



09/1050

**NYSDEC SPILL REPORT FORM**

DEC REGION: 2 SPILL NUMBER: 0400876  
 SPILL NAME: TOLL BROOKLYN DEC LEAD: AXDORONO  
 SPILL DATE: 04/25/2004 SPILL TIME: 10:00 pm  
 CALL RECEIVED DATE: 04/26/2004 RECEIVED TIME: 2:24 pm

**SPILL LOCATION**

PLACE: TOLL BROOKLYN COUNTY: Kings  
 STREET: 400 CARROLL ST TOWN/CITY: New York City  
 COMMUNITY: BROOKLYN  
 CONTACT: DAVID LESKEWITZ CONTACT PHONE: (917) 783-2270

CONT. FACTOR: Other SPILL REPORTED BY: Responsible Party  
 FACILITY TYPE: Commercial/Industrial WATERBODY: \_\_\_\_\_

**CALLER REMARKS:**

Were excavating on the property and found a tank in the ground that know one knew was there. The vent was missing on the tank causing the spill. Pumped the tank so far and have not yet removed the tank due to weather. removed 3000 gal of straight product so far.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
#6 Fuel Oil	Petroleum	6 G	6 G	GW,

**POTENTIAL SPILLERS**

COMPANY	ADDRESS	CONTACT
WOODEN BRIDGE REALTY LLC	388 CARROLL ST. BROOKLYN NY 11796	DAVID LESKEWITZ (917) 783-2270

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
	6,000	#6 Fuel Oil			00	0.00	

**DEC REMARKS:**

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "TIPPLE"  
 Prior spill number was 9605780 which said that the site was a demolition waste transfer station and a fuel storage area.  
 The area was contaminated with petroleum soil & groundwater impacts.

In approx 2001 two large residential condos were built on the site with an open spill number.

The spill case was closed in early 2003 for "no recent activity"

4/26/2004 TradeWinds Environmental found a UST on site between 4,000 and 6,000 gal (#6 oil). The tank is being pumped out, but the tank is too close to the condo foundation to be removed safely.

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Steve Gordon would like to talk with the DEC rep about remediation options

6/23/04 Tipple spoke with Doug from Tradewinds site status requested//

6/24/04 tipple spoke with owner, S.Gordon formerly with Tradewinds and D. Yudelson esq. The owner is currently looking into entering into a Brownfields Cleanup. Will keep DEC updated// tanks removed were encased in concrete and photos were taken//Gordon stated that no soil contamination was observed adjacent to the tanks at the time of removal

06/20/06: This spill is transferred from Mr. Koon Tang to Q.Abidi.  
Called to Jan Belessimo, Trade Wynds Environmental at (800)282-8701 she said that she will talk to her Project Manager regarding spill and she will call me back. -QA

06/30/06: Contacted to Ms.Jan Bellessimo because she faxed me only waste manifest of the spill She will talk to her supervisor Mr. R.D.Baldwin to send a clean up confirmation letter to me. -QA

07/05/06: Called to Ms. Jane Bellessimo and reminded her to talk to her boss for cleanup confirmation letter. -QA

07/25/06: Contacted Jane, she said she will fax me today the closing confirmation letter. -QA

08/09/06: Called Ms. Jane Belessimo regarding spill closing confirmation letter and left message to call me back. -QA

09/12/06: Mr Argie Balgwin called me and said after talking to his attorney that he will send me a confirmation letter to close the spill. -QA

10/25/06: Called Mr. Argie Balgwin (516)779-7824 and left message to call me back regarding closing confirmation letter for the spill. -QA

11/16/06: Called Jan Belessimo about information of spill, she said that she will talk to her boss and call me. -QA

11/27/06: Called Jan Belessimo about information of spill and left message to call me back. -QA

12/14/06: Called Ms. Jan Belessimo regarding information of the spill. She said that she had already sent to me whatever waste manifest report Tradewinds Environmental has. Some other party worked for this spill. She gave attorney's name and phone number.

Mr. David Yudelson (attorney) (212)421-2150. -QA

12/18/06: This spill is being handled by Department's of Brownfield Program (Central Office). I don,t need not to work on this spill. -QA

05/14/07: Called Mr. David Yudelson at (212)421-2150 to discuss the spill. He was not there, left message to call me back. -QA

05/18/07: Called Mr. David Yudelson (Attorney) at (212)421-2150 to discuss if this spill has been terminated from BCP program or not. He said, he will contact client and find out about it then he will call me back. -QA

12/04/2007: This spill case was transferred to A. Doronova. AD

02/08/2008: Called and left messages to A. Baldwin, D. Yedelson and spoke with Ms. Jan Belessimo of Trade-Wynds Env. regarding this site. She was not sure if their company is still involved with the site. She will call back later with

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some information. AD

03/03/2008: Spoke with J. Belessimo of Trade-Wynds Env., she told me that they no longer work for this site. Called and left a message to D. Yedelson. AD

03/04/2008: Received a call from D. Yedelson. He represents both property seller and potential buyer. Contract to be signed sometime in summer 2008. The buyer plans to redevelop the site. Neighbor property on 363 Bond Street which is currently under NYSDEC spill #0501697 is also in this contract but represented by other parties. Spoke with J. Kolleeny of DEC regarding this site. AD

03/13/2008: Spoke with D. Yedelson regarding a submission of all investigation reports and scheduling a meeting with all involved parties to discuss the site situation and remediation. Possible STIP. AD

03/20/2008: Received an email from John Grathwol from Albany. Local community group - FROGGs was concern about the site redevelopment and John scheduled a phone call for March 21, 2008 with FROGGs' representative to answer their questions. Sent an email to V. Brevdo of DEC with brief site status update, which was then forwarded to J. Grathwol. AD

03/25/2008: Left a message to D. Yedelson regarding reports submission. He returned my call later, said that all reports are ready and he will email them to me today or tomorrow. Informed him about concerns from local organization. Told him that after I finish to review reports we will schedule a meeting. AD

03/28/2008: Received old reports via email, downloaded them to eDocs. Will review. AD

10/03/2008: Spoke with D. Yudelson - attorney regarding situation with this site. He told that the owner wants to reapply for BCP project and that they applied for re-zoning, which will be decided in April, 2009. AD

10/15/2008: Received an email from Mr. Yudelson saying:

"Ainora - I am having a comprehensive report prepared by ELM for the Carroll Street/Bond Street sites which will show all existing data. I will forward it as soon as it is done. Dave" AD

10/22/2008: Received an inquiry from Vadim Brevdo of DER regarding status of this spill. Inquiry came to Commissioner from City Councilman DeBlasio. Informed Vadim about situation with this case. Spoke with D. Yudelson. Env. Liability Management (ELM) preparing a summary report with conclusions and recommendations for remedial actions. Project manager - Mimi Raygorodetsky. AD

10/27/2008: Sent an email to D. Yudelson saying:

"Dear Mr. Yudelson,

As per our previous phone conversation, please be advised that the Department requests to expedite the submission of the summary report for the above-referenced sites. The report should be submitted no later than November 14, 2008 and should include a remedial action plan.

Feel free to contact me if you have any questions or comments.

Sincerely,  
Ainura Doronova"

AD

11/13/2008: Called and left a message to D. Yudelson regarding the report submission. later received an email from him saying:

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"Ainura- got your voicemail but I am in a meeting. ELM is working on the report since your request and we should have it very shortly. I will find out the exact date and I will respond to you. Dave"

and

"Ainura - The effort to compile and synthesize all the prior work is taking a little longer than expected to make it understandable. I believe we will deliver the summary report next weds. Please let me know if this presents a problem so that we can avoid having anyone work overnight or on the weekend!!!"

Postponed the report submission till November 21, 2008, but said that it is final. AD

11/21/2008: called and left a message to D. Yudelson regarding the report submission. Later in the day received an email from M. Raygorodetsky saying:

"Ms. Doronova,  
 On behalf of Dave Yudelson of Sive, Paget & Riesel and Toll Brooklyn, LP, please find attached an electronic copy of the Remedial Investigation Report an Conceptual Remedy for the Toll Brooklyn, LLC site in Brooklyn, NY. A hard copy (with a CD containing previous studies) will be delivered to your office via Federal Express on Monday.

The site is comprised of three adjacent parcels of land that are subject to three active spill listings:

- 363 Bond Street (Spill # 05-01697)
- 365 Bond Street (Spill # 04-07393)
- 400 Carroll Street (Spill # 04-00876)

We look forward to working with you to remediate this site.  
 Regards,

Mimi Raygorodetsky | Associate  
 Tel: 212.962.4301 ext.311 | Fax: 212.962.4302 | Mobile: 917.952.9906  
 mraygorodetsky@elmofny.com "

DL the report to eDocs. Will review. AD

Reviewed the report. It includes conceptual RAP with proposal to excavate contaminated soil. AD

01/05/2009: Spoke with M. Raygorodetsky regarding submission of the actual RAP. She told me that their company does not have contract yet to perform the remediation. She will speak with the owner and then call back. AD

01/12/2009: Received an email from M. Raygorodetsky saying:

"Hello Ainura,  
 We spoke last week about the timing of submission of a RAWP for the Toll Gowanus Site, which is subject to three spill numbers: 0501697, 0407393, and 0400876.  
 I've spoken with the client, Toll Brooklyn, LLC and the environmental attorney, Dave Yudelson of Sive Paget & Riesel, PC about the timing of RAWP preparation. We will be finishing our draft of the RAWP this week and providing it to our client for review. We hope to have a RAWP for you the week of January 19.  
 Please let Dave Yudelson or me know if you have any comments or

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questions.  
Mimi

Mimi Raygorodetsky | Associate

Tel: 212.962.4301 ext.311 | Fax: 212.962.4302 | Mobile: 917.952.9906"

02/09/2009: On January 26, 2009 received this email from M. Raygorodetsky saying:

"Hello Ainura,

I wanted to let you know that we were slightly delayed in getting our RAWP submission to you last week. We are pulling together the final loose ends on the RAWP and hope to have something for you by the end of the week.

I apologize for the delay.

Thanks,

Mimi Raygorodetsky"

Received RAP by Env. Liability Management. DL to eDocs. Will review. AD

Reviewed the RAP. It proposes excavation of the hot spots in the vicinity of the well MW-5 and soil boring SB-1 down 2 feet into the water table. Excavation in these areas will advance laterally in all directions until no further evidence of free product remains. ELM also proposes to implement in-place soil stabilization or chemical oxidation in areas where elevated concentrations of BTEX and SVOCs are present.

According to a Phase II Site Investigation report for 400 Carroll Street, 3 1,500-gallon UST were removed from the site in 2004. No UST closure report was submitted to DEC. Location of the former UST area is not depicted at the site's plan. AD

03/17/2009: Called and left a message to M. Raygorodetsky (MR) of ELM. AD

03/20/2009: Called and had a conference call with MR and D. Yudelson (attorney) regarding the submitted RAP. Asked them, if there are any residential buildings in the vicinity of the site. Some of them are one block away from the subject property. Also, requested to submit a Figure 5 from the RAP with locations of the 3 former 1,500-gallon USTs, which were removed in 2004. Number of injection points for the oxidation will be given later in an addendum to the RAP, if this approach will be selected. GPS to identify any other USTs will be implemented after buildings on the site will be demolished. Will discussed this site with J. Kolleeny. AD

03/25/2009: Discussed the RAP with J. Kolleeny. He indicated a contaminated area which should be included in remediation. Asked him about proposed soil stabilization method. Will wait for the submission of the requested information. AD

04/08/2009: Called and left a message to D. Yudelson. Spoke with him later. Requested to submit all UST closure reports for all applicable parts of the project. Also asked if any remedial actions are planned for area of soil boring SB-3 on 363 Bond Street, which indicated high petroleum contamination. AD

04/27/2009: Called and left a message to D. Yudelson. Requested to expedite the submission of the data. Spoke with him later. AD

04/29/2009: Received an e-mail from D. Yudelson saying:

"Ainura, I know that you asked for information on the tank removal, a registration correct and information about remedial response for sb3. Did I miss anything? I want to send a letter in respectfully requesting more time (a few weeks) to gather the information because the Superfund listing proposal for the site has all team members tied up and the project may die if we don't focus on that. Dave

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David S. Yudelson  
Partner  
Sive, Paget & Riesel P.C.  
460 Park Avenue  
New York, NY 10022  
917 295 6449"

Sent him a reply, stating all information, which should be submitted to us. AD

05/13/2009: Received a letter from D. Yudelson with a request to postpone data submission till June 15, 2009. Approved the request. AD

06/18/2009: Called and spoke with D. Yudelson regarding the requested data submission. He told me that they have prepared the report and will send it with today's mail. AD

06/19/2009: Received an e-mail from Basil Borisov of ELM saying:

"Ms. Doronova,  
Attached is the Addendum to the Remedial Action Plan for the 363-365 Bond Street and 400 Carroll Street properties in Brooklyn, NY.  
A hard copy of the Addendum is being sent to your offices by FedEx.  
If you have any questions or concerns, please don't hesitate to contact us or David Yudelson at Sive Paget & Riesel.

Sincerely,

BASIL BORISOV | Project Manager  
Tel 212.962.4301 ext 304 | Fax 212.962.4302 | Cell 646.895.2943"

DL pdf copy to eDocs. AD

06/23/2009: Received hard copy of the Addendum to the RAP. Will review. AD

06/24/2009: Reviewed the Addendum to the RAP. It proposes remediation in the vicinity of hot spot SB-3 as was requested by DEC. The addendum also includes a plan of 400 Carroll Street with locations of former USTs field. While no formal end-point sampling was performed as part of USTs removal, ELM had subsequently installed one soil boring SB-9, one monitoring well MW-1 and one test pit TP-5 in the former USTs area as part of the Phase II ESI. Excavation in these areas will advance laterally in all directions until no further evidence of free product remains. ELM submitted more detailed explanation of in-place soil stabilization method, which was proposed for areas where elevated concentrations of BTEX and SVOCs are present. A bench-scale mixing study will be performed to select site-specific stabilization mix.

Discussed the plan with J. Kolleeny of DER and possibility of excavation in the area of SB-3. Called and spoke with Jim Harrington - Chief Technology Section of Division of Environmental Remediation, Albany regarding application of soil stabilization method in NYS. Changed site priority from P0 to P1. AD

06/25/2009: Sent to Mr. Harrington the Addendum to the RAP via e-mail for review. AD

07/02/2009: Met with Mr. Harrington to discuss the feasibility of application of the soil stabilization method for this particular site. His opinion was that the site is a good candidate for the soil stabilization. A work plan for bench-scale mixing study should be submitted to DEC for review and approval. AD

07/22/2009: Called and spoke with David Yudelson (attorney) regarding excavation of SB-3 area and a work plan for bench-scale mix study. He agreed to make these changes and asked for an e-mail request from DEC. He also mentioned that soil stabilization method was approved by MGP of DEC (Albany) for Nyack MGP Site. Will send him e-mail. AD

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PIN

T & A

COST CENTER

CLASS: C4

CLOSE DATE:

MEETS STANDARDS: False

Created On: 04/26/2004

Date Printed: 8/5/2009

Last Updated: 07/29/2009

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