Chapter 12: Hazardous Materials

A. INTRODUCTION

This chapter presents the findings of the Phase I Environmental Site Assessment (ESA) prepared for the development site and addresses the potential for the proposed project to pose a hazard to workers and others and/or the environment during or after development because of hazardous materials.

The assessment concludes that the proposed project would not result in significant adverse impacts with respect to hazardous substances.

B. PHASE I ENVIRONMENTAL SITE ASSESSMENT

EMTEQUE Corporation of New York, NY performed a Phase I ESA for the development site in November 2007 to investigate the potential for on-site contamination resulting from activities both on the development site and in the surrounding area. The Phase I was prepared in accordance with ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process*. The goal of the Phase I Environmental Assessment process is to identify "Recognized Environmental Concerns" (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. RECs are not intended to include de minimis conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an environmental enforcement action if brought to the attention of appropriate governmental agencies.

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; state and federal environmental regulatory databases identifying listed sites; and New York City Department of Buildings, Building Information System (BIS) records. The Phase I ESA also included reconnaissance of the site and surrounding neighborhood and interviews with the owner and building engineering staff.

The Phase I research indicated that the current building was constructed in approximately 1918 and has been used as a hotel since its construction. Prior uses on the development site included a cabinet factory, stables and other commercial uses. Since bedrock would be expected to be encountered approximately 20 feet below grade, based on US Geological Survey Report 89-462, and the entire hotel footprint has three basement levels extending approximately 36 feet below grade, little or no soil would be expected to be present beneath the building (including those portions of the building over railroad tunnels).

Consistent with the Hotel Pennsylvania's use of steam for its heating, ventilation, and air conditioning (HVAC) systems, no fuel tanks are known to be currently at the site. In addition,

the Phase I did not identify any fuel tanks historically present at the site. Chemical storage at the site is limited to typical maintenance supplies.

The Phase I ESA did not identify potential sources of contamination at the site or in the surrounding area likely to have resulted in contamination of the development site. The Phase I ESA concluded that based on the data obtained during the site inspection, subsequent regulatory and records review, and interviews with persons familiar with the development site and its history, there are no RECs that could affect the development site.

C. PROBABLE IMPACTS OF THE PROPOSED PROJECT

As discussed above, bedrock would be expected to be encountered approximately 20 feet below grade, and the entire hotel footprint has three basement levels extending approximately 36 feet below grade. Therefore, while excavation into bedrock would be required for the column foundation footings that would support the building, little or no soil would be expected to be present beneath the building (including those portions of the building over railroad tunnels). Penetration into the Amtrak-controlled railroad tunnels that traverse the development site adjacent to the third basement level is prohibited by an existing easement agreement, and it is not anticipated that the structural support systems for the proposed project will involve penetration into the tunnel structure. Accordingly, while there is some potential that contamination from railroad operations may be present in the ballast beneath the tracks inside the tunnels (contamination has been encountered in rail yard areas west of the project site), any contamination would remain within the tunnels and no disturbance of these areas would result from the proposed project. As requested by New York City Environmental Protection (NYCDEP) in a letter dated January 29, 2010, the applicant will submit a subsurface (Phase II) investigation workplan and Health and Safety Plan (HASP) to NYCDEP for review and approval and will conduct the Phase II investigation prior to the start of construction activities. 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 and undertake any necessary subsequent measures will be set forth in a Restrictive Declaration.

Therefore, based on the Phase I ESA's conclusion that there are no RECs that could affect the development site, the prohibition against penetration of the Amtrak-controlled railroad tunnels, and the obligations set forth in the Restrictive Declaration, there would be no potential for significant adverse impacts from the proposed project. ✷