



OFFICE OF ENVIRONMENTAL REMEDIATION

253 Broadway - 14th Floor
New York, New York 10007

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841
Fax: (212) 788-2941

September 8, 2011

Stu Chasabenis
Biergarten Williamsburg, LLC
470 Driggs Avenue
Brooklyn, NY 11211

Mr. Doug Harm
Brinkerhoff Environmental Services
1913 Atlantic Avenue, Suite R5
Manasquan, NJ 08736

Re: **Decision Document**
NYC BCP Remedial Action Work Plan Approval
470 Driggs Avenue
Block 2298, Lot 21
BCP Project #12CBCP021K / OER Project # 11EHAZ206K

Dear Mr. Chasabenis:

The New York City Office of Environmental Remediation (OER), in consultation with the New York City Department of Health and Mental Hygiene (DOHMH), has completed its review of the August 5, 2011 Remedial Action Work Plan (RAWP) and September 7, 2011 Stipulation List for 470 Driggs Avenue, BCP Project #12CBCP021K. The Plan was submitted to OER under the NYC Brownfield Cleanup Program (BCP). The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on September 5, 2011. There were no public comments.

Statement of Purpose and Basis

This document presents the remedy for a Brownfield Cleanup site known as “470 Driggs Avenue” site. This document is a summary of the information that can be found in the site-related reports and documents in the document repository at OER’s website www.nyc.gov/oer.

The New York City Office of Environmental Remediation (the Office or OER), in consultation with the New York City Department of Health and Mental Hygiene (DOHMH), has established a remedy for the above referenced site. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous substances.

The decision is based on the Administrative Record of the New York City Office of Environmental Remediation (the Office or OER) for the 470 Driggs Avenue Site and the public’s input to the proposed remedy presented by the Office.

Description of Selected Remedy

The remedy selected for this 470 Driggs Avenue Site includes soil excavation, cover system, vapor barrier and sub slab depressurization system, institutional controls, and site management

The elements of the selected remedy are as follows:

1. Preparation of a Community Protection Statement and implementation of a Citizen Participation Plan.
2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establish Track 4 Soil Cleanup Objectives (SCOs). Excavation and removal of soil/fill exceeding SCOs. Track 4 SCOs will include Track 2 Commercial Soil Cleanup Objectives for all parameters except the following parameters which would have site-specific SCOs: arsenic and total SVOCs. To achieve these SCOs, several hotspot areas will be excavated and disposed offsite;
4. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
5. Exploratory test pit in the vicinity of the possible former UST. Execution of a UST removal contingency plan in compliance with NYSDEC regulations if a UST is identified.
6. Construction and maintenance of an engineered composite cover consisting of a 4inch building slab to prevent human exposure to residual soil/fill remaining under the Site;
7. Installation of a vapor barrier system beneath the building slab.
8. Installation and operation of an active sub-slab depressurization system.
9. Demarcation of residual soil/fill.
10. Import of materials to be used for backfill in compliance with this plan and in accordance with applicable laws and regulations.
11. Transportation and off-Site disposal of all soil/fill material at permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and this plan. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media onsite.
12. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
13. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
14. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
15. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
16. Submission of a RAR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP.

17. Submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual contamination, including plans for operation, maintenance, monitoring, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency.
18. Recording of a Declaration of Covenants and Restrictions that includes a listing of Engineering Controls and a requirement that management of these controls must be in compliance with an approved SMP; and Institutional Controls including prohibition of the following: (1) vegetable gardening and farming; (2) use of groundwater without treatment rendering it safe for the intended use; (3) disturbance of residual contaminated material unless it is conducted in accordance with the SMP; and (4) higher level of land usage without OER-approval.

Remedial activities will be performed at the Site in accordance with this OER-approved RAWP. All deviations from the RAWP will be promptly reported to OER. Changes will be documented in the RAR.

This remedy conforms with the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate. The remedy is protective of public health and the environment.

9/8/11

Shaminder Chawla

Date

Shaminder Chawla
Assistant Director

SITE BACKGROUND

Location:

The Site is located at 470 Driggs Avenue in Williamsburg section of Brooklyn, New York, and is identified as Block 2298, Lot 21 on the New York City Tax Map. Figure 1 shows site location map.

Site Features:

The Site is 10,000-square feet and is bounded by North 10th Street to the south, Driggs Avenue to the east, and adjacent buildings to the north and west. Currently, the Site is a vacant single-story masonry structure with a small partial cellar. The main floor is comprised of warehouse space and a small office area.

Current Zoning/uses:

The current zoning designation is M1-2/R6-A (MX-8 Mixed Use Special District). The proposed use is consistent with existing zoning for the property.

Historical Use:

Based on information contained in the Phase I ESA, the subject site has been historically utilized from around 1905 to 2005 for a variety of manufacturing and commercial uses, including a machine shop, the Phoenix Tube Co., a garage, a warehouse, Royal Switchboard Co., auto repair, and manufacturing of windows and blinds.

Summary of Environmental Findings:

1. Elevation of the property ranges from approximately 15 to 18 feet above sea level.
2. Depth to groundwater ranges from 8 to 9 feet at the Site.
3. Groundwater flow is generally southeasterly beneath the Site.
4. Depth to bedrock is greater than 100 feet below grade at the Site.
5. The stratigraphy of the site, from the surface down, consists of 5 feet of historical fill underlain by yellow-brown silt with a trace of fine sand and clay.

PROPOSED DEVELOPMENT PLAN

The proposed future use of the Site will consist of five individual commercial eating and drinking establishments occupied in a one-story structure with an added mezzanine level. The existing partial cellar will be used for utilities. New floor, bearing and nonbearing walls, plumbing, and facades will be installed. The existing concrete floor will be removed and replaced. Excavation is not anticipated below the groundwater table. No demolition activities are planned. The entire site will be occupied by the building, and there will be no open space. The current zoning designation is M1-2/R6-A (MX-8 Mixed Use Special District). The proposed use is consistent with existing zoning for the property.

The remedial action contemplated under this RAWP may be implemented independently of the proposed redevelopment plan.

SUMMARY OF REMEDIAL INVESTIGATION

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;

- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository.

Nature and Extent of Contamination:

Soil: Soil/fill samples collected during the RI showed no pesticides or PCBs above Track 1 SCOs at the property. SVOCs were found in soil samples throughout the property and include principally PAH compounds that are believed to be associated with historical fill. Selected PAH SVOCs exceed Track 1 Unrestricted SCOs and several of these also exceed Track 2 Restricted Commercial SCOs. Several metals exceed Track 1 Unrestricted SCOs and of these, arsenic, barium, chromium, copper, lead and nickel also exceed Track 2 Restricted Commercial SCOs in selected samples. VOCs were detected at low concentrations and below Track 1 Unrestricted SCOs in roughly half of the soil samples collected. In the area of possible former gasoline tank several samples showed BTEX compounds and associated derivatives at low concentrations. Benzene was identified at the Track 1 SCO in one sample in this area. These compounds did not exceed Track 2 Restricted Commercial SCOs. No evidence of NAPL, gross petroleum contamination or other significant petroleum source areas was identified in soil during this investigation. Acetone and methylene chloride were identified above Track 1 but were also found in field blanks that tested sampling equipment. TCE was found in two soil samples at concentrations below 2.5 ug/kg, and PCE was found in one soil sample at a concentration below 1.5 ug/kg. PCE and TCE were not identified in any groundwater samples and these findings do not support an onsite source of these compounds.

Groundwater: Groundwater samples collected during the RI showed no pesticides or PCBs. Metals concentrations in an initial sampling round were affected by high turbidity and a second sampling round showed only sodium and manganese above TOGS. These results indicate that the property is not contributing to groundwater standard violation but suggests a possible local influence of road salts. PCE and TCE were not identified in groundwater.

Soil vapor: Soil vapor samples collected during the RI showed high levels of TCE (203 ug/m³) and moderate levels of TCE (7.9 ug/m³) and PCE (76 and 49 ug/m³) in two of the three vapor samples. These results warrant remedial action to protect occupants of the future building structure. A variety of BTEX and associated derivatives were also identified in soil vapor samples, mostly at low concentrations (i.e. below 50 ug/m³). Xylenes and 1,2,4 trimethylbenzene occurred in soil vapor at slightly higher concentrations (between 100 and 200 ug/m³).

Figure 1: Site Map

