A. INTRODUCTION AND SUMMARY OF FINDINGS

This chapter assesses the potential for increased exposure to environmental contamination or hazardous materials during construction and operation of the Proposed Project, and the specific measures that would be employed to protect public health, worker safety, and the environment. A hazardous material is generally defined as any substance which is listed, defined, or regulated as hazardous or toxic by or under any law pertaining to human health, safety and/or the environment.

To assess the potential presence of hazardous materials on the Project Site, a Phase I Environmental Site Assessment (ESA) was reviewed. The ESA does not identify any recognized environmental conditions (RECs) in connection with the Project Site.

No significant adverse impacts related to hazardous materials would be expected to occur as a result of the Proposed Project and, as such, no mitigation measures would be required.

B. EXISTING CONDITIONS

The ESA of the Project Site was performed by William Silveri, LLC (WVS) on April 11, 2022 (see **Appendix H**). It was performed in conformance with the scope and limitations of ASTM International (ASTM) Standard Practice E1527-21. Additionally, on August 23, 2023, AKRF, Inc. performed an on-site assessment to confirm the findings of the ESA and existing site conditions.

B.1. PHASE I ENVIRONMENTAL SITE ASSESSMENT

The ESA was conducted to identify RECs and any other environmental concerns associated with the Project Site resulting from past or current Project Site usage and usage of neighboring properties. RECs are defined in ASTM as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The Standard Practice also defines de minimis conditions, which are conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

The ESA does not identify any RECs at the Project Site; however, the following de minimis conditions and business environmental risk were identified:

B.1.a. De Minimis Conditions

Historic aerial photographs indicate an orchard or other agricultural use between 1941 and 1954. The ESA indicates that this past use may have included the application of herbicides and pesticides. However, the area is limited and not well defined on the aerial photographs. Additionally, there is no definitive

confirmation that herbicides and pesticides were historically used at the Project Site, based on a review of files maintained by the Town of Yorktown municipal offices. The potential extent and impacts of historic usage of herbicides and pesticides is a de minimis condition because the former agricultural use appears to affect only limited areas of the Project Site and limited information is available pertaining to their use at the Project Site.

B.1.b. Business Environmental Risk

There is one (1) 2,500-gallon No. 2 fuel oil underground storage tank (UST), one (1) 2,000-gallon UST at the Project Site and one (1) 1,000-gallon UST at the Project Site. They are considered to be a business environmental risk. The ESA concludes that they are unlikely to have caused a significant release due to their age and date of operation, their design, and their oversight by the building maintenance staff. The USTs were installed in 2005 and 2017 and designed to comply with petroleum storage regulations enacted to prevent or minimize petroleum spills/releases. The design of each UST is double-walled steel construction with fiberglass coating to prevent corrosion. The tanks also have interstitial leak-detection monitoring systems (i.e., leak detection between the double walls of the UST) for identifying a release prior to it impacting the environment. Additionally, the USTs and their leak detection systems are regularly inspected by building maintenance staff.

Based on the findings, WVS recommended the following:

- No further testing was warranted to evaluate subsurface conditions at the Property.
- The USTs will need to be removed at the time that they are taken out-of-service and will require soil sampling at each UST excavation in accordance with applicable local, state, and federal regulations.
- Although the existing buildings on the Project Site were constructed after 1989 (after the use of asbestos had been banned in many of its application), there is a potential for some asbestos containing building materials (ACM). For this reason, an asbestos survey should be conducted prior to any building demolition or renovation work.
- Any excess excavated soils and/or demolition debris generated by future development activities will need to be properly characterized for off-site disposal in accordance with applicable local and state solid waste regulations.

B.2. CONFIRMATION ASSESSMENT

In August 2023, AKRF completed an assessment to confirm the findings of the ESA. The August 2023 assessment was conducted using ASTM methodology consistent with the requirements of a Phase I environmental site assessment, and included: an inspection of the Project Site; reconnaissance of the vicinity; interviews with the Project Site facilities manager; a review of historic fire insurance (Sanborn) maps and Town directories; a review of aerial photographs and historical topographic maps, historical resources, and the ESA; a review of regulatory databases, including NYSDEC and U.S. Environmental Protection Agency ("EPA") records; a review of available files maintained by the Town of Yorktown Tax Assessor, Town Building Department, and Town Fire Marshal; and a

review of the WCDOH records and the updated Petroleum Bulk Storage registration certificate.

AKRF confirmed each of the findings of the ESA but identified the following de minimis conditions:

- Although the USTs and two 50-gallon above-ground storage tanks (ASTs) at the Project Site would typically be considered a REC, based on the age of the tanks, their date of operation, their design, and because the USTs and their leak detection systems are regularly inspected by building maintenance staff, AKRF considers the USTs and ASTs to be a de minimis condition.
- On October 11, 2011, a tank tightness failed on the 2,000-gallon UST, and a spill was reported to NYSDEC (Spill No. 1108736). According to the report, the tank was retested after its fill and vent pipes and associated fittings were replaced and passed the second tightness test. Based on the corrective action and results of the second tank tightness test, the NYSDEC closed the spill on November 7, 2011. In September 2017, American Petroleum Equipment & Construction Company, Inc. oversaw the excavation and removal of the 2,000-gallon fuel oil UST. After removal of the tank from the ground, soil along the bottom and sidewalls of the tank excavation were field screened for the presence of volatile organic compounds (VOCs) utilizing a photoionization detector. The field screening found no presence of VOCs in the soils. Additionally, the UST was observed to be in good condition, with no pitting or holes. Confirmatory end point samples were collected from the tank grave and submitted for laboratory analysis for VOCs and semi-volatile organic compounds (SVOCs). No detectable concentrations of VOCs or SVOCs were found in the end-point soils samples. Based on the details of the closed spill and the tank closure report, AKRF considers the former 2,000-gallon fuel oil UST a *de minimis* condition.

It should be noted that the scope of AKRF's August 2023 confirmation assessment did not include surface water, soil, soil vapor, or groundwater sampling. Consequently, conclusions provided regarding impacts are limited to those based solely on a non-intrusive investigation.

B.3. UPDATED WCDOH PETROLEUM BULK STORAGE REGISTRY

The WCDOH provided a copy of the current Petroleum Bulk Storage Registration Certificate for the Project Site under no. 3-601248. According to the Certificate, the Project Site utilizes the following in-service No. 2 fuel oil tanks: one 2,500-gallon UST installed in 12/2005; one 1,000-gallon UST installed in 12/2005; two 50-gallon ASTs installed in 03/2006; and one 2,000-gallon UST installed in 09/2017.

B.4. POTENTIAL OF BUILDINGS TO CONTAIN HAZARDOUS MATERIALS

On June 2, 2022, GLS Inspection LLC of Fairlawn, New Jersey performed a comprehensive pre-demolition asbestos containing materials (ACM) survey in Buildings 1 and 2 and the associated auxiliary structures at the Project Site.

Guidelines used for the inspection were established by the Environmental Protection Agency (EPA) – Asbestos Hazard Emergency Response Act (AHERA) 40 CFR Part 763. An AHERA like inspection was done in accordance with "Asbestos Survey Planning and Design" Subpart 56-5 of the New York State Industrial Code Rule 56 Title 12, March 21, 2007, and New York City Department of Environmental Protection (DEP) Asbestos Rules

and Regulations Title 15, Chapter 1, February 3, 2011. Bulk samples of suspect ACM were analyzed using polarized light microscopy (PLM) Stratified Point Counting Method. This method can be found as item 198.1 in the Environmental Laboratory Approval Program (ELAP) Certification manual and is required for samples collected in New York State. New York State regulation defines an ACM as containing greater than 1percent asbestos. If Non-friable Organically Bound (NOB) bulk sample results are negative (containing 1 percent asbestos or below), New York State requires that those samples be analyzed by Transmission Electron Microscopy (TEM) method to confirm the result.

The results of the GLS's ACM survey were presented in their June 2022 Non-ACM Report (**See Appendix H**). Based on the ACM bulk sample analytical results, GLS concluded that no positive ACMs were found on the interior or exterior portions of the Project Site.

Since the current buildings on the Project Site were developed after the use of lead based paint (LBP) was banned in 1978, the presence of LBP is unlikely and was not tested.

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

In the future without the Proposed Project, the Project Site and current environmental conditions would remain unchanged.

The potential for on-site hazardous materials to have a significant adverse impact on either users of the Project Site or neighboring properties would remain low. Although potential adverse environmental impacts are possible with the active USTs and ASTs, the USTs and ASTs would continue to be managed in accordance with applicable NYSDEC and WCDOH regulations, including regular inspection and testing, to minimize any potential adverse environmental impact.

D. THE FUTURE WITH THE PROPOSED PROJECT

Redevelopment of the Project Site would involve demolition of the Project Site buildings and improvements. The greatest potential for exposure to contaminated materials would occur during demolition and excavation.

- Prior to Project Site redevelopment, the USTs and ASTs would be taken out of service and removed in accordance with the prevailing regulations and requirements, the registration would be closed with NYSDEC and/or the WCDOH, and any contaminated soil (if encountered) would be addressed in accordance with applicable regulations.
- Any soil or fill excavated as part of future Site redevelopment activities would be managed in accordance with applicable regulations. All material intended for off-site disposal would be tested in accordance with the requirements of the intended receiving facility. Transportation of all soil leaving for off-site disposal would be in accordance with requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc. Intrusive sampling was not conducted as part of the ESA or the August 2023 confirmation assessment. Excavation may reveal different or more significant soil contamination in areas not reviewed as part of the assessments. If discovered, such contamination could require further investigation and/or remediation in accordance with applicable regulations.
- If any additional or previously unknown USTs and/or petroleum contaminated soil are encountered during the development activities, the tanks would be closed in accordance with

applicable NYSDEC and WCDOH regulations, and any contaminated soil would be properly removed.

- GLS Inspection LLC of Fairlawn, New Jersey performed a comprehensive pre-demolition ACM survey in the Project Site buildings and associated auxiliary structures in June 2022, which indicated that no ACMs were present. If any additional suspect ACMs are encountered during demolition that were not previously identified by GLS or AKRF during the Phase I ESA, the material should be sampled in accordance with applicable regulations. If any of the tested materials are positive for ACM (greater than 1 percent asbestos), they should be removed prior to demolition by a licensed asbestos abatement contractor in accordance with applicable regulatory requirements.
- Demolition activities with the potential to disturb LBP would be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—Lead Exposure in Construction).
- If dewatering is required, treatment and discharge of dewatering fluids would be conducted in accordance with all applicable regulations and guidance, including obtaining appropriate permits.
- Appropriate erosion and sediment controls would be implemented in accordance with NYSDEC Stormwater Pollution Prevention Plan requirements.

E. MITIGATION MEASURES

As the ESA and the confirmation assessment revealed no evidence of RECs in connection with the Project Site, no mitigation measures are required. It is recommended that a Soil Management Plan be prepared prior to site demolition and grading activities to establish measures to address removal and closure of the on-site USTs and ASTs and any previously unknown tanks (if encountered), petroleum contamination, and/or residual contamination (if encountered) during redevelopment, and also to identify procedures for testing and handling any soil intended for off-site disposal. In addition, the measures described above would be implemented to avoid and mitigate potential adverse impacts. ✷