

A. INTRODUCTION

As described in the 2020 *City Environmental Quality Review (CEQR) Technical Manual*, a hazardous material is defined as any substance that poses a threat to human health or to the environment. Such substances include but are not limited to: metals; volatile organic compounds (VOCs), commonly found in petroleum products and solvents; semi-volatile organic compounds (SVOCs), typically associated with fuel oil, coal, and ash; and polychlorinated biphenyls (PCBs), usually associated with transformers and utilities. Hazardous materials also include substances used in building materials and fixtures, such as asbestos-containing materials (ACM), lead-based paint (LBP), and mercury.

The presence of hazardous or contaminated materials does not necessarily indicate a threat to human health or the environment; a means of an exposure pathway, the presence of a receptor, and an unacceptable dose must also be present to cause a threat. During construction, hazardous materials could be disturbed through excavation of soil and bedrock, extraction of groundwater, or the demolition or renovation of existing structures. The most likely routes of human exposure from the hazardous materials evaluated are the inhalation of VOCs, the ingestion of particulate matter containing SVOCs or metals, or dermal (skin) contact with hazardous materials that can be released during soil-disturbing activities.

Based on the above, this chapter assesses the potential for the presence of hazardous materials on the development sites; the potential for exposure to hazardous materials during construction and operation of the ~~Proposed Project~~previously proposed project; and specific measures that would be employed to protect public health, worker safety, and the environment.¹

As discussed in Chapter 1, “Project Description,” the ~~Proposed Project~~previously proposed project would facilitate the construction of a mixed-use building containing residential, office, retail, and community facility uses as well as parking at 250 Water Street (Block 98, Lot 1; the Development Site), currently a surface parking lot, on which the ~~Proposed Project~~previously proposed project (a mixed-use building with residential, office, retail, and community facility uses as well as parking spaces) would be developed, requiring excavation and dewatering that would encounter the subsurface contamination. Absent the ~~Proposed Project~~previously proposed project, the Development Site is anticipated to be redeveloped with a new as-of-right building with similar uses. The presence of hazardous materials threatens human health or the environment only when exposure to those materials can occur. The most likely route of human exposure is through breathing contaminated vapors or particulate-laden air released during demolition, excavation, and construction activities. Following completion of the ~~Proposed Project~~previously proposed project,

¹ Since the publication of the DEIS, the Applicant has withdrawn the application for the previously proposed project and submitted a modified application (Application Number C 210438(A) ZSM; the “A-Application”) with proposed changes to the project—this modified version of the project is described and considered in this FEIS as the Reduced Impact Alternative, as outlined in Chapter 18, “Alternatives.”

the principal potential pathway of concern would be the intrusion of vapors into buildings from any volatile contamination remaining in the subsurface.

The ~~Proposed Project~~previously proposed project's Development Site has an industrial and manufacturing history, including factories, an oil company, printers, a metal works, warehouse thermometer factory, a chemicals and glue company, a chemical company, a trucking company, a garage with two 550-gallon underground storage tanks (USTs), a machine shop, and a gasoline service station. These historical uses (and similar uses in the surrounding area) resulted in a variety of subsurface contaminants, in particular mercury and contaminants related to petroleum, in the soil, groundwater and soil vapor.

The ~~Proposed Project~~previously proposed project would also include the renovation, reopening, and potential expansion of the South Street Seaport Museum (the Museum) at 2-4 Fulton Street, 89-93 South Street, and 167-175 John Street (Block 74, a portion of Lot 1), as well as operational changes to the Pier 17 access drive to facilitate passenger drop off and minor improvements to the Pier 17 access drive area and building. Historical site uses in these areas included a gasoline filling station (at the vacant parking area adjacent to the buildings), a rope warehouse, a paint warehouse, a blacksmith and automotive sales. Subsurface contaminants of concern, in particular volatile organic compounds, would be primarily associated with the former gas station, which was known to have had tanks that caused soil and groundwater contamination. The tanks and some contaminated soil were removed in 2000, but it is anticipated that residual contamination remains.

The ~~Proposed Project~~previously proposed project may also include streetscape, open space, or other improvements (e.g., planters) under the Proposed Actions within the Project Area.

PRINCIPAL CONCLUSIONS

The ~~Proposed Project~~previously proposed project would not result in significant adverse impacts related to hazardous materials with the placement of an (E) Designation (E-621) on the Development Site (Block 98, Lot 1), and an equivalent mechanism on the Museum Site (Block 74, Lot 1). Based on the assessment contained in this Chapter, the potential for significant adverse impacts related to hazardous materials resulting from the ~~Proposed Project~~previously proposed project would be avoided through compliance with existing regulatory requirements and conforming to New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) requirements: in particular the completion of already completed Remedial Investigation (RI) and the implementation of an approved Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP) during project construction. Since the BCP is a voluntary program, should the developer not perform the remediation under the BCP (due to program withdrawal or other reasons), the developer would be required, through the (E) Designation (E-621) for hazardous materials that would be placed on the Development Site (Block 98, Lot 1), to perform these activities (including preparation and implementation of a RAWP/CHASP) under the oversight of the NYC Office of Environmental Remediation (OER).

For the Museum Site, AKRF, Inc. prepared a Phase I Environmental Site Assessment (ESA) in February 2021 that determined that a subsurface investigation (Phase II) would need to be conducted in advance of any new construction on the existing vacant lot (the John Street Lot) because it had once included a gasoline filling station. Because the site is subject to a NYSDEC Stipulation Agreement (due to the failure to remove all subsurface contamination when the gasoline tanks were removed) a Remediation Plan to address this residual contamination would need to be prepared (and submitted to NYSDEC for approval) for implementation during

construction. Additional investigations of non-petroleum-related contamination would also be needed and a RAWP to address both petroleum and non-petroleum contamination would be subject to NYSDEC and NYCDEP review and approval. Renovation of the existing historic buildings for Museum use would be conducted in accordance with applicable regulatory requirements, including those applicable to building materials such as asbestos and lead-based paint. Similarly, any streetscape and open space improvements (e.g., planters) would be conducted in accordance with applicable regulatory requirements in the manner these activities are typically performed in New York City, e.g., importing new clean material for new landscaped areas. To ensure that this would occur a mechanism equivalent to an (E) Designation for hazardous materials would be placed on the Museum Site (Block 74, Lot 1). This mechanism would ensure that before issuance of a permit for construction involving subsurface disturbance, a RAWP and CHASP would be approved in conformance with requirements of the NYC Office of Environmental Remediation. With these measures, the activities at the Museum Site and for the streetscape and open space improvements would not result in significant adverse impacts related to hazardous materials.

METHODOLOGY

As described in the *CEQR Technical Manual*, the purpose 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 or environmental impacts. This assessment is based on Phase I Environmental Site Assessments (ESAs) of the Development Site, dated September 2015 and June 2018, a Phase II Environmental Site Investigation (ESI), dated November 2015, and a Draft Remedial Investigation Report (RIR), dated February 2021, all prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan). This assessment is also based on a Phase I ESA of the Museum Site, dated February 2021 and prepared by AKRF, Inc. The ESAs were prepared in conformance with ASTM Standard E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice* and included a visual inspection; a review of historical land use maps and local records; and a review of State and Federal regulatory databases relating to use, generation, storage, treatment, and/or disposal of hazardous substances and petroleum. The ESI included a geophysical investigation to identify potential underground storage tank (UST) locations and advancement of borings for collection and laboratory analysis of soil, groundwater and soil vapor samples. The RIR documented the findings of additional soil, groundwater and soil vapor sampling/analysis, determined the nature and extent of soil, groundwater, and soil vapor contamination and included a Conceptual Remedy for use in developing the Remedial Action Work Plan (RAWP).

B. EXISTING CONDITIONS

DEVELOPMENT SITE

TOPOGRAPHY AND SUBSURFACE CONDITIONS

Based on surveys of the Development Site, the elevation ranges from about elevation 7 to 16 feet NAVD88 (an approximation of mean sea level). The Development Site and surrounding area slope downwards to the southeast toward Water Street. The East River is approximately 500 feet to the southeast. According to the Sanitary and Topographical Map of the City and Island of New York created by Egert L. Viele in 1865 (“Viele Map”), the Development Site was originally located

underwater at and beyond the historical shoreline. Groundwater is approximately 7 to 15 feet below grade. Bedrock is about 125 feet below grade.

PHASE I ESA FINDINGS

Langan prepared ESAs of the Development Site, dated September 2015 and June 2018. Both ESAs were prepared in conformance with ASTM Standard E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice* and included a visual inspection; a review of historical land use maps and local records; and a review of State and Federal regulatory databases relating to use, generation, storage, treatment, and/or disposal of hazardous substances and petroleum. The Phase I ESA identified the following Recognized Environmental Conditions (RECs). RECs are “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property...”

- Historical use of the Development Site for industrial and manufacturing purposes, including factories, an oil company, printers, a metal works, warehouse, thermometer factory, a chemicals and glue company, a chemical company, a trucking company, a garage with two 550-gallon underground storage tanks (USTs), a machine shop, and a gasoline service station.
- The presence of historic fill at the Development Site.
- Historical use of adjoining and surrounding properties as a metals works, an “oils” facility, trucking companies, a garage, a machine shop, a printer, a substation, an automobile repair facility, a mercury warehouse, and facilities with petroleum bulk storage.

Additional research conducted outside of the ASTM Phase I ESAs identified three additional historical thermometer factory/workshops on the Development Site.

PHASE II ESI FINDINGS

Following completion of the Phase I ESA, a Phase II ESI was performed to investigate the RECs. The November 2015 Phase II ESI included: a geophysical investigation to identify potential UST locations, subsurface utilities and anomalies; advancement of 10 borings with collection of 21 soil samples for laboratory analysis; installation of five temporary monitoring wells for collection and laboratory analysis of groundwater samples; and installation of five temporary probes for collection and laboratory analysis of soil vapor samples. Findings included the following:

- The geophysical survey identified an anomaly consistent with a UST inside the eastern boundary of the Development Site along Peck Slip.
- Soil borings were advanced from 8 to 28 feet below grade. Beneath the asphalt, historic fill material was present to 6 to 14.5 below grade. This fill typically comprised sand with silt, gravel, brick, concrete, wood and ash. Native sand with gravel and silt was beneath the fill. Bedrock was not encountered.
- Petroleum impacts were observed in four borings on the eastern portion of the Development Site. Volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs) were detected at levels above the New York State Department of Environmental Conservation (NYSDEC) Title 6 Part 375 Unrestricted Use (UU) Soil Cleanup Objective (SCOs) in two of the borings on the southeastern portion of the Development Site.
- Multiple SVOCs and metals typically found in New York City historic fill were present at levels above UU SCOs in soil samples collected from the fill layer across the Development Site.

- Mercury was identified at levels up to 120 milligrams per kilogram (mg/kg) in soil. Ten of the 21 samples exceeded UU SCOs. A thermometer factory was historically located on-site.
- Groundwater was first encountered at 7 to 14 feet below grade. Inferred groundwater flow was to the southeast (towards the East River).
- Petroleum-related VOCs and SVOCs were identified in groundwater at levels exceeding NYSDEC Division of Water Technical and Operation Guidance Series (TOGS) 1.1.1 *Ambient Water Quality Standards and Guidance Values* (SGVs) for Class GA (drinking water) in the eastern and northwestern portions of the Development Site. A petroleum-like odor and sheen were observed in purge water from two of the monitoring wells.
- Multiple metals exceeded SGVs in total (unfiltered) samples. Dissolved antimony, iron, magnesium, manganese, and sodium in filtered samples also exceeded SGVs. These findings are likely related to brackish groundwater conditions. Mercury in soil did not appear to be impacting groundwater.
- Soil vapor sampling results indicated the presence of several VOCs, including chlorinated solvents and petroleum-related compounds, above the typical range of outdoor air levels. The New York State Department of Health (NYSDOH) has guideline “decision matrices” for several compounds including trichloroethene (TCE) and tetrachloroethene (PCE). In the absence of data on indoor air levels in a (future) building, TCE and PCE levels found could indicate the need to “mitigate” (i.e. implement remedial measures).
- Based on the field observations and sampling results, a petroleum spill was reported to the NYSDEC on October 13, 2015, and Spill No. 1507371 was assigned.

~~DRAFT~~ REMEDIAL INVESTIGATION REPORT FINDINGS

A Remedial Investigation (RI) was performed at the Development Site in accordance with an approved Remedial Investigation Work Plan. The RI is summarized in the ~~February-June 2021 Draft~~ Remedial Investigation Report (RIR). The RI included: 43 soil borings to between approximately 10 and 32 feet below grade with collection of 100 soil samples for laboratory analysis; 16 of these borings had an additional 136 soil samples collected for mercury laboratory analysis (to delineate the extent of mercury impacts); 11 groundwater monitoring wells with collection of 11 groundwater samples for laboratory analysis (as well as development of a groundwater contour map and an evaluation of tidal influence); and collection of 17 soil vapor samples (and an outdoor ambient air sample).

Findings included the following:

- A geophysical survey identified an additional potential UST near the corner of Beekman and Water Streets.
- Groundwater depth ranged from about 8.9 to 15.5 feet below grade (water table elevations ranged from about -0.65 to -1.10 NAVD88). Groundwater flow was determined to be towards the southeast. The tidal cycle fluctuation is about ± 0.1 feet.
- Petroleum- and creosote-like impacts were observed in 17 of the 43 soil borings at depths ranging from about 2 to 28 feet below grade. Petroleum-like impacts were attributed to: former USTs (including open NYSDEC Spill No. 1507371); the historical oil company and a garage with two 550-gallon USTs of the northeastern portion of the Development Site. VOCs and/or SVOCs were detected in soil samples above UU and/or RRU SCOs and in groundwater samples at levels above NYSDEC SGVs. Petroleum-related VOCs were also detected in all

soil vapor samples. Creosote-like impacts were attributed to the presence of historical treated timber cribbing/pilings near Water Street; petroleum/creosote-related VOCs were detected in groundwater and soil vapor samples in this area of the Development Site.

- Mercury associated with the historical thermometer factory/workshops was detected in soil samples at levels above UU and Restricted-Residential Use (RRU) SCOs. Mercury was detected at levels above the RRU SCO in 93 of 259 samples. Mercury was also detected site-wide in historic fill material at generally lower levels. Mercury was not detected in groundwater samples or on-site soil vapor samples, but was detected in soil vapor samples collected from about 15 feet below the Pearl Street sidewalk adjoining the Development Site.
- Historic fill material was encountered in all soil borings to depths ranging from about 5 to 17 feet below grade. Historic fill included SVOCs, pesticides, PCBs, and metals (including mercury) at levels above UU and/or RRR SCOs and barium and arsenic impacts in groundwater above SGVs.

BROWNFIELD CLEANUP PROGRAM

The Development Site was enrolled in the NYSDEC Brownfield Cleanup Program (BCP) (Site #C231127) in August 2019. A Brownfield site is one where subsurface contamination is present at levels exceeding SCOs or other health-based or environmental standards, criteria or guidance adopted by NYSDEC that are applicable based on the reasonably anticipated use of the site. NYSDEC in conjunction with the New York State Department of Health made a determination in a fact sheet dated June 2021, that the site does not pose a significant threat to public health or the environment, see Appendix C, “Agency Correspondence.”

~~In a letter dated June 25, 2021, Based upon the results of the sampling described above, the RIR was approved by NYSDEC (see Appendix C) and as outlined in the Draft RIR, a Draft Remedial Action Work Plan (Draft RAWP) will be prepared in accordance with the NYSDEC Program Policy DER-10: Technical Guidance for Site Investigation and Remediation. A 45-day public comment period for the Draft RAWP began on June 25, 2021. The conceptual remedial elements summarized in the RIR have been refined during the development of the dDraft RAWP. The RAWP is proposed to include the following remedial elements:~~

- Implementation of a Construction Health and Safety Plan (CHASP) and Community Air Monitoring Plan (CAMP), including air monitoring for volatile organic compounds, particulates and mercury vapor, for the protection of site workers, the community, and the environment during the remediation phase of development;
- A remedial design investigation including at a minimum a waste characterization study;
- Decommissioning and removal of USTs;
- Site-wide excavation and off-site disposal of impacted soil to approximately 15 feet below grade surface (bgs) (subject to change based on final foundation design);
- Hotspot excavation to about el -7 to -8 NAVD88 to remove petroleum-impacted material that is a source of groundwater contamination; if necessary, in-situ treatment of residual petroleum-impacted groundwater following source removal. Groundwater samples will be collected to document post-remediation groundwater quality;
- Screening for indications of contamination source areas during any intrusive site work by visual, olfactory, or instrumental methods;

- Appropriate off-site disposal of historic fill and soil removed from the site in accordance with federal, state, and local rules and regulations for handling, transport, and disposal;
- Dewatering and treatment of groundwater to allow for excavation below the water table and remediation of groundwater impacts;
- Installation of support of excavation necessary to facilitate remedial excavation;
- Collection and analysis of confirmation soil samples at the completion of the remedial excavation to document post-remediation soil quality;
- Import of materials for backfill, where required, in compliance with NYSDEC requirements;
- Completion of a soil vapor intrusion evaluation in future Development Site buildings;
- Establishment of use restrictions, as necessary;
- If required, recording of an environmental easement to memorialize the remedial action and the institutional controls (ICs) to prevent future exposure to remaining contamination at the Development Site. If engineering controls (ECs) are part of the final remedy, the ECs will be memorialized in the environmental easement; and
- If required, development of a Site Management Plan for long-term management of remaining contamination as may be required by the environmental easement, including plans for: (1) ECs and/or ICs, (2) monitoring, (3) operation and maintenance, and (4) reporting.

The Draft RAWP and other documents are available on the NYSDEC website at <https://www.dec.ny.gov/data/DecDocs/C231127/>

MUSEUM SITE

TOPOGRAPHY AND SUBSURFACE CONDITIONS

Based on the United States Geological Survey (USGS) 7.5-Minute Quadrangle Map for Jersey City, NJ (2014), the Museum Site is located only a few feet above mean sea level, with regional topography sloping gently downward to the southeast. Groundwater was first encountered at between approximately 4 and 7 feet below grade during spill investigations (see next section). Based on topography, groundwater is expected to flow in an approximately southeasterly direction towards the East River, which is approximately 200 feet away. The Museum Site has historical fill material, since, according to the Viele Map, the Museum Site was originally located underwater beyond the historical shoreline.

PHASE I ESA FINDINGS

A Phase I ESA was prepared by AKRF, Inc. in February 2021 in conformance with ASTM Standard E1527-13. It identified RECs associated with a filling station with eight gasoline USTs formerly located on the John Street Lot (the location of the potential Museum expansion). RECs were also identified relating to other historical uses both at and near the Museum Site.

Petroleum Spill No. 0006332 was reported to NYSDEC for the John Street Lot in August 2000 when historic gasoline tanks and contaminated soil were discovered while excavating for a proposed building expansion. The Spill record noted that a Phase II Subsurface investigation was conducted in 2000 following removal of the tanks and contaminated soil (but it was noted some contaminated soil remained due to excavation limitations associated with adjoining structures). Results of the investigation, which included the collection of seven soil and four groundwater samples, indicated certain petroleum-related compounds and metals in soil and groundwater.

Additional subsurface investigations were completed in 2010 pursuant to a NYSDEC stipulation agreement with required subsequent semi-annual groundwater monitoring. The last groundwater monitoring event noted in the NYSDEC files December 2013, conducted on behalf of the New York City Economic Development Corporation, indicated decreasing trends in certain petroleum-related VOCs. The file noted that additional investigation and remedial activities would be need to be conducted in accordance with NYSDEC requirements prior to any redevelopment and the spill listing remains with an open status. It is likely that residual soil contamination will be encountered, especially in areas that could not be previously excavated as they were too close to existing buildings. Although groundwater contamination has likely continued to decline over time, given that the tanks and presumably much of the soil contamination were removed, some residual groundwater contamination likely remains.

REMAINDER OF THE PROJECT AREA

It is anticipated that no excavation would be required in conjunction with any potential streetscape, open space, or other improvements (e.g. planters), therefore additional analysis is not warranted.

C. THE FUTURE WITHOUT THE ~~PROPOSED PROJECT~~ PREVIOUSLY PROPOSED PROJECT

DEVELOPMENT SITE

In the No Action condition, the Development Site is anticipated to be redeveloped with a new as-of-right building with similar uses and requiring similar excavation and subsurface disturbance. It is assumed that this redevelopment would be conducted under the BCP (as discussed in more detail in Section D, below) but this is a voluntary program and absent the ~~Proposed Project~~ previously proposed project, the Applicant would not be obligated to perform this work. However, NYSDEC can compel a property owner (the Applicant is the property owner) to investigate and remediate a site (or take other appropriate actions), should they determine it represents a potentially significant threat to human health or the environment. Regardless of whether redevelopment were to be conducted under the BCP, applicable regulatory requirements would need to be followed including those relating to the reported petroleum spill, decommissioning and removal of all known and any unexpectedly encountered USTs (and associated piping) in accordance with NYSDEC requirements including those related to spill reporting and tank registration. If dewatering is required, groundwater testing would be performed to ensure that the discharge would meet the New York City Department of Environmental Protection (DEP) sewer discharge requirements. If necessary, pretreatment would be conducted prior to discharge to the City's sewer system, as required by DEP permit/approval requirements.

MUSEUM SITE

It is assumed the Museum would close permanently in the No Action condition, so there would be no disturbance of the existing building or excavation on the vacant John Street Lot at the corner of John Street and South Street for the potential Museum expansion. Without excavation, the NYSDEC Spill listing would remain open.

REMAINDER OF THE PROJECT AREA

It is assumed that no other streetscape, open space, or other improvements (e.g planters) would occur absent the ~~Proposed Project~~previously proposed project, nor would there be operational changes to the Pier 17 access drive or minor improvements to the Pier 17 area.

D. THE FUTURE WITH THE PREVIOUSLY PROPOSED PROJECT

DEVELOPMENT SITE

The ~~Proposed Project~~previously proposed project would require excavation at the Development Site. Based on the ESA, ESI and RIR findings, under the BCP program, a Draft RAWP (incorporating a CHASP) and CHASP ~~would~~has been prepared for implementation during the subsurface disturbance at the Development Site. The Draft RAWP and CHASP ~~would be~~is subject to NYSDEC and NYSDOH review and would be approved through issuance of a Decision Document. These Agency approvals address both the Development Site itself and the surrounding community. The remedial elements proposed ~~for in the Draft RAWP for the site~~ are outlined above in the *Brownfield Cleanup Program* portion of B. Existing Conditions above. A Certificate of Completion (COC) would be issued once NYSDEC receives documentation, in the form of a Final Engineering Report prepared by a New York-licensed Professional Engineer, that the RAWP was properly implemented.

Because the BCP is a voluntary program, should the developer not perform the remediation under the BCP (due to program withdrawal or other reasons), the developer would be required to perform these activities (including preparation and implementation of a RAWP and CHASP including the associated Community Air Monitoring) under the oversight of the DEP and/or OER. To ensure that this would occur an (E) Designation (E-621) for hazardous materials would be placed on the Development Site (Block 98, Lot 1). An (E) Designation would ensure that before issuance of a permit for construction involving subsurface disturbance, a RAWP and CHASP would need to be approved in conformance with requirements of the NYC Office of Environmental Remediation.

MUSEUM SITE

For the museum site, renovation of the existing building at 91-93 South Street and 2-4 Fulton Street would be conducted in accordance with applicable regulatory requirements, including those applicable to building materials such as asbestos and lead-based paint, which based on the Phase I ESA could be present. Based on the Phase I ESA, prior to starting construction additional investigation would be required in accordance with the NYSDEC Stipulation Agreement and a Remediation Plan to address the residual contamination prior to and/or during construction would need to be prepared (and submitted to NYSDEC for approval) for implementation during construction. Remediation proposed would include additional soil investigation and installation of vapor controls beneath the new construction. Since the investigations at the site to date were limited to petroleum-related contamination, further investigation would include non-petroleum-related contaminants (e.g., metals and PCBs) and the RAWP would also need to address these findings (but it is likely that no additional remediation beyond that required for the petroleum contamination would be required). As such, the investigation work plan and RAWP would also be subject to NYCDEP review and approval. To ensure that this would occur a mechanism equivalent to an (E) Designation for hazardous materials would be placed on the Museum Site (Block 74, Lot 1). This mechanism would ensure that before issuance of a permit for construction

involving subsurface disturbance, a RAWP and CHASP would be approved in conformance with requirements of the NYC Office of Environmental Remediation.

REMAINDER OF THE PROJECT AREA

Any streetscape, open space, or other improvements (e.g., planters) would be conducted in accordance with applicable regulatory requirements in the manner these activities are typically performed in New York City, e.g., importing clean material for new landscaped areas. Any improvements to open space or landscaped areas (uncapped areas) would have a minimum of two feet of clean fill placed.

E. CONCLUSIONS

With the measures outlined above included as part of the ~~Proposed Project~~previously proposed project, no significant adverse impacts related to hazardous materials would be anticipated to occur during or following construction of the ~~Proposed Project~~previously proposed project. *