil can be excavated and disposed of offsite during the planned site redeveloped activities. ALC recommends that a Soil Management Plan be developed and implemented during the planned construction activities to ensure the proper removal of impacted soils and minimize exposure to contaminants.

- Regarding the fuel oil fill port and vent pipe observed on the northern façade of the small office building in Lot 66, once access to the interior of the building is feasible, further visual investigation is needed to determine whether or not the tank associated with the fuel oil and vent pipe is still present, and to assess the condition of said tank.

- Regarding the asbestos-containing roofing materials at the single-story office building in Lot 66, prior to any renovation/remodeling or repair work, the referenced roofing materials should be abated by a certified asbestos abatement contractor as per all applicable local, state, and federal regulations.

- Suspect asbestos-containing materials in the form of roofing materials and sheetrock walls and ceilings are present at the existing warehouse building in Lot 63. Prior to any renovation or repair work that will affect the above-referenced materials, asbestos testing should be conducted. If determined to contain asbestos, the referenced materials should be abated by a certified asbestos abatement contractor per all applicable local, state, and federal regulations.

- Regarding the building materials debris (mainly damaged sheetrock walls and ceilings) observed inside the warehouse building in Lot 63, the referenced building materials may be contaminated with asbestos and therefore should be properly disposed of, per all applicable regulations.

Phase II Site Investigation

A Phase II Site Investigation was conducted by ALC in October 2023. The scope of work was based on the findings of ALC's February Phase I ESA and was approved by NYCDEP. The purpose of the investigation was to address RECs and areas of concern (AOCs) identified in the Phase I ESA and determine the presence of soil and soil vapor contaminants in the subsurface soils that would require special considerations during the development of the Projected Development Site.

The geophysical survey consisted of the use of a ground penetrating radar (GPR) consisting of an Impulse Radar Pin Point R Ultra-Wide Band (UWB) Penetrating Radar System along with a Vivax-Metrotech vLoc3-Pro Receiver/Transmitter and a TW-6 Pipe and Cable Locator, a handheld magnetometer that detects buried metal objects. The ground penetrating radar is a non-destructive geophysical method that produces a continuous cross-sectional profile of subsurface features in real time.

Eleven of nine soil borings were advanced utilizing a Geoprobe™ track mounted 7728DT and a Geoprobe™ 420M portable drilling rig utilizing direct push drilling technology. Soil Boing SB-7 was drilled with Sonic Drilling Technologies with a Fraste Fijkelkamp Sonic Soil Sample Drill. The soil borings, designated as SB-1 through SB-11 were continuously sampled from the ground surface to depths ranging between six and 50 feet below ground surface (bgs). The soil sampling depths were determined by the future development of the Proposed Development Site. The fifty-foot soil boring at SB-7 locations was to determine that groundwater did not occur within thirty feet below the basement floor of the proposed apartment building.

The investigation entailed 11 soil sampling locations with the collection of 22 soil samples that were submitted for laboratory analysis for VOCs, SVOCs, Metals, Pesticides, and polychlorinated biphenyls (PCBs). A summary of the analytical results of the soils samples results are as follows:

- There were several VOCs that were detected in the soil samples submitted for laboratory analysis. The compounds are 2-Butanone, Acetone, Methylene chloride, Tetrachloroethylene and

Trichloroethylene. Only Acetone at SB-1(18'-20') at a concentration of 0.0590 mg/kg and Methylene chloride at SB-10 (4'-6') at a concentration of 0.064 mg/kg exceeded the NYSDEC Unrestricted Soil Cleanup Objective. Acetone is a common laboratory contaminant.

- There are 14 SVOCs that were detected in the collected soil samples submitted for laboratory analysis. Of these 16 compounds, only the compounds Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene and Indeno(1,2,3-cd)pyrene exceeded the NYSDEC Restricted Residential Use Soil Cleanup Objective or the Commercial Use Soil Cleanup Objective.

- There are 22 metals that were detected in the soil samples submitted for analysis, only seven are in exceedance of the Unrestricted Soil Cleanup Objective or Commercial Use Cleanup Objective. The metals in exceedance of the NYSDEC Unrestrictive Use Cleanup Objective are: lead, nickel, mercury, copper, selenium and zinc. Arsenic was detected in both samples from soil boring SB-6 at a concentration of 61.20 mg/kg and 301 mg/kg exceeding the Commercial Use Cleanup Objective. Lead was detected at soil boring SB-6 (0'-2') at a concentration of 2,370 mg/kg exceeding the NYSDEC Commercial Use Soil Cleanup Objective. At soil boring SB-10 (4'-6') sample, copper was detected at a concentration of 763 mg/kg and mercury was detected at a concentration of 9.04 mg/kg both concentrations exceed the NYDEC Commercial Use Soil Cleanup Objective.

- Only three pesticides were detected in the soil samples at soil boring SB-1 (0'-2') and SB-10 (4'-6') sample. Beta-BHC was detected at a concentration of 0.00202 at soil boring SB-1 (0'-2'). At soil boring SB-10 (4'-6') soil sample, 4,4'-DDE was detected at a concentration of 0.0065 mg/kg and 4,4'-DDT was detected at a concentration of 0.0246 mg/kg. Both concentrations exceed the NYSDEC Unrestrictive Use Soil Cleanup Objective.

- There were no PCBs detected in any of the soil samples submitted for laboratory analysis.

- Groundwater was not present in the subsurface soils beneath the Proposed Development Site. One soil boring SB-7 was advanced to 50 feet below the ground surface and did not indicate the presence of any groundwater bearing formations.

Ten soil vapor probes were also installed at the Proposed Development Site between depths below the ground surface between six and 20 feet (labeled SV-1 – SV-10). The soil vapor samples were analyzed for chlorinated volatile organic compounds by USEPA Method TO-15. The analytical results of the soil vapor samples are listed below:

- Of the twenty-four VOCs that were detected in the soil vapor analysis, the NYSDOH has only issued guidance values for three compounds, methylene chloride, trichloroethylene and tetrachloroethylene. The NYSDOH has established a guidance value of 30 micro grams per cubic meter (µg/m3) for the compound tetrachloroethylene.

- The concentration of tetrachloroethylene was exceeded at all of the soil vapor sampling locations with the exception of the soil vapor sample collected at SV-4.

- The soil vapor sample collected at a depth of six feet at SV-8 had the highest concentration of 830 µg/m3.

- The NYSDOH has established a guidance value of 2.00 µg/m3 for trichloroethylene. The concentration of trichloroethylene exceeded the NYSDOH guidance value in the soil vapor samples SV-6 through SV-10. The highest concentration was detected at the soil vapor sample collected at SV-8 at a concentration of 2,200 µg/m3.

- The other VOCs detected in the soil vapor samples included: 1,1,1-Trichloroethylene, 1,2,4-Trimethylbenzene, 1,3,5- Trimethylbenzene, 2-Butanone, 4-Methyl – 2-petanone, Acetone, Benzene, Carbon disulfide, Carbon tetrachloride, Cyclohexane, Chloroform, Dichlorodifluoromethane, Ethylbenzene, Isopropanol, n-Heptane, n-Hexane, o-Xylene, p-&m-Xylenes, p-Ethyltoulene, Tetrachloroethylene, Tetrahydrofuran, Toluene, Trichloroethylene and Trichlorofluoromethane (Freon 11).

Recommendations

The Phase II Site Investigation by ALC states that the analytical results of the soil samples and soil vapor samples collected during the Phase II ESI, revealed limited environmental impacts in the on-site subsurface soil and soil vapor. The presence of VOCs, SVOCs, pesticides, and metals, detected in soils throughout the Proposed Development Site, are likely impacted by historic urban fill, and historical uses of the Proposed Development Site.

The presence of elevated concentrations of SVOCs and the metals, arsenic, copper, mercury, lead, nickel, selenium and zinc, detected in the soils at the two properties, 962 and 972 Franklin Avenue, will require waste classification sampling for disposal authorization at a secure disposal facility. A Soil Management Plan may need to be developed to address the removal and disposal of contaminated soil during construction of the proposed building.

The upper two feet of soil in the unexcavated area of the Proposed Development Site will also have to be sent for off-site disposal at a secure disposal facility. Two feet of certified clean soil will have to be imported onto the Proposed Development Site for this area.

Groundwater was not encountered during site investigation activities. The excavation for the foundation for the proposed apartment building is not anticipated to extend into the confined aquifer beneath the Proposed Development Site. The Proposed Development Site will not pose as a threat to the water of the State of New York or to the future residents, as groundwater is not planned to be used as a source of potable water or non-domestic usage.

Based on the NYSDOH guidelines and analytical results, elevated concentrations of tetrachloroethylene and trichloroethylene exist in the soil vapor beneath the Proposed Development Site. The concentrations of tetrachloroethylene greatly exceed the NYSDOH guideline values for this compound. The concentration of trichlorethylene was found to be elevated at the eastern and western portion of the Proposed Development Site and under the vacant building at 962 Franklin Avenue. A 20 mil vapor barrier manufactured by Stego Industries, GCP Applied Technologies of other approved manufacturer, will have to be constructed under the basement floor and also cover the foundation walls and terminate at the ground surface. This should be considered a proactive measure to reduce any potential exposure that could possibly be attributed to vapor intrusion.

In addition to the Remedial Action Work Plan (RAWP) and a Construction Health and Safety Plan (CHASP), ALC recommends a Soil Management Plan (SMP) to be in place prior to the start of the construction work. The RAWP will require a review and approval by a NYS Licensed Professional Engineer.

The Applicant has submitted the results of the Phase II report for NYCDEP review and approval. NYCDEP indicated in a letter dated January 10, 2024 that it reviewed the Phase II report and it did not request any additional information or reports be prepared for its review.

Based on the contamination identified, NYCDEP recommends that an (E) Designation for hazardous materials should be placed pursuant to Section 11-15 of the New York City Zoning Resolution for the Proposed Development Site. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. NYCDEP advised that further hazardous materials assessments should be coordinated through NYC OER. By placing an (E) Designation on the Proposed Development Site, where confirmed RECs have been identified relating to soil, the potential for an adverse impact to human health and the environment resulting from the Proposed Actions would be avoided. NYC OER would provide the regulatory oversight of any future supplemental sampling that may be warranted; including environmental scope, investigation, and potential remedial action during this process. Building permits are not issued by the DOB without prior NYC OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) Designation would require that the Applicant conduct any required supplemental subsurface investigations and have an approved Remedial Action Plan (RAP), where appropriate, under the review and approval of NYC OER. The RAP provided to NYC OER to satisfy the (E) Designation must also include a mandatory Construction Health and Safety Plan (CHASP). With the inclusion of the remedial measures described above, which involve the mapping of (E) Designation (E-728) on the Proposed Development Site, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials.

E. THE FUTURE WITHOUT THE PROPOSED ACTIONS (NO-ACTION CONDITION)

In the future without the Proposed Actions, also known as the "No-Action Condition," the Proposed Development Site would be redeveloped with a new as-of-right residential development pursuant to its existing R6A zoning. As such, it is anticipated that construction related to the as-of-right development involving soil and groundwater disturbance could potentially create or increase pathways for human exposure to the hazardous materials present on-site. Since no institutional controls (e.g., (E) Designations or Restrictive Declarations that require the owner of a property to assess potential hazardous material impacts prior to construction) currently exist on the Projected Development Site, such disturbance would not necessarily be conducted in accordance with the procedures (e.g., for conducting testing before commencing excavation and implementation of health and safety plans during construction) described in the following section. However, the local, State, and Federal regulatory requirements pertaining to any identified petroleum tanks and/or spills, requirements for disturbance and handling of suspect LBP and ACM, and requirements for off-site disposal of soil/fill, would need to be followed. As such, without the Proposed Actions the potential for controls on the site redevelopment would not be as stringent as under the Proposed Actions, as described below.

F. THE FUTURE WITH THE PROPOSED ACTIONS (WITH-ACTION CONDITION)

Proposed Development Site

In the future with the Proposed Actions, the development potential of the Proposed Development Site would change to allow for new land uses at higher densities. Based on the findings of this hazardous materials assessment, in the absence of implementation of the RAWP, CHASP, SMP, and on-site remediation, the future development of the Proposed Actions would have the potential to increase the exposure of people or the environment to hazardous materials. Implementation of the RAWP, CHASP, SMP, and on-site remediation would avoid the potential for increased exposure detrimental to the health and safety of workers and neighbors due to construction, and the future residents or employees of buildings at the project site.

Development on the Proposed Development Site would take place pursuant to the RAWP, and CHASP, and SMP. The implementation of the preventative and remedial measures outlined in the RAWP and CHASP, and SMP would reduce or avoid the potential for significant adverse hazardous materials impacts from the Proposed Project. In order to ensure that these measures are enacted, an (E) Designation will be recorded against Block 1192, Lots 63 and 66, which are not currently subject to (E) Designations.

The hazardous materials (E) Designation is an institutional control that can be placed on a site as a result of the CEQR review of a zoning map or zoning text amendment or action pursuant to the Zoning Resolution. It provides a mechanism to ensure that testing for and mitigation and/or remediation of hazardous materials, if necessary, are completed prior to, or as part of, future development of an affected site, thereby eliminating the potential for hazardous materials impacts. NYC OER would provide the regulatory oversight of the environmental investigation and remediation during any development process. Building permits would not be issued for the development by the New York City Department of Buildings (DOB) without prior OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the Zoning Resolution of the City of New York (Environmental Requirements). The DOB will typically issue the foundation permits when OER approves the remedial action work plan – the actual remediation is usually done concurrently with the construction. Engineering controls may also be incorporated into the development to eliminate exposure risks for future occupants.

These requirements related to hazardous materials would apply to:

Proposed Development Site:
Block 1192, Lots 63 and 66

The (E) Designation, E-728 text related to hazardous materials is as follows:

> **Task 1-Sampling Protocol**
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> **The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be**

complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

With the requirements of the (E) Designation to be assigned to the Projected Development Sites, there would be no impact from the potential presence of contaminated materials. The implementation of the preventative and remedial measures outlined in the (E) Designation would preclude the potential for significant adverse hazardous materials impacts from Proposed Actions. Therefore, no further analysis is required at this time.