A. INTRODUCTION

This chapter assesses the potential for the presence of hazardous materials in soil, groundwater and/or soil vapor at the Pfizer Sites (the "project area") located in the southeastern section of Williamsburg in Brooklyn Community District 1. The chapter further evaluates the potential for hazardous materials impacts resulting from the proposed zoning map and text amendments and the development it would facilitate (the "proposed action/RWCDS"). This would include the construction of new buildings, resulting in excavation and other soil disturbance.

As discussed in Chapter 1, "Project Description," the project area is bounded by the demapped but still operational Walton Street on the north, Harrison Avenue on the east, Gerry Street on the south, and Union Avenue on the west. The two blocks include the "Northern Block", Block 2249 (east), and the "Southern Block", Block 2269 and are separated by Wallabout Street. The two blocks, which were previously owned by Pfizer and have had a range of past uses, currently contain no buildings and are used on temporary basis for vehicle/equipment storage.

As described in the 2014 *City Environmental Quality Review* (CEQR) *Technical Manual*, the goal of a hazardous materials assessment is to determine whether a proposed action would lead to a potential increased exposure of hazardous materials to people or the environment or whether the increased exposure would lead to significant public health impacts or environmental damage. In order to make this determination, the hazardous materials assessment identifies if the project site may have been adversely affected by current or historical uses at or adjacent to the project site or whether the proposed action would introduce hazardous materials to the site, such that the property would require an (E) designation, Restrictive Declaration, or other comparable measures.

As described in this chapter, past environmental investigation and remediation work has occurred in the project area and the Southern Block is subject to a Voluntary Cleanup Agreement (VCA) under the jurisdiction of the New York State Department of Environmental Conservation (DEC).

B. PRINCIPAL CONCLUSIONS

The project area would be developed pursuant to the requirements of an (E) designation (E-427) that would be recorded as part of the proposed action (for the Northern and Southern Blocks) and the VCP (for the Southern Block). With the required remedial actions that will be carried out with as required by the (E) designation program and the VCA as a pre-condition that must be satisfied before the project area can be redeveloped and occupied, the proposed action would not have the potential to result in significant adverse hazardous materials impacts.

C. EXISTING CONDITIONS

As discussed in Chapter 1, the Northern Block is covered by grass and vegetation and the Southern Block is entirely paved. The Northern Block is vacant with no active use, although it is currently being used for temporary equipment/vehicle storage. The Southern Block is striped with parking spaces and it is currently being used for temporary equipment/vehicle storage for construction equipment and supplies.

Previous Site Assessments and Remediation Activities

Both project area blocks have undergone hazardous materials investigations and remediation activities.

For the Northern Block (Block 2249, Lots 23, 37, 41, and 122) a Phase II Report by Roux Associates dated October 2007 was prepared for Pfizer, which included investigation of soil and perched water. As discussed in the 2007 Phase II, previous hazardous materials investigation and remediation activities had taken place on the site since the 1980s. P.W. Grosser Consulting completed a preliminary review of environmental conditions of the site dated June 15, 2012. The P.W. Grosser Consulting report noted that "Site A may be re-developed as residential or mixed use (assuming it is re-zoned as such) but will trigger involvement by New York City Office of Environmental Remediation (OER) and require environmental investigation and remediation."

The Southern Block (Block 2265, Lot 14) is subject to a VCA executed in 1997 which is under the jurisdiction of DEC through the department's Voluntary Cleanup Program (VCP). Pursuant to the VCP, the block underwent hazardous materials investigation and remediation activities and, according to a letter from DEC to Pfizer dated July 25, 2001, "the Department-approved work plan to implement an investigative/remedial program… …has been successfully completed." The NYSDEC letter further states that this enables the site "to be used for industrial, commercial, and/or recreational (designed to preclude contact with contaminants by humans) purposes." Related to this letter, Pfizer and DEC also executed a deed restriction in 2001 stating: "Until such time as an additional response action is performed at the Property such as to allow it to be used for residential purposes, the Property shall be prohibited from being used for purposes other than industrial, commercial, and/or recreational (designed to preclude contact with contaminants by humans) without the express written permission or waiver of such prohibition by the Department [DEC]." It further states that this prohibition is enforceable only by DEC or its successor "but shall not be enforceable by any third party."

D. FUTURE WITHOUT THE PROPOSED ACTION (NO-ACTION)

Under No-Action conditions, with no rezoning the project area would remain vacant. No new institutional controls would be placed on the project area but the existing VCA controls on the Southern Block would remain in effect.

E. FUTURE WITH THE PROPOSED ACTION (WITH-ACTION)

The proposed rezoning of the site from an "M" (manufacturing) zone which prohibits residential development, to "R" (residential) zones that permit residential development, triggers the involvement of the NYC Department of Environmental Protection and/or OER to ensure that the proposed action would not result in significant adverse hazardous materials impacts. Given the past industrial uses of the project area, an (E) designation is necessary to ensure site investigation and remediation will be required conducted in the event the project area undergoes new development. As noted above, the Southern Block is already subject to NYSDEC oversight per the 2001 deed restriction filed as part of the VCP.

(E) Designation

(E) designations for hazardous materials provide notice of the presence of an environmental requirement pertaining to potential hazardous materials contamination on a particular tax lot. They are established in connection with a change in zoning or an action pursuant to a provision of the Zoning Resolution that would allow additional development to occur on property, or would permit uses not currently allowed. For new developments, enlargements of existing buildings, or changes in use, the NYC Department of Buildings will not issue a building permit for grading, excavation, foundation, alteration, building, or any other permit for the site which permits soil disruption, or issue a temporary or permanent Certificate of Occupancy (C of O) that reflects a change in Use Group until the environmental requirements of the (E) designation are satisfied. For hazardous materials (E) designations, the environmental requirements are that a testing and sampling protocol be conducted, and a remediation plan be developed and implementation where appropriate, to the satisfaction of the OER. OER administers the (E) Designation Environmental Review Program. Per the City rules regulating (E) designations, related to these activities, Phase I Environmental Site Assessments, Remedial Investigation Work Plans (aka, Phase II Work Plans), Remedial Investigation Reports, mandatory health and safety plans (HASPs) Remedial Action Plans (RAPs), and Remedial Closure Reports consistent with the applicable standards of the American Society for Testing and Materials (ASTM) must be prepared, reviewed and approved by OER, and implemented to OER's satisfaction during investigation and remediation of (E)-designated sites in order to assure protection of public health and the environment. DOB may issue permits allowing for certain activities consistent with a RAP upon receiving a Notice to Proceed from OER.

E-427 requirements related to hazardous materials would apply to:

> **Project Development Site:**
> **Block 2265, Lot 14**
> **Block 2249, Lots 23, 37, 41, and 122**

E-427 text related to hazardous materials is as follows:

> **Task 1-Sampling Protocol**
>
> **The applicant submits to OER, for review and approval, a Phase 1 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.

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 project site 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 reduce or avoid the potential for significant adverse hazardous materials impacts from the proposed action. It is anticipated that compliance with the (E) designation would also satisfy the requirement of the VCA, in order to remove the current deed restriction on residential uses on the Southern Block. However, this would be subject to concurrence by DEC. Therefore, no further analysis is required at this time.