A. INTRODUCTION

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitible, 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 and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

As described in Chapter 1, "Project Description," the Proposed Action would allow for construction of a mixed-use building on the Proposed Development Site (Block 2069, Lot 21). Portions of the adjacent Lot 26 would serve as an easement for the Proposed Development's entry plaza from St. Nicholas Avenue. None of the other lots affected by the proposed rezoning action would be redeveloped as a result of the Proposed Action.

This chapter presents the findings of the Phase I Environmental Site Assessment (ESA) prepared for the Proposed Development Site and addresses the potential for the Proposed Action to pose a hazard to workers and others and/or the environment during or after development because of hazardous materials. With the execution of a restrictive declaration for the Proposed Development Site, the Proposed Action and subsequent construction of the Proposed Development would not result in significant adverse impacts with respect to hazardous substances (refer to Chapter 12, "Mitigation" for details).

B. PHASE I ENVIRONMENTAL SITE ASSESSMENT

A Phase I Environmental Site Assessment (ESA) was prepared for the Proposed Development Site, which is owned by the applicant, to determine potential on-site environmental conditions. The Phase I ESA was conducted by ATC Associates in March 2008, and included all analyses as specified in the American Society for Testing and Materials (ASTM) Method E 1527-05.

The goal of the Phase I Environmental Site Assessment process is to identify "Recognized Environmental Conditions" (RECs), which means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. Per the ASTM Standard, the Phase I ESA reviewed a variety of information sources, including current and historic Sanborn Fire Insurance Maps; topographic maps and aerial photographs; historical land title records and city directories; state and federal environmental regulatory databases

identifying listed sites; and local environmental records. The Phase I ESA also included reconnaissance of the site and surrounding neighborhood and interviews with the owner and building manager.

The scope of the assessment also included consideration of environmental issues or conditions that are beyond the scope of ASTM Standard Practice E 1527-05, including mold screening; visual observation of suspect asbestos containing materials (ACM); radon document review; lead in drinking water data review; visual observation of lead-based paint (LBP); wetlands document review; and flood plain document review.

The Phase I identified the following Recognized Environmental Conditions ("RECs") that could affect the property:

- The current and historical use of the Proposed Development Site for auto related operations, use of the eastern adjacent property as a gasoline filling station and auto repair shop and the southwestern adjacent property as a garage, represent a recognized environmental condition for the site.
- ATC observed suspect petroleum staining on the floor (approximately 12'x18') in the east-northeastern portion of the cellar along the eastern wall by the door. ATC reviewed a drawing of proposed modification of the building dated June 25, 1969, which indicated the presence of two (2) 275-gallon lube oil tank location in the east-northeastern portion of the cellar, where suspect petroleum staining was observed. Based on the observed conditions, ATC concluded that this condition represents an environmental concern for the site.
- ATC did not observe evidence of underground storage tanks (USTs) on the Proposed Development Site. However, the historical Sanborn maps revealed the presence of four (4) 550-gallon gasoline USTs at the site from at least 1939 through 1996. The site was not identified as a LTANKS (Leaking Storage Tank Incident Reports) facility, New York Petroleum Bulk Storage (PBS) tank facility, or New York Spill site. Furthermore, the drawing dated June 25, 1969 indicated the presence of a fill port in the vicinity of the ramp in the cellar that might be associated with potential USTs. Based on the potential presence of these USTs at the site and the lack of current information regarding these USTs, ATC concluded that they represent a recognized environmental condition.
- At the time of the site reconnaissance, ATC observed the presence of an out-of service approximately 550-gallon aboveground storage tank (AST) located underneath the second floor ramp on the eastern side of the first floor. ATC observed an inactive fuel oil fill port on the second floor right above the tank and an inactive vent pipe associated with this tank. ATC also observed the presence of an inactive small AST located underneath the staircase in the south-southwestern portion of the cellar. No evidence of spills or leaks was observed in the vicinity of the ASTs at the time of the site reconnaissance.

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

In the future without the Proposed Action, the RWCDS assumes none of the properties within the proposed rezoning area would be redeveloped, and the existing land uses would remain. The Proposed Development Site would continue to be occupied by a public parking garage (Lot 21),

and the gas station adjacent to the site would continue to be in operation. It is expected that the study area's current land use trends and general development patterns would continue. No potential new issues related to hazardous materials would result.

D. PROBABLE IMPACTS OF THE PROPOSED ACTION

A Phase I Environmental Site Assessment (ESA) was prepared in March 2008 for the Proposed Development Site. The Phase I ESA was reviewed by NYCDEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended by NYCDEP, due to the potential presence of hazardous materials on the site as a result of past and present on-site land uses. The declaration requires the preparation of a Phase II Workplan and a Health and Safety Plan for NYCDEP's review and approval. The restrictive declaration is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

A Phase II ESI Work Plan was prepared in January 2009, which included the Phase II ESI Subsurface Testing Scope of Work for the Proposed Development Site. The Phase II Scope of Work includes the creation of a Site-Specific Health and Safety Plan (SSHASP) consistent with applicable and appropriate requirements, and calls for borings and temporary well points (TWPs) throughout the site to facilitate the collection of soil and groundwater samples. Both the Phase I ESA and Phase II ESI Work Plan were submitted to the New York City Department of Environmental Projection (NYCDEP) for review and approval. In a letter dated July 9, 2010, NYCDEP indicated that it finds the Phase II Workplan acceptable, as long as additional information is incorporated relating to the analysis of collected samples and submission of the Phase II report to NYCDEP for review and approval (refer to letter in Appendix A).

The scope of the investigation will be subject to NYCDEP approval, as will the need for any subsequent measures to address potential contamination. The obligation to conduct sampling prior to the start of construction and undertake any necessary subsequent measures has been set forth in a restrictive declaration, which was executed and recorded by the applicant as a condition of approval of the Proposed Action. The restrictive declaration for hazardous materials was executed on August 5, 2010 and submitted for recording on August 31, 2010. Pursuant to an email from NYCDEP dated August 31, 2010, NYCDEP is in receipt of a signed copy of a NYCDEP-approved restrictive declaration with proof of recording for the site. In addition, as part of the Reciprocal Easement Agreement described in Attachment A, "Project Description," the applicant would also commit to a site specific Health and Safety Plan on the portion of Lot 26 to be used as the entrance plaza, which will prevent significant adverse hazardous materials impacts for activities on Lot 26. As discussed in Chapter 12, "Mitigation," based on the obligations set forth in the restrictive declaration there would be no potential for significant adverse hazardous materials impacts from the Proposed Action.

E. CONCLUSION

The Phase I ESA conducted for the Proposed Development Site identified some recognized environmental conditions that could affect the property. As discussed in Chapter 12, "Mitigation," with the implementation of the preventative and remedial measures outlined above for the Proposed Development Site (through the use of a restrictive declaration), no significant adverse impacts related to hazardous materials would result from the Proposed Action and resultant construction activities on the Proposed Development Site. Following construction, there would be no potential for the Proposed Development to have significant adverse impacts.