

January 31, 2008

Dan Walsh
Division of Environmental Remediation
New York Department of Environmental Conservation
47-40 21st Street
Long Island City, NY 11101

**Re: Independent Review of the Draft Site Management Plan for Information
Technology High School**

Dear Dan:

Thank you for the opportunity to review and comment on the December 2007 draft Site Management Plan (SMP) for Information Technology High School (NYSDEC VCP Number: V00366-2) prepared by Leggette, Brashears & Graham, Inc. In preparing these comments, I have been assisted by Peter Strauss of Peter M. Strauss & Associates and Mathy Stanislaus of Allegiance Resources.

Overall, the SMP describes a robust cleanup program and provides a solid framework for the long-term management of this site as a public school. However, after careful review, my associates and I recommend several changes necessary to strengthen or clarify the document.

1. There must be a sampling protocol to determine the extent of any migration of contaminated groundwater, and a contingency plan for preventing such migration. My most serious concern is the apparent migration of groundwater contamination from off site. The monitoring system does not appear designed to assess that adequately, and the vague promise that the Department of Environmental Conservation (DEC) is looking for off-site sources is not reassuring. There should be *first* a sampling protocol to determine whether the inward migration of volatile organic compound poses a potential risk, should the vapor intrusion pathway be opened, and *second* a contingency plan for preventing such migration. It's much easier to keep contaminated groundwater from entering a property than to remove it later. The School Construction Authority and DEC apparently recognized this at the Mott Haven Campus in the Bronx, where both a grout wall and Waterloo Barrier were installed for this purpose (though the effectiveness of such controls is dependent upon the adoption and implementation of a long-term maintenance and monitoring plan). Please note that a contingency plan, while not as detailed as an actual remedial action, is more than instructions for reporting a problem.

It is not clear, given the inward migration of contamination at this site, why barriers were not integrated into the original remedy. Perhaps if the Site Management Plan had been developed as *part* of the Remedial Action Work Plan, this requirement would have been identified.

2. The Indoor Air Sampling Plan should be strengthened in compliance with New York's Vapor Intrusion Guidance (e.g., sealing the building, eliminating "background" sources,

and turning off air ventilation systems during sampling). The parents, teachers, and neighbors that I met with when I visited “Info Tech” are likely pleased that regular indoor air sampling will be conducted. However, the Indoor Air Sampling Plan should be strengthened in compliance with New York’s vapor intrusion guidances. In particular, it should be clear that doors and windows will remain closed during sampling. Furthermore, there should be procedures for eliminating “background” sources prior to sampling. I am aware of schools where both dry-cleaned clothes and boiler maintenance have led to false positive indications of PCE and TCE.

When indoor air sampling was conducted in September 2007, samples were taken with the ventilation (Heating, Ventilation, and Air Conditioning) system both on and off. I support such an approach, but if only one sampling event is to take place in each season, the sampling plan should require that the HVAC system be shut off to measure actual indoor air, not outdoor air pulled in by the system.

3. The vapor membrane and its associated seals should be tested periodically for leaks, beyond mere visual inspection. There should be an integrity review of the vapor barrier following any invasive activities in proximity to the barrier. However, visual inspection, as called for in the SMP, is not sufficient to ensure the integrity of the vapor membrane and its associated seals. Possible methods include pressure testing or the use of tracer gases.

4. There should be a contingency plan requiring specified additional action should membrane testing or indoor air sampling show that the vapor intrusion pathway is open. Ideally, additional work will be triggered by measurements of increasing levels that have not yet reached official action levels, so the time over which unsafe levels of vapors are in the building will be minimized.

5. Sampling should not only evaluate the contaminants of concern, but all their breakdown products as well. It is unclear from the draft SMP whether this is the case. Please confirm that all sampling will not only evaluate the contaminants of concern but all their breakdown products, such as vinyl chloride. If vinyl chloride is encountered during sampling, there should be assurance that the appropriate type of granular activated carbon (GAC) canister is used to effectively capture this contaminant.

6. Following rainstorms that fall short of a severe condition, there should be a procedure for sampling standing water in the parking lot for leachate. The cap only prevents direct contact with the soil; it is not designed to prevent contamination from leaching to the surface or migrating under the school building.

7. Systems designed to resist vapor intrusion should be operated continuously during periods of school occupancy. The HVAC system, which is designed to provide positive air pressure, should do so around the clock except for periods when the building is entirely closed for an extended period. The subslab depressurization system should operate continuously as well.

8. The SMP should detail the specific duties of those responsible for site inspections, including custodians—and require public reporting of such inspections. The SMP refers to inspections by the school custodian. The SMP must clarify, in each instance, what this entails. Further, the SMP must detail how the custodian will be trained to conduct such inspections

successfully and reliably, as well as when custodian should consult with a health and safety professional or environmental consultant.

In fact, a comprehensive protocol needs to be adopted for regular inspections. For areas not covered by checklists presented in the Appendices (e.g., cover systems), we suggest that a checklist be included in the SMP detailing what areas will be inspected and that a daily log be created that will be signed by the inspector. The public should have access to inspection results, and the sufficiency of the inspection program should be reviewed at least annually by the Department of Environmental Conservation.

9. There must be a mechanism for routine testing of the autodialing equipment. The use of autodialers is a positive and innovative approach to alert notification. However, there needs to be a mechanism for routine testing of the autodialing equipment if site monitoring is to be dependent upon them.

10. Ensure the proper use of Photo Ionization Detectors (PIDs). Where PIDs are used in the course of monitoring, they must be regularly calibrated and maintained. Please include the QA/QC Appendix describing how this will be done. Also, specify the type of PID that is recommended, and levels of detection that it is capable of.

11. The site-specific deed restriction should be appended to the SMP. Since the site-specific deed restriction is a principal instrument for implementing the Site Management Plan, the language or proposed language should be appended.

12. The Site Management Plan should establish responsibilities for implementation. In one place, the SMP should define the roles of all people—including representatives of the owners, the Department of Education, and the Department of Environmental Conservation—responsible for monitoring, inspection, operations and maintenance, and oversight, and there should be a mechanism through which the public can ensure that those obligations are being met. In particular, the Department of Environmental Conservation should periodically certify that the other parties are fulfilling their roles.

13. The Site Management Plan must include an evaluation of its own reliability and viability. Site Management Plans are merely pieces of paper unless they include assurances that they will be funded and implemented for the life of the contamination. In fact, the Brownfields Cleanup statute [specifically, ECL 27-1415(7)] requires:

- (iii) an evaluation of the reliability and viability of the long-term implementation, maintenance, monitoring, and enforcement of any proposed institutional or engineering controls and an analysis of the long-term costs of implementing, maintaining, monitoring and enforcing such controls, including costs that may be borne by state or local governments;
- (iv) sufficient analysis to support a conclusion that effective implementation, maintenance, monitoring and enforcement of institutional and/or engineering controls can be reasonably expected;
- (v) where required by the department, financial assurance to ensure the long-term implementation, maintenance, monitoring, and enforcement of any such controls; ...

However, these do not appear in the draft SMP. Either the property owners or the Department of Education should be required to demonstrate that the resources have been set aside to implement

the SMP for the life of the contamination. Since it can be assumed that the Department of Education will remain financially viable as long as there is a school in operation at the site, this should not be difficult. Such financial assurance should be routinely included in any school-related Site Management Plan.

Sincerely,

(submitted electronically)

Lenny Siegel, Executive Director
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cc: Carol Cambell, Co-Chair, ITHS PTA Environmental Advisory Group
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