Department of Design and Construction

Jamie Torres-Springer
Commissioner

Andrew Hollweck
Deputy Commissioner of
Communications and Policy

Jeffrey A. Margolies, Esq.
Executive Director
Intergovernmental and
Community Affairs

August 4, 2021

East Side Coastal Resiliency Community (ESCR)
Community Advisory Group (CAG) C/O Tara Duvivier
Pratt Center for Community Development
200 Willoughby Avenue
Brooklyn, NY 11205

VIA EMAIL

Re: ESCR CAG environmental questions from Wendy Brawer

Dear ESCR CAG Members,

Below please find responses to the questions that DDC and HNTB/Liro received in June on various environmental mitigation issues, as well as subsequent questions. The questions/statements from the CAG are in black, and the responses are in green. Please note that some of these concerns were addressed in the presentation that was shared at the June 2021 CAG meeting.

CAG Inquires/Statements and Responses
There is a recommendation of interest in the SANDRESM1_Supplemental Investigation Report_2019.08.29 on the soil and water testing by Hazen and AKRF. This is the 2,000-page report with Remedial Action Plan that was foiled and released in December 2020. We have focused on key pages and charts, including Chapter 5.0 (laboratory results: pages 20-28), Chapter 7.0 (Conclusion: pages 31-33) and pages 150 to 156 on the pdf, corresponding to Figure 4A, 4b, 4c, 6a, 6b and 6c.

Throughout, it points to toxics in the soil under the park - mostly emanating from the fill, they surmise, and some manufactured gas residue.

There are just a few recommendations (see #B below), and the last one includes this warning:

"Access to public recreational facilities and areas undergoing construction for the proposed ESCR Project should be restricted to the public to ensure all necessary safety protocols are adequately met. "

Question 1.
How does this statement mesh with the plan to keep 42% of the park open? How will public health be protected?

The language in the 2019 Supplemental Subsurface Investigation Report does mention the project area's long history of underground contaminants (similar to many areas of New York City that were filled in with typical urban fill) and that public access should be restricted in areas undergoing construction. As you know, ensuring the public's safety is paramount to the City. Therefore, we will implement a mitigation plan, and safely handle contaminants during construction.

As is currently the case with Project Area 2 (PA 2), the public is restricted from areas of the project which are under construction. For example, as determined through interagency coordination, though a portion of Asser Levy Playground is under construction, the track and handball court remain open to the public. This will also be applied to the Project Area 1 construction area. If at any time it is determined that a facility adjacent to a construction zone needs to be closed as there is a concern for the safety of the community, the appropriate agencies shall be consulted, the community will be given advanced notice, and the area will be closed.

To best guard the public's safety we will have clearly defined boundaries between the public space and the construction zones. There will also be adequate space between the public and construction area to keep everyone safe. The contractor will further install construction fencing, signage and remediation measures to address any safety concerns.

The report points repeatedly to the exceedances as coming from the fill and includes extensive documentation on how to handle that existing material.

Question 2:
What percentage of the existing fill will be removed?

For Project Area 1 (PA 1), the existing "fill" is not being removed in bulk as the question implies, in actuality, large volumes of 'fill" are being imported to raise the park grade and the vast majority of the existing "fill" will remain. For Project Area 2 (PA 2), there is minimal excavation as well, most excavation is for the utility work and most fill being brought in is for backfill of trenches and creating the small berms at Stuyvesant Cove Park.

Excavated material deemed unacceptable for reuse will be removed as noted below. Where it is found to be acceptable or can be reprocessed it will be reused.

If approved in writing by the Engineer, excavated material determined to be unsuitable for fill may be processed (i.e. screened and/or crushed) to produce select granular fill material or fill material. Such processed materials for backfill must be in compliance with the material specifications for either Select Granular Fill or for Fill, as required. Material may not be reused on-site without prior approval by the

HNTB-LiRo Joint Venture (JV). If the Contractor anticipates reuse of site material, the Contractor shall notify the JV of the area with a minimum two (2) weeks' notice prior to reuse to allow for sampling, if necessary, and approval by the JV, in consultation with NYCDEP and/or NYSDEC.

Question 3:

In regard to the incoming Fill (listed here as 775,000 cubic yards) how will it be tested? The Remedial Action Plan which is 85 pages, has just 2 paragraphs on the incoming fill (page 20 - see #C below). Please provide all other documents regarding the handling of the incoming fill.

The requirements for the incoming fill are included in the contract specification section SANDRESM1 ESCR - 4.11 - Excavation and Filling. Key provisions are as follows:

Unless otherwise approved by the Engineer, the Contractor shall import only fill material that meets one of the following environmental criteria. If there is a conflict between the Remedial Action Plan (RAP) and this Section, the more stringent criteria shall apply.

1. Virgin quarried material
2. NYSDOT-spec Recycled concrete aggregate (RCA), contains less than 10% fines and no asphalt, from facilities permitted or registered by NYSDEC.
3. Material from a facility that possesses a current Beneficial Use Determination (BUD) from the NYSDEC that includes testing at a minimum frequency of one sample per 1,000 cubic yards and such results are below the lower of the Restricted Residential and Groundwater Protection SCOs set forth in NYSDEC 6 NYCRR Part 375. Any testing shall be conducted in accordance with Part 3.2.F.
4. Material from any other site where testing results performed by the Engineer demonstrate that the material meets the lower of the Restricted Residential and Groundwater Protection SCOs set forth in NYSDEC 6 NYCRR Part 375 in accordance with the following procedures:
    a. Contractor shall establish at the facility a designated stockpile of soil intended for import to the site. Designated stockpile shall remain undisturbed until tested by the Contractor and loaded and transported to the site.
    b. The samples will be analyzed for Target Compound List (TCL) volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, PCBs, and Target Analyte List (TAL) metals, at a frequency of one composite sample per 1,000 cubic yards. NYCDEP must approve of a lower frequency for certain sources.
    c. Laboratory analysis and approval of samples may require five (5) to ten (10) business days.
    d. Material may not be imported for use as without prior approval by the Engineer.
5. Material from the New York City Office of Environmental Remediation Clean Soil Bank

Glass from recycling facilities that meets the requirements for Glass shall be considered suitable material for mixing with fill provided the Contractor maintains the gradations specified herein and as approved by the Engineer.

Fill and Backfill, as specified above may be used up to 3 ft from finished grade or the bottom of the horticultural fill layer, where specified on the Contract Drawings. The upper 3 ft of fill material (below the finished grade or horticultural fill layer) shall meet the requirements of the Select Granular Fill.

Select Granular Fill shall be a natural, well graded sand and crushed stone or approved clean earth of low silt and clay content, free from bricks, blocks, excavated pavement materials and debris, stumps, roots and other organic matter, as well as ashes, oil and other perishable or foreign material.

Question 4:

This report refers to Risk Assessment regarding opening areas adjacent to the construction - has the risk assessment been commissioned?

The community's health concerns are the top priority of the NYCDDC and ESCR Project Team. As previously mentioned, the environmental monitoring for the East Side Coastal Resiliency (ESCR) project is multi-tiered and includes relationships between several agencies and entities. Though previous sampling was performed, and contamination areas were mapped, the plans (Remedial Action Plan (RAP) (may also be titled Soil and Groundwater Management Plan), Construction Health and Safety Plan (CHASP), and a Community Air Monitoring Plan (CAMP)) and protocol, as well as the multi-tiered oversight of environmental specialists and agencies, apply throughout the project area. The plans lay out the procedure for the contractor to follow should contaminated soils be located, and the JV (HNTB-LiRo) has (for PA2) and will (for PA1) verify that the contractor has all necessary equipment and materials as required onsite to properly respond to contaminations encountered.

Dewatering for the project, will be conducted in accordance with a New York City Department of Environmental Protection (NYCDEP) sewer discharge permit and New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) discharge permit to the East River. These plans have been approved for PA 2 to date.

There is not a separate risk assessment being commissioned, as the contract is inclusive of contaminates located within the entirety of the Project. In short, the three items highlighted in the clarification email regarding: further investigations, remediation in accordance with applicable regulations, and additional testing, are correct and have been incorporated into the contract documents.

The project shall follow all applicable local, state and federal guidelines to maintain the health and safety of the public as required by the contract.

Question 5:

The recommendations include additional testing, and handling of outgoing fill as hazardous waste. They focus on the people working there, but not the public. A table on page B-6 (see #A below) states work will be halted if the 125 mg/m3 threshold is exceeded. Who is holding the contractor

accountable should this threshold be exceeded? Given that the first quarterly report from PA2 has yet to be released to the CAG, please explain how will you safeguard public health in PA1?

Air Quality monitoring is in effect 24 hours a day 7 days a week to protect the construction workers and the community. The contractor, contractor's environmental specialist, HNTB-LiRo's construction environmental specialist and HNTB-LiRo Construction Manager receive an alert at an Action Level set under the prescribed Permissible Level. At the time of the Action Level alert, work activities will be evaluated, and mitigation measures employed to prevent the air monitor readings to escalate to the 125 mg/m3.

Mitigation measures include as mentioned in Chapter 6.6 of the Environmental Impact Statement (EIS), Construction -Hazardous Materials Section " Dust management during soil-disturbing work would include the following: (1) use of water spray for roads, trucks, excavation areas and stockpiles; (2) use of anchored tarps to cover stockpiles; (3) use of truck covers during soil transport within site limits and during off-site transport; (4) employment of extra care during dry and/or high-wind periods; (5) use of gravel or recycled concrete aggregate on egress and other roadways to provide a clean and dust-free road surface; and (6) use of a truck wheel wash at site access/egress points to prevent fugitive dust and off-site migration of dust and other particulates. The source(s) of any dust emissions would be identified and addressed immediately and appropriately. In addition, during excavation/and loading of any hazardous waste or MGP contaminated or petroleum-contaminated soil, real-time dust monitoring would be performed through a Community Air Monitoring Plan (CAMP)."

The oversight for environmental monitoring for the East Side Coastal Resiliency (ESCR) project is multi-tiered and includes relationships between several agencies and entities. Please refer to Attachment No.1 for the ESCR Environmental Monitoring Hierarchy. This was also explained in greater detail in the response to question #1 in the 4/9/2021 CAG Environmental Air Monitoring Letter. The Quarterly Air Quality Monitoring Report covering the months of January 2021 – May 2021, was submitted to the CAG on Thursday July 1, 2021, and also speaks in greater detail to different Air Quality levels and levels of oversight. As stated earlier, the project shall follow all applicable local, state and federal guidelines to maintain the health and safety of the public as required by the contract.

#A - page B-6 SANDRESM1_Supplemental Investigation Report_2019.08.29

Instrument	Task to be Monitored	Action Level	Response Action
PID (MiniRae 3000 or equivalent)	Excavation activities disturbing contaminated soil	Less than 10 ppm in breathing zone.	Level D or D-Modified
		Between 10 and 200 ppm	Level C
		More than 200 ppm	Stop work. Resume work when readings are less than 20 ppm.
Particulate monitor (MIE 1000 Personal DataRam or equivalent)	Excavation activities disturbing contaminated soil	Less than 5 mg/m^3	Level D
		Between 5 mg/m^3 and 125 mg/m^3	Level C. Apply dust suppression measures. If < 2.5 mg/m^3, resume work using Level D. Otherwise, use Level C.
		Above 125 mg/m^3	Stop work. Apply additional dust suppression measures. Resume work when less than 125 mg/m^3.
Notes: parts per million (ppm), milligrams per cubic meter (mg/m^3)			

Additional questions from June 2021 CAG meeting:

Question 6:

a. **What is the timeline for the bid process for the Parallel Conveyance and other sewer work portion of ESCR, considering delays with contracts? ESCR project does not protect residents until sewer work is complete and as we know, it could be worse with 8 feet of fill preventing water from flowing back into the river in a major storm.**
b. **Jeffery referred to the bathtub effect in the neighborhood beyond NYCHA (which has FEMA resilience measures well underway). In the East Village, particularly along Ave C and B, what measures are being taken to prevent flooding now?**

a. We are in the final review process for the Parallel Conveyance contract. As soon as that review is completed, the project will be advertised for construction bid.
b. Ave C and B measures taken to prevent flooding now is outside the scope of the ESCR project. Please consult Humberto Galarza hgalarza@dep.nyc.gov at DEP.

New Questions:

Question 7:
When will we have access to the winning bid documents since that contains a lot of details like park closure, fill sources and all the other details DDC has said will be incorporated in the bid and not available yet?

It is protocol for the DDC design team to submit the Mass Mailing documents to the local Community Boards for input. You may file a Freedom of Information Law (FOIL) request for additional information on the bid process.

Question 8:
In the 2021 Adopted Capital Commitment Plan, there's about $53 M for the parallel conveyance (see #D below) is that the entire budget for all the ESCR related sewer work?

There is additional sewer work in SANDRESM1 (Project Area 1) and SANDRESM2 (Project Areas 2); Parallel Conveyance (SANDRESPC) is not the entire budget for all ESCR related sewer work. For SANDRESM1, SANDRESM2, and SANDRESPC there is a total of $266 Million allocated for sewer related work. Regarding SANDRESPC, the City's adopted budget plan allocated $75 Million for the project including sewer work.

Additional references provided by CAG with the questions above
B Chapter 7, p 32-33 - SANDRESM1_Supplemental Investigation Report_2019.08.29
Recommendations
Preparation and implementation of a Remedial Action Plan (RAP) (may also be titled Soil and Groundwater Management Plan), Construction Health and Safety Plan (CHASP), and a Community Air Monitoring Plan (CAMP) for construction are recommended to ensure public and worker safety and proper handling of any material requiring off-site disposal. The requirements of these plans should be incorporated into the flood mitigation design and bid documentation. Any soil or fill excavated during construction of the proposed flood mitigation structure should be managed in accordance with applicable local, state, and federal regulations. All material intended for off-site disposal should be tested in accordance with the requirements of the intended receiving facility. Transportation of all soil for off-site disposal should be in accordance with requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc. Excavation may reveal different or more significant soil and/or groundwater contamination in areas not tested as part of this investigation. If discovered, such contamination could require further investigation and/or remediation in accordance with the plans and applicable regulations.

Elevated levels of arsenic, lead, and/or mercury were identified throughout the investigation areas. Prior to commencing excavation, more comprehensive sampling for TCLP metals is recommended for these areas to characterize the material for proper handling as either hazardous or non-hazardous waste.

Dewatering for the proposed project, is anticipated and should be conducted in accordance with a New York City Department of Environmental Protection (NYCDEP) sewer discharge permit and/or New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) discharge permit to the East River. Additional groundwater testing and pre-treatment would likely be necessary in either case.

Access to public recreational facilities and areas undergoing construction for the proposed ESCR Project should be restricted to the public to ensure all necessary safety protocols are adequately met. All procedures regarding access control should be developed and implemented in consultation with the NYC Department of Parks and Recreation (DPR) or other appropriate agencies.

#C page 20 of Hazen and Sawyer/AKRF Engineering, P.C., Joint Venture East Side Coastal Resiliency Remedial Action Plan 18 *September 2019*

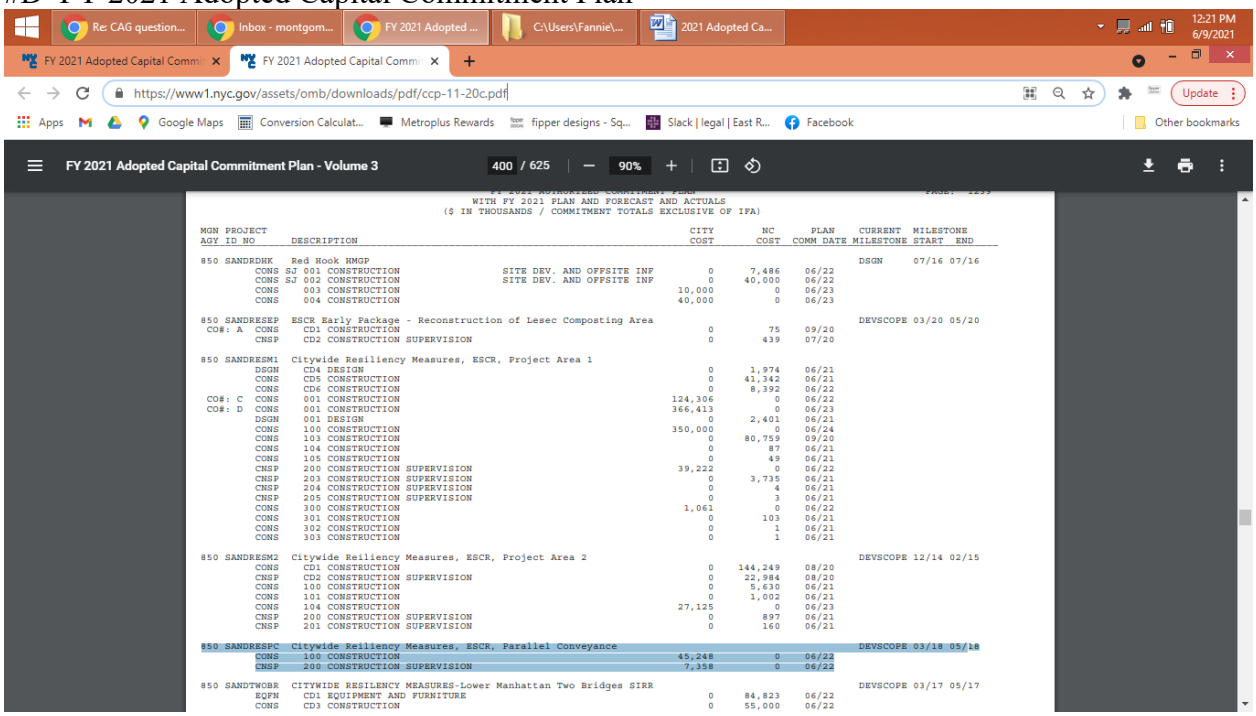
4.0 PROJECT DESIGN MEASURES

4.1 Site Cap and Importation of Fill

The Project design requires fill material to be imported in order to raise the elevation of ERP an average of 8 feet. The estimated volume is approximately 775,000 cubic yards of material. Any fill that is required for subsurface infilling activities below the cap, the material will be either virgin materials or DOT-specification recycled concrete aggregate (RCA) from Part 360 Registered Facilities with less than 10 percent fine material.

Any such clean fill imported to the Site would meet NYSDEC RRSCOs and PGSCOs. Non-virgin imported material that does not have an approved NYSDEC Beneficial Use Determination would be tested from a segregated stockpile at the originating facility for Target Compound List VOCs, SVOCs, pesticides, PCBs, and TAL metals by a New York State-certified laboratory. Due to the large volume of material required for import, a sampling frequency of one per every 1,000 cubic yards would be conducted by an environmental professional. The results would be compared to the appropriate Part 375 Soil Cleanup Objectives. A detailed clean soil report would be submitted to the NYCDEP for review and approval prior to importation and placement on-site. The report would include, at a minimum, an executive summary, narrative of the field activities, laboratory data, and comparison of soil analytical results. No construction and demolition (C&D) debris would be imported to the Site for use as fill. The analytical results of the testing and proof of receipt from the soil facilities would be included in the P.E.-certified RCR discussed in Section 6.0. Alternatively, material from the New York City Office of Environmental Remediation Clean Soil Bank would be acceptable for import. Material imported to the Site must meet the Project design geotechnical requirements and NYCDPR nutrient requirements.

#D FY 2021 Adopted Capital Commitment Plan

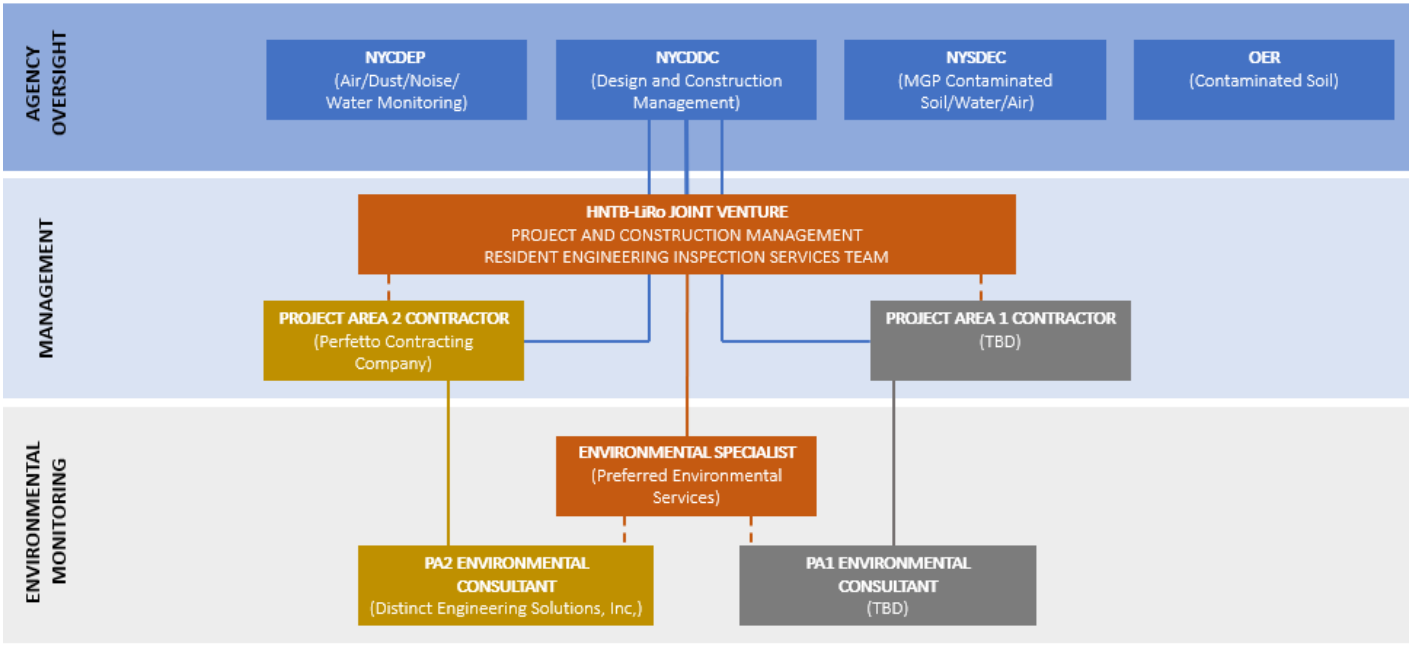


WITH FY 2021 PLAN AND FORECAST AND ACTUALS
($ IN THOUSANDS / COMMITMENT TOTALS EXCLUSIVE OF IFA)

MGN AGY	PROJECT ID NO		DESCRIPTION		CITY COST	NC COST	PLAN COMM DATE	CURRENT MILESTONE	MILESTONE START	MILESTONE END
850	SANDRDHK		Red Hook HMGP					DSGN	07/16	07/16
		CONS SJ	001 CONSTRUCTION	SITE DEV. AND OFFSITE INF	0	7,486	06/22			
		CONS SJ	002 CONSTRUCTION	SITE DEV. AND OFFSITE INF	0	40,000	06/22			
		CONS	003 CONSTRUCTION		10,000	0	06/23			
		CONS	004 CONSTRUCTION		40,000	0	06/23			
850	SANDRESEP		ESCR Early Package - Reconstruction of Lesec Composting Area					DEVSCOPE	03/20	05/20
CO#: A		CONS	CD1 CONSTRUCTION		0	75	09/20			
		CNSP	CD2 CONSTRUCTION SUPERVISION		0	439	07/20			
850	SANDRESM1		Citywide Resiliency Measures, ESCR, Project Area 1							
		DSGN	CD4 DESIGN		0	1,974	06/21			
		CONS	CD5 CONSTRUCTION		0	41,342	06/21			
		CONS	CD6 CONSTRUCTION		0	8,392	06/22			
CO#: C		CONS	001 CONSTRUCTION		124,306	0	06/22			
CO#: D		CONS	001 CONSTRUCTION		366,413	0	06/23			
		DSGN	001 DESIGN		0	2,401	06/21			
		CONS	100 CONSTRUCTION		350,000	0	06/24			
		CONS	103 CONSTRUCTION		0	80,759	09/20			
		CONS	104 CONSTRUCTION		0	87	06/21			
		CONS	105 CONSTRUCTION		0	49	06/21			
		CNSP	200 CONSTRUCTION SUPERVISION		39,222	0	06/22			
		CNSP	203 CONSTRUCTION SUPERVISION		0	3,735	06/21			
		CNSP	204 CONSTRUCTION SUPERVISION		0	4	06/21			
		CNSP	205 CONSTRUCTION SUPERVISION		0	3	06/21			
		CONS	300 CONSTRUCTION		1,061	0	06/22			
		CONS	301 CONSTRUCTION		0	103	06/21			
		CONS	302 CONSTRUCTION		0	1	06/21			
		CONS	303 CONSTRUCTION		0	1	06/21			
850	SANDRESM2		Citywide Reiliency Measures, ESCR, Project Area 2					DEVSCOPE	12/14	02/15
		CONS	CD1 CONSTRUCTION		0	144,249	08/20			
		CNSP	CD2 CONSTRUCTION SUPERVISION		0	22,984	08/20			
		CONS	100 CONSTRUCTION		0	5,630	06/21			
		CONS	101 CONSTRUCTION		0	1,002	06/21			
		CONS	104 CONSTRUCTION		27,125	0	06/23			
		CNSP	200 CONSTRUCTION SUPERVISION		0	897	06/21			
		CNSP	201 CONSTRUCTION SUPERVISION		0	160	06/21			
850	SANDRESPC		Citywide Reiliency Measures, ESCR, Parallel Conveyance					DEVSCOPE	03/18	05/18
		CONS	100 CONSTRUCTION		45,248	0	06/22			
		CNSP	200 CONSTRUCTION SUPERVISION		7,358	0	06/22			
850	SANDTWOBR		CITYWIDE RESILIENCY MEASURES-Lower Manhattan Two Bridges SIRR					DEVSCOPE	03/17	05/17
		EQFN	CD1 EQUIPMENT AND FURNITURE		0	84,823	06/22			
		CONS	CD3 CONSTRUCTION		0	55,000	06/22			

Department of Design and Construction

Attachment No.1
ESCR Environmental Monitoring Hierarchy



Thank you again for your questions.

Sincerely,

Jeffrey A. Margolies