

REMEDIAL PROGRAM
MONTHLY PROGRESS REPORT
May 2022 (submitted 9 June 2022)
673 LIVONIA AVENUE SITE
BROOKLYN, NY
NYSDEC SITE CODE #224352

This progress report was prepared by B&B Engineers and Geologists of New York, P.C., in accordance with the requirements of Paragraph XIII of Appendix A of Order on Consent dated 16 February 2022 for the 673 Livonia Avenue Site (the Site) on behalf of ElderServe Health, Inc., Respondent, and is distributed as follows:

Madeleine Babick, NYSDEC
Daniel Tucholski, NYSDOH
James L. Simpson, NYSDEC
Susan Aldrich, ElderServe Health
John Lembo, ElderServe Health
William Squires, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

- (i) Describe the actions which have been taken toward achieving compliance with this Order during the previous month.
 - *Surveyed exteriors of nearby properties for pre-construction conditions and to identify areas of potential air migration (building openings) for use in IRM/CAMP planning.*
 - *Contacted adjacent property owners to notify of planned construction activities and obtain permission on the building north of the driveway to protect windows and openings on their structure as needed during construction activities.*
- (ii) Include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent.
 - *None*
- (iii) Identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month.
 - *None*
- (iv) Describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site.
 - *Plan field efforts for pre-construction baseline (subslab) sampling and oil vapor probe installation and sampling in the courtyard north of the building as described in the IRMWP, currently expected to be conducted in July/August 2022.*
 - *The forecasted schedule of major deliverables relating to Site investigation and remedial actions is as follows:*

<i>Submittal</i>	<i>Status</i>
Site Characterization Report	Submitted 18 February 2022; Revised 18 March 2022; Approved 5 April 2022
Interim Remedial Measures Work Plan	Submitted 18 February 2022; Revised on 21 March 2022; Approved 19 April 2022
Progress Reports	By the 10 th of each month until IRM construction is complete
Construction Completion Report	To be completed at end of IRM construction

- (v) Include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays.
- There have been delays in getting approvals from the Metropolitan Transportation Authority and Department of Buildings, requiring the proposed IRMWP schedule to be adjusted. The baseline subslab soil vapor and external soil vapor sampling associated with the SRVS is now anticipated to occur in July/August 2022.*
- (vi) Include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved.
- None*

REMEDIAL PROGRAM
MONTHLY PROGRESS REPORT
June 2022 (submitted 8 July 2022)
673 LIVONIA AVENUE SITE
BROOKLYN, NY
NYSDEC SITE CODE #224352

This progress report was prepared by B&B Engineers and Geologists of New York, P.C., in accordance with the requirements of Paragraph XIII of Appendix A of Order on Consent dated 16 February 2022 for the 673 Livonia Avenue Site (the Site) on behalf of ElderServe Health, Inc., Respondent, and is distributed as follows:

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John Lembo, ElderServe Health
William Squires, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

- (i) Describe the actions which have been taken toward achieving compliance with this Order during the previous month.
 - *Continued to work with the Department of Buildings (DOB) to obtain the necessary construction permit and the Metropolitan Transportation Authority (MTA) to obtain a determination of no impact for the project.*
 - *Preliminary planning and coordination for pre-construction baseline (subslab) sampling and soil vapor probe installation and sampling in the courtyard north of the building as described in the IRMWP, currently expected to be conducted in August 2022.*
- (ii) Include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent.
 - *None*
- (iii) Identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month.
 - *None*
- (iv) Describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site.
 - *Plan field efforts for pre-construction baseline (subslab) sampling and oil vapor probe installation and sampling in the courtyard north of the building as described in the IRMWP, currently expected to be conducted in August 2022.*
 - *The forecasted schedule of major deliverables relating to Site investigation and remedial actions is as follows:*

<i>Submittal</i>	<i>Status</i>
Site Characterization Report	Submitted 18 February 2022; Revised 18 March 2022; Approved 5 April 2022
Interim Remedial Measures Work Plan	Submitted 18 February 2022; Revised on 21 March 2022; Approved 19 April 2022
Progress Reports	By the 10 th of each month until IRM construction is complete
Construction Completion Report	To be completed at end of IRM construction

- (v) Include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays.
- There have been delays in getting approvals from the Metropolitan Transportation Authority and Department of Buildings, requiring the proposed IRMWP schedule to be adjusted. The baseline subslab soil vapor and external soil vapor sampling associated with the SRVS is now anticipated to occur in August 2022.*
- (vi) Include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved.
- None*

REMEDIAL PROGRAM
MONTHLY PROGRESS REPORT
July 2022 (submitted 10 August 2022)
673 LIVONIA AVENUE SITE
BROOKLYN, NY
NYSDEC SITE CODE #224352

This progress report was prepared by B&B Engineers and Geologists of New York, P.C., (B&B) in accordance with the requirements of Paragraph XIII of Appendix A of Order on Consent dated 16 February 2022 for the 673 Livonia Avenue Site (the Site) on behalf of ElderServe Health, Inc., Respondent, and is distributed as follows:

Madeleine Babick, NYSDEC
Daniel Tucholski, NYSDOH
James L. Simpson, NYSDEC
Susan Aldrich, ElderServe Health
John Lembo, ElderServe Health
William Squires, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

- (i) Describe the actions which have been taken toward achieving compliance with this Order during the previous month.
- *Continued to work with the Department of Buildings (DOB) to obtain the necessary construction permit; and the Metropolitan Transportation Authority (MTA) to obtain a determination of no impact for the project.*
 - *Evaluate additional measures to those proposed in the IRM Work Plan (B&B, April 2022) to proactively remove Site-related COCs, as defined in the Site Characterization Report (B&B, March 2022),*
 - *On 29 July 2022, B&B sent an email to NYSDEC documenting delays in obtaining necessary construction permits to proceed with the pre-mitigation sampling described in the Interim Remedial Measures Work Plan (IRMWP). As an interim data collection step during this delay, B&B proposed installing quantitative passive soil gas samplers (QPSs) to a depth of five feet below ground surface in the alley to the north of the building. This interim step is intended to provide screening-level data to further assess the potential for off-property migration of volatile organic compounds (VOCs) in soil vapor. NYSDEC concurred with this approach in an email dated 3 August 2022.*
- (ii) Include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent.
- *None*
- (iii) Identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month.
- *None*

- (iv) Describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site.
- *Passive soil gas sampling in the alley north of the building is expected to be conducted the week of 15 August 2022 as described in B&B's 29 July email and approved by NYSDEC on 3 August 2022; notification of this sampling was provided on 8 August 2022. Data is expected to be available for review and discussion in September 2022. Continue to pursue necessary construction permits and approvals.*
 - *The forecasted schedule of major deliverables relating to Site investigation and remedial actions is as follows:*

<i>Submittal</i>	<i>Status</i>
Site Characterization Report	Submitted 18 February 2022; Revised 18 March 2022; Approved 5 April 2022
Interim Remedial Measures Work Plan	Submitted 18 February 2022; Revised on 21 March 2022; Approved 19 April 2022
Progress Reports	By the 10 th of each month until IRM construction is complete
Construction Completion Report	To be completed at end of IRM construction

- (v) Include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays.
- *There have been delays in getting approvals from the MTA and DOB. These delays are being handled as described in parts (i) and (iv) of this Monthly Progress Report.*
- (vi) Include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved.
- *None*

REMEDIAL PROGRAM
MONTHLY PROGRESS REPORT
August 2022 (submitted 9 September 2022)
673 LIVONIA AVENUE SITE
BROOKLYN, NY
NYSDEC SITE CODE #224352

This progress report was prepared by B&B Engineers and Geologists of New York, P.C., (B&B) in accordance with the requirements of Paragraph XIII of Appendix A of Order on Consent dated 16 February 2022 for the 673 Livonia Avenue Site (the Site) on behalf of ElderServe Health, Inc., Respondent, and is distributed as follows:

Madeleine Babick, NYSDEC
Daniel Tucholski, NYSDOH
James L. Simpson, NYSDEC
Susan Aldrich, ElderServe Health
John Lembo, ElderServe Health
William Squires, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

- (i) Describe the actions which have been taken toward achieving compliance with this Order during the previous month.
- *Continued to work with the Department of Buildings (DOB) to obtain the necessary construction permit; and the Metropolitan Transportation Authority (MTA) to obtain a determination of no impact for the project.*
 - *Continued evaluation of additional measures to those proposed in the IRM Work Plan (B&B, April 2022) to proactively remove Site-related COCs, as defined in the Site Characterization Report (B&B, March 2022).*
 - *On 17 August 2022, Geosyntec installed two passive soil gas samplers in the alley north of the building as described in B&B's 29 July email and approved by NYSDEC on 3 August 2022. This sampling is intended to provide screening-level data to assess the potential for off-property migration of volatile organic compounds (VOCs) in soil vapor.*
 - *On 25 August 2022, Geosyntec sent an email to NYSDEC confirming the 17 August 2022 installation of passive soil gas samplers, documenting field challenges encountered, and detailing next steps.*
- (ii) Include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent.
- *None*
- (iii) Identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month.
- *None*

- (iv) Describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site.
- *On 2 September 2022, Geosyntec:*
 - *retrieved the passive soil gas samplers and submitted them to Eurofins Air Toxics laboratory for analysis of VOCs by Method TO-17. and*
 - *oversaw the removal of the nonhazardous investigation derived waste, generated from site characterization activities in December 2021, by Innovative Recycling Technologies, Inc. for transport to Republic Environmental Services in Pennsylvania.*
 - *Soil gas data is expected to be available for review and discussion in September 2022. Geosyntec will reach out to NYSDEC/NYSDOH to schedule a virtual meeting to discuss the results and next steps.*
 - *Continue to pursue necessary construction permits and approvals.*
 - *The forecasted schedule of major deliverables relating to Site investigation and remedial actions is as follows:*

<i>Submittal</i>	<i>Status</i>
Site Characterization Report	Submitted 18 February 2022; Revised 18 March 2022; Approved 5 April 2022
Interim Remedial Measures Work Plan	Submitted 18 February 2022; Revised on 21 March 2022; Approved 19 April 2022
Progress Reports	By the 10 th of each month until IRM construction is complete
Construction Completion Report	To be completed at end of IRM construction

- (v) Include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays.
- *There have been delays in getting approvals from the MTA and DOB. These delays are being handled as described in parts (i) and (iv) of this Monthly Progress Report.*
- (vi) Include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved.
- *None*

REMEDIAL PROGRAM
MONTHLY PROGRESS REPORT
September 2022 (submitted 10 October 2022)
673 LIVONIA AVENUE SITE
BROOKLYN, NY
NYSDEC SITE CODE #224352

This progress report was prepared by B&B Engineers and Geologists of New York, P.C., (B&B) in accordance with the requirements of Paragraph XIII of Appendix A of Order on Consent dated 16 February 2022 for the 673 Livonia Avenue Site (the Site) on behalf of ElderServe Health, Inc., Respondent, and is distributed as follows:

Madeleine Babick, NYSDEC
Daniel Tucholski, NYSDOH
James L. Simpson, NYSDEC
Susan Aldrich, ElderServe Health
John Lembo, ElderServe Health
William Squires, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

- (i) Describe the actions which have been taken toward achieving compliance with this Order during the previous month.
- *Continued to work with the Department of Buildings (DOB) to obtain the necessary construction permit; and the Metropolitan Transportation Authority (MTA) to obtain a determination of no impact for the project.*
 - *On 2 September 2022, Geosyntec retrieved the two passive soil gas samplers installed on the Site in the alley to the north of the building on 17 August 2022, and submitted them to Eurofins Air Toxics laboratory in Folsom, CA for analysis as described in B&B's 29 July email (approved by NYSDEC on 3 August 2022).*
 - *On 8 September 2022, Geosyntec received the laboratory data from the two passive soil gas samples. The screening level concentrations were above screening levels and indicated potential off-site migration from the northern portion of the Site of volatile organic compounds (VOCs) in soil vapor.*
 - *On 9 September 2022, Geosyntec sent an email to NYSDEC and NYSDOH confirming receipt of the sampling results and requesting to discuss the results and next steps.*
 - *On 14 September 2022, Geosyntec and other representatives of ElderServe Health participated in a teleconference with NYSDEC and NYSDOH to present passive soil gas sampling results and plan next steps for vapor intrusion evaluation of the property to the north. The group decided on pursuing access for indoor air sampling in the short term, followed by paired sub-slab/indoor air sampling during the heating season.*
 - *On 15 September 2022, Geosyntec sent a follow-up email to NYSDEC and NYSDOH confirming the proposed indoor air sampling plan and transmitting the laboratory report and a copy of the 14 September PowerPoint presentation.*
 - *On 23 September 2022, an ElderServe representatives met with the owner of the property to the north to coordinate timing for indoor air sampling.*
 - *On 28 September 2022, Geosyntec collected three primary 12-hour indoor air samples and one duplicate sample, as well as one outdoor air sample at the property to the north. The samples were submitted to ALS laboratory in Simi Valley, CA for analysis of VOCs by Method TO-15 SIM.*

- *On 30 September 2022, Geosyntec sent an email to NYSDEC and NYSDOH confirming successful completion of the indoor air sampling event and setting up a project status call for 11 October 2022.*
- (ii) Include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent.
- *On 15 September 2022, Geosyntec transmitted via email to NYSDEC and NYSDOH the laboratory report from the 28 August passive soil vapor samples as well as the summary PowerPoint presentation from the 14 September teleconference.*
- (iii) Identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month.
- *None*
- (iv) Describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site.
- *Preliminary indoor air sampling results for the property to the north were received on 6 October 2022, and will be validated and reported to NYSDEC and NYSDOH, as well as the property owner.*
 - *A virtual meeting with NYSDEC and NYSDOH is scheduled for 11 October 2022 to discuss the indoor air sampling results obtained from the building to the north of the site and next steps.*
 - *Prepare VI (paired indoor air and subslab) sampling approach for building to the north of the site and submit to NYSDEC/NYSDOH for review and approval.*
 - *Continue to pursue necessary construction permits and approvals.*
 - *The forecasted schedule of major deliverables relating to Site investigation and remedial actions is as follows:*

<i>Submittal</i>	<i>Status</i>
Site Characterization Report	Submitted 18 February 2022; Revised 18 March 2022; Approved 5 April 2022
Interim Remedial Measures Work Plan	Submitted 18 February 2022; Revised on 21 March 2022; Approved 19 April 2022
Progress Reports	By the 10 th of each month until IRM construction is complete
Construction Completion Report	To be completed at end of IRM construction

- (v) Include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays.
- *There have been delays in getting approvals from the MTA and DOB. These delays are being handled as described in parts (i) and (iv) of this Monthly Progress Report.*
- (vi) Include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved.
- *None*

REMEDIAL PROGRAM
MONTHLY PROGRESS REPORT
October 2022 (submitted 10 November 2022)
673 LIVONIA AVENUE SITE
BROOKLYN, NY
NYSDEC SITE CODE #224352

This progress report was prepared by B&B Engineers and Geologists of New York, P.C., (B&B) in accordance with the requirements of Paragraph XIII of Appendix A of Order on Consent dated 16 February 2022 for the 673 Livonia Avenue Site (the Site) on behalf of ElderServe Health, Inc., Respondent, and is distributed as follows:

Madeleine Babick, NYSDEC
Daniel Tucholski, NYSDOH
James L. Simpson, NYSDEC
Susan Aldrich, ElderServe Health
John Lembo, ElderServe Health
William Squires, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

- (i) Describe the actions which have been taken toward achieving compliance with this Order during the previous month.
- *Continued to work with Metropolitan Transportation Authority (MTA) to obtain a determination of no impact for the project.*
 - *On 6 October 2022, Geosyntec received laboratory results for the indoor air sampling conducted at 569 Vermont Street on 28 September. Geosyntec performed internal data validation of the results, which was completed on 14 October 2022.*
 - *On 11 October 2022, ElderServe and Geosyntec participated in a teleconference with NYSDEC and NYSDOH to discuss the preliminary results of the indoor air sampling at 569 Vermont Street and discuss the proposed next steps of sealing the slab in the boiler room and conducting a paired indoor air/subslab soil vapor sampling event in the 2022 heating season.*
 - *On 20 October 2022, Geosyntec sent a draft results letter for indoor air sampling at 569 Vermont Street and a proposed scope of work for slab sealing to NYSDEC for review.*
 - *On 24 October 2022, NYSDEC sent an email to Geosyntec indicating that it had no objection to the draft results letter and proposed slab sealing scope.*
 - *On 28 October 2022, ElderServe sent the indoor air results letter to the property owner/occupant of 569 Vermont Street with copies to NYSDEC and NYSDOH.*
- (ii) Include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent.
- *On 6 October 2022, Geosyntec received laboratory results for the indoor air sampling conducted at 569 Vermont Street on 28 September. Geosyntec performed internal data validation of the results and sent copies of the data via US Mail to NYSDEC and NYSDOH on 28 October 2022.*

- (iii) Identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month.
- *None*
- (iv) Describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site.
- *On 1 November 2022, an ElderServe representative met with the owner/occupant of 569 Vermont Street to discuss the indoor air sampling results and proposed next steps. During this meeting, ElderServe was verbally given permission to seal the slab in the boiler room and perform paired indoor air/subslab soil vapor sampling during the 2022 heating season.*
 - *Slab sealing in the boiler room of 569 Vermont Street is planned for the week of 14 November.*
 - *Prepare the proposed paired indoor air and subslab soil vapor sampling approach to be conducted in the 2022 heating season for 569 Vermont Street and submit to NYSDEC/NYSDOH for review and approval.*
 - *Continue to pursue MTA approvals for installation of soil vapor extraction wells and soil vapor monitoring points. A revised drawing set was submitted on 1 November.*
 - *The forecasted schedule of major deliverables relating to Site investigation and remedial actions is as follows:*

<i>Submittal</i>	<i>Status</i>
Site Characterization Report	Submitted 18 February 2022; Revised 18 March 2022; Approved 5 April 2022
Interim Remedial Measures (IRM) Work Plan	Submitted 18 February 2022; Revised on 21 March 2022; Approved 19 April 2022
Progress Reports	By the 10 th of each month until IRM construction is complete
Construction Completion Report	To be completed at end of IRM construction

- (v) Include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays.
- *Due to project delays, regulatory limitations on PACE center development as well as building conditions, ElderServe's development plans for the building at 673 Livonia Avenue have changed and it will no longer be proceeding with the construction of the PACE center on the property in 2022 as planned. The 673 Livonia Avenue building remains unoccupied while ElderServe is evaluating its plans for the property.*

To address environmental conditions at the property, ElderServe proposes to move forward with the soil vapor remediation system (SVRS) component of the IRM once MTA approvals are obtained with some modifications. Geosyntec anticipates that these proposed modifications will likely include (1) adding an additional soil vapor extraction (SVE) point (for a total of two) in

the driveway on the northern edge of the property and adjacent to the 569 Vermont Street building, (2) incorporating additional subsurface vapor and pressure monitoring points, and (3) adjusting the proposed locations of the other SVE wells and piping within the building to within the existing building layout to reduce the potential off-Site migration of vapors. Geosyntec is working on a letter to NYSDEC proposing amendments to the IRM Work Plan as summarized above.

- (vi) Include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved.
- *Geosyntec will submit a letter to NYSDEC proposing amendments to the IRM Work Plan in the near future as described above.*

REMEDIAL PROGRAM
MONTHLY PROGRESS REPORT
November 2022 (submitted 8 December 2022)
673 LIVONIA AVENUE SITE
BROOKLYN, NY
NYSDEC SITE CODE #224352

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John Lembo, ElderServe Health
William Squires, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

- (i) Describe the actions which have been taken toward achieving compliance with this Order during the previous month.
- *Continued to work with Metropolitan Transportation Authority (MTA) to obtain a determination of no impact for the project.*
 - *On 1 November 2022, an ElderServe representative met with the owner/occupant of 569 Vermont Street to discuss the indoor air sampling results and proposed next steps. During this meeting, ElderServe was verbally given permission to seal the slab in the boiler room and perform paired indoor air/subslab soil vapor sampling during the 2022 heating season.*
 - *From 15-17 November, ElderServe patched/sealed the floors and walls in the boiler room of 569 Vermont Street.*
 - *On 16 November, Geosyntec submitted an email work plan (based on the existing Field Sampling Plan/Quality Assurance Project Plan from the approved Site Characterization Report) to perform heating season vapor intrusion (paired indoor air/subslab soil vapor) sampling at 569 Vermont Street to NYSDEC/NYSDOH for review and approval.*
 - *Continued to coordinate access collecting the vapor intrusion (paired indoor air/subslab soil vapor) samples with the owner/occupant of 569 Vermont Street.*
- (ii) Include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent.
- *None*
- (iii) Identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month.
- *As described in Section I, Geosyntec submitted an email work plan to perform heating season vapor intrusion (paired indoor air/subslab soil vapor) sampling at 569 Vermont Street.*

- (iv) Describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site.
- *Continue to pursue MTA approvals for installation of soil vapor extraction wells and soil vapor monitoring points. A revised drawing set was submitted on 1 November.*
 - *Perform heating season paired indoor air/subslab soil vapor sampling at 569 Vermont Street on December 19-20, pending NYSDEC/NYSDOH approval of the email work plan transmitted on 16 November.*
 - *The forecasted schedule of major deliverables relating to Site investigation and remedial actions is as follows:*

<i>Submittal</i>	<i>Status</i>
Site Characterization Report	Submitted 18 February 2022; Revised 18 March 2022; Approved 5 April 2022
Interim Remedial Measures (IRM) Work Plan	Submitted 18 February 2022; Revised on 21 March 2022; Approved 19 April 2022
Work Plan - Heating Season VI Sampling in 569 Vermont Street	Submitted 16 November 2022; Approval pending
Progress Reports	By the 10 th of each month until IRM construction is complete
Construction Completion Report	To be completed at end of IRM construction

- (v) Include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays.
- *ElderServe plans to move forward with the on-site soil vapor remediation system (SVRS) component of the IRM once MTA approvals are obtained with some modifications (described in the October 2022 PSR). Geosyntec is working on a letter to NYSDEC proposing amendments to the IRM Work Plan.*
- (vi) Include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved.
- *Geosyntec will submit a letter to NYSDEC proposing amendments to the IRM Work Plan in the near future.*

REMEDIAL PROGRAM
MONTHLY PROGRESS REPORT
December 2022 (submitted 10 January 2022)
673 LIVONIA AVENUE SITE
BROOKLYN, NY
NYSDEC SITE CODE #224352

This progress report was prepared by B&B Engineers and Geologists of New York, P.C., (B&B) in accordance with the requirements of Paragraph XIII of Appendix A of Order on Consent dated 16 February 2022 for the 673 Livonia Avenue Site (the Site) on behalf of ElderServe Health, Inc., Respondent, and is distributed as follows:

Madeleine Babick, NYSDEC
Daniel Tucholski, NYSDOH
James L. Simpson, NYSDEC
Susan Aldrich, ElderServe Health
John Lembo, ElderServe Health
William Squires, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

- (i) Describe the actions which have been taken toward achieving compliance with this Order during the previous month.
- *Continued to work with Metropolitan Transportation Authority (MTA) to obtain a determination of no impact for the project.*
 - *Coordinated access to collect paired indoor air/subslab soil vapor samples with the owner/occupant of 569 Vermont Street.*
 - *On 19 December, Preferred Environmental, a local subcontractor to Geosyntec, performed a pre-sampling building survey and spoke to the owner/occupant of 569 Vermont Street about relocating a subslab soil vapor sample.*
 - *On 21 December, Geosyntec emailed NYSDEC and NYSDOH a revision to one of the proposed subslab sampling locations based on the site survey. NYSDEC approved this revision on 22 December.*
 - *On December 22-23, Preferred Environmental performed paired indoor air/subslab soil vapor sampling at 569 Vermont Street per the NYSDEC/NYSDOH-approved email work plan.*
- (ii) Include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent.
- *None*
- (iii) Identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month.
- *As described in Section I, Geosyntec submitted a revision to the email work plan to perform heating season vapor intrusion (paired indoor air/subslab soil vapor) sampling at 569 Vermont Street.*

- (iv) Describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site.
- *Continue to pursue MTA approvals for installation of soil vapor extraction wells and soil vapor monitoring points.*
 - *Validate and analyze the indoor air/subslab soil vapor data collected from 569 Vermont Street on December 22-23, and communicate the results to the owner/occupant and NYSDEC/NYSDOH.*
 - *The forecasted schedule of major deliverables relating to Site investigation and remedial actions is as follows:*

<i>Submittal</i>	<i>Status</i>
Site Characterization Report	Submitted 18 February 2022; Revised 18 March 2022; Approved 5 April 2022
Interim Remedial Measures (IRM) Work Plan	Submitted 18 February 2022; Revised on 21 March 2022; Approved 19 April 2022
Work Plan - Heating Season VI Sampling in 569 Vermont Street	Submitted 16 November 2022; Approved 16 December 2022; Revised 21 December 2022; Approved 22 December 2022
Progress Reports	By the 10 th of each month until IRM construction is complete
Construction Completion Report	To be completed at end of IRM construction

- (v) Include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays.
- *ElderServe plans to move forward with the on-site soil vapor remediation system (SVRS) component of the IRM with some modifications (described in the October 2022 PSR) once MTA approvals are obtained. Geosyntec is working on a letter to NYSDEC proposing changes to the SVRS as an amendment to the IRM Work Plan.*
- (vi) Include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved.
- *Geosyntec will submit a letter to NYSDEC proposing amendments to the IRM Work Plan.*