

A. INTRODUCTION

This chapter assesses hazardous materials issues related to the proposed actions and subsequent development, specifically the potential presence of hazardous materials on the project site in soil, groundwater, or existing structures.

Hazardous materials, as defined in the *City Environmental Quality Review (CEQR) Technical Manual* (January 2012 edition), are substances that pose a threat to human health and the environment including, but not limited to, heavy metals, volatile and semi-volatile organic compounds (VOCs and SVOCs), methane, polychlorinated biphenyls (PCBs), and pesticides.

As described in the *CEQR Technical Manual*, the goal of a hazardous materials assessment is to determine whether a proposed action could lead to potential increased human exposure to hazardous materials and whether the increased exposure could lead to significant public health impacts or environmental impacts. The objective of this analysis is to determine which, if any, of the ten sites, constituting the project site, may have been adversely affected by current or historical uses on-site, adjacent to, or within 400 feet of the sites, such that the property may have been adversely impacted by hazardous materials.

To identify any potential environmental concerns from past or current on- and off-site operations, the following reports were reviewed: a September 2008 *Phase I Environmental Site Assessment (ESA)* for Sites 1 to 9 prepared by H2M in conformance with the requirements of ASTM E-1527-00 and a September 2010 Phase I ESA for Site 10 prepared by GIANCO Environmental Services in conformance with ASTM E-1527-05. Both ESAs evaluated sites for potential impacts due to hazardous materials by reviewing: (1) historical aerial photographs, topographic maps and Sanborn fire insurance maps; (2) environmental regulatory databases for the sites and buffer areas; and (3) City directories of historic occupants. Additional information included site reconnaissance to identify environmental conditions and current occupants or operations/activities.

PRINCIPAL CONCLUSIONS

The proposed actions would result in the demolition of existing structures and surface parking areas on Sites 1–6 and 8–10 followed by subsurface disturbance associated with construction of new structures. Site 7 would not be redeveloped pursuant to the proposed actions and the existing parking garage would remain.

As described below, the proposed project would include appropriate health and safety/remedial measures that would precede or govern demolition, construction, and soil disturbance activities on the development sites. With the implementation of these measures, no significant adverse impacts related to hazardous materials would be expected to result from the proposed actions. Following construction, there would be no potential for significant adverse impacts.

B. EXISTING CONDITIONS

Though primarily now used for parking or retail operations, historical uses at the sites have included: plumbers (Sites 1 and 2), a laundromat (Site 2), auto repair (Site 3), printing (Sites 3, 4 and 9), a firehouse (Site 5), and a machinist (Site 9).

The 2008 Phase I identified three *Recognized Environmental Conditions*, i.e., per ASTM E1527-00, “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 a release of any hazardous substances or petroleum products.” These related to:

- Out of service fuel oil underground storage tanks (USTs) at Sites 3 and 5;
- A vaulted 1,500 gallon fuel oil aboveground storage tank (AST) at Site 5; and
- Potential vapor intrusion issues at Sites 1–9 due to possible historical releases from the many nearby USTs, ASTs and drycleaners and/or a historical manufactured gas plant (MGP) located on Hester Street (for which no remediation is currently required by New York State).

Site 5 was also identified as associated with a facility that previously generated lead and chromium wastes that were sent for off-site disposal. The 2010 Phase I conducted separately for Site 10 did not identify any *Recognized Environmental Conditions*.

Both Phase Is also identified that, due to their age, existing structures on the project site may include asbestos-containing materials (ACM) and/or lead-based paint.

At this time, there are no specific development proposals for Sites 1 through 6 and 8 through 10, and future developers will be selected pursuant to a Request for Proposals (RFP) process. Since there are no site-specific proposals at this time, certain parameters necessary for a subsurface investigation (i.e., depth to foundation, building footprint, presence/absence of a cellar level) are unknown. Subsequent investigation, including soil and groundwater testing (and potential remediation), would be undertaken by the developer(s) after selection. For sites that may be under the jurisdiction of the City of New York Department of Housing Preservation & Development (HPD), these measures will be required to be undertaken by the developer(s) through provisions in the Land Disposition Agreement (LDA) between HPD and the developer(s). For City properties that may be managed by the New York City Economic Development Corporation (NYCEDC), these measures will be required to be undertaken by the developer(s) through the provisions of a contract or other legally binding agreement between NYCEDC and the developer(s).

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

In the future without the proposed actions, the project site is expected to continue in its current uses, which do not currently present a hazard to people or the environment. However, legal requirements should petroleum tanks and/or spills be identified, and requirements for maintenance, disturbance and handling of suspect lead-based paint and asbestos-containing materials would need to be followed.

D. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

At all of the sites where ground disturbance is expected to occur as a result of future development activities (i.e., at all sites except Site 7) the proposed actions could have the potential for environmental impacts due to the potential presence of hazardous materials.

Although the proposed actions could result in demolition and construction activities that could increase pathways for human exposure (to workers and the community), the possibility of impacts would be reduced by the measures identified below, which will be included in the LDA between HPD and the developer(s) and the contract or other legally binding agreement between NYEDC and the developer(s).

For demolition:

- All known petroleum tanks, prior to any demolition activities with the potential to disturb these tanks, would be closed and removed, along with any contaminated soil, in accordance with applicable requirements including New York State Department of Environmental Conservation (NYSDEC) spill reporting and tank registration requirements. If additional tanks are discovered, they would be properly registered, if required, with NYSDEC and/or the New York City Fire Department.
- Unless information exists to indicate that suspect ACMs do not contain asbestos, prior to demolition an asbestos survey would be completed and all ACMs that would be disturbed by the demolition would be removed and disposed of in accordance with local, state, and federal requirements.
- Any demolition activities with the potential to disturb lead-based paint would be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—Lead Exposure in Construction).
- Unless labeling or laboratory testing data indicates that suspected PCB-containing fluorescent lighting fixtures, transformers, other electrical equipment, lifts, and elevators do not contain PCBs, and that fluorescent lights do not contain mercury, disposal would be performed in accordance with applicable federal, state, and local requirements.
- Disposal of any chemicals (such as cleaning fluids) would be in accordance with applicable requirements.

For excavation:

- Prior to any new construction, further investigation would be performed on each site to determine the presence and nature of contaminants of concern. Specifically, a *Site Investigation Work Plan and Health and Safety Plan*, the scope of which would include laboratory analysis of soil and groundwater samples and would be pre-approved by DEP, would be implemented. Depending on the Site Investigation results, one or more Remedial Action Plans (RAPs) and Construction Health and Safety Plans (CHASPs) would be prepared and submitted to DEP (and the New York State Department of Environmental Conservation, if necessary) for approval. The RAP would govern all soil disturbance and would include procedures for: removal of petroleum storage tanks; handling, stockpiling, testing, transportation and disposal of excavated materials, including any unexpectedly encountered contaminated soil and petroleum storage tanks; appropriate clean fill importation criteria and criteria for allowable reuse of excavated site soils (whether in the uppermost layer of landscaped areas or elsewhere), and, if necessary, the design of engineering controls to address vapor intrusion (such as a vapor barrier) to be included beneath a newly constructed building. The CHASP would ensure that subsurface disturbance is performed in a manner protective of workers, the community, and the environment with appropriate air monitoring, dust control, etc.

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- During any required dewatering, water would be discharged to the sewer system in accordance with DEP requirements. If necessary, the water would be pretreated prior to discharge.
- As with demolition, any tanks unexpectedly encountered would be closed and removed, along with any contaminated soil, in accordance with applicable requirements including NYSDEC spill reporting requirements. If historical tanks are discovered, they would be properly registered, if required, with NYSDEC and/or the New York City Fire Department.

With the implementation of these measures prior to and/or during demolition and excavation, no significant adverse impacts related to hazardous materials would be expected to result from the proposed actions and subsequent development of the project site. Following construction, there would be no potential for significant adverse impacts. *