



## HAZARDOUS MATERIAL SPILLS INFORMATION REQUEST

**MOBIL**

51 KINGSLAND AVE

BROOKLYN, NY NO ZIP PROVIDED

**Spill Number: 8908110**

**Close Date:**

ADDRESS CHANGE INFORMATION

Revised street: NO CHANGE

Revised zip code: NO CHANGE

Source of Spill: GASOLINE STATION OR PBS FACILITY

Spiller: ExxonMobil

Spiller Phone:

Notifier Type: Fire Department

Notifier Name:

Notifier Phone:

Caller Name: MR KENNY

Caller Agency: NYFD

Caller Phone: (718) 389-2491

DEC Investigator: MJHAGGER

Contact for more spill info:

Contact Person Phone:

Category: Known release which created a fire/explosion hazards (inside or outdoors), drinking water supply contamination, or significant releases to surface waters.

Class: Willing RP – DEC Field Response – Corrective Action Initiated, Taken Over, or Completed by RP or Other Agency

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards		Penalty Recommended	
11/15/1989		UNKNOWN	NO		NO	

  

Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
GASOLINE	PETROLEUM	-1.00	POUNDS	0.00	POUNDS	GROUNDWATER

TANK TEST INFORMATION

Tank Number	Tank Size	Tank Test Method	Leak Rate	Gross Leak or Failure
	0	Unknown	0.00	UNKNOWN

Caller Remarks:

DURING EXCAVATION OF TANK CONTAMINATED SOIL DISCOVERED IN PITS – PUMP-ING CONTAMINATED SOIL & WATER OUT OF PIT INTO STREETS – DEP RESPONDED & FOUND ONLY CONTAMINATED SOIL & SLIGHT SHEEN IN TRENCH.

DEC Investigator Remarks:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was SUN

12/10/2003 Reassigned from Tipple to Sun.

11/7/05: Project reassigned from Sun to Andersen. Sent letter saying investigation was required by 1/2/06.

12/6/05: Letter returned to sender, unclaimed. USPS wrote the address 159–59 78th street on the letter, instead of the address I sent it to: Donato Passarella 159 78th Street, Queens, NY 11414.

1/23/06: Resent letter to 57 Kingsland Realty Corp., 57 Kingsland Avenue, Brooklyn, NY 11211 Attn: Hussein Mustafa, as per the current owner on Property Shark.

2/3/06: An attorney for Mr. Mustafa called. She said that 51–57 Kingsland is owned by Mr. Mustafa and that 61–65 Kingsland is owned by Denato Passarella, and that the gas station is on 61–65 Kingsland. She will fax me a letter confirming this from the Department of Finance. Need to resend letter to Denato Passarella at 61–65 Kingsland. Changed address on spill report to 65 Kingsland Avenue.

2/9/06: Letter was returned. Resent letter to:

Donato Passarella Kingsland Service Station 51 Kingsland Avenue Brooklyn, NY 11211

2/13/06: Spoke to John Passarella (related to Denato Passarella) (718–389–6133). He said the correct address is 51 Kingsland Avenue. Changed address on spill report back to 51 kingsland. He said that Mobil owned the tanks at that time, but that he owns the property and the gas station. All old tanks were removed and new tanks installed in 1990. John Passarella will ask the old owner if they have and documentation of the tank closures.

4/5/06: ExxonMobil contact: Melissa Tacchino, 908–730–3610, melissa.w.tacchino@exxonmobil.com. Called Melissa Tacchino and left her a message. She called back and said that EM has never operated or owned this property.

4/13/06: Spoke with John Passarella and he confirmed that Mobil owned the tanks in 1989 and were in charge of the tank excavation.

7/26/06: Referred to NYSDEC Legal Department.

4/28/08 – Carlson: Spoke to John Passarella (718–389–6133). They received a letter from the legal division. They requested a 60 day extension to investigate this spill.

12/23/09 – Carlson: Received investigation work plan from ExxonMobil, dated 12/7/09. Six borings/monitoring wells proposed. Issued approval letter.

Ken Drake ExxonMobil Environmental Services U S Retail Remediation Project Manager 297 Route 72 W Suite 35, #285 Manahawkin, NJ 08050–2890 kenneth.j.drake@exxonmobil.com

5/25/2010 – Carlson: Performed site visit. They were hand clearing boreholes. Boreholes will be completed as wells starting tomorrow (three days expected).

5/27/2010 – Carlson: Spoke to Joel Adrian. **Product found in one of new wells.** Product will be fingerprinted and tested for ethanol. If it is new product a new spill will be called in.

9/9/2010 – Carlson: Received phone call. **2 ft of product present.** Product will be ID'd again.

9/15/2010 – Carlson: Spill No. 00–02006 consolidated with 89–08110. Received Subsurface Investigation Report. Six monitoring

wells installed. Product present in three wells. **Product ID'd as weathered gasoline.** Legal Division is negotiating a consent order. Case may be referred to central office.

11/2/10 – EM did foil and complained they did not receive TTT reports. Station is delinquent since January, yet TTT may not be required. I can not tell from registration, which has omissions and questionable entries. Moses found registration deficiencies during recent PBS inspection and told Donato to correct them pronto. There is even uncertainty over the correct street address for the station (see the beginning of these notes). Moses would know if the station has a Veeder–Root doing LD on dw UST and dw pipes. (Breen)

3/2/11 – Haggerty: assumed project management from Andre Obligado

March 2011 – Spoke with EM, they agreed to perform SI. Work Plan approved

April 2011: Kleinfelder still working on Access Agreement with property owner

May 2011 – Owner reluctant to sign Access Agreement. He called me because he states that shutting down his station for 6 days would do irreparable financial damage. PM explained that if he doesn't allow EM on the property to perform the investigation, the state will be forced to.

June 2011 – no resolution between the owner and EM has been reached concerning access to perform the work

August 2011 – according to both the station owner, John Passeralla (347–610–3088) and EM, settlement for lost business is close and access should be granted soon

November 2011 – Access Agreement signed between owner and EM.

December 2011 – 6 new MW's installed on-site

February 2012 – SIR for the on-site investigation due in mid March. **Product encountered on-site.** EM sent out Vac truck

April 2012 – reviewed and commented on SIR for on-site well installation. The Departments position is that EM is responsible for the gasoline contamination in soil and groundwater and the current owner is responsible for the diesel contamination in the soil beneath the dispenser. John Urda is pursuing a CO with EM

June 2012 – PM required monthly Dual-Phase extraction events until a RAP is submitted.

August 2012 – EM fingerprinting report under review.

December 2012 – A RAP was submitted which includes pilot testing to determine the best method. Also spoke with Julie de la Fuente at Kleinfelder. She states that EM is considering excavation as long as the owner would agree. They asked for 30 days to submit the CAP and the extension was approved 12/26/12

May 2013 – **ExxonMobil will not sign the Consent Order**

December 2013 – While **ExxonMobil is still not willing to sign a Consent Order,** they did perform a SVE/AS pilot test this month. Also, they continue to perform Dual-Phase Extraction events twice monthly

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June 2014 – ExxonMobil executed Consent Order 6/3/14

April 9, 2015 – Haggerty: RAP for excavation approved.

March 2016 – Haggerty: spoke with Justin Moses from Kleinfelder (RP's consultant) regarding the lack of progress over the last year. ExxonMobil, Kleinfelder and the property owner, John Passerella, are meeting 4/8/16 to discuss the RAP implementation. Justin Moses will contact me after the meeting.

May 16, 2016 – Haggerty: spoke with Laurie McCarthy from ExxonMobil to discuss implementation of the RAP–excavation. The owner is reluctant to grant ExxonMobil access to implement the remedy because the station must be shut down for approximately 3 months for the excavation and installation of a new distribution system.

–by 6–31–16, ExxonMobil will provide the Department with a revised CAP and documentation that they have made best efforts to comply with Consent Order. The revised CAP will provide ExxonMobil another 6 months to execute a access agreement with the property owner to implement the RAP; if an access agreement cannot be reached within that time, a revised RAP to implement a non–excavation remedy will be submitted within 45 days.

July 5, 2016 – Haggerty: Spill transferred to Caroline Eigenbrodt

July 25, 2016 – ExxonMobil did not provide a revised CAP in accordance with Haggerty's request. I drafted a response letter (7/11/16) stating the revised CAP was rejected due to the lack of an enforceable timeframe for the submittal of a revised RAP. 7/13/16 I spoke with Laurie McCarthy (ExxonMobil) about the response from DEC. Exxon has requested a conference call be arranged with council to discuss DEC involvement with gaining access to the 51 Kingsland Ave property. 7/25/16 I spoke with John Urda (DEC attorney) regarding the matter and attempted again to set up a date with ExxonMobil for the call that they have requested.

September 1, 2016 – Spill transferred back to Haggerty