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HEADLINE: Making Brownfields Green Again

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BODY:

PICTURE brand-new luxury town houses on 11 waterfront acres a short commute from the city, with sweeping views of sunsets on Manhasset Bay and, after dark, the twinkling Manhattan skyline in the distance. In today's hot Long Island property market, it's a safe bet that they would be snapped up quickly, even at seven-figure prices.

Now picture those town houses on a former industrial site where potent contaminants like the solvent trichloroethene were disposed of for decades. The solvents may still rise up as toxic vapors that can seep into buildings, a potential problem so serious that health officials won't allow any living space on the ground floor, just garages and storage. Would the town houses still sell? Should they be built at all?

That those two places are one and the same -- the former Thypin Steel property in Manorhaven -- points up the conundrum of Long Island's brownfields, idle parcels of land known or suspected to be tainted by past industrial or other uses.

Open land has become so scarce and so expensive on the Island that builders are increasingly eyeing brownfield sites. And not just for luxury homes in prime locations: local governments and nonprofit groups want to recycle lightly to moderately contaminated brownfields in less affluent settings, too, for new affordable-housing projects among other uses.

Even federal Superfund sites, the most contaminated places on Long Island, are now in play. At the Lawrence Aviation property in Port Jefferson Station, where the federal Environmental Protection Agency has teams fanning out to nearby homes to test for toxic vapors, a builder waits in the wings with plans for new homes on parts of the factory grounds once a remediation program is complete.

But federal and state environmental and health officials now recognize that the health threats at brownfield sites may remain much greater than they once thought, even after government-supervised cleanups. And questions about the wisdom of building homes on brownfields are rising like the vapors that are causing much of the trouble.

New York regulators are working on new rules for putting brownfield sites back to use, including general cleanup standards and specific safeguards against toxic vapors that can pollute indoor air. How they decide to proceed will have consequences for large-scale projects proposed for New Cassel and Wyandanch, for more than a dozen smaller brownfield properties that Nassau and Suffolk are now eyeing, and ultimately for hundreds of other sites in both counties. The state has not yet said when the new state regulations will be finalized.

Brownfields are everywhere -- by one estimate, there are more than 6,000 on Long Island, ranging from isolated lots to sites that run through whole communities, like New Cassel. This count excludes scores of more heavily contaminated sites on the federal and state Superfund lists, as well as sites where owners have already undertaken voluntary cleanups.

The Thypin Steel property, on the Manhasset Isle peninsula in the Village of Manorhaven, is an example of what may be in store. Now a weed-strewn vacant lot, it once held a metal fabricating and processing plant and before that, hangars for Pan Am Clipper seaplanes -- industrial uses dating back before World War II. Its known environmental history is filled with releases of volatile organic compounds, including widely used solvents like trichloroethene, also known as trichloroethylene or TCE.

According to state health officials, once TCE vapor gets indoors through cracks and leaks in foundations and walls, it can cause dizziness, nausea, headaches, reduced coordination and, in some studies, an increased risk of certain cancers after prolonged exposure.

Island Estates, a Melville developer, has been working for years on its plans to build on the property, where it wants to build 96 clustered town houses in all. The project has preliminary approval from the village, but it now appears to be in abeyance while two state agencies, the Department of Environmental Conservation and the Health Department, formulate the new regulations and decide how to address the problems posed by vapors from the soil.

As a precaution against vapors, Island Estates has already agreed to alter its design to move all living space in the town houses to upper floors, with only garages and storage on the ground level, and to put covenants in buyers' deeds prohibiting them from using ground floors for living space.

Len Axinn of Roslyn Harbor, a partner in Island Estates, said the town houses would also be built with special vapor barriers beneath their foundations to prevent seepage, adding \$15,000 to \$20,000 to construction costs for each unit. There will also be venting systems to pipe any vapors so that they would be released above ground, Mr. Axinn said.

The Thypin family, the current owners, have already spent about \$2 million cleaning up the property voluntarily, Mr. Axinn said.

"If you think about it, these are probably the safest homes on Long Island, because they will have those additional protections that other homes don't have," Mr. Axinn said.

Those other homes include single-family residences and condominiums neighboring the Thypin property, which are potentially at risk from vapor intrusion.

In November, the state began an investigation to learn whether contamination is affecting groundwater beyond the property line. In a broader effort, the state also plans to revisit hundreds of sites across New York that have already been cleaned up, including more than 80 on Long Island, to test for vapor problems.

Nicholas B. Capozzi, the mayor of Manorhaven, said Island Estates had met all requirements set by state regulators so far. "I would like to see them built," Mr. Capozzi said of the town houses, "but we don't want to endanger anybody."

Doug Wood, who with his wife, Patti, founded an advocacy group called Grassroots Environmental Education, called

for caution.

"We are living in the age of the 'oops' discovery, where we look back and say, 'Oh, if we had only known,' " said Mr. Wood, who lives in Port Washington within a mile of the site. "We are now finding that these chemicals travel further and end up in places we didn't expect, and every day we are discovering more and more about how these toxins affect human health."

Mr. Wood said that tougher standards governing vapors in indoor air should be applied to the project by the state. "We don't want to end up with the Love Canal condos," he said, referring to widespread contamination found in homes built on the former site of a chemical plant near Niagara Falls in the 1970's.

Mr. Axinn said the developers, who have a contract to buy the land, were hoping for final state approvals within days or weeks. They would then need approvals from the village's zoning appeals and architectural review boards, he said.

Because each new owner of a property takes on the responsibility for cleaning up whatever mess is on it, and new development projects require environmental reviews, many developers used to want nothing to do with brownfields, and the sites tended to remain derelict.

But the state has been trying to change that with a law enacted in 2003 to ease and speed up brownfield redevelopment. The law is meant to mesh with a federal initiative that provides financing to assess brownfield sites and to speed up the process of putting them back to use.

The state issued new draft regulations in November for brownfield and Superfund cleanup programs under the law. It sets chemical-by-chemical cleanup standards based on the expected future use, with the highest standards applied for re-use as housing.

The law also provides tax credits and some protection from liability for developers who clean up and redevelop brownfields, and promotes community efforts to replace blighted brownfield buildings with new businesses and homes.

The State Department of Environmental Conservation has already recognized a limited number of eligible sites on Long Island, and county and town governments are involved in efforts to redevelop some of them.

But as the regulations move closer to becoming final, evidence that soil vapors and contaminated groundwater are migrating farther from their sources is giving pause.

Thomas DiNapoli, the Democratic state assemblyman from Great Neck and the chairman of the Assembly's environmental committee, was a sponsor of the 2003 law. He is now calling on the State Health Department to impose more stringent limits on TCE exposure in the air. The revised limits could require more extensive cleanup of contaminated properties to remove TCE and other chemicals from soil and water.

Mr. DiNapoli said on Tuesday that the problem of vapor intrusion was not limited to brownfields or to TCE. "For any contaminated site, obviously we are learning that vapor intrusion is a challenge that needs to be more fully evaluated as you go through the cleanup process," he said. "And the challenge is to do the cleanup right."

BUT part of the challenge, he said, was to avoid making the process so onerous that developers would stay away.

Walter Hang, the president of Toxics Targeting in Ithaca, N.Y., a company that compiles data on contaminated sites in New York, faulted the way the state has approached the redevelopment of tainted sites.

"Long Island's brownfields cleanup program has been plagued by lengthy delays, incomplete site investigations and a continuing failure to remediate polluted properties that threaten public health as well as the environment," Mr. Hang said. He called for an impartial legislative review of the process.

"It's entirely laudatory to try to get these properties redeveloped, but we have got to also make sure that any contaminants are properly cleaned up, and that has been difficult to accomplish," he said. In many cases, he said,

much more soil should have been removed, and much more aggressive steps should have been taken to clean up plumes of contamination affecting groundwater.

Mr. Hang cited as an example a 328-unit condominium project approved in 1984 for a former dump near Glen Cove Creek. Construction was halted in 1986 to clean up toxic chemicals and again in 1989 when radioactive waste was found. The developer finally abandoned the project in 1990, leaving shells of buildings that were later demolished.

Steve Levy, Suffolk's county executive, took a more hopeful view. "It's important to emphasize that not all brownfields are polluted or heavily contaminated," he said. "They might just be abandoned warehouses or shopping centers that have become eyesores."

Mr. Levy said that brownfields proposed for housing should be assessed carefully, case by case. "You should never say never, and you should never make it the regular course of business," he said.

Mr. Levy called for an amendment to the 2003 law that would absolve local governments from the cost of cleaning up toxic contamination on properties they seize for nonpayment of taxes.

Michael Deering, Suffolk's director of environmental affairs, said the county had received state grants for possible brownfield development projects at Gabreski Airport in Westhampton and at two sites the county took over, a former laundry in Blue Point and a former wallpaper factory in Ronkonkoma.

Mr. Deering said that vapor intrusion was "just another indication of the importance of a thorough investigation and a comprehensive cleanup and monitoring program."

Thomas F. Maher, Nassau's director of environmental coordination, said the county was examining a half-dozen sites. Furthest along, he said, was one in Baldwin where construction debris was dumped; it is being tested for soil vapors.

While neither county has yet completed a brownfield project, two towns, North Hempstead and Babylon, have taken the lead on projects. North Hempstead has federal backing for an ambitious project in a 170-acre industrial area of New Cassel, where the state has a cleanup program under way.

Maureen Wren, a spokeswoman for the conservation department in Albany, said that it was preparing to test for soil vapors there. The results, she said, would determine whether it was necessary to check nearby homes and businesses as well.

Babylon has \$200,000 in federal grant money to size up brownfields in Wyandanch for housing and other uses. "It goes without saying that you would have to make sure that vapor intrusion was not a problem if you were proposing housing for a site," said Ann Marie Jones, the town official in charge of the project.

Sarah Lansdale, the executive director of Sustainable Long Island, a nonprofit advocacy group in Garden City, said the 2003 law had been effective in getting residents involved in planning what to do with brownfields. Her group has been involved in both the New Cassel and Wyandanch efforts.

"Everyone should take a closer look at the redevelopment of brownfields and really make sure that the sites are redeveloped in a way that protects people's health," Ms. Lansdale said. "And I'm certain that the state is taking a closer look." She noted that Mr. Axinn of Island Estates, the Thypin Steel developer, sits on the group's board of directors.

Ms. Wren, the state spokeswoman, said that public hearings must still be held, including one scheduled for March 6 in Manhattan, before the new regulations can become final.

In the meantime, brownfield projects remain frozen. As Mr. Levy put it, "Everyone is waiting for those regulations."

URL: <http://www.nytimes.com>

GRAPHIC: Photos: The Thypin Steel property in Manorhaven, an 11-acre brownfield where 96 town houses are proposed, has sweeping views of Manhasset Bay. (Photo by Phil Marino for The New York Times)(pg. 1)
The state is cleaning up a 170-acre industrial area in New Cassel, above right, where soil and groundwater are contaminated. (Photo by Phil Marino for The New York Times)(pg. 9)

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