

M. HAZARDOUS MATERIALS

1. Existing Conditions

a. Phase I Investigation Results and Phase II, If Required

As detailed in Appendix II.E of this DEIS, Assessment Resources & Technologies, Inc. (A.R.T.) has performed a Phase I Environmental Site Assessment (ESA) of the Cross County Shopping Center property. A.R.T. conducted the ESA in general conformance with the scope and limitations of ASTM Practice E 1527-00.

The section of the mall that was assessed contains a total of 24 discrete structures. The majority of these buildings contain retailers, restaurants, and consumer service operations. One building is used as a garage for building maintenance equipment. A second structure includes an eight-story commercial office building. A subsurface truck tunnel is used to deliver merchandise and supplies to the basements of tenant spaces in six of the buildings. The Site has always been connected to the municipal sanitary sewer and potable water supply systems.

Aside from incidental amounts of cleaning and building maintenance supplies, A.R.T. observed no hazardous materials at the Site. However, A.R.T. has learned that several abandoned underground petroleum storage tanks (USTs) are present at the Site. The abandoned USTs that are confirmed to be present include the following:

- 1) One diesel fuel UST of unknown size that may have been abandoned in the 1970's. This UST was formerly connected to an emergency electrical generator during the period when the eight-story office building was used as a small hospital.

- 2) One heating oil UST of unknown size that also appeared to have been used by the former hospital heating system. This UST may have stored #4 or #6 heating oil. The date of UST abandonment is unknown.
- 3) One abandoned heating oil UST of unknown size located at the north (rear) side of Applebee's Restaurant. The date of abandonment is unknown.
- 4) One abandoned heating oil UST of unknown size located at the south side of the former Sizzler restaurant (located at the northeast corner of the Site). The date of UST abandonment is unknown.
- 5) Possible abandoned gasoline UST once operated by a former car rental company located at the south side of the Site.
- 6) Possible presence of several abandoned gasoline USTs at a former Texaco gasoline station at the west side of the Site. This parcel was redeveloped to contain a Chase commercial bank branch.

A.R.T. was provided with no documentation indicating that the USTs were closed or removed in accordance with applicable regulations. In addition, none of the New York State or Westchester County regulatory agency databases reviewed by A.R.T. has any information pertaining to proper closure of these known and potential USTs. Based on the information disclosed by the results of this ESA, A.R.T. concludes that these known and potential abandoned USTs represent the principal area of concern with respect to the potential for adverse impact to the environmental integrity of the Site. A.R.T. recommends that a subsurface environmental investigation be conducted to establish soil and groundwater quality in the vicinity of these known and potential UST areas. In addition, A.R.T. recommends that all abandoned USTs at the Site be properly closed in accordance with applicable regulations. This is further discussed below.

The 1976 Toxic Substances Control Act (“TSCA”) banned production of polychlorinated biphenyls (PCBs) and established regulations for storage, handling, transportation, disposal, spill cleanup, and inspections of electrical equipment. Equipment manufactured prior to 1976 may contain PCBs. Several fluid-filled transformers are likely to be present at the Site in vaults located within the truck tunnel and in vaults located under the Site grounds. A.R.T. was unable to gain access to any of these units. In addition, A.R.T. was not able to verify that the transformers are owned by the local utility company. Although utility company ownership of such units is typical and prevalent, A.R.T. strongly recommends establishing ownership since it is assumed that the transformers were installed before the federal ban on the manufacture of PCBs. Subsequently, discussions with Con Edison have established that Con Ed owns all on-site transformers.

Several active and inactive aboveground heating oil storage tanks (ASTs) are located at the Site. With the exception of a large abandoned AST located in the basement of the current Victoria’s Secret tenant space, A.R.T. was able to gain access to all on-Site ASTs and no evidence of leaks or spills was observed. A.R.T. recommends that access to the abandoned AST in the Victoria’s Secret basement be gained to determine if any evidence of leaks or spills is present (this AST was historically operated by Woolworth’s, a former occupant of the Site). In addition, any fluids or sludges that may remain in these abandoned ASTs should be removed to eliminate the potential for future leaks or spills. One active 5,000-gallon heating oil AST is present at the Site. This tank will be registered with the Westchester County Department of Health as required by law.

As detailed in Appendix II.F of this DEIS, Roux Associates, Inc. completed an underground storage tank management plan in April 2005. Roux's testing for the USTs included the use of both ground penetrating radar (GPR) and magnetometer technology. The purpose of the testing included verifying the orientation and size of known USTs and associated utility lines. At the former car rental location and the former service station, the purpose of the testing was to determine whether USTs existed and if so, how many tanks remain in the ground. The results of this

testing are contained in Appendix II.F.

The owner has contracted Roux to obtain a remediation contractor to remediate as necessary and remove all USTs on the renovated property. Bids for this work will be solicited in late-June, early-July, with removal to commence in August 2005. Any tanks that are not registered with the Westchester County Department of Health will be so registered prior to removal.

According to available historical fire insurance maps, aerial photographs, and local building department records (Appendix II.E), construction of the current Site improvements began in the early 1950's and was completed on approximately 1956. The eight-story Site building was used as a hospital until the early 1970's when it was converted to commercial office space. The remaining Site buildings have always been used for retail, restaurant, and consumer service operations. Based on interviews with Site representatives, and on a review of local building department records, no evidence of historical dry cleaning operations was found. Prior to construction of the current improvements, the Site was used as a Westchester County Park. Notations on a 1942 fire insurance map indicate that a portion of the Site was filled with rock and soil originating from construction of the New York City drinking water viaduct. Historical topographic maps dated prior to 1942 generally confirm that the Site was undeveloped prior to construction of the current improvements. A.R.T. identified no apparent areas of environmental concern in connection with historical uses of the Site and no further investigation is recommended.

The Site is identified in the New York State Department of Environmental Conservation (NYSDEC) Leaking Tanks (LTANKS) database. This incident reportedly took place in 1996 and consisted of a product overfill during delivery of 200 gallons of #6 heating oil to one of the basements under the Site buildings. No specific location of this incident was provided. However, these records show that the spilled product was cleaned up and that the LTANKS case was formally "closed" with "no further action required." Based on case closure, and on the

reported surficial nature of the incident, A.R.T. concludes that this Site LTANKS listing does not represent an area of environmental concern, and no further investigation is recommended. The Site was not identified in any of the remaining county, state, or federal regulatory agency databases reviewed by A.R.T. during this study.

Several nearby properties were identified in state and federal regulatory agency databases. However, based on an evaluation of the information provided in these listings, and on the assumed hydraulic crossgradient and downgradient positions of these listed facilities relative to the Site, A.R.T. concludes it is unlikely that these facilities have adversely affected the environmental integrity of the Site, and no further investigation is recommended (the majority of the properties surrounding the Site are used for multi-family and single-family residences).

Several Mercury issues were observed during the individual building assessments. Primarily, broken thermostats, electrical switches and fluorescent light tubes could lead to mercury contamination. Any future renovation or demolition activities, in any building, should require identification, removal and disposal of any materials which may potentially contain Mercury.

In addition, the old incinerator was part of the Hospital Complex. Mercury thermometers could have been incinerated in this incinerator and floor opening located in Building #4, could have resulted in soil contamination. A.R.T., Inc recommends that as part of Phase II, sediment samples be collected from this hole and analyzed for the 8 RCRA Metals.

2. **Anticipated Impacts**

a. **Analysis Of Materials To Be Removed Including Hazardous, Asbestos, Etc.**

A.R.T. has completed a comprehensive survey of the exterior and basements of each building to determine asbestos-containing materials (ACM).

- 1) The results of this survey disclosed that ACM is present.
 - Friable ACM in the form of Thermal System Insulation is present in Building #1, The Common Tunnel, Building # 6, and Building #10
 - Non-friable ACM in the form of roofing materials, caulking materials, floor tile and floor tile mastic, and “transite” panels. One or more of these materials are present in or on all buildings.
- 2) A.R.T. recommends proper management of all ACM at the Site during the proposed renovations, and removal of such materials needs to be conducted as necessary to avoid improper disturbance.

A.R.T. has completed a comprehensive survey of the exterior and basements of each building to determine Lead Based Paint (LBP).

- 1) The results of this survey disclosed that LBP, as per the OSHA definition of containing any amount of Lead, is present on all exterior painted surfaces.
- 2) A.R.T. recommends proper management of all LBP at the Site during the proposed renovations.

Prior to demolition and renovation of any structures, an abatement contractor will be hired to remediate all potential hazardous materials such as Mercury, ACMs, and LBP. These materials will be tested and remediated in accordance with all applicable regulations, such that a "clean" site will be provided for the site contractor responsible for the demolition and renovation work.

b. Volume And Method Of Disposal Of Construction Debris Material Including Buildings, Pavement, Concrete, Etc.

Based on the current scope of work, three (3) structures are scheduled to be demolished to clear the way for the construction of new retail buildings. The estimated total volume of waste generated by these demolition activities will range between 12,000 and 15,000 cubic yards. All structures scheduled to be demolished will be undertaken according to the construction phasing plans. The structures will be razed, packed, carted to, and disposed of at approved off-site facilities in accordance with all Federal, State and Local guidelines. All vehicles used in hauling demolition waste will be equipped with tarps and/or screens as required to prevent rubbish and debris from being expelled out of trucks during transportation.

Debris generated from the construction and remodeling operations will be disposed of in typical construction dumpsters. Dumpsters will be removed from the site when they reach their maximum capacity and all areas where dumpsters will be stationed will be cleaned regularly to keep debris from spreading around the site. Concrete, sheetrock and metal waste generated from the demolition and reconstruction activities can be separated onsite and placed in dumpsters for recycling at appropriately licensed construction recycling centers.

Based on the site grading plan and the projected requirements for suitable fill throughout the site, the current proposed method of asphalt removal will be performed through milling. Through the use of milling machines, it will be possible to remove layers of existing asphalt from parking lots and roads and transport/stockpile the millings for use at a later time as suitable base course for new roads, utilities, foundations, etc. This operation will help recycle the material and reduce the amount of debris leaving the site as “cut” material and will therefore help reduce the volume of truck traffic both leaving the site and entering the site with new suitable fill.

3. **Mitigation**

No additional mitigation measures are proposed.