

III. C – HAZARDOUS MATERIALS & PUBLIC HEALTH

C-1 Comment:

*Then I also had some questions about the borings. Now when we get to the borings, the soil borings that were taken, and I realize I understand that there was a total of nine borings that were done, and yet we only have information about six of them. I don't know what happened to boring No. 2, No. 4 and No. 8  
(Board Member Yergin, Public Hearing, April 1, 2021)*

C-1 Response:

Soil samples were collected in accordance with the Phase II ESA Work Plan. No soil samples were collected from Borings 2, 4 and 9 based on field screening, visual observations by the on-site geologist. The samples analyzed were biased to areas of concern or based on field screening and observations. It is typical to install more borings than samples analyzed. The samples collected provide a detailed and proper cross-section of the site conditions with respect to potential contaminants.

C-2 Comment:

*So those of you how are reading the document, you can see there's quite a lot of talk about there's tables with what was found in the other borings holes in the soil, and you can see that there were nine and we never hear about three of them. So I wonder why we're not hearing what were the results or were those -- were the results of those borings analyzed?  
(Board Member Yergin, Public Hearing, April 1, 2021)*

C-2 Response:

No soil samples were sent to the laboratory for analysis from these three locations. See response C-1.

C-3 Comment:

*I do know that there were two tanks that broke with hazardous materials in the past. I wondered where they were located on the lot and if that was anywhere close to where these boring samples that we don't know anything about were located.  
(Board Member Yergin, Public Hearing, April 1, 2021)*

C-3 Response:

The former tank locations and the close out paperwork related thereto were included in the Phase I ESA conducted at the Site. The test borings were biased to the two former tank locations and appropriate soil samples were collected and analyzed for VOCs and SVOCs related to former petroleum bulk storage at the Site. If an underground storage tank is encountered during construction, it will be addressed in accordance with all applicable NYSDEC and WCDOH regulations, and will be closed-out properly.

C-4 Comment:

*Another concern I've had, I've always had and brought up earlier on this when I was on the board when this was part of tech [sic] the second time as well as the first is the concern about testing. Testing meaning for contaminants in the water, et cetera, which flow. Concerned because, A, I know that the DEC had assigned an engineer to be in charge of the area because there was several sites, and I had the names at the time of the individuals because this was in an area where the applicant acknowledges that there has been some concerns with funded -- sites that were funded for correction and removal of contamination. But I was concerned with the fact that the applicant never had a test made, according to what they had said, although when they built the building, there were never any soil tests. And to be very frank with everybody, that sort of concerns me as a blind eye approach because you're gonna put that money into a building, as they have done, it's there, it's -- I heard it is full and operational, you think they would have done those tests, and I'm concerned as to why they weren't.  
(Board Member Neufeld, Public Hearing, April 1, 2021)*

C-4 Response:

The intent of this comment is unclear. It is assumed that it is a reference to a Brownfield(s) site in the area. The Project Site is not in the NYSDEC BCP. Samples of soil and groundwater were collected and analyzed for constituents of concern based on the historic use of the Site and the findings of the Phase I ESA.

C-5 Comment:

*So I posed the question when this was once heard by us recently – I guess not that recently but a couple of years ago, how do you go about finding out where to test? Because that's the key. You have to know where to test, and I think locating the areas of testing is very important. I would like to know how they found those areas.*  
(Board Member Neufeld, Public Hearing, April 1, 2021)

C-5 Response:

The testing was biased to "recognized environmental conditions" (RECs) based on the findings of the Phase I ESA. Example: A test boring and groundwater sample were collected from the former UST area. This is standard practice when conducting a Phase II ESA.

C-6 Comment:

*I know I once proposed that an engineer had to be designated to explain why they picked it. And then who selected and what were the actual findings? Because when I read phrases, and I haven't seen the test data, but I saw something about well, you know, some areas are within reach, some are not, there are some things that are mostly it's okay, there are hydrocarbons, the question is you need more than that.*  
(Board Member Neufeld, Public Hearing, April 1, 2021)

C-6 Response:

Licensed environmental professionals conducted the investigation in accordance with all applicable NYSDEC guidelines and requirements.

C-7 Comment:

*I think it really comes down to I'm interested in the tests and the results. Because – particularly because of the water in the area because it's not a matter of the contaminants to remaining stable, for example in dredging situations often when you dredge, you take materials, hazardous waste that is has been embedded, and you actually can create more of a problem by circulating it than creating it to being infused with other materials in the water. So I'm very concerned about that. I don't know if there was any coordination done with the DEC, that's it.*  
(Board Member Neufeld, Public Hearing, April 1, 2021)

C-7 Response:

There is no dredging proposed for the Proposed Action, it is not in a waterway of the State of New York. Any soil that will be excavated will be handled in accordance with Part 375 and DER-10 Regulations. If soil needs to be disposed of, it will be pre-characterized and taken to the proper licensed facility, or it will be re-used on-site in accordance with all NYSDEC Regulations. At present, the data from soil and groundwater analysis does not indicate that a SSDS or SVE will be necessary. However, the building foundation will be designed to accommodate all required soil vapor intrusion, if deemed necessary.

C-8 Comment:

*There's a reference in here that hazardous materials that they say that the findings of the contamination is above the DEC standards, and that's fine. I think Ms. McCrory said something earlier. That's like the minimum, that's like the requirement. I'd like to know that sense, it's there we have had alarm bell ring and it says it's above that, what are they going to do about it, what's the real assessment, not tat whether it will be okay it's not that bad, no, it is that bad if it's past the standard. It should be below the standard significantly that's the goal.*  
(Board Member Neufeld, Public Hearing, May 6, 2021)

C-8 Response:

Some soils exceeded for Unrestricted Use Soil Cleanup Objectives, the most restrictive guideline. However, there were no exceedances of guidelines applicable for the proposed future site use. Nonetheless, the construction will be guided by an Excavation Work Plan (EWP), and any soil that is excavated and is impacted will be addressed accordingly under NYSDEC Regulations. There were several exceedances for SVOCs in groundwater. However, groundwater is not used for potable purposes, and if any dewatering is required, the pumped groundwater will be treated prior to being discharged, or collected and properly disposed of. It is standard practice when developing an urban site that soil and groundwater are handled properly.

C-9 Comment:

*The soil vapor sampling is important as I understand it. And is it necessary to have a vapor barrier. I know that there were soil tests apparently in phase one. Were there soil tests subsequent to that. That should be addressed. And what test could not be performed because the first building was in place. So, this concerns me not just from this property but from others because of any contaminations and you have water flow underneath it.*  
(Board Member Neufeld, Public Hearing, May 6, 2021)

C-9 Response:

The building will be designed with an SSDS in place as a precaution. It is common practice in an urban setting to construct a building in this manner. If an SSDS is proposed, a vapor barrier would be required. A vapor barrier is typically installed under the concrete slab of the building. Groundwater results from the multiple prior subsurface investigations do not warrant further discussion related to vapor intrusion. There were no significant findings related to historic site use or the potential for vapor intrusion. However, as the construction of the building progresses, should that change and field observations indicate that an impacted area is observed within the building footprint, provisions will be made to mitigate any observed impacts, which may include SSDS or SVE. However, given the available data for the Site to date, this scenario seems unlikely.

C-10 Comment:

*I'm going to reiterate and flesh out what I said last time was that I was reviewing how there were nine soil borings taken but we only got the results from six of the soil borings. I wondered what happened to the other three.*  
(Board Member Yergin, Public Hearing, May 6, 2021)

C-10 Response:

There were three borings that did not have soil samples sent for lab analysis. That is not uncommon. The work plan was followed and the soil samples sent for analysis encompass the Site and were biased to RECs and/or field screening results. See response to comment C-1.

C-11 Comment:

*I'm also interested I know that they reported there were two tanks that had to be removed and there was a spill that had been administratively closed out, but I would be interested to know where those tanks were on the lot and how they relate to the borings and the testings that was done.*  
(Board Member Yergin, Public Hearing, May 6, 2021)

C-11 Response:

The former tanks were a REC identified in the Phase I ESA and the subsequent borings, and at least two of the borings were biased to those former UST locations where soil and groundwater samples were collected.

C-12 Comment:

*This is some of what they've been saying. I did understand that they found SVOCs above the normal limit and the response was it likely represents background concentrations for these constituents because it's in a commercial corridor area. I was not satisfied with that it's likely something because it happens to be in the area. I thought that was really*

*avoiding taking responsibility for doing further testing and understanding what the ramifications were of the results of those tests.*

*(Board Member Yergin, Public Hearing, May 6, 2021)*

C-12 Response:

The SVOC hits exceeded Unrestricted use SCOs, the most stringent soil guideline. The proposed commercial development of the Site is allowable with the SVOC hits that were observed. Any soil removed will be dealt with in accordance with NYSDEC Regulations. No significant SVOC exceedances were detected that would restrict the development of the Site as proposed. If a SSDS or SVE is deemed necessary based on field conditions at the time of construction, they will be designed and implemented. However, the data to date from multiple subsurface investigations does not indicate that either will be required.

C-13 Comment:

*Were the findings here. Were they supposed to be reported to the DEC, I'm not sure. I haven't asked that of the consultant but I'm not sure they were supposed to because sometimes you have to report.*

*(Board Member Neufeld, Public Hearing, May 6, 2021)*

C-13 Response:

Reporting to the NYSDEC will occur as required. Refer to Responses C-7, C-8, C-12, C-15 and C-16.

C-14 Comment:

*The laboratory results for chlorinated VOCs in groundwater indicated that 1,1,2-trichloroethane (TCA) and 1,2-dichloroethane (DCA) were present in groundwater at concentrations that exceeded the NYSDEC Ambient Water Quality Standards. The DEIS states "in professional judgement of Hydro Environmental Solutions, Inc., the levels are far below any threshold value that would represent a threat to the public health, or trigger further environmental investigation related to chlorinated VOCs at the site." Although the levels are low, they are above NYSDEC standards, and soil vapor sampling and/or vapor mitigation as part of the building design (i.e. vapor barrier and/or SSDS) should be further investigated in the FEIS.*

*(AKRF Memorandum, April 30, 2021)*

C-14 Response:

A SSDS will be designed as part of the building and is common practice as a precaution. However, it is the professional opinion of HES that the levels observed are not a health threat. The soil and groundwater data from the Phase II ESA and subsurface investigations is stand alone. They are compliant with NYSDEC CSCOs. When the buildings are demolished, pre-demolition surveys should be conducted as per code. This is standard practice.

The results of soil sampling for VOCs, SVOCs, TAL metals and PCBs indicate that no petroleum hydrocarbon constituents, metals or PCBs were detected above NYSDEC-RUSCOs for commercial properties at any of the boring locations where these constituents were tested.

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The findings of the Phase I Environmental Assessment recommends that given the likely presence of asbestos, lead paint and PCBs, proper sampling and abatement shall be undertaken prior to any further renovations, repairs or demolition.

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Refer to Responses C-12 and C-13.

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C-15 Comment:

*Hazardous materials was not adequate. What tests are necessary to look at now? Concern over PCB's. Thought we would have an engineers report.*

*Demo may result in abatement. Mitigation should be addressed. Are VOC's reported?*

*(Chairman Neufeld, November 16, 2021 Work Session)*

C-15 Response:

All excavated materials at the site as part of the Proposed Action will be handled in accordance with NYSDEC Regulations. The subsurface investigations conducted to date, which are extensive, have not rendered any of the on-site soils as hazardous materials. When the excavation commences for the foundation, the Excavation Work Plan (EWP) that was compiled will be followed and will include handling all excavated soils in accordance with the NYSDEC DER-10 Regulations. A Community Air Monitoring Plan (CAMP) will be implemented, and a geotechnical engineer will confirm that all surrounding existing structures will not be affected by the proposed excavation. All of this is standard operating procedure for construction at an urban site.

If dewatering to any significant degree is required, then the surrounding buildings and structures will need to be monitored so that settling does not occur. However, the multiple investigations conducted to date indicate that extensive dewatering will not be required. The existing soil beneath the site is typical urban/suburban fill, there is no remediation required other than what would be in the Excavation Work Plan and handling any off-site disposal of soil properly, in accordance with all applicable NYSDEC Regulations.

A geotechnical engineer will prepare pre-construction survey and install monitoring equipment on adjacent structures to ensure their integrity. No impact on railroad way are anticipated provided proper shoring is properly installed in accordance with the recommendations of a structural engineer, as required.

There is no soil that will require remediation outside of the excavated areas which will need to be handled in accordance with NYSDEC regulations for urban fill. The entire Site is covered with urban fill, as is the surrounding neighborhood. There is no Site-wide soil remediation required.

C-16 Comment:

*Excavation / Final scoping outline acknowledges high water table and contaminated soil is present:*

- *Says we have to move 1000 cubic yards of soil (DESI 550 cy) -what are the short term effects on the environment in excavating this much soil?*
- *How the removing the soil impact the water table?*
- *How will the soil be handled and will it be moved around on the site (potentially aerosolizing).*
- *What fail-safes will be put in place to ensure that the proposed soil handling will not impact air and water quality and structural integrity of all surrounding buildings, including the roads and Railroad Way?*
- *How will excavation on property line impact Railroad Way?*
- *Is there any way to remediate the existing soil?*

*(Board Member Glattstein, November 16, 2021 Work Session)*

C-16 Response:

Soil removal will be monitored appropriately by a qualified environmental professional and will not have any short-term effects on the environment. The EWP and CAMP are in place to assure that no adverse effects occur during the excavation activities. Example: If odors or dust exceed threshold values in accordance with those outlined in the CAMP, a plan of action is implemented immediately to correct the problem (i.e.: dust suppression using water or odor suppression using foam). The water table may be impacted in the short-term if foundation structures need to be installed at a lower elevation than the observed water table. That is, localized dewatering may be necessary. Otherwise, there will be no long-term effects as the water table will return to natural conditions very quickly after the excavation and concrete structures are installed.

The soil will be handled in accordance with the EWP. Some excavated material may need to be disposed of off-site at a NYSDEC licensed disposal facility, and some may be reused on-site in accordance with NYSDEC Regulations for soil reuse. The CAMP will determine if soil off-gassing will occur and what measures will need to be implemented should that occur. Example: Water may be used to suppress dust or odors, or foam, to suppress odors. Given the results of the multiple subsurface investigations and soil

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sampling conducted to-date, it is unlikely that aerosolizing will occur as the soil beneath the Site does not contain extensive nor elevated concentrations of VOCs.

C-17

**Comment:**

*No structural foundation plan.*

*(Chairman Neufeld, November 16, 2021 Work Session)*

C-17

**Response:**

A structural foundation plan would not be designed until the building permit phase of the development. The design of the foundation will be based upon the Geotechnical report.