

## **1/13/22 250 Water Street Working Group Meeting Minutes**

### **1. Introductions**

- a. Elected officials & representatives
  - i. Sen. Brian Kavanagh
  - ii. Rep. Jerrold Nadler
  - iii. AM Yuh-Line Niou
  - iv. MBP Mark Levine
  - v. CM Chris Marte
- b. Community Board 1
- c. Department of Environmental Conservation (DEC) & Department of Health (DOH)
- d. Howard Hughes Corporation (HHC)
- e. Langan Engineering
- f. Lawra Dodge & Tom Fusillo
- g. Peck Slip School & PTA
- h. Blue School & Family Association
- i. Seaport Coalition (SOS, Southbridge, Children First, Friends of SSS)
- j. Water St Residents
- k. SSS Museum

### **2. Logistical Notes**

- a. The Working Group will meet monthly, at a time to be confirmed in a follow up email, but most likely 11am-12:30pm on the second Thursday of each month. Please be sure to communicate with Emily Leng from Sen. Kavanagh's office about time conflicts and if you need to switch out representation for your group. We'd like to aim to have as much consistency in representation as possible.
- b. The agenda will be sent out before each meeting. Each meeting will be recorded and Sen. Kavanagh's office will send out a follow up email with meeting minutes, the video link, and any other materials discussed following each meeting.
- c. Please be sure to be respectful and productive with all comments and questions, and keep them relevant to the topics of the Working Group. Given the large size of the group, use the raise hand feature & the chat during the discussion and Q&A portion.

### **3. Brownfield Cleanup Program (BCP) Updates**

- a. DEC presentation on the Brownfield Cleanup Program and status of the 250 Water Street BCP - Heidi Dudek
  - i. Brownfield sites are pieces of property that may be difficult to reuse or redevelop because of potential contamination — many are former industrial/commercial sites. The BCP program was created with the goal of remediating sites to protect public health and the environment for intended use.
  - ii. Components
    1. Protective and predictable cleanups

2. Establishes cleanup tracks and soil cleanup objectives
  3. Preference for permanent cleanups
  4. Investigations and cleanups conducted under DEC oversight
  5. Remedial process
  6. Certificate of completion
- iii. Process
1. The process begins when an application is submitted to DEC. DEC then determines if there is contamination and if the applicant is a volunteer or participant (in the case of 250 Water Street, HHC is a volunteer).
  2. The 250 Water Street site entered into the BCP program in 2019.
  3. The applicant then executed a Brownfield Cleanup Agreement.
  4. Next, the applicant submitted a Remedial Investigation Work Plan. DEC solicited input and comments from the community consultants and broader community during this stage.
  5. The Remedial Investigation Work Plan was approved in May 2020. Between May 2020 and June 2021, the Remedial Investigation was completed at the site. Community input was solicited throughout this process.
  6. Next, the applicant submitted the Remedial Investigation Report that summarized the data collected and laid out the recommended remediation.
  7. The Remedial Action Work Plan (RAWP) was developed next and submitted. Input from the community was solicited throughout this process, including an extended public comment period.
  8. DEC approved the Remedial Action Work Plan and released a decision document in Nov 2021.
- b. Site updates from Langan on the status of current & planned work - Mimi Raygorodetsky
- i. The next phase of planned work is the Remedial Design Investigation (RDI).
  - ii. The objectives are to refine the proposed remedial elements of the RAWP, including:
    1. Evaluation of vapor controls during remedial excavation
    2. Evaluation of excavation depths required to achieve a Track 2 remedy in the petroleum-impacted area
    3. Obtain a soil dataset for off-site waste disposal facilities
    4. Obtain a groundwater dataset for future dewatering activities
  - iii. RDI proposed scope of work
    1. Air quality evaluation — 3 test pits with air monitoring over a 2-hour period and restoration of each test pit to original surface condition afterwards
    2. Waste characterization — 42 waste characterization soil borings & 52 soil samples and 7 PCB delineating soil borings & 28

- delineation soil samples, with restoration of each boring to original surface conditions afterwards
3. Groundwater sampling — 1 groundwater sample from an existing monitoring well
- iv. Construction health and safety plan
    1. Protects on-site workers from accidents and exposures
    2. Provides a detailed summary of anticipated work tasks with associated risk analyses and protective measures
    3. Establishes key project personnel and health and safety personnel
    4. Includes the Community Air Monitoring Program (CAMP) to be implemented
  - v. Anticipated schedule
    1. Draft RDI Work Plan (RDIWP) shared w community consultants this week, they will review through Jan 25, 2022
    2. RDI implementation upon DEC/DOH approval — ideally:
      - a. Test pits — Jan 29/30 (Saturday/Sunday)
      - b. Soil borings — start on Monday, Jan 31 and continue for about 10 days
    3. Prepare RDI memorandum to summarize results/findings
  - vi. Ongoing community engagement
    1. Daily reports and CAMP results will be posted on <https://250bcp.com/>
    2. BCP Working Group
    3. Future fact sheets
      - a. Construction Notice
      - b. Engineering Report
      - c. Institutional/Engineering Controls

#### **4. Community Consultant Feedback**

- a. Lawra Dodge
  - i. Received the RDIWP recently and haven't been able to review in detail yet.
  - ii. Support the use of soil borings for waste characterization to minimize exposure; however, 3 test pits doesn't seem like enough coverage for the site. The Remedial Investigation Report established that the mercury seems to be associated with debris and there is debris across the whole site.
    1. Langan: The reasoning for doing 3 test pits is that if the air monitoring program is sufficient while excavating in the most contaminated area, it should be sufficient elsewhere.
  - iii. Consultant review needs to be submitted by Jan 25 and the proposed timeline has work starting the next weekend, so there isn't much time in between to resolve any issues.

1. Langan: The work won't begin until DEC approves the plan. The proposed dates in the slideshow are just tentative/ideal start dates, but all comments will be taken into consideration and outstanding issues will be discussed before work begins.
- b. Tom Fusillo
  - i. Will be reviewing the RDIWP and providing comments.
  - ii. Concur with Lawra that there may be a need for more test pits.
  - iii. Appreciate the process and engagement.

## 5. Community Stakeholder Discussion and Q&A

- a. AM Yuh-Line Niou
  - i. DEC approved the RAWP without using the promised test pits — what was the reasoning for doing that?
    1. DEC: The RAWP said that test pits would be done if needed to define the nature of contamination and best remedies. DEC felt there was enough info without the test pits to determine remedial elements and nature of contamination. In all of the comments received, there was no dispute over the proposed remedy.
    2. DOH: Heard the community's concerns on the test pits and made best efforts to incorporate them, so test pits will be done as part of the RDIWP before full excavation begins.
  - ii. DEC said that the comment period was only extended due to the request for a public meeting that was held by the Community Board, but the statutory language does not provide support for this argument. DEC appears to be altering the comment period at its own discretion — how can DEC be adjusting the comment period while also claiming that the statutory requirements prevent them from doing so?
    1. DEC: Will take these comments back.
- b. Tammy Meltzer (CB1)
  - i. Need to get responses to all of the questions in the chat in a timely manner before the questions are moot. Specifically, the soil borings should not start before the school communities are able to get answers on timing.
    1. DOH: These concerns are heard and taken very seriously. That's one of the reasons why when CAMP action levels are set, they're set very conservatively at levels where health effects are not expected to make sure that actions are taken right away if there are exceedances.
- c. Elaine Kennedy (Southbridge)
  - i. What protections will be provided during test pit excavation for residents in the area?
    1. Langan: The area will be sectioned off during test pitting, there will be active dust suppression, any soil that is excavated will be stockpiled on poly sheeting and covered when not in use, tarps

will be available for use on-site, Mercon X (mercury vapor suppressant) will be available for use on-site, and the holes will be backfilled and restored by the end of each work day.

d. Megan Malvern (Children First)

- i. In the Remedial Investigation Work Plan from May 2020, there was a test pit contingency added, but it was later decided that there was enough information to go ahead without them. The RIWP also said that all intrusive work be performed during non-school hours, but the proposed schedule has the borings taking place during school time. The community bought into the process with the understanding that the test pits would be done so they could understand the plan moving forward.

1. DEC: The test pits were a contingency item based on what information was gathered during the Remedial Investigation and the fact sheet was put out before the data was gathered. DEC worked with the consultants while the data was being gathered and then determined that the test pits were not necessary. Now the site is at the point where a lot of work has been completed and there is more data, and DOH has reviewed the CAMP and determined that the CAMP as presented in the RAWP is protective of human health and the environment.

- ii. Challenge the idea that there is an adequate understanding of what is there — looking back at the CAMPs, they all get turned off at 3pm, while the graphs show a continuing growing level of VOCs and mercury throughout the day. The monitor is turned off at 3pm so they don't know if the levels continue to grow. The CAMPs should be on 24 hours a day or stay on until there is an acknowledged tapering off of levels.

1. DEC: At 3pm, once the work is complete, the CAMPs are turned off because at that point they're not monitoring what's coming from the site but rather ambient air conditions.

- iii. Before the work starts, the levels are at zero and they go up when the work begins. The vapor doesn't disappear when the CAMP turns off. Are the borings capped immediately or at the end of the day?

1. Langan: At the completion of each boring, it is filled in and capped.

e. Maggie Dallal (Seaport Coalition)

- i. The daily air monitoring reports show that the mercury readings are sustained and increasing. By the time the CAMPs are turned off, the readings show the highest levels of mercury for the day. Can there be monitoring at the site 24 hours a day?

1. BPK: Clear question about the CAMPs and the time frame that they are on, will ask Langan and DEC to get back with a more thorough answer and response to the request.

f. Maggie Siena (Peck Slip School)

- i. Will Peck Slip between Pearl & Water be available for school use during remediation? How will trucks be staged and where will they be going in and out?
  - 1. DEC: There is a truck traffic plan that determines entrances and egresses from the site. Not anticipating any staging of trucks near the site.
  - 2. HHC: Fully understand and appreciate the importance of that area for the students. If for some reason something comes up that requires the use of that area, plenty of advance notice will be given. Will do everything possible to minimize impact to that area.
- g. Warren Green (Save Our Seaport)
  - i. While the vapors coming out of the borings will be monitored, how will they be stopped from going into the residential community and schools?
    - 1. DEC: The CAMPs are monitoring at the borings but also at the site perimeters. The concentration thresholds are set very low, well below a level where there would be any effects on public health. When those are approached, alarms will go off and everything shuts down. Additionally, tarps can be put over things to prevent vapors as well as Mercon X and dust suppression.
  - ii. Why can't the tarps/tenting always be up to prevent anything from going into the community?
    - 1. DOH: That's one of the reasons why much of the work is being done in the colder months, because at colder temperatures mercury will not volatilize anywhere near as readily. Want to do everything possible to minimize the amount of mercury leaving the site, which is why CAMPs are in the area, roaming, and at the perimeter. If there are any issues with the stockpiles, the tarps will be used.
    - 2. Langan: The Remedial Design Investigation has a test pit study to inform whether the proposed CAMP that will be used during the remedial action is adequate and effective. If a tent was up, it would create an artificial environment that is not representative of atmospheric conditions, which would therefore completely eliminate the ability to prove out the hypothesis/objective of the testing program, which is to see whether the planned community air monitoring is appropriate during soil excavation. During the second part of the Remedial Design Investigation, soil borings will be advanced and groundwater samples will be collected. This work has already been done before during the Remedial Investigation and there were no exceedances of community air monitoring thresholds. The data does not indicate that there is a need for any additional measures.
- h. Grace Lee (Seaport Coalition)

- i. Will DEC/DOH commit to coming down to the site and doing a walkthrough with the community before any additional work is done?
  - 1. DEC: DEC (Heidi) visited the site in November, understands the schools, the use of the streets, the volume of traffic, etc. DEC will also be visiting the site again, likely in early February. DOH has also visited the site.