
ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 16th day of MAY 2012, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

WHEREAS, a parcel of real property indentified as Fountain Avenue Landfill (Site 224003), located on Fountain Avenue and Shore Parkway and Pennsylvania Avenue Landfill (Site 224002), located on Pennsylvania Avenue and Shore Parkway in the City of Brooklyn, County of Kings, State of New York, which is part of lands conveyed by the City of New York, a municipal corporation of the State of New York to the United States of America by Memorandum of Understanding dated March 1, 1974 and recorded in the Kings County Clerk's Office on July 22, 1974 in Reel 724 of Deeds at Page 369 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of a remedial program executed by the Department as part of the Department's State Superfund Program; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property's subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the Sate and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

Pennsylvania Avenue and Fountain Avenue Landfills
Site No. 224002 & 224003
Pennsylvania Avenue and Shore Parkway
& Fountain Avenue and Shore Parkway
Kings County, NY
Tax Map ID: Block 4452, Lot 2

FOURTH, the remedy was designed to be protective for the following uses: **its current use as a landfill**. Therefore, any use for purposes other than as a landfill without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

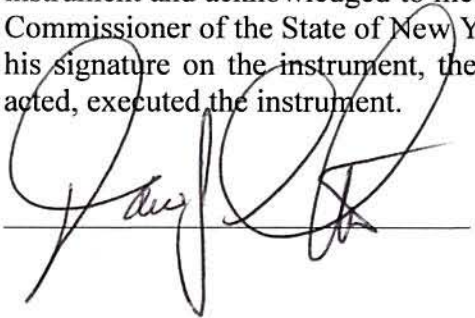
IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By:


Robert W. Schick, P.E.,
Acting Director
Division of Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 16th day of May, in the year 2012, before me, the undersigned, personally appeared Robert Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.


David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

Notary Public – State of New York

Appendix A

METES and BOUNDS Description Pennsylvania Avenue Landfill

A certain tract of land situated in the Borough of Brooklyn, County of Kings, State of New York, and more particularly bounded and described as follows:

Beginning at the point of intersection of the U.S. Pierhead and Bulkhead Line with the southerly boundary of the Shore Parkway, the coordinates of which point are S 71,180.241 and E 49,844.627;

- 1) thence along said line of Shore Parkway N 08° 29' 13.5" W, 800.00 feet to a point;
- 2) thence N 81° 30' 46.5" E, 400.00 feet;
- 3) thence N 08° 29' 13.5" W, 1,817.63 feet to a point;
- 4) thence S 58° 31' 21.3" E, 2,995.96 feet to a point on the U.S. Pierhead and Bulkhead Line;
- 5) thence S 20° 39' 14.7" W, 1,919.02 feet;
- 6) thence N 69° 19' 51.5" W, 2,017.35 feet to the point of Beginning, containing 117.593 Acres, more or less.

METES and BOUNDS Description
Fountain Avenue Landfill

A certain tract of land situated in the Boroughs of Brooklyn and Queens, Counties of Kings and Queens, State of New York, respectively, and more particularly bounded and described as follows:

Beginning at the point of intersection of the westerly line of the reservation with the southerly line of the Shore Parkway, the coordinates of which point are S 68, 039, 263 and E 49, 623, 776;

- 1) thence along said line of Shore Parkway on a curve to the right having a radius of 5,255.88 feet, 1,542.36 feet to the point of tangency,
- 2) thence N 25° 57' 22.4" E, 1,592.49 feet to the point of curvature;
- 3) thence on a curve to the left having a radius of 16,763.04 feet, 1,483.14 feet to a point on curve;
- 4) thence S 54° 03' 53.7" E, a distance of 1,947.65 feet to a point;
- 5) thence S 10° 45' 45.6" E, 1,099.97 feet;
- 6) thence S 54° 45' 33.2" E, a distance of 1,337.86 feet to a point on the U.S. Pierhead and Bulkhead Lines;
- 7) thence along said line S 50° 14' 27.2" W, 1,712.23 feet to a point;
- 8) thence S 20° 39' 15.6" W, 1,903.53 feet to a point on the westerly line of the reservation;
- 9) thence N 58° 31' 21.3" W, a distance of 3,086.88 feet to the point of Beginning, containing 316.883 acres, more or less.

Pennsylvania Avenue and Fountain Avenue Landfills

Site No. 224002 & 224003

Pennsylvania Avenue and Shore Parkway
& Fountain Avenue and Shore Parkway

Kings County, NY

Tax Map ID: Block 4452, Lot 2

Appendix B



AREA 1

ZONED – RESIDENTIAL AND COMMERCIAL:
SPRING CREEK TOWERS APARTMENT
COMPLEX AND RELATED FACILITIES, PS 346
SCHOOL BUILDINGS, ETC.

AREA 2

ZONED – MANUFACTURING:
NYCDEP'S 26TH WARD WATER POLLUTION
CONTROL PLANT, ETC.

AREA 3

ZONED – RESIDENTIAL:
UNDEVELOPED

AREA 4

ZONED – RESIDENTIAL:
NEHEMIAH HOUSING DEVELOPMENT
TOWNHOUSES

AREA 5

ZONED – COMMERCIAL:
UNDEVELOPED

AREA 6

ZONED – COMMERCIAL:
HOME DEPOT, TOYS "R" US, BJ'S
WHOLESALE, BEST BUY, OLIVE GARDEN, RED
LOBSTER, ETC.

AREA 7

ZONED – RESIDENTIAL:
NEW YORK STATE MENTAL HYGIENE LEGAL
SERVICES

AREA 8:

ZONED – PARK:
FRESH CREEK PARK, SPRING CREEK PARK

AREA 9:

ZONED – COMMERCIAL/PARK:
UNNAMED PARKS

ZONING SOURCE: NYC PLANNING COMMISSION MAPS

DATES: MAY 19, 2009 & JUNE 30, 2009

AERIAL SOURCE: GOOGLE™

IMAGERY DATE: JUNE 18, 2010

NOT TO SCALE