

College Point 3
QUEENS COUNTY, NEW YORK

Final Engineering Report

NYSDEC Site Number: 241122

Prepared for:
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
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MAY 2022

CERTIFICATIONS

I, Michael L. Spera, am currently a registered professional engineer licensed by the State of New York, and I certify that the Remedial Design was implemented and that all construction activities were completed in substantial conformance with the Department-approved Remedial Design.

I certify that the data submitted to the Department with this Final Engineering Report demonstrates that the remediation requirements set forth in the Remedial Design and in all applicable statutes and regulations have been or will be achieved in accordance with the time frames, if any, established for the remedy.

I certify that all use restrictions, Institutional Controls, Engineering Controls, and/or any operation and maintenance requirements applicable to the Site are contained in an environmental easement created and recorded pursuant ECL 71-3605 and that all affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded.

I certify that a Site Management Plan has been submitted for the continual and proper operation, maintenance, and monitoring of all Engineering Controls employed at the Site, including the proper maintenance of all remaining monitoring wells, and that such plan will be approved by Department.

I certify that all documents generated in support of this report have been submitted in accordance with the DER's electronic submission protocols and have been accepted by the Department.

I certify that all data generated in support of this report have been submitted in accordance with the Department's electronic data deliverable and have been accepted by the Department.

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Michael L. Spera, of 125 Broad Street, 15th Floor, New York, New York, 10004, am certifying as Owner's Designated Site Representative for the site.



073731

May 6, 2022

NYS Professional Engineer #

Date

Signature

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LIST OF ACRONYMS

Acronym	Definition
CFR	Code of Federal Regulations
EWP	Excavation Work Plan
HASP	Health and Safety Plan
IRM	Interim Remedial Measure
NYC DCAS	New York City Department of Citywide Administrative Services
NYCRR	New York Codes, Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
PCB	Polychlorinated Biphenyls
PPE	Personal Protective Equipment
PPM	Parts Per Million
RCNY	Rules of the City of New York
RD	Remedial Design
ROD	Record of Decision
SMP	Site Management Plan
TSDF	Treatment Storage and Disposal Facility
VCA	Voluntary Cleanup Agreement

FINAL ENGINEERING REPORT

1.0 BACKGROUND AND SITE DESCRIPTION

The Site is located in an urban/residential area of the College Point section of Queens, NY adjacent to the East River (Figure 1).

As defined by the NYSDEC, the Site consists of a 0.24-acre grassy parcel of land within the Riverview Condominium complex between several condominiums. The area is shown as New York City Department of Citywide Administrative Services (NYC DCAS) Property Lot 3916 LOT 27 on Figure 2. The remedial investigation and feasibility study included the Riverview Condominium Properties bounded by the East River to the north, Capstan Court and 121st Street to the east, Ketch Court to the south, and the College Point Properties to the west, as depicted on Figure 3.

The Site as is a mix of 2 to 3 story condominium buildings, pavement and grassy areas. Grassy areas are found between the condominium buildings (i.e., between Riviera Court, Capstan Court and Cove Court and Cove Court, 121st Street and Ketch Court) and between Riviera Court and the East River. The Site was separated into three separate areas, depicted on Figure 2, for the purposes of the interim remedial measure (IRM).

The northernmost area is part of Block 3916 Lot 108 on the Queens, NY Tax Map and is owned by the Powells Cove Estates Homeowners Association (Powells Cove). This area is approximately 1.198 acres and is bounded by the East River to the north, Riviera Court to the south, the Soundview Lane Apartments to the west, and the Powell Cove Estates to the east. The grassy portion of this area was labeled the “North Lawn Area” during the IRM.

The central area is identified as part of Block 3916 Lot 255 on the Queens, NY Tax Map and is owned by the Villas at the Riverview Condominium (Villas). This area is approximately 1.907 acres and is bounded by a grassy area to the north, a grassy area and Riverview at College Point Condominiums III to the south, Capstan Court to the east, and the Soundview Lane apartments to the west.

The southernmost area is part of Block 3916 Lot 250 on the Queens Tax Map and is owned by Riverview at College Point Condominiums III (Condo 3). This area is approximately 1.597 acres is bounded by Riviera Court to the north, the southern side of Cove Court to the south, the eastern side of Capstan Court to the east, and the Soundview Lane apartments to the west. The grassy portion of this area was labeled the “South Lawn Area” during the IRM.

The remediation standard for the Site, as determined by the NYSDEC, is as specified in *40 CFR Part 761 (2005 Edition) Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions*. Per that standard, high occupancy areas where bulk PCB remediation waste remains at concentrations >1 parts per million (ppm) and ≤ 10 ppm shall be covered with an engineered cap. The parcels labeled Block 3916 Lot 27, Block 3916 Lot 250, and Block 3916 Lot 255 on Figure 2 are zoned restricted-residential and the cap is 24 inches thick. The parcel labeled Block 3916 Lot 108 on Figure 2 is zoned commercial and the cap is 12 inches thick.

Parcels Block 3916 Lot 27, Block 3916 Lot 250, and Block 3916 Lot 255 meet the definition of restricted-residential because they have “common ownership or a single owner/managing entity of the site” as described in Paragraph 375-1.8(g)(2)(ii) of *6 NYCRR Part 375 Environmental Remedial Programs* (Part 375). Parcel Block 3916 Lot 27 meets the definition of commercial because it is used for “passive recreational uses, which are public uses with limited potential for soil contact” as described in Paragraph 375-1.8(g)(2)(iii) of Part 375.

The 24-inch cover for parcels Block 3916 Lot 250, and Block 3916 Lot 255 is the result of Paragraph 375-3.8 (e)(4)(iii)(a)(1) of Part 375 which states: “for residential use: the top two feet of all exposed surface soils which exceed the site background values for contaminants of concern and are not otherwise covered by the components of the development of the site (e.g. buildings, pavement), shall not exceed the applicable contaminant-specific soil cleanup objectives.”

The 12-inch cover for Parcel Block 3916 Lot 27 is the result of Paragraph 375-3.8 (e)(4)(iii)(b)(1) of Part 375 which states: “for commercial use: the top one foot of all exposed surface soils which exceed the site background values for contaminants of concern and are not otherwise covered by the components of the development of the site (e.g. buildings, pavement), shall not exceed the applicable contaminant-specific soil cleanup objectives.”

The design included excavation and backfill as necessary for the construction of the cap noted above. Post-excavation sampling was included in the design to ensure that remaining PCB concentrations were below 10 ppm to the extent practicable.

The boundaries of the site are fully described in Appendix A: Survey Map, Metes and Bounds.

An electronic copy of the Construction Completion Report with all supporting documentation is included as Appendix B.

2.0 SUMMARY OF SITE REMEDY

2.1 REMEDIAL ACTION OBJECTIVES

Based on the results of the Remedial Investigation, the following Remedial Action Objectives (RAOs) were identified for this site.

2.1.1 Groundwater RAOs

RAOs for Public Health Protection

- Prevent ingestion of groundwater containing contaminant levels exceeding drinking water standards.
- Prevent contact with contaminated groundwater.

RAOs for Environmental Protection

- Restore groundwater aquifer, to the extent practicable, to pre-disposal/pre-release conditions.
- Prevent the discharge of contaminants to surface water.
- Remove the source of ground or surface water contamination.

2.1.2 Soil RAOs

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.
- Prevent impacts to biota due to ingestion/direct contact with contaminated soil that would cause toxicity or bioaccumulation through the terrestrial food chain.

2.2 DESCRIPTION OF SELECTED REMEDY

The site was remediated in accordance with the remedy selected by the NYSDEC in the College Point 3 Feasibility Study Report dated January 2017. NYSDEC issued a No Further Action - Record of Decision (ROD) for the Site in March 2022.

The factors considered during the selection of the remedy are those listed in 6NYCRR 375-1.8. The following are the components of the selected remedy:

1. Construction and maintenance of a soil cover system to prevent human exposure to remaining contaminated soil/fill remaining at the site;
2. Collection and disposal of PCB-contaminated waste oil (LNAPL) floating the water table;
3. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to any contamination remaining at the site;
4. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting;
5. Periodic certification of the institutional and engineering controls listed above.

3.0 INTERIM REMEDIAL MEASURES, OPERABLE UNITS AND REMEDIAL CONTRACTS

The remedy for this site was performed as two interim remedial measures (LNAPL Recovery and Excavation/Soil Cover Construction). No operable units or separate construction contracts were performed.

3.1 INTERIM REMEDIAL MEASURES

LNAPL Recovery

A summary of LNAPL Recovery at the Site follows.

Multiple technologies were evaluated to recover LNAPL; however, the viscosity of the oil limits active recovery. In consultation with the Department, for wells with small measurable thicknesses ($\frac{1}{2}$ foot or less) of light non-aqueous phase liquids (LNAPL), it was determined that removal of LNAPL from the wells would best be accomplished through use of absorbent socks. Three-inch diameter absorbent socks would be placed in 4-inch site wells and 1.5-inch diameter absorbent socks would be placed in 2-inch site wells. When product thickness was greater than 6-inches, the socks were found to be over-saturated with LNAPL. It was reasonable to assume a high likelihood of spillage of PCB contaminated fluids could occur when removing over-saturated socks from the wells. Therefore the decision was made that socks would not be placed in wells with 6-inches or more LNAPL.

URS (now AECOM) began bi-weekly site inspections to recover LNAPL in 2012.

The bi-weekly site inspections consisted of:

- The bi-weekly collection of water level measurements;
- Measurement of the thickness of LNAPL, if present; and
- Bi-weekly replacement of absorbent socks in on-site wells containing LNAPL

Site inspections, water level measurements, LNAPL thickness measurements, and absorbent sock change-outs were performed on a bi-weekly basis through November 2015. At that time, the Department requested the removal of all absorbent socks and a suspension of

the biweekly gauging. Water level measurements and LNAPL gauging were not performed again until May 2016.

During each bi-weekly site inspection, URS personnel used a Solinst Model 122 oil/water interface probe (or equivalent) to measure the depth to water and to check for the presence and thickness of LNAPL.

During the collection of the water level and LNAPL thickness measurements, an assessment of the physical conditions of each well was made. For wells with absorbent socks, the absorbent socks were removed from the well prior to water elevation measurements and weighed using a hand-held digital scale. The weight was recorded in units of decimal pounds. The length of oil staining/absorption on each sock was also measured and recorded. New socks were weighed prior to placement into the well in order to obtain a tare weight for the subsequent measurement.

All used absorbent socks were placed in a 55-gallon open top steel drum. As a secondary containment measure, the 55-gallon drum is stored inside an 85-gallon polyethylene thread top overpack drum. The drums were housed inside the permanent fenced-in enclosure located at the northeastern end of Capstan Court.

During the gauging, the absorbent sock was weighed using a portable digital scale and recorded on the data collection sheet. The weights recorded on the sheets are total weight (i.e., sock plus product) for used socks and the tare weights for the newly installed socks. In order to calculate an approximate volume of product recovered by the absorbent socks, an industry average specific gravity for lubricating oil (0.81) was used.

At the completion of each monitoring/gauging event, all waste [e.g., used absorbent socks, plastic sheeting, personal protective equipment (PPE)] were placed into 3-mil thick poly contractor bags and placed in 55-gallon open top steel drums that were inside 85-gallon poly overpack drums. Frank's Vacuum Truck Service (Frank's), of Niagara Falls, New York

provided transportation and disposal services when two drums stored in the drum enclosure area were full. Approximately every three months Frank's picked up the 85-gallon overpack drums containing full 55-gallon steel drums. The drums were transported for disposal as PCB contaminated waste to a permitted facility.

The full details of the LNAPL Recovery through May 2016 are presented in the *Interim Remedial Measures Letter Report July 2012 through May 2016* (URS, August 2016).

AECOM acquired URS in 2018. AECOM continues LNAPL Recovery at the Site for NYSDEC. A total of 248.43 gallons have been recovered through December 2021. NYSDEC will continue to collect LNAPL in site management.

Soil Cover Construction

The major elements of the soil cover construction were as follows:

Site Wide:

- Abandonment of selected piezometers, monitoring wells, etc.
- Maintenance of seeded and sodded areas throughout the warranty period.

North and South Lawn Areas:

- Clearing, demolition, and off-site transportation and disposal of cleared trees, woody vegetation, and non-contaminated debris.
- Survey of existing grades and verification/revision of the design subgrade elevations (bottom of the soil cover).
- Excavation of existing soil to those subgrade elevations, including root balls, etc., while preserving selected trees.
- Transportation and off-site disposal of all excavated soils.
- Placement of an orange snow fence demarcation barrier at the bottom of excavation.

- Collection and analysis of documentation samples from the bottom of excavation.
- Placement of and compaction of clean backfill and topsoil to predetermined final grades.
- Installation of new stormwater drainage structures.
- Redesign and replacement of the functional underground irrigation systems.
- Restoration of fences and turf (sod and seed). Installation of revised landscape materials.
- Repair of a significantly heaved reach of a Site walkway at the northwestern corner of the North Lawn area.

Planters and Islands:

- Excavation of approximately 15 inches of soil from approximately 75 planters and islands.
- Replacement of the wood edging on approximately 50 planters.
- Reconstruction of 5 block planters with existing, cleaned blocks.
- Transportation and disposal of waste, soils, and all debris generated from the planter box excavations.
- Collection and analysis of documentation soil samples from excavation areas.
- Restoration of excavated areas with demarcation layer, common backfill, topsoil, and sod or mulch.
- Planting and establishment of trees and shrubs.

The information and certifications made in the September 2019, Construction Completion Report were relied upon to prepare this report and certify that the remediation requirements for the site have been met. The Construction Completion Report is included in Appendix B.

Drum/Soil Removal

Approximately ten steel drums were identified in the subsurface during construction of the soil cover. The drums contained waste oil when buried; however, corrosion of the steel over time allowed the liquid inside to leak out into the surrounding soil, and the drums

eventually collapsed under the weight of the landfilled material. Samples were collected to characterize the material and determine the regulatory requirements to remediate the area. In addition to petroleum compounds, impacted soil was contaminated with PCBs, which were detected up to 3,000 ppm. At this concentration, the material meets the definition of PCB remediation waste which requires disposal at a permitted hazardous waste landfill. After a comprehensive subsurface investigation to delineate the extent of contamination, 268.10 tons of PCB remediation waste were excavated and properly disposed. A demarcation layer was placed at the base of the excavation and the area was backfilled with soil meeting restricted-residential SCOs. The disposal of the drums and associated soil was documented in the September 2019 IRM Construction Completion Report (Appendix B).

3.2 OPERABLE UNITS

There were no separable operable units for the Site.

3.3 REMEDIAL CONTRACTS

AECOM is currently performing LNAPL Recovery at the Site under Work Assignment D009803-10.

EnviroTrac was awarded the Work for the construction of the soil cover under Work Assignment D007622-47 at the Contract Price of \$2,131,232. After AECOM's review and approval of EnviroTrac's preliminary submittals (insurances, etc.), AECOM and EnviroTrac entered into a Subcontract Agreement for the work on February 26, 2018.

4.0 DESCRIPTION OF REMEDIAL ACTIONS PERFORMED

Remedial activities completed at the Site were conducted in accordance with the NYSDEC-approved Remedial Design (RD) for the College Point 3 IRM Site (September 2019). All deviations from the RD are noted below.

4.1 GOVERNING DOCUMENTS

4.1.1 Site Specific Health & Safety Plan (HASP)

All remedial work performed under this Remedial Action was in full compliance with governmental requirements, including Site and worker safety requirements mandated by Federal OSHA.

The Health and Safety Plan (HASP) was complied with for all remedial and invasive work performed at the Site.

The HASP, dated June 1, 2018 was prepared by EnviroTrac and is included in Appendix D of the Construction Completion Report (September 2019). AECOM completes product recovery at the site under their current HASP.

4.1.2 Sampling and Analysis Plan (SAP)

EnviroTrac prepared a Sampling and Analysis Plan (SAP), dated March 2018. The SAP included the approximate number of samples to be collected and the matrices of each, including anticipated QA/QC samples, procedures for sample collection, a description of sampling equipment and maintenance procedures for equipment, procedures for decontamination of sampling equipment, a description of all site-specific sample collection techniques and a naming convention for the samples for consistency, sample handling, labeling and regulatory compliance procedures for shipping, and training requirements for environmental sampling for new employees and refresher training requirements for current employees. The SAP is included in Appendix D of the Construction Completion Report (September 2019).

4.1.3 Security Plan

EnviroTrac prepared a Security Plan dated February 2018. The Security Plan included names and qualifications of security personnel, duties of security personnel,

description of proposed daily security operation, provisions for conducting security checks, including method and frequency, and provisions for responding to emergencies. The Security Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.4 Construction Noise Mitigation Plan

EnviroTrac prepared a Construction Noise Mitigation Plan dated April 2018. The Plan described how site operations would meet the requirements of the New York City Department of Environmental Protection Noise Code (15RCNY 28, local law No. 113) and was developed on the form required by Section 100 of the New York City Noise Code. The Plan identified the make and model of all tools and equipment that were used on the project and affirmed that all were properly maintained, and stated the noise reduction devices (i.e., quieter back-up alarms, etc.) used to comply with the relevant codes, for each one. The Construction Noise Mitigation Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.5 Erosion and Sediment Control Plan

The erosion and sediment controls for all remedial construction were performed in conformance with requirements presented in the New York State Guidelines for Urban Erosion and Sediment Control and the Erosion and Sediment Control Plan (Submittal 02120-1b April 2018).

The Plan included specific products to be used, specific locations and alignments of silt fencing, diversion swales, straw bales, erosion control blankets, construction entrances, and other proposed features, a sequence of construction operations to minimize the area of open soil exposed at any one time, and SPDES GP-0-15-002 compliance information. The Erosion and Sediment Control Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.6 Community Air Monitoring Plan (CAMP)

EnviroTrac prepared a Community Air Monitoring Plan (CAMP) to provide a measure of protection for workers and the surrounding community from potential airborne contaminant releases. EnviroTrac sub-subcontracted Preferred Environmental Services (Preferred) of North Merrick, New York, a New York State Women-Owned Business Enterprise (WBE), to perform the required air and documentation monitoring services.

This CAMP was implemented during all ground intrusive field activities. The CAMP is included in Appendix D of the Construction Completion Report (September 2019).

Monitoring equipment was calibrated on a daily basis in accordance with the manufacturer's calibration and quality assurance requirements. All instrument readings, field reference checks, and calibrations were documented and recorded in a daily log. Periodic field checks were also conducted and documented, at least hourly, to verify the equipment was functioning properly. Damaged and/or malfunctioning equipment was immediately removed from service and replaced with a functioning unit. Preventative maintenance activities were conducted (when required) in accordance with the manufacturer's recommendations.

The Community Air Monitoring System consisted of four volatile organic compound (VOC)/particulate monitoring stations (one upwind and three downwind) and one meteorological station.

Action levels and VOC monitoring responses included:

1. If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeded 5 ppm above background for the 15-minute average, work activities had to be temporarily halted and monitoring continued. If the total organic vapor level readily decreased (per instantaneous readings) below 5 ppm over background, work activities could resume with continued monitoring.
2. If the total organic vapor levels at the downwind perimeter of the work area or exclusion zone persisted at levels in excess of 5 ppm over background but less than 25 ppm, work activities had to be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities could resume provided that the total organic level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or resident/commercial structure, whichever

was less, but in no case less than 20 feet, was below 5 ppm over background for the 15-minute average.

3. If the organic vapor level was ≥ 25 ppm at the perimeter of the work area, activities had to be shutdown. All 15-minute readings were to be recorded and be available for State (NYSDEC and NYSDOH) personnel to review. Instantaneous readings, if any, used for decision purposes were also to be recorded.

Particulate monitoring was conducted continuously during working hours, throughout the duration of the field construction activities.

Action levels and particulate monitoring responses included:

1. If the downwind PM-10 particulate level was 100 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) greater than background (upwind perimeter) for the 15-minute period or if airborne dust was observed leaving the work area, then dust suppression techniques had to be employed. Work may have continued with dust suppression techniques provided that the downwind PM-10 particulate levels do not exceed $150\mu\text{g}/\text{m}^3$ above the upwind level and provided that no visible dust is migrating from the work area.
2. If, after implementation of dust suppression techniques, downwind PM-10 particulate levels were greater than $150\mu\text{g}/\text{m}^3$ above the upwind level, work had to be stopped and a reevaluation of activities initiated. Work could resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within $150\mu\text{g}/\text{m}^3$ of the upwind level and in preventing visible dust migration.
3. All readings had to be recorded and be available for State (NYSDEC and NYSDOH) and County Health personnel to review.

4.1.7 Traffic Control Plan

EnviroTrac prepared a Traffic Control Plan dated May 2018. The Plan included access roads for project traffic to the Work area, estimated daily project traffic flows for the Work, proposed methods and materials for maintaining and protecting the traffic during the construction activities, procedures for cleaning debris and spillage from public roads, identified equipment and described procedures to minimize the creation and dispersion of dust and the removal of earthen materials traced onto Site and off-Site roadways by construction vehicles, and addressed major construction activities that would contribute to these situations and the approach to control them. The Traffic Control Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.8 Dust Control Plan

EnviroTrac prepared a Dust Control Plan dated February 2018. The Plan identified equipment to be used and described procedures to be implemented to minimize the creation and dispersion of dust and the removal of earthen materials tracked onto the site and off-site paved roadways by construction vehicles, indicated the dust control measures proposed for use, proposed locations, and proposed time frame for their operation, addressed major construction activities that had the potential to generate dust, and indicated the means and methods to control the generation of dust. The Dust Control Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.9 Vibration Monitoring Plan

EnviroTrac prepared a Vibration Monitoring Plan dated March 2018. The Plan specified the proposed equipment and the locations at which the specified sampling and monitoring were performed. The locations were developed in consultation with the Engineer, and were shown on a drawing included in the Plan. The Vibration Monitoring Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.10 Excavation Work Plan

EnviroTrac prepared an Excavation Work Plan dated April 2018. The Plan included proposed equipment to be used for the work required, locations of stock piles, temporary access roads, and traffic patterns, coordination of excavation, staging, disposal, sampling and

backfill, and methodology for grade control during both excavation and backfilling. The Excavation Work Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.11 Transportation and Disposal Plan

EnviroTrac prepared a Transportation and Disposal Plan dated May 2018. The Plan included procedures for preparing contaminated materials for off- site transport, a layout drawing showing location of the on-site truck decontamination station and on site traffic patterns, a description of the proposed methods for decontaminating trucks and equipment and preventing the tracking of contaminated materials from contaminated areas to streets or other non-contaminated areas, identification of proposed waste transporters, identification of proposed treatment, storage and disposal facilities (TSDF) and solid waste facilities, a listing of all permits, licenses, letters of approval, and other authorizations to operate, and maps showing transportation routes for hauling waste materials off-site to the closest highway. The Transportation and Disposal Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.11 Filling and Grading Work Plan

EnviroTrac prepared a Filling and Grading Work Plan dated June 2018. The Plan included list of equipment to be used for placement and compaction of fill, a figure showing proposed stockpile locations, and a figure showing proposed on-site traffic patterns for material placement. The Filling and Grading Work Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.12 Restoration Work Plan

EnviroTrac prepared a Restoration Work Plan dated November 2018. The Plan included specifications for the fencing and asphalt that were used during restoration. The Restoration Work Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.13 Well Decommissioning Work Plan

EnviroTrac prepared a Well Decommissioning Work Plan dated April 2018. The Plan included the proposed methods to abandon each well. The Well Decommissioning Work Plan is included in Appendix D of the Construction Completion Report (September 2019).

4.1.14 Vegetative Soil and Turf Work Plan

EnviroTrac prepared a Vegetative Soil and Turf Work Plan dated July 2018. The Plan included procedures for acquiring, transport, stockpiling, placement, spreading, grading and amending of off-site topsoil, delivery schedule of all materials, certification that materials meet requirements specified, seed reports, and sod specifications. The Vegetative Soil and Turf Work Plan is included in Appendix D of the Construction Completion Report (September 2019).

The Remediation Engineer reviewed all plans and submittals for this remedial project (i.e. those listed above plus contractor and subcontractor submittals) and confirmed that they were in compliance with the Remedial Design. All remedial documents were submitted to NYSDEC and NYSDOH in a timely manner.

4.2 REMEDIAL PROGRAM ELEMENTS

4.2.1 Contractors and Consultants

AECOM was responsible for documenting Contractor compliance with the Contract Documents during all construction activities. EnviroTrac performed the Work as a subcontractor to AECOM. AECOM has prepared the Final Record Drawings, which were stamped by a Professional Engineer. They are presented in Appendix Q of the Construction Completion Report (September 2019). A list of EnviroTrac's subcontractors and their associated tasks are presented Table 1-1 of the Construction Completion Report.

4.2.2 Site Preparation

A pre-construction meeting was held with NYSDEC and all contractors on February 27, 2018. Documentation of agency approvals required by the Remedial Design is included in Appendix H of the Construction Completion Report (September 2019). Other non-agency permits relating to the remediation project are provided in Appendix H of the Construction Completion Report (September 2019).

All SEQRA requirements and all substantive compliance requirements for attainment of applicable natural resource or other permits were achieved during this Remedial Action.

A NYSDEC-approved project sign was erected at the project entrance and remained in place during all phases of the Remedial Action.

4.2.2.1 Schedule of the Remedial Action

EnviroTrac mobilized to the Site on March 19, 2018. In accordance with NYSDEC direction, they began construction activities in the South Lawn area. Work subsequently moved to the North Lawn area, then to the Planters and Islands. The project was substantially completed (i.e., except for punch list items) on October 29, 2018. EnviroTrac received Final Completion on June 25, 2019.

4.2.2.2 Regulatory Requirements

The following permits or regulatory requirements were issued/established for the Remedial Action.

- Community Air Monitoring Program
- NYC Department of Environmental Protection Construction Noise Mitigation Plan
- NYC Department of Buildings Permits Nos. 421575655-01-EW-OT, 421575673-01-EW-OT, and 421575673-01-PL
- Monitoring Well Abandonment
- Vibration, Crack, and Settlement Monitoring
- Storm Water Pollution Prevention Plan (SWPPP) General Permit

4.2.2.3 Installation of Temporary Perimeter Security Fence

EnviroTrac installed fence posts and chain-link fence fabric around the perimeter of the Site in areas where no fence existed in order to improve Site Security. EnviroTrac removed all temporary perimeter security fencing by the end of the project, with the exception of the fencing installed alongside the Soundview Lane Property, which was left in place at the request of the Villas Property Management.

4.2.2.4 Clearing

EnviroTrac completed Site clearing in the North and South Lawn Areas simultaneously from March 26, 2018 through April 5, 2018. They chipped the cleared plants and stockpiled the chips in the North and South Lawn Areas. The chips were disposed of at Bethlehem Earth LP (Clean Earth Bethlehem) of Bethlehem Pennsylvania with soil excavated from the South Lawn Area and the Planter Boxes at a later date.

On April 24, 2018, EnviroTrac removed selected brick patios from the South Lawn Area. They were placed in rollofs and transported offsite for disposal at Liotta Brothers Recycling Corporation (Liotta) with miscellaneous debris collected during Site activities. Weight tickets for all loads sent to Liotta are included in Appendix K of the Construction Completion Report (September 2019).

EnviroTrac performed additional clearing in the North Lawn Area on August 14, 2018 and October 8, 2018. This material was placed in rollofs and transported offsite for disposal at Liotta with miscellaneous debris collected during Site activities.

4.2.3 General Site Controls

4.2.3.1 Temporary Facilities and Utilities

EnviroTrac mobilized two trailers to the Site and powered them using generators. Cassone Leasing, Inc. (Cassone), a WBE, of Ronkonkoma, New York supplied the trailers to EnviroTrac. The project sign was mounted in the southeastern corner of the North Lawn Area.

Security services were provided by JDC Investigations & Security, Inc. (JDC), of Franklin Square, New York. EnviroTrac maintained security onsite from March, 26 2018 through October, 26 2018. Security was on Site during work days from 5:00 P.M. to 6:30 A.M. They were also onsite on weekends.

4.2.4 Nuisance controls

In accordance with the City's Noise Code (Chapter 28 of Title 15 of the Rules of

the City of New York) EnviroTrac developed and implemented a noise mitigation plan for the project, described in Section 4.1.4 above. The Construction Noise Mitigation Plan was posted in the office trailer at the Site, and included a list of the proposed practices and materials to be used to fulfil the requirements of the City regulations, including proposed noise barriers and/or curtains. EnviroTrac mounted Echo Barrier ® Acoustic Barriers along the perimeter of the excavation areas to mitigate noise during the completion of the Work. The barriers were mounted on 8 ft. x 12 ft. chain-link panel fencing supplied by National Construction Rentals of New York, New York. The Plan identified the make and model of all tools and equipment that were used on the project, affirmed that they were properly maintained, and stated that each tool and piece of equipment were equipped with the noise reduction devices specified by the manufacturer, in good working order.

EnviroTrac controlled dust in accordance with their Dust Control Plan, described in Section 4.1.8 above. They routed trucks in accordance with their Traffic Control Plan, described in Section 4.1.7 above.

The Department and Villas Condo Management granted EnviroTrac permission to load excavated South Lawn Area soils into trucks parked on the Riviera Court Platform that overlooks the South Lawn Area. On May 15, 2018, EnviroTrac installed the decontamination pad on the Platform.

Complaints from residents were received by AECOM and discussed collaboratively with EnviroTrac and NYSDEC prior to providing responses.

4.2.5 CAMP results

Air monitoring was started on April 23, 2018, immediately before the beginning of patio removal activities in the South Lawn Area, and was completed on October 31, 2018, after completion of ground-disturbing activity in the North Lawn area.

The details of Community Air and Documentation Monitoring are included in the Community Air Monitoring Plan included in Appendix D of the Construction Completion Report (September 2019). Preferred submitted daily and weekly community air monitoring data to the AECOM on behalf of EnviroTrac. They also packaged the weekly reports together and submitted them to AECOM on a monthly basis. AECOM provided the monitoring data to NYSDEC and NYS Department of Health on a weekly

basis. AECOM also noted if there were any exceedances of action levels onsite in their daily inspection reports.

Though there were isolated exceedances of the stop work action limits (downwind PM₁₀ particulate levels greater than 150 µg/m³ above the upwind level for a 15-minute average and downwind VOC levels greater than 5 ppm above the upwind level for a 15-minute average), no sustained exceedances of any of the monitored parameters were recorded.

Copies of all field data sheets relating to the CAMP are provided in electronic format in Appendix F of the Construction Completion Report (September 2019).

4.2.6 Reporting

AECOM provided full-time inspection during remedial construction activities. The inspector evaluated contractor performance for conformance with the Contract Documents, prepared daily inspection reports (including site photos as necessary), ran project meetings, and maintained records of requests for information and proposed change orders.

All daily and monthly reports are included in electronic format in Appendix E of the Construction Completion Report (September 2019). The digital photo log required by the Remedial Design is included in electronic format in Appendix E of the Construction Completion Report (September 2019).

Vanguard Construction Solutions (Vanguard) of New Milford, Connecticut performed vibration monitoring for EnviroTrac in accordance with the Vibration Monitoring Plan, described in Section 4.1.9 above. They prepared weekly vibration monitoring reports that were submitted to AECOM. The weekly vibration monitoring reports are included in Appendix L of the Construction Completion Report (September 2019).

4.2.6.1 Settlement Monitoring

On March 24, 2018 Vanguard surveyed optical marks that they set at the first

floor and roof at 38 locations (76 total marks) across the exterior walls of Buildings 1 through 5. The northing, easting, and elevation at each mark were recorded at this time. This set of readings served as the settlement (movement) monitoring baseline for the project. Vanguard collected three additional sets of readings at each mark prior to the beginning of excavation activity onsite. They visited the Site twice per week to collect readings at each mark during excavation of the North Lawn Area, South Lawn Area, and Cove Court and Capstan Court Planter Boxes. They visited the Site once per week during the remaining activities onsite. On November 2, 2018, the final set of readings was collected. Vanguard prepared settlement monitoring reports that were submitted to AECOM by EnviroTrac on a weekly basis. The reports are included in Appendix M of the Construction Completion Report (September 2019). The locations of the optical marks are shown in the reports.

There was no movement measured above the Stop Work Action Limit (0.25 inches) during the Work. Beginning on June 15, 2018, movement was measured above the Warning Action Limit (0.125 inches). A summary of those movement readings is presented in Table 2-1 of Construction Completion Report (September 2019). Actions taken upon observing the movements are also presented in Table 2-1.

4.2.6.2 Crack Monitoring

On April 23, 2018, Vanguard installed twenty total Avongard ® Standard Tell Tale crack monitors on the Buildings around the South Lawn Area. Nine crack monitors (Monitors 1 through 9) were installed along the western side of Building 4. Eight crack monitors (Monitors 10 through 17) were installed along the northern side of Building 5. Three crack monitors (18 through 20) were installed along the southern and eastern sides of the Riviera Court loading platform.

During the Site visit on May 17, 2018, Vanguard noted that the epoxy holding Monitors 3, 5, 7, 8, 9, 15, 17, and 18 in place had been compromised. These monitors were replaced on May 31, 2018. There was no change in the cracks at Monitors 1, 2, 3, 6, 8, 9, 11, 12, 13, 14, 15, and 16 during the course of the project. Changes at the other crack

monitors and actions taken upon observing the movements are summarized in Table 2-2 of the Construction Completion Report (September 2019).

As intrusive work transitioned from the South Lawn Area to the North Lawn Area, Vanguard installed ten total crack monitors across Building 1 on August 23, 2018. Six crack monitors (Monitors 5A through 10A) were installed on the eastern wall of Building 1 and four crack monitors (Monitors 1A through 4A) were installed on the western wall of Building 1.

There were no changes to the cracks at monitors 1A, 2A, 3A, and 10A during the course of the project. Changes in the remaining crack monitors are summarized in Table 2-2 of the Construction Completion Report. Actions taken upon observing the changes are also presented in Table 2-2.

An expansion joint was installed in the brick façade of the eastern wall of Building 1 prior to the IRM construction. The joint was improperly installed, which generated cracks below it. Crack monitor 5A was installed on the expansion joint and crack monitors 6A, 7A, 8A, and 9A were installed on the crack below it. Thermal expansion and contraction of the joint caused crack monitors 5A through 9A to expand and contract. The maximum expansions of the monitors are identified in Table 2-2 of the Construction Completion Report (September 2019).

The crack monitors were removed from the North Lawn Area and South Lawn Area on November 1, 2018. Vanguard made weekly visits to the Site to check the crack monitors. They prepared weekly crack monitoring reports that were submitted to AECOM by EnviroTrac. The Weekly Crack Monitoring Reports are included in Appendix N of the Construction Completion Report (September 2019). The locations of the crack monitors are shown in the Reports.

4.3 CONTAMINATED MATERIALS REMOVAL

4.3.1 Soil

4.3.1.1 South Lawn Area

On December 11, 2017, the Department sent a notification letter to the residents at the Site regarding the Work. This letter is included in Appendix O of the Construction Completion Report (September 2019). EnviroTrac sub-subcontracted L.K. McLean Associates, P.C. (LKMA) of Brookhaven, New York to complete a Pre-Construction

Topographic Survey of the South Lawn Area. On April 4, 2018, they completed the survey. They collected additional elevations on April 12, 2018 per AECOM'S comments on the original survey. Based on the Pre-Construction Survey, AECOM revised the South Lawn Area Grading Plans (Contract Drawings C-007 and C-009) on April 17, 2018 and issued them to EnviroTrac. On April 18, 2018, LKMA installed excavation grade stakes across the South Lawn Area. AECOM discovered an error in the initial revision to the South Lawn Area Grading Plans and reissued the Plans to EnviroTrac on April 25, 2018. On April 30, 2018, LKMA adjusted the excavation grade stakes per the revised Plans. Survey data are included in Appendix P of the Construction Completion Report (September 2019).

EnviroTrac's approved Excavation Work Plan is included in Appendix D of the Construction Completion Report (September 2019). On April 30, 2018, they began excavation in the South Lawn Area. They began in the northwest corner and moved southward, then eastward. EnviroTrac used a Spectra ® HL450 Precision Laser to monitor grades during the course of the excavation. The majority of the South Lawn Area excavation was completed by June 5, 2018. The very southwestern and southeastern corners of the South Lawn Area were excavated on June 6, 2018 and June 13, 2018, respectively with the Planter Box and Island soils. On June 21, 2018, AECOM issued Field Order No. 11 to EnviroTrac directing them to excavate the paved section on Cove Court located immediately west of the southeastern entrance to the South Lawn Area and restore it in accordance with the Contract Documents. On June 20, 2018, they completed this excavation. The material excavated from the southern South Lawn Area entrances was also stockpiled with the Planter Box and Island soils. Miscellaneous construction

debris that was removed during the excavation was stockpiled separately from the excavated soils. A total of 1,646.40 cubic yards of material were excavated from the South Lawn Area.

On May 22, 2018, while excavating in the northeastern region of the South Lawn Area EnviroTrac struck a buried Spectrum Cable line. Spectrum came to the Site that day to repair the line. Spectrum also re-routed the subsurface path of the line on June 5 and June 11, 2018. Spectrum also routed a cable line from Building 4 at Condo 3 over Riviera Court to a connection point at the northeastern corner of Building 1 at the Villas at Riverview. On May 29, 2018, while excavating in the South Lawn Area to the east of the Riviera Court Platform, EnviroTrac struck the steel pipe exiting an existing drainage inlet there to the north. On June 12, 2018, EnviroTrac repaired the line. EnviroTrac accidentally destroyed monitoring well EB-41/DEC-26 during the course of the excavation. The Department directed EnviroTrac not to replace the well.

AECOM verified that the required bottom of excavation elevations specified in Contract Documents were reached via survey. Post-excavation sampling results were also reviewed to confirm that subsurface SCOs were achieved.

4.3.1.2 North Lawn Area

EnviroTrac completed the North Lawn Area excavation periodically from August 22, 2018 to October 23, 2018. A total of 2,148.42 cubic yards of material were excavated from the North Lawn Area.

Conduits that ran between the North Lawn Area lights along the northern boundary were struck by EnviroTrac during the North Lawn Area excavation. These conduits were repaired by EnviroTrac from October 1, 2018 through October 3, 2018. EnviroTrac struck an underground conduit that ran north to south in the North Lawn Area on August 17, 2018 while relocating a soil stockpile. This conduit serviced the lights that border the North Lawn Area. The conduit was repaired on October 23 and October 24, 2018. EnviroTrac also knocked the conduit off of the eastern Building 1 sidewall during the North Lawn Area excavation. The conduit serviced a light on the wall. This conduit was repaired by EnviroTrac on November 15, 2018. The conduits were not energized at the time they were struck. EnviroTrac also replaced the sprinkler system in the North Lawn Area.

AECOM verified that the required bottom of excavation elevations specified in Contract Documents were reached via survey. Post-excavation sampling results were also reviewed to confirm that subsurface SCOs were achieved.

4.3.1.3 Planters and Islands

EnviroTrac completed excavation of the Planter Boxes and Islands on Cove Court and Capstan Court periodically from June 7, 2018 through July 2, 2018. Island COV 2A was excavated on July 19, 2018. On July 11, 2018 AECOM issued Field Order No. 14 to EnviroTrac directing them to excavate three Islands in the vicinity of Planter Box COV 3 that were not shown in the Contract Documents and an extension to Planter Box COV 6 that was installed by Condo 3 after the issuance of the Contract Documents. These excavations were completed on June 21, 2018. They were also directed to restore them in accordance with the Contract Documents. The timbers from the excavated planter boxes were placed into rollofs and transported offsite for disposal at Liotta.

EnviroTrac excavated the Riviera Court Planter Boxes periodically from June 29, 2018 through July 19, 2018. Planter Box RIV 14 was excavated on October 17, 2018. Timbers from the existing Planter Boxes on Riviera Court were placed in rollofs and transported offsite for disposal at Liotta. On June 18, 2018, EnviroTrac hit a low voltage power line in Island COV 17A during excavation. They repaired it on that date. On June 14, 2018, they damaged and repaired a junction box Planter Box COV 3 during excavation. On June 29, 2018, the New York City Fire Department extended a hydrant shut off in Island COV 6A. On June 29, 2018, the gas company extend the gas line present in the southeastern entrance to the South Lawn Area, near Planter Box COV 3.

AECOM verified that the required bottom of excavation elevations specified in Contract Documents were reached via survey. Post-excavation sampling results were also reviewed to confirm that subsurface SCOs were achieved.

A figure of the location of original sources and areas where excavations were performed is shown in the Record Drawings, included in Appendix Q of the Construction Completion Report (September 2019).

Contour maps of estimated cut and fill thicknesses for remedial activities at the site are included in the Record Drawings, included in Appendix Q of the Construction Completion Report (September 2019).

4.3.2 Disposal Details

4.3.2.1 South Lawn Area

EnviroTrac collected waste characterization samples in the South Lawn Area on April 5, 2018. The locations of the waste characterization samples are shown on

Supplemental Drawing Initial Survey (South Lawn Area) Appendix Q of the Construction Completion Report (September 2019). The waste characterization samples were collected per the direction of Bethlehem Earth LP (Clean Earth of Bethlehem) of Jenkintown, Pennsylvania, the disposal facility for the South Lawn Area soils. Upon receipt of the analytical results from the waste characterization samples, Clean Earth Bethlehem approved the South Lawn Area soils for disposal on May 9, 2018. The waste characterization sample analytical results and approval letter from the disposal facility are included in Appendix R of the Construction Completion Report (September 2019).

EnviroTrac loaded the miscellaneous C&D debris that they encountered during the South Lawn Area excavation into rolloffs and had it transported offsite for disposal at Liotta. A total of 68 tons of C&D debris from the South Lawn Area were disposed of at Liotta. The weight tickets from the facility are included in Appendix K of the Construction Completion Report (September 2019). Quantities of all waste streams from the Site are presented in Table 1-2 of the Construction Completion Report.

EnviroTrac's approved Transportation and Disposal Plan is included in Appendix D of the Construction Completion Report (September 2019). The Department and Villas Condo Management granted EnviroTrac permission to load excavated South Lawn Area soils into trucks parked on the Riviera Court Platform that overlooks the South Lawn Area. On May 15, 2018, EnviroTrac installed the decontamination pad on the Platform.

EnviroTrac loaded out the majority of South Lawn Area soils from May 17, 2018 through June 5, 2018 for disposal at Clean Earth Bethlehem. Soils from the very southwestern and southeastern corners of the South Lawn Area were loaded out at a later date with the Planter Box and Island soils. A total of 2,505 tons of soil were transported offsite from the South Lawn Area for disposal at Clean Earth Bethlehem. The waste manifests and weight tickets from the disposal facility are included in Appendix K of the Construction Completion Report (September 2019).

4.3.2.2 Planter Boxes and Islands

On April 26, 2018, EnviroTrac collected grab and composite waste characterization samples from the Planter Boxes and Islands. Upon review of the historical analytical data from the Site, Clean Earth Bethlehem took exception to two Planter Box results: CAP 6 (12-24") (Benzo(a)pyrene detection of 51 mg/kg) and COV20 (12-24") (Lead detection of 1,310 mg/kg). On June 5, 2018, AECOM prepared a letter for EnviroTrac to submit to Clean Earth Bethlehem, which stated that soils from Planter Boxes CAP 6 and COV 20 would be segregated from the remaining soils. The letter is included in Appendix P of the Construction Completion Report (September 2019). On July 27, 2018, Clean Earth Bethlehem approved Planter Box and Island soils (without the CAP 6 and COV 20 soils) for disposal. The approval letter is included in Appendix R of the Construction Completion Report (September 2019).

EnviroTrac loaded out Planter Box and Island soils for disposal on August 7 and August 8, 2018. They were previously stockpiled in the North Lawn Area after excavation. The soils from the very southeastern and southwestern corners of the South Lawn Area were stockpiled with the Planter Box and Island soils and loaded out for disposal with them. Soils from Planter Boxes CAP 6 and COV 20 and Island COV 20A were stockpiled separately and not loaded out at this time. A total of 470 tons of soil were transported offsite from the Planter Boxes and Islands for disposal at Clean Earth Bethlehem. The waste manifests and weight tickets from the disposal facility are included in Appendix K of the Construction Completion Report (September 2019).

Trees from the Planter Box and Island clearing and the demolished Planter Boxes were loaded into rolloffs and transported offsite for disposal at Liotta. A total of 26 tons of Planter Box and Island debris were disposed of at Liotta. The weight tickets from the facility are included in Appendix K of the Construction Completion Report (September 2019).

4.3.2.3 North Lawn Area

EnviroTrac collected grab and composite waste characterization samples from the North Lawn Area on April 19, 2018. They split the Area into three, approximately equally sized regions and collected one grab sample and one five-point composite sample from each region. The samples from the three regions were labeled NORTHLAWN-PRECHAR-AREA-1, NORTHLAWN-PRECHAR-AREA-2, and NORTHLAWN-PRECHAR-AREA-3. The sample locations are shown on Supplemental Drawing Initial Survey (North Lawn Area). The initial PCB result for sample NORTHLAWN-PRECHAR-AREA-3 exceeded the calibration range in the instrument and required dilution. The analytical result in the diluted sample for Total PCBs was 3,090 ppm.

AECOM directed EnviroTrac to re-extract the sample from NORTHLAWN-PRECHAR-AREA-3 at the laboratory to confirm the analytical result for Total PCBs. On May 9, 2018, the laboratory extracted the new sample. The PCB result for sample exceeded the calibration range in the instrument and required dilution. The analytical result for Total PCBs was 990 ppm. AECOM directed EnviroTrac to collect discrete samples at the five locations that were originally sampled to create composite sample NORTH-LAWN-PRECHAR-AREA-3. This was performed in order to pinpoint the area causing the elevated analytical result for Total PCBs. On May 8, 2018, those samples, labeled N3-1A through N3-5A, were collected. The sample locations are shown on Supplemental Drawing Initial Survey (North Lawn Area). N3-5A was identified as the location with elevated PCBs. The PCB result for this sample exceeded the calibration range in the instrument and required dilution. The analytical result for Total PCBs was 3,000 ppm. The extent of the contamination around N3-5A was delineated via a Geoprobe ® Sampling program, which is discussed in Section 4.10.3.

After the location with elevated Total PCB concentrations had been identified, Clean Earth Bethlehem required EnviroTrac to collect an additional waste characterization sample in the region of the North Lawn Area where NORTHLAWN-PRECHAR-AREA-3 was collected. On July 25, 2018, grab and composite waste characterization samples were collected and labeled NORTHLAWN-PRECHAR-AREA-3B. The analytical reports from the North Lawn Area waste characterization sampling are included in Appendix R of the Construction Completion Report (September 2019). AECOM prepared a letter for EnviroTrac to submit to Clean Earth Bethlehem, which stated that soils in the vicinity of N3-5A and other regions of the concern in the North Lawn Area would be segregated from remaining North Lawn Area soils. Those regions are shown on Figure 4. The letter is included in Appendix R of the Construction Completion Report (September 2019). Clean Earth Bethlehem approved the North Lawn Area Soils for disposal on September 5, 2018. Soils in the vicinity of N3-5A and from other North Lawn Areas of concern to the disposal facility were excluded from the approval.

EnviroTrac loaded out the majority of North Lawn Area soils periodically from September 5, 2018 through October 23, 2018. A total of 3,595 tons of soil were transported offsite from the North Lawn Area for disposal at Clean Earth Bethlehem. The waste manifests and weight tickets from the disposal facility are included in Appendix K of the Construction Completion Report (September 2019).

EnviroTrac loaded the miscellaneous C&D debris that they encountered during the North Lawn Area excavation into rolloffs and had it transported offsite for disposal at Liotta. A total of 35 tons of C&D debris from the North Lawn Area was disposed of at Liotta. The weight tickets from the facility are included in Appendix K of the Construction Completion Report (September 2019).

Table 1-2 of the Construction Completion Report (September 2019) shows the total quantities of each category of material removed from the site and the disposal locations.

Letters from Applicants to disposal facility owners and acceptance letters from disposal facility owners are attached in Appendix D of the Construction Completion Report (September 2019).

Manifests and bills of lading are included in electronic format in Appendix K of the Construction Completion Report (September 2019).

4.4 REMEDIAL PERFORMANCE/DOCUMENTATION SAMPLING

EnviroTrac collected documentation samples from the South Lawn Area on June 14 and June 19, 2018. They were labeled DOCUMENTATION-1 through DOCUMENTATION-10. On July 17, 2018, EnviroTrac collected documentation samples from the Planter Boxes and Islands. They were labeled PLANTER-DOC-1 through PLANTER-DOC-10. EnviroTrac collected documentation samples from the North Lawn Area on September 4, October 5, and October 24, 2018. They were labeled DOCUMENTATION-11 through DOCUMENTATION-32. On August 30, 2018, a documentation sample was also collected from beneath a storage tank that was discovered in the North Lawn Area. The tank was previously placed there during the unregulated landfilling activity that occurred at the Site. It was labeled DOCUMENTATION-UST. The documentation samples were analyzed for TCL SVOCs by USEPA SW-846 Method 8270D, TAL Metals by USEPA SW-846 6010D/6020B/7000 Series, and TCL PCBs – USEPA SW-846 Method 8082A. The analytical results for Total PCBs for each of the documentation samples are shown on Figures 7 through 9. The results are depicted for each of the three areas of the Site described in Section 1.0. The analytical result for Total PCBs was below 10 ppm in all of the samples collected, except for DOCUMENTATION-19, which is discussed in detail in Section 4.10.9 below.

4.5 IMPORTED BACKFILL

4.5.1 Backfill

EnviroTrac's source of clean backfill material for the Site was the Pinelawn Memorial Park in Farmingdale, New York. On May 22, 2018, they traveled to the borrow pit and sampled the proposed backfill material. The material met the analytical criteria specified in the Contract Documents. The analytical report is included in Appendix R the Construction Completion Report (September 2019). EnviroTrac placed clean backfill in

the South Lawn Area periodically from June 13, 2018 to July 17, 2018. A total of 1,345 cubic yards of clean backfill material was placed in the South Lawn Area.

EnviroTrac placed clean backfill in the Planter Boxes and Islands periodically from July 17, 2018 through August 8, 2018. On August 10, 2018, CAP 2A was backfilled. On October 31, 2018, Planter Box RIV 14 was backfilled. A total of 236 cubic yards of backfill was placed in the Planter Boxes and Islands.

EnviroTrac placed clean backfill in the North Lawn Area periodically from September 5, 2018 through October 24, 2018. A total of 1,496 cubic yards of clean backfill was placed in the North Lawn Area.

AECOM verified via survey that the required backfill grades had been achieved.

4.5.2 Topsoil

EnviroTrac's source of topsoil for the Site was the BGLJ Servicing Corp. (BGLJ) in Baiting Hollow, New York. On June 12, 2018, they traveled to the BGLJ facility and sampled the proposed topsoil. The material met the analytical criteria specified in the Contract Documents. The analytical report is included in Appendix R of the Construction Completion Report (September 2019). EnviroTrac placed topsoil in the South Lawn Area periodically from July 30, 2018 through August 20, 2018. LKMA surveyed the topsoil on August 8, 2018 and August 21, 2018. A total of 2,898 square yards of topsoil were placed in the South Lawn Area.

EnviroTrac placed topsoil in the Planter Boxes and Islands periodically from August 9, 2018 through August 29, 2018. On September 14, 2018, additional topsoil was placed in Islands COV 6A, COV 5A, COV 20A, and CAP 4A. On September 24, 2018, Island CAP 4A received additional topsoil. On October 31, 2018, Island RIV 14 was backfilled with clean fill and topsoil. A total of 740 square yards of topsoil were placed in the Planter Boxes and Islands at a thickness of 4 inches.

EnviroTrac placed the majority of topsoil in the North Lawn Area periodically from October 1, 2018 through October 29, 2018. A total of 5,553 square yards of topsoil were placed in the North Lawn Area.

AECOM verified via survey that the required topsoil grades had been achieved.

4.5.3 Hydroseed

EnviroTrac's source of seed for the hydroseed mix was DeLea Sod Farms (DeLea) of East Northport, New York. The seed mix included 24.76% Banfield Perennial Ryegrass, 19.85% Blazer 4 Perennial Ryegrass, 19.71% Palmer III Perennial Ryegrass, 14.89% Action Kentucky Bluegrass, 9.97% Cascade Chewings Fescue, and 9.86% Boreal Creeping Red Fescue. The other component of the mix was Hydro Mulch ® 1000 Wood Fiber Mulch. The hydroseed met the requirements specified in the Contract Documents. A total of 4,436 square yards of hydroseed was applied in the North Lawn Area.

4.5.4 Mulch

EnviroTrac installed mulch in the Cove Court, Capstan Court, and Riviera Court Planter Boxes from September 13, 2018 through September 24, 2018. On October 31, 2018 Planter Box RIV 14 was mulched. They installed mulch in the North Lawn Area Planting Beds on November 1, 2018 and November 2, 2018. EnviroTrac used Howe Products ® Canadian Cedar Mulch onsite. A total of 6.50 tons of mulch was placed onsite between the Cove Court, Capstan Court, and Riviera Court Planter Boxes and the North Lawn Area Planting Beds.

4.5.5 Sod

DeLea was also EnviroTrac's source for sod. On August 21, 2018, EnviroTrac traveled to DeLea and collected a sample of the sod. The soil component of the sod met

the analytical criteria specified in the Contract Documents. The analytical report is included in Appendix R of the Construction Completion Report (September 2019). On September 4, 2018, DeLea installed sod in the South Lawn Area. A total of 2,916 square yards of sod were placed in the South Lawn Area.

The Department and the Engineer directed EnviroTrac to place 26 total square yards of sod in Cove Court Islands COV 5A, COV 6A, and COV 20A, per the request of the Condo 3 President. On September 25, 2018, the sod was installed. Per the request of the resident at 2-08 Capstan Court, the Department and the Engineer directed EnviroTrac to install 2 square yards of sod at the southern portion of Island CAP 4A. On November 1, 2018, the sod was installed.

DeLea also installed the sod in the North Lawn Area on November 1, 2018. A total of 981 square yards of sod were placed in the North Lawn Area.

EnviroTrac verified that the final grades specified in the Contract Documents had been achieved via survey.

Figures showing the site locations where backfill was used at the site are shown in the Record Drawings, included in Appendix Q of the Construction Completion Report (September 2019).

4.6 CONTAMINATION REMAINING AT THE SITE

Figures 7 through 9 summarizes the results of all soil samples remaining at the site after completion of the remedial action.

Since contaminated soil and groundwater remains beneath the site after completion of the Remedial Action, Institutional and Engineering Controls are required to protect human health and the environment. These Engineering and

Institutional Controls (ECs/ICs) are described in the following sections. Long-term management of these EC/ICs and residual contamination will be performed under the Site Management Plan (SMP) approved by the NYSDEC.

4.7 SOIL COVER SYSTEM

4.7.1 Block 3916 Lot 108

Exposure to remaining contamination at the site has been prevented by a cover system. The cover system consists of an asphalt pedestrian walkway and an engineered soil cover. The soil cover consists of 12 inches of clean soil; including 4 inches of topsoil. A demarcation layer of orange snow fencing was placed at depth before installing the soil cover to denote a boundary between clean and potentially contaminated soil. A cover system is not present in the small area between the pedestrian walkway and the fence along the East River. Due to the steep grade changes north of the fence, the NYSDEC determined this area too unstable to operate the heavy equipment necessary to install a soil cover. Please refer to Appendix F of the Site Management Plan (January 2020) and Figures 10 through 12 for greater detail.

NYSDEC notification and an EWP is required to perform work below the cover system. Since a cover system is not present north of the pedestrian walkway, NYSDEC notification and an EWP is required to conduct any subsurface work in the small area. The EWP provided in Appendix C of the Site Management Plan (January 2020) outlines the procedures required to be implemented in the event the cover system is breached, penetrated or temporarily removed, and any underlying remaining contamination is disturbed. Procedures for the inspection of this cover are provided in the Monitoring Plan included in Section 4.0 of the Site Management Plan (January 2020). Any work conducted pursuant to the EWP must also be conducted in accordance with the procedures defined in a Health and Safety Plan (HASP) and associated Community Air Monitoring Plan (CAMP) prepared for the site and provided in Appendix D of the Site Management Plan (January 2020).

4.7.2 Block 3916 Lot 250

Exposure to remaining contamination at the site will be prevented by the cover system. This cover system consists of buildings, roads and multiple areas with an engineered soil cover. Please refer to Appendix F of the Site Management Plan (January 2020) and Figures 10, 13, 14, for further detail. A soil cover was installed in the south yard (the grassy area between Condo 3 and Villa's condo buildings) as well as multiple planter boxes and grass islands on Cove Court and Capstan Court. The soil cover installed in the south yard and larger grass islands on Cove Court and Capstan Court consist of 24 inches of clean soil; including 4 inches of topsoil. The soil cover installed in the smaller planter boxes on Cove Court and Capstan Court consist of 12 inches of clean soil; including 4 inches of topsoil or mulch. A demarcation layer consisting of orange snow fencing was placed at depth before installing the soil cover to denote a boundary between clean and potentially contaminated soil.

NYSDEC notification and an EWP is required to perform work below the cover system. Specifically, any work below the asphalt roads, concrete slabs in condo buildings or below the demarcation layer in areas with a soil cover must be implemented properly to prevent potential exposures to contaminated soil. The EWP provided in Appendix C of the Site Management Plan (January 2020) outlines the procedures required to be implemented in the event the cover system is breached, penetrated or temporarily removed, and any underlying remaining contamination is disturbed. Procedures for the inspection of this cover are provided in the Monitoring Plan included in Section 4.0 of the Site Management Plan (January 2020). Any work conducted pursuant to the EWP must also be conducted in accordance with the procedures defined in a HASP and associated CAMP prepared for the site and provided in Appendix D of the Site Management Plan (January 2020).

4.7.3 Block 3916 Lot 255

Exposure to remaining contamination at the site will be prevented by the cover system. This cover system consists of buildings, roads and multiple areas with an engineered soil cover. Please refer to Appendix F of the Site Management Plan (January 2020) and Figures 10, 15, and 16, for further detail. A soil cover was installed in the south yard (the grassy area between Condo 3 and Villa's condo buildings), the north yard (the waterfront) and in the planter boxes and islands on Riviera Court. The soil cover installed in the north and south yards consists of 24 inches of clean soil; including 4 inches of topsoil. The soil cover installed in the planter boxes and islands on Riviera Court consists of 12 inches of clean soil; including 4 inches of topsoil or mulch. A demarcation layer consisting of orange snow fencing was placed at depth before installing the soil cover to denote a boundary between clean and potentially contaminated soil.

NYSDEC notification and an EWP is required to perform work below the cover system. Specifically, any work below the asphalt roads, concrete slabs in condo buildings or below the demarcation layer in areas with a soil cover must be implemented properly to prevent potential exposures to contaminated soil. The EWP provided in Appendix C of the Site Management Plan (January 2020). outlines the procedures required to be implemented in the event the cover system is breached, penetrated or temporarily removed, and any underlying remaining contamination is disturbed. Procedures for the inspection of this cover are provided in the Monitoring Plan included in Section 4.0 of the Appendix D of the Site Management Plan (January 2020). Any work conducted pursuant to the EWP must also be conducted in accordance with the procedures defined in a HASP and associated CAMP prepared for the site and provided in Appendix D of the Site Management Plan (January 2020).

4.8 OTHER ENGINEERING CONTROLS

The remedy for the site did not require the construction of any other engineering control systems.

4.9 INSTITUTIONAL CONTROLS

The site remedy requires that an environmental easement be placed on the property to (1) implement, maintain and monitor the Engineering Controls; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and, (3) limit the use and development of the site to Commercial Use as described in 6 NYCRR Part 375-1.8(g)(2)(iii) for Block 3916 Lot 108; Restricted Residential use as described in 6 NYCRR Part 375-1.8(g)(2)(ii) for Block 3916 Lot 250 and Block 3916 Lot 255 only.

The environmental easement for Block 3916 Lot 108 was executed by the Department on August 10, 2021, and filed with the Queens County Clerk on August 10, 2021. The County Recording Identifier number for this filing is 241122. A copy of the easement and proof of filing is provided in Appendix C.

The environmental easement for Block 3916 Lot 250 was executed by the Department on July 27, 2021, and filed with the Queens County Clerk on July 27, 2021. The County Recording Identifier number for this filing is 241122. A copy of the easement and proof of filing is provided in Appendix C.

The environmental easement for Block 3916 Lot 255 was executed by the Department on July 27, 2021, and filed with the Queens County Clerk on July 27, 2021. The County Recording Identifier number for this filing is 241122. A copy of the easement and proof of filing is provided in Appendix C.

4.10 DEVIATIONS FROM THE REMEDIAL DESIGN

This section discusses significant variations from the Contract Documents. All modifications were included in executed Change Orders No. 1, No. 2, and No. 3, included in Appendix C of the Construction Completion Report (September 2019).

4.10.1 Additional Surveys

AECOM issued multiple Subgrade and Final Grading Plans to EnviroTrac. AECOM revised the Subgrade and Final Grading Plans for the South Lawn Area after reviewing the pre-construction survey data collected by LKMA and reissued them to EnviroTrac on April 17, 2018. LKMA installed excavation stakes in the South Lawn Area based on the revised Plans. AECOM revised the Subgrade and Final Grading Plans again after an error was discovered in the first revision to the Plans and reissued them to EnviroTrac on April 25, 2018. LKMA made adjustments to the previously installed grade stakes based on the revised Plans. EnviroTrac incurred additional survey costs based on the modifications to the Plans and the beginning of the South Lawn Area excavation was delayed while survey data were being evaluated.

EnviroTrac was granted a 5-day extension to the Contract Time for this modification. This modification is included in Change Order No. 1.

4.10.2 Additional Waste Characterization Sampling

As discussed in Section 4.3.2.3, multiple waste characterization samples had to be collected in the North Lawn Area. The original composite waste characterization sample that EnviroTrac collected from the region of the North Lawn Area adjacent to the Villas patios (called North Lawn Area No. 3), labeled NORTHLAWN-PRECHARAREA-3, contained an analytical result for Total PCBs of 3,090 ppm. AECOM directed EnviroTrac to perform additional sampling and analysis to pinpoint the source of the exceedance. EnviroTrac incurred additional costs for the sampling and analysis. This modification is included in Change Order No. 1.

4.10.3 Geoprobe ® Sampling Program

As discussed in Section 4.3.2.3, a Geoprobe ® sampling program was performed to delineate the extent of the contamination around sample location N3-5A. AECOM issued Field Order No. 3 to EnviroTrac on May 14, 2018 directing them to use direct

push technology to advance 2- inch macrocore borings to 6 feet below ground surface (bgs) at 20 locations (SB-01 through SB-20), at 10 foot intervals on a 30x40-foot grid centered on Sample Location N3-5A (SB-01). This was performed to delineate the extent of PCB contamination around Sample Location N3-5A. This area is shown on Figure 4.

The analytical results from the Geoprobe ® sampling served as a basis for the excavation plan for the soils in the vicinity of sample N3-5A, discussed below in Section 4.10.6. EnviroTrac incurred additional costs for the sampling and analysis. This modification is included in Change Order No. 1.

4.10.4 Additional Yard Drain Installations

The original scope for the Yard Drain in the Contract Documents changed with the revisions to the South Lawn Area Grading Plans and additional Yard Drains were installed in the South Lawn Area. Per the request of Villas Property Management and the Department, AECOM issued Field Order No. 13 to EnviroTrac on July 6, 2018 directing them to install a Yard Drain with 20 ft. of piping in the western end of the South Lawn Area in order to improve drainage. On July 16, 2018, EnviroTrac installed one 12-inch x 12-inch NDS ® Catch Basin Kit and 20 ft. of NDS ® EZ-Drain ® 4” perforated, corrugated, French drain pipe. EnviroTrac incurred additional costs for the installation of this yard drain. This modification is included in Change Order No. 1.

On January 2, 2019, Condo 3 Property Management notified the Department that 2-16 Capstan Court (South Lawn Area Yard 11) was flooded. Significant rain had recently fallen in the area. AECOM issued Field Order No. 23 to EnviroTrac on January 4, 2019 directing them to install a drain in the Yard. EnviroTrac manually installed the yard drain from January 14, 2019 through January 17, 2019. The yard drain consisted of 80 ft. of 6-inch diameter, Schedule 40 PVC pipe in a gravel bed. Two, NDS ® 9-inch drainage inlets with galvanized steel covers were installed in the drain line. The Yard 11 drain pipe was tied into the 12-inch diameter, slotted PVC pipe of the yard drain that appeared in the Contract Documents. This modification is included in Change Order No. 3.

4.10.5 North Lawn Area Mowing

Villas at Riverview Condo Management elected to cancel their landscaping service until IRM construction was completed. The North Lawn Area vegetation had become overgrown as a result. On June 29, 2018 AECOM issued Field Order No. 12, directing EnviroTrac to mow the lawn in the North Lawn Area. EnviroTrac mowed and landscaped the North Lawn Area on July 5, 2018 and July 6, 2018. EnviroTrac incurred additional costs for the completion of the lawn mowing. This modification is included in Change Order No. 1.

4.10.6 PCB Remediation Waste Excavation and Disposal

As discussed in Section 4.3.2.3, the soils in the vicinity of sample location N3-5A were handled separately from the remaining soils in the North Lawn Area. The results of the delineation and Geoprobe ® sampling discussed in Sections 4.10.2 and 4.10.3 provided a basis for a plan to excavate the soils in the vicinity of Sample Location N3-5A (Geoprobe ® Sample Location SB-01). This area is shown on Figure 4. AECOM issued Field Order No. 9 to EnviroTrac on June 15, 2018 directing them to excavate the soils.

The excavator used to complete the operation had to be decontaminated prior to demobilization from the Site. Due to the nature of the contamination that it was used to excavate, EnviroTrac retained a specialty sub-subcontractor to complete the operation. EnviroTrac sub-subcontracted Innovative Recycling Technologies, Inc. (Innovative) of Lindenhurst, New York to decontaminate the excavator. On September 6, 2018, they performed the decontamination and containerized the decontamination materials into one drum. EnviroTrac incurred additional costs for performing the excavation and decontaminating the equipment. EnviroTrac was also granted a 5-day extension to the Contract Time for these tasks. This modification is included in Change Order No. 1.

Innovative brokered the transportation and disposal of the drum for EnviroTrac. On October 18, 2018, the drum was transported offsite and disposed of at Clean Earth of North Jersey (Clean Earth North Jersey) in South Kearney, New Jersey. The waste manifest for the drum is included in Appendix K of the Construction Completion Report (September 2019).

On August 28, 2018, EnviroTrac uncovered a storage tank while excavating in the North Lawn Area. The tank was previously placed there during the unregulated landfilling activity that occurred at the Site. On August 30, 2018, they removed the tank and collected a documentation sample. On September 6, 2018, Innovative emptied and cleaned the UST for EnviroTrac while they were onsite. The contents of the tank were containerized in seven drums. Innovative brokered the transportation and disposal of the drums for EnviroTrac. The drums were transported offsite and disposed of at Clean Earth of North Jersey. The waste manifests for the drums are included in Appendix K of the Construction Completion Report (September 2019). On October 12, 2018, the tank was transported offsite for recycling by EnviroTrac.

A total of 268.10 tons PCB remediation waste, as defined in 40 CFR Part 761, from the vicinity of Sample Location N3-5A were transported offsite and disposed of at Chemical Waste Management, Inc. in Emelle, Alabama (CWM Emelle). EnviroTrac incurred additional costs for disposing of the soil and drums. This modification is included in Change Order No. 2.

4.10.7 Delineation (Orphan) Pile Transportation and Disposal

The areas of concern for Clean Earth Bethlehem in the North Lawn Area identified in Section 4.3.2.3 were excavated and the soils were segregated from the remaining North Lawn Area soils. On August 24, 2018, soils from SS-06, SS-11, and Geoprobe ® Location 13 were excavated. They were stockpiled with the Planter Box and Island soils from CAP 6, COV 20, and COV 20A, additional areas of concern for Clean Earth Bethlehem. The pile was classified as “The Orphan Pile” by project parties.

AECOM had previously issued Field Order No. 15 to EnviroTrac on July 16, 2018 directing them to identify disposal facilities that would accept all excavated soils from the North Lawn Area and the Planter Boxes and Islands. Innovative identified Bayshore Recycling Corporation (Bayshore) in Keasbey, New Jersey as a disposal facility for the Orphan Pile. On August 24, 2018, EnviroTrac collected a waste characterization sample from the Orphan Pile. The analytical report is included in Appendix R of the Construction Completion Report (September 2019). The approval letter from Bayshore is also included in Appendix R of the Construction Completion Report (September 2019). Innovative brokered the transportation and disposal of the Orphan Pile for EnviroTrac. On October 17, 2018, EnviroTrac loaded out the Orphan Pile. The waste manifests and weight tickets from the disposal facility are included in Appendix K of the Construction Completion Report (September 2019). A total of 155 tons of soil from the Orphan Pile were disposed of at Bayshore. EnviroTrac incurred additional costs for characterizing, transporting, and disposing of the Orphan Pile. This modification is included in Change Order No. 2.

4.10.8 PCO-16 - Miscellaneous Punchlist Items

The Department requested that EnviroTrac arrange for the transportation and disposal of investigation derived waste (IDW) that had been staged onsite from work unrelated to the IRM construction. The cost for this work was included in PCO No. 16. AECOM issued Field Order No. 20 to EnviroTrac on October 26, 2018 directing them to dispose of three drums stored in the fenced-in enclosure located near the Capstan Court entrance to the North Lawn Area. One drum was a bulging drum containing water with a sheen that was unfit to ship. The other two drums were overpack drums. One of the overpacks contained a drum full of oily absorbent socks. The other overpack contained a drum that was 1/3 filled with PCB-contaminated oil. The contents of the bulging drum were emptied into the drum containing the PCB-contaminated oil. Innovative brokered the transportation and disposal of the drums for EnviroTrac. On November 6, 2018, the drums were transported offsite by Innovative. They were disposed of at Clean Earth North Jersey as Hazardous Waste. The manifests for the drums are included in Appendix K of the Construction Completion Report (September 2019). EnviroTrac also cleaned the

enclosure per the Department's request.

The other tasks included in PCO No. 16 are discussed below:

- Per the request of Villas Property Management, AECOM and the Department directed EnviroTrac to install Condo-supplied drip lines at select residences on Riviera Court. On November 13, 2018, EnviroTrac installed drip lines in Planter Boxes RIV 1 through RIV 12.
- Per the request of Villas at Riverview Property Management, AECOM and the Department directed EnviroTrac to secure the grate on the drainage inlet at the western end of the South Lawn Area, near the Riviera Court platform. On November 15, 2018, EnviroTrac completed this task.
- Per the request of the Department, EnviroTrac removed the leaves that had fallen in the North Lawn Area and performed some additional mowing. These tasks were completed on November 29, 2018 and November 30, 2018.
- Per the request of Villas Property Management, AECOM and the Department directed EnviroTrac to re-stencil the faded parking space numbers on the Riviera Court platform. On November 30, 2018, EnviroTrac completed this task on spaces 19, 21, and 22.

EnviroTrac incurred additional costs for completing these punchlist items. This modification is included in Change Order No. 2.

4.10.9 Excavation, Transportation, and Disposal of DOCUMENTATION-19 Soils

As discussed in Section 4.4, the analytical result for Total PCBs at the post-excavation bottom documentation sample location DOCUMENTATION-19 was 17.9 ppm. On November 21, 2018 AECOM issued Field Order No. 21 to EnviroTrac directing

them to characterize the soils from 1 ft. to 2 ft. below existing grade in a 20 ft. x 20 ft. area around DOCUMENTATION-19 for disposal and excavate the area after receipt of waste characterization analytical results and approval from the disposal facility. On November 12, 2018, EnviroTrac completed the waste characterization sampling. The analytical report is included in Appendix R of the Construction Completion Report (September 2019). The approval letter from the disposal facility is included in Appendix R of the Construction Completion Report (September 2019).

EnviroTrac completed the excavation from December 17, 2018 through December 19, 2018. The rolloffs containing the excavated materials were transported offsite on December 19, 2018 and December 20, 2018. A total of 30 tons of soil were disposed of at Republic Services, Inc. Conestoga Landfill in Morgantown, Pennsylvania (Conestoga). The waste manifests and weight tickets for the soils are included in Appendix K of the Construction Completion Report (September 2019). EnviroTrac incurred additional costs for completing these tasks This modification is included in Change Order No. 3.

4.10.10 Abandonment of Soil Gas Points

Per the request of the Department, AECOM issued Field Order No. 7 to EnviroTrac on June 22, 2018 directing them to abandon the Soil Gas (SG) points that were located in the pavement at the Site. EnviroTrac completed this task on November 26, November 27, and November 28, 2018. EnviroTrac abandoned 30 total SG points. Some of the points had been abandoned prior to the beginning of IRM construction. A figure showing the SG point abandonments is included in Appendix I of the Construction Completion Report (September 2019). EnviroTrac incurred additional costs for abandoning the SG points. This modification is included in Change Order No. 3.

4.10.11 Additional Paving

Per the Department's request, AECOM directed EnviroTrac to pave two sections of Capstan Court. One section was approximately 15 ft. x 80 ft. and the other was approximately 10 ft. x 15 ft. EnviroTrac sub-subcontracted Atlas and Sons Asphalt (Atlas) of Deer Park, New York to perform the work. On November 28, 2018, Atlas completed the paving. EnviroTrac incurred additional costs for this task. This modification is included in Change Order No. 3.

4.10.12 Irrigation System Isolation Valve Installation

As discussed in Section 2.10.7, Pacific Lawn Sprinklers had to repair a broken electrical isolation valve at the Irrigation System Control Panel in Riviera Court Island RIV ISL 4. EnviroTrac incurred additional costs for this task. This modification is included in Change Order No. 3.

4.10.13 Documentation Monitoring

Contract Specification Section 00003 – Minimum Requirements for Health and Safety specifies that personnel documentation samples be analyzed for dust, metals, and pesticides. On June 8, 2018, EnviroTrac's Health and Safety Department submitted a request to waive the requirement for metals and pesticide analysis. AECOM and the Department granted that request. These samples are distinct from post-excavation soil documentation sampling, which were also collected and discussed in detail in Section 4.4.

4.10.14 Protection of Selected Trees

There were trees that were originally specified to be protected in the Contract Documents that were removed. On August 15, 2018, AECOM received permission from Mr. Clinton Haynes, the Villas Condo President, to remove the tree that is shown in the center of the North Lawn Area in Contract Drawing C-005A that is specified to be protected. EnviroTrac requested that the tree be removed in order to facilitate the

excavation. AECOM issued Field Order No. 18 on August 17, 2018 directing them to remove the tree. On August 17, 2018, EnviroTrac removed the tree. AECOM received a request from the resident at 2-16 Capstan Court (Yard 11) to remove the Japanese Maple Tree from her Yard. After receiving permission from the Condo 3 Property Manager, AECOM directed EnviroTrac to remove the tree. On April 5, 2018, EnviroTrac removed the tree. Per the request of the Department, AECOM directed EnviroTrac to cut the trees on the western side of the South Lawn Area that are specified to be protected on Contract Drawing C-007 and cut the stumps flush. EnviroTrac cut the trees on May 3, 2018 and cut the stumps flush on November 7, 2018.

4.10.15 South Lawn Area Patio Removal

Due to requests from Condo 3 Property Management, patios that were originally specified to be preserved in the Contract Documents were removed. In addition, select patios that were originally specified to be removed were preserved. AECOM issued Field Clarification Memorandum No. 2 to EnviroTrac on April 30, 2018 clarifying which patios were to be removed and which required protection. Field Clarification Memoranda are included in Appendix S of the Construction Completion Report (September 2019). The South Lawn Area patios that were actually removed and preserved are shown on Record Drawing C-004.

4.10.16 Reconstruction of Block Planters

AECOM granted permission to EnviroTrac to clean and tamp the blocks on the block planters on Capstan Court in-place rather than removing the coping and upper tier of block, cleaning them, completing the excavation and backfill, and then re-assembling the coping and upper tier of block as specified in Contract Drawing D-001.

4.10.17 North Lawn Area Lights

Per the request of the Villas Property Management and the Department, AECOM issued Field Order No. 22 to EnviroTrac on January 8, 2018 directing them to repair the five non-functional lights in the North Lawn Area. They had previously replaced the

light bulbs in the lights and performed troubleshooting on the five non-working lights on December 3, December 6, and December 7, 2018. EnviroTrac performed the light repairs on January 15, 2018. One light remained off at the end of IRM Construction, due to a broken lens. Per the request of Villas at Riverview Condo President on January 16, 2018, the light was not repaired. EnviroTrac incurred additional costs for these tasks. This modification is included in Change Order No. 3.

4.10.18 Accent Course Installation

EnviroTrac installed additional wooden course on Cove Court and Capstan Court Planter Boxes and on Islands COV 5A, COV 6A, and COV 20A. Per the request of Condo 3 Property Management, AECOM issued Field Order No. 17 to EnviroTrac on August 2, 2018 directing them to install accent courses on reconstructed planter boxes CAP 1, CAP 3, CAP 5, CAP 6, CAP 8, CAP 10, COV 3, COV 5, COV 8, COV 10, COV 15, COV 17, COV 19, COV 20, COV 21, and COV 24A. The accent courses were present on the original Planter Boxes, but not included in the Contract Documents. EnviroTrac was also directed to install an additional full course on Islands COV 5A, COV 6A, and COV 20A. EnviroTrac installed additional topsoil in Islands COV 5A, COV 6A, COV 20A, and CAP 4A. They also installed sod in Islands COV 5A, COV 6A, COV 20A, and CAP 4A. The additional course installation was completed periodically between August 14, 2018 and August 20, 2018. The additional topsoil was installed September 14, 2018 and September 24, 2018. The sod was installed on September 25, 2018 and November 1, 2018.

Prior to the beginning of IRM construction, Condo 3 extended Planter Box COV 6. The Planter Box was reconstructed as shown on Record Drawing C-012. Condo 3 removed Planter Box COV 12 prior to the beginning of IRM Construction. There was a Planter Box onsite located to the west of Island COV 16.1 that was installed prior to the beginning of IRM Construction. It was removed per the request of the Condo 3 Property Management and the Department. EnviroTrac incurred additional costs for completing these Planter Box and Island tasks. This modification is included in Change Order No. 2.

4.10.19 North Lawn Area Excavation

Due to readings obtained on nearby crack monitors, AECOM issued Field Order No. 19 to EnviroTrac on September 27, 2018, directing them to clear and grub the area to the west of Grade Stakes 1106, 1111, 1116, and 1121 (shown on the North Grid Stakeout Plan in Appendix P of the Construction Completion Report (September 2019)), in accordance with the Contract Documents and place 1 ft. of clean fill material rather than excavate it. This work was completed periodically between October 8, 2018 and October 22, 2018. The fill material was graded to tie into the surrounding contours and existing decorative boulders were placed in the area.

4.10.20 Final Contract Prices and Change Orders

The original Contract Price for the Work was \$2,131,232.00. Change Order No. 1 included nine items. This change order increased contract amount by \$104,999.46 and extended the contract time by 14 days.

Change Order No. 2 included four items. This change order increased the contract amount by \$120,697.37 and extended the contract time by 0 days.

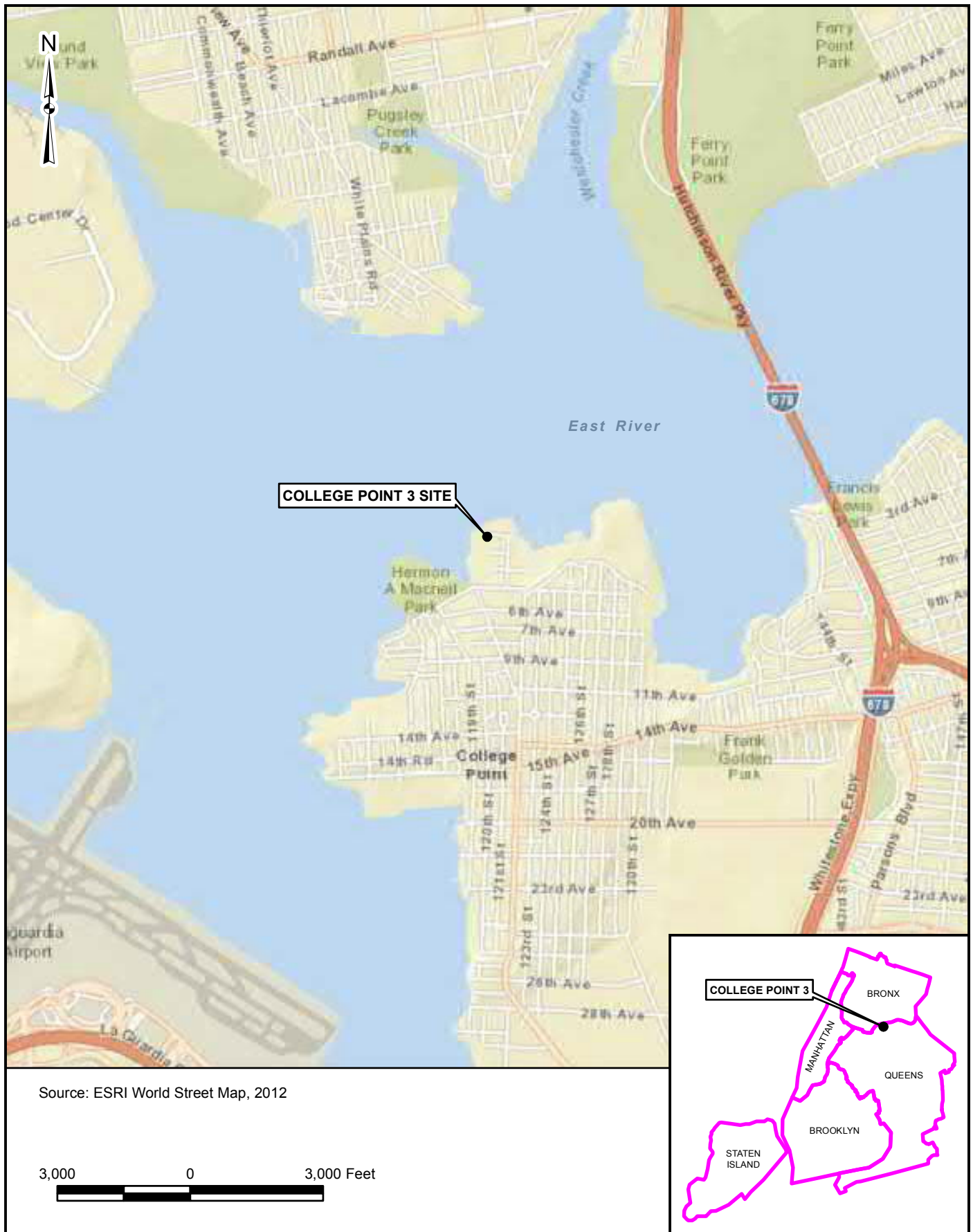
Change Order No. 3 included seven items. This change order increased the contract amount by \$54,726.78 and extended the contract time by 0 days.

There were a total of \$275,627.82 in credits to the Contract due to unused Contract Bid Quantities.

The Final Contract Price for the Work was \$2,136,027.79.

Table 3-1 of the Construction Completion Report summarizes both the bid and actual quantities and costs for the project.

FIGURES

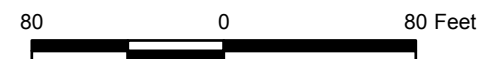




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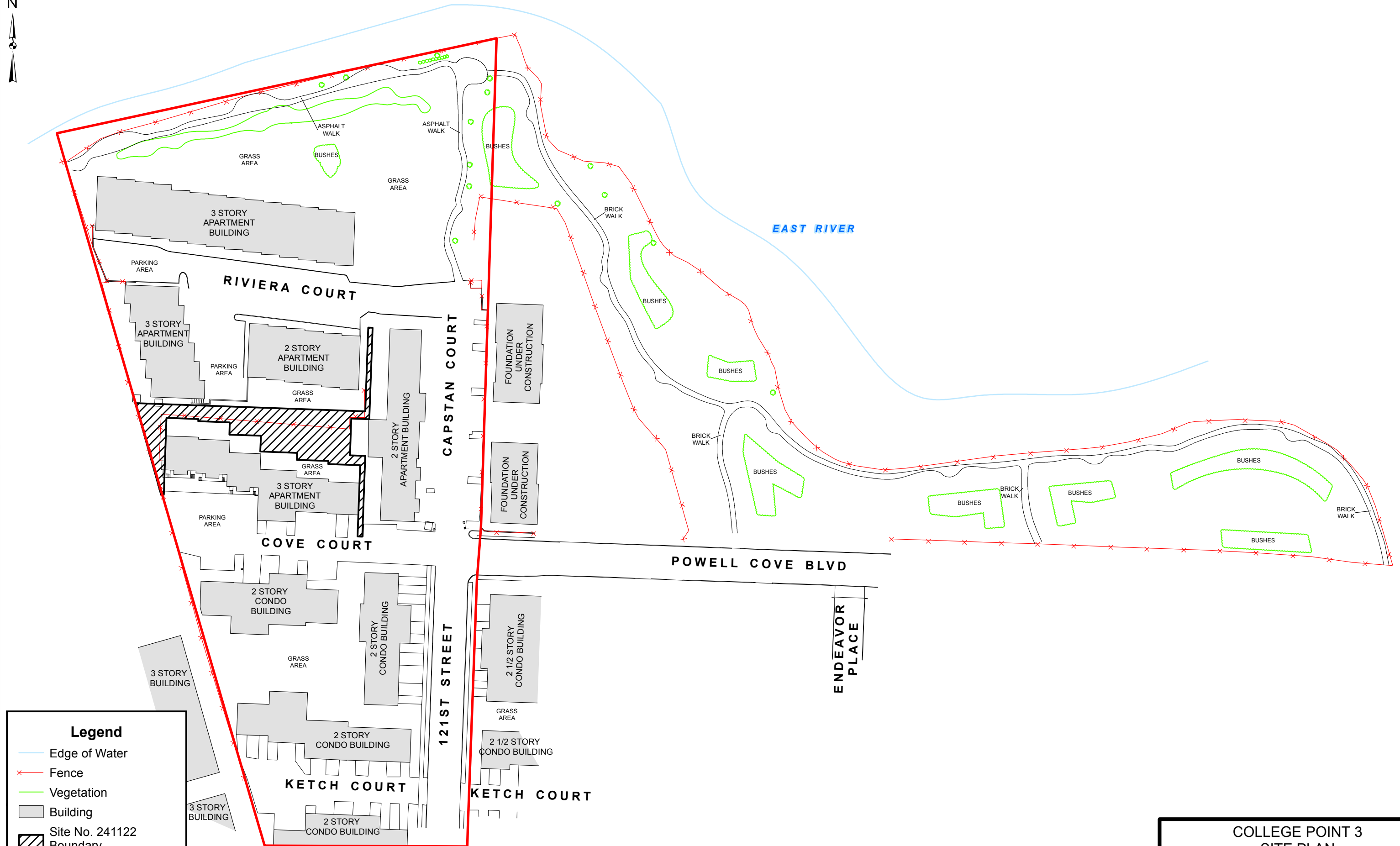


COLLEGE POINT 3
SITE PARCELS

AECOM

FIGURE 2

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Legend

- Edge of Water
- Fence
- Vegetation
- Building
- Site No. 241122 Boundary
- Remedial Investigation Boundary

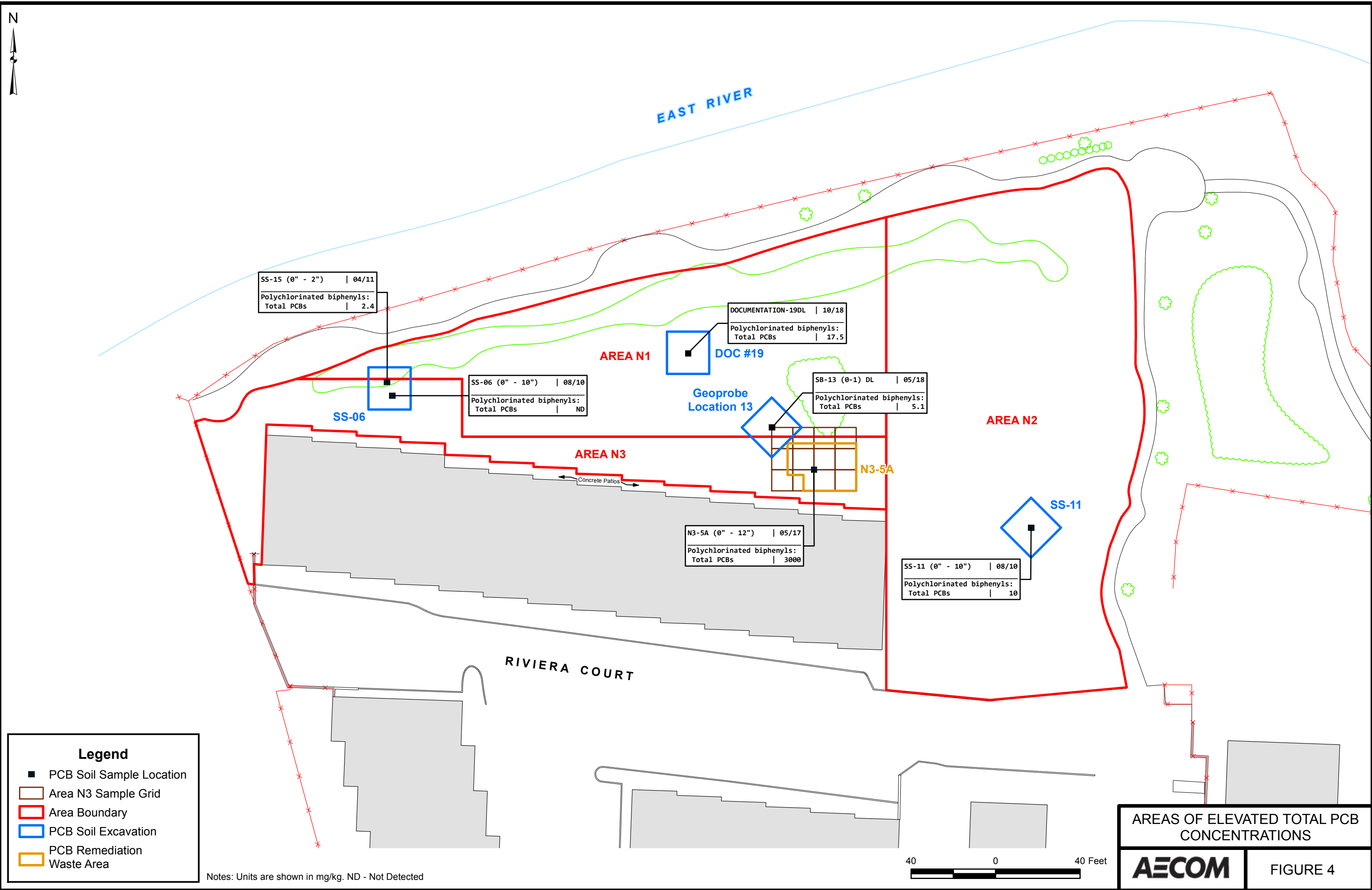
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COLLEGE POINT 3
SITE PLAN

AECOM

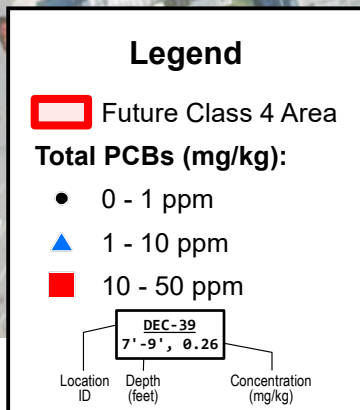
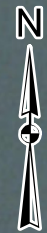
FIGURE 3

J:\Projects\1174994.00000\DB\GIS\PCB SOIL SAMPLES (REV2).mxd 9/25/2019



J:\Projects\11174984_00000\DB\GIS\IPRAP\GW ANALYTICAL EXCEEDANCES & LNAPL (REV2).mxd 1/22/2020





Note: ND - Not Detected
Source: ESRI World Imagery



AECOM

FIGURE 6

COLLEGE POINT 3
REMAINING PCBs IN SOIL

J:\Projects\1174984.00000\DB\GIS\SMPS\REMAINING SOIL ANALYTICAL (LOT 108).mxd 4/3/2019



EAST RIVER

BLOCK 3916
LOT 108

DOC 14 | 09/18
PCBs:
Total PCBs | 0.87

DOC 16 | 09/18
PCBs:
Total PCBs | 0.78

DOC 18 | 10/18
PCBs:
Total PCBs | 0.158

DOC 22 | 10/18
PCBs:
Total PCBs | 0.37

DOC 21 | 10/18
PCBs:
Total PCBs | 0.44

DOC 23 | 10/18
PCBs:
Total PCBs | 0.21

DOC 24 | 10/18
PCBs:
Total PCBs | 0.24

DOC 25 | 10/18
PCBs:
Total PCBs | 0.3105

DOC 26 | 10/18
PCBs:
Total PCBs | ND

DOC 27 | 10/18
PCBs:
Total PCBs | 1.21

DOC 28 | 10/18
PCBs:
Total PCBs | 0.23

DOC 29 | 10/18
PCBs:
Total PCBs | 0.78

DOC 30 | 10/18
PCBs:
Total PCBs | ND

DOC 32 | 10/18
PCBs:
Total PCBs | 0.0735

DOC 31 | 10/18
PCBs:
Total PCBs | 0.21

3 STORY
APARTMENT
BUILDING

3 STORY
APARTMENT
BUILDING

2 STORY
APARTMENT
BUILDING

BUSHES

ASPHALT
WALK

PARKING
AREA

RIVIERA COURT

COLLEGE POINT 3 SITE
DOCUMENTATION SAMPLE RESULTS
(BLOCK 3916, LOT 108)

AECOM

FIGURE 7

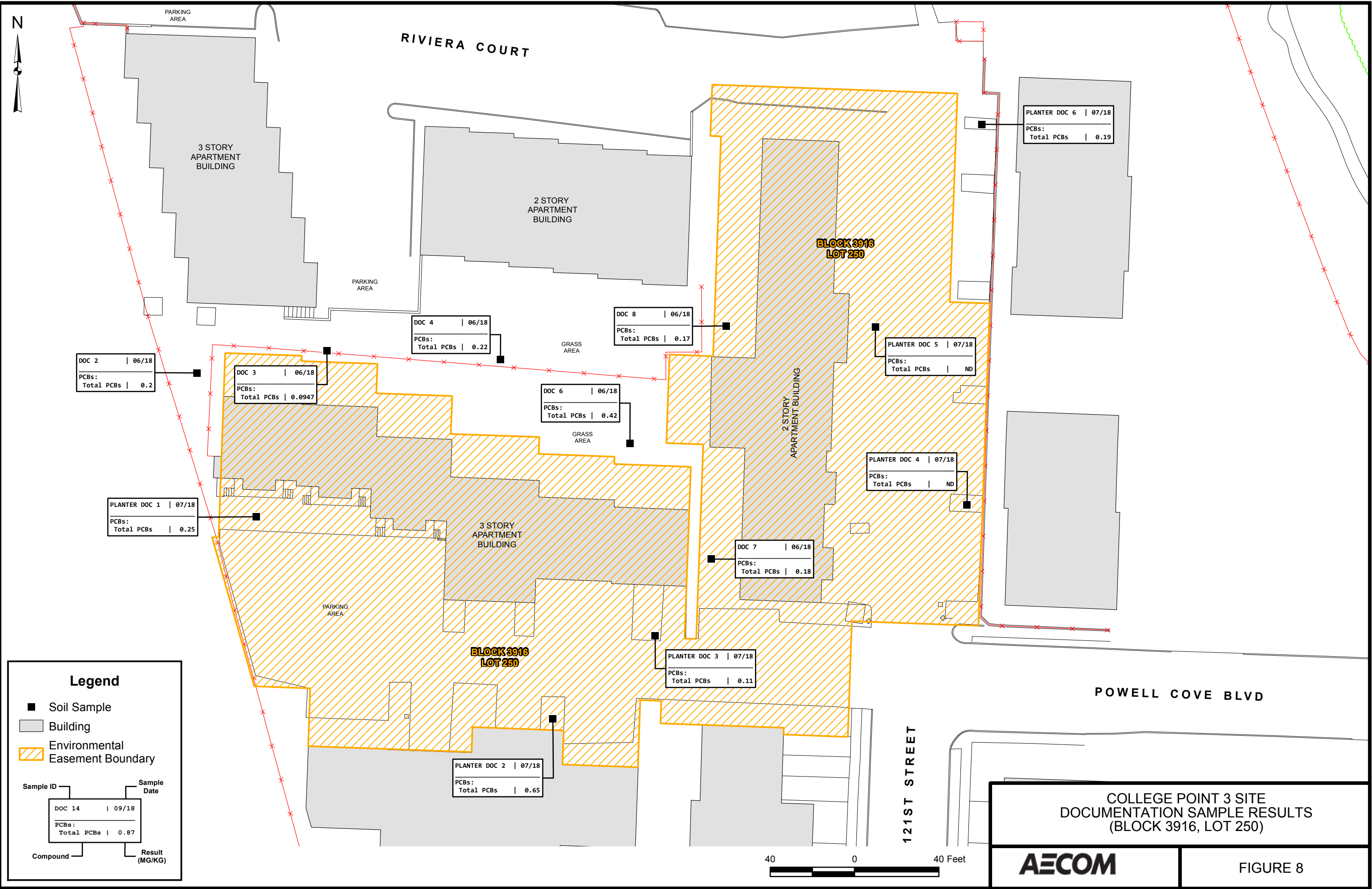
40 0 40 Feet

Legend

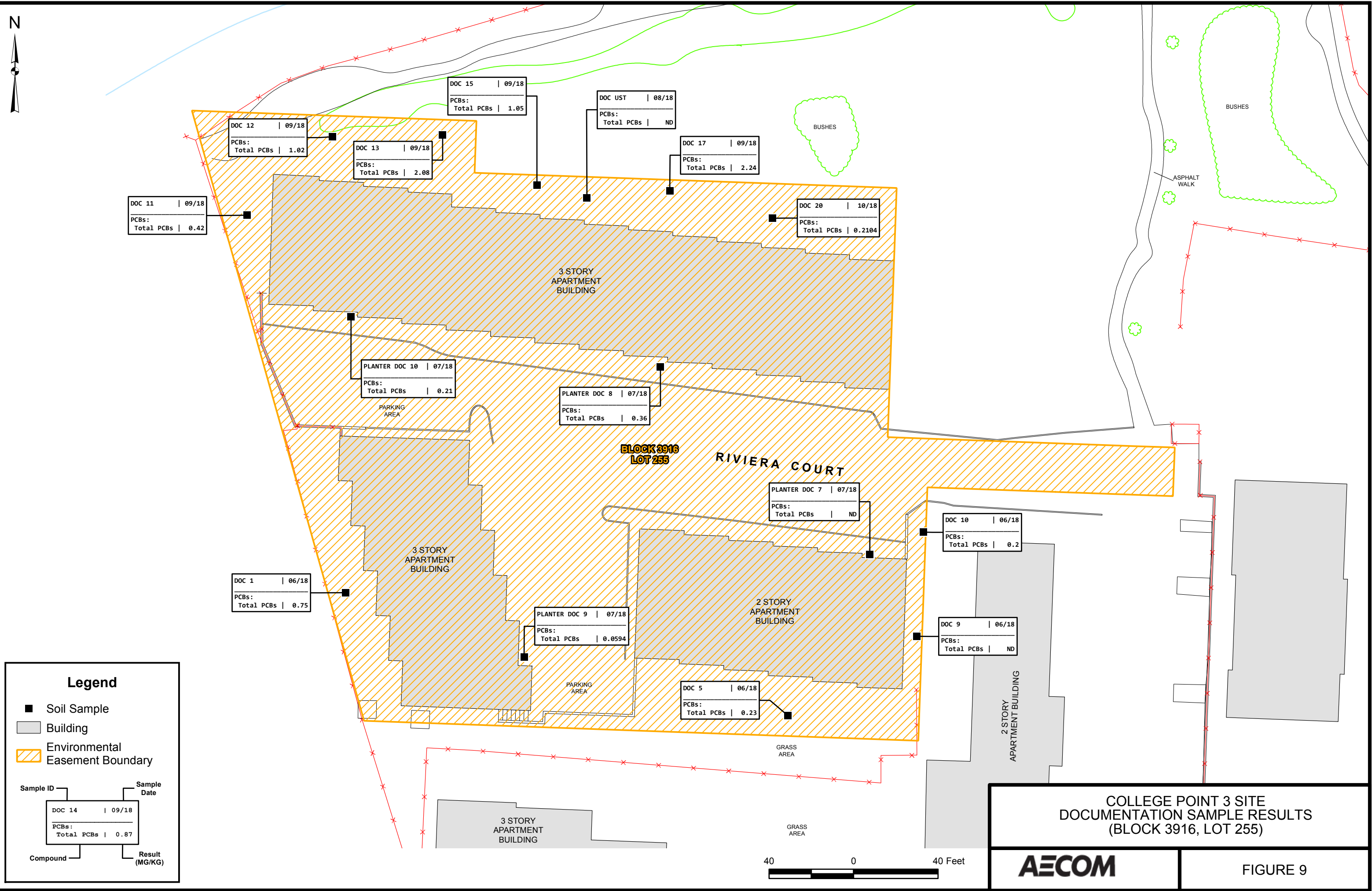
- Soil Sample
- Building
- Environmental Easement Boundary

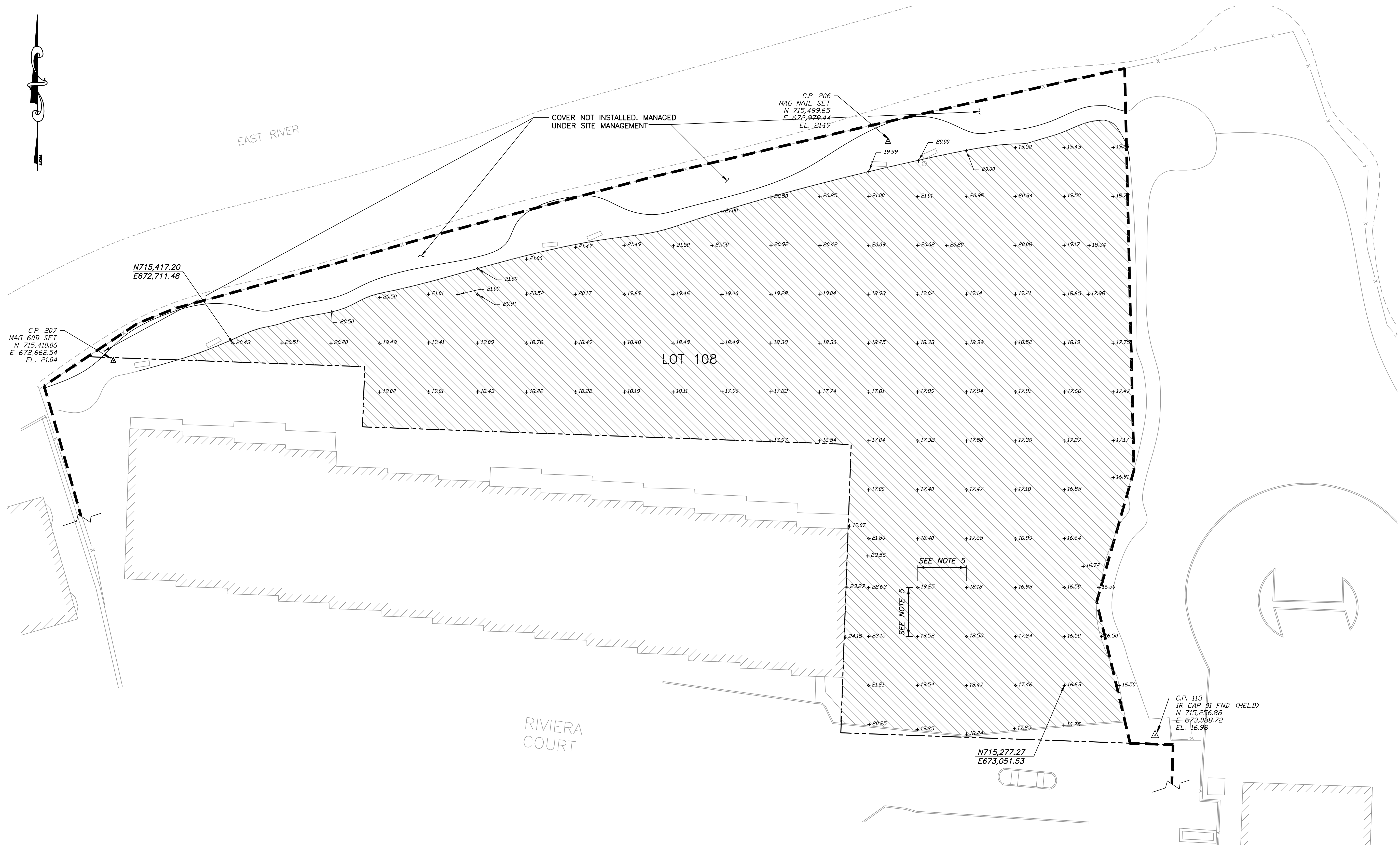
Sample ID	Sample Date
DOC 14	09/18
PCBs:	
Total PCBs 0.87	
Compound	Result (MG/KG)

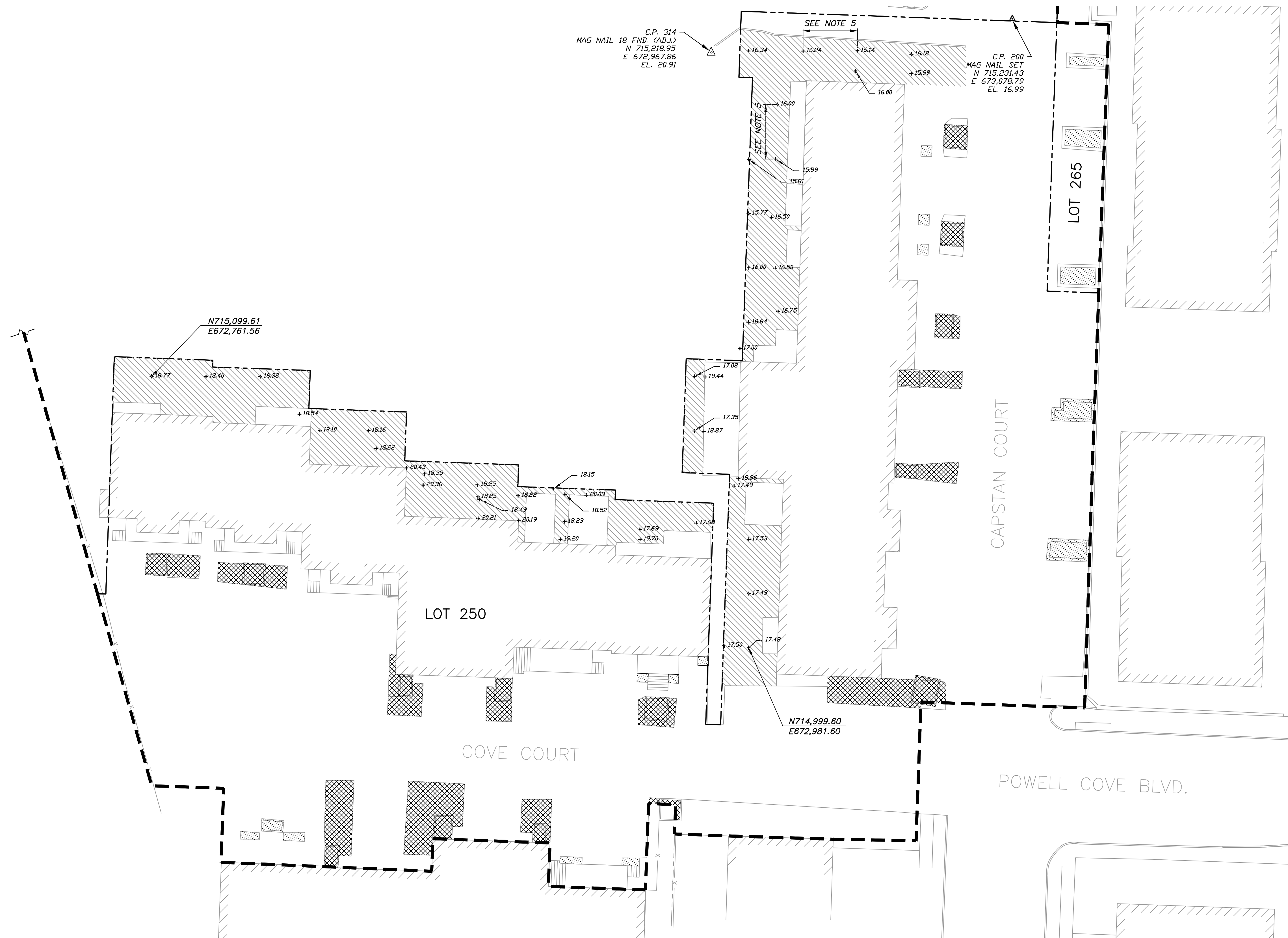
J:\Projects\1174984.00000\DB\GIS\SMPS\REMAINING SOIL ANALYTICAL (LOT 250).mxd 2/13/2019 MDL



J:\Projects\1174984.00000\DB\GIS\SMPS\REMAINING SOIL ANALYTICAL (LOT 255).mxd 2/13/2019 MDL









[illegible]

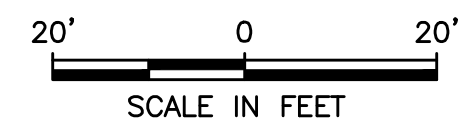


NOTES

1. AECOM HAS DEVELOPED THIS DRAWING TO SHOW RELEVANT ELEVATIONS AND DIMENSIONS OF THE SOIL COVERS CONSTRUCTED BY THE NYSDEC ON BLOCK 3916 LOT 250 UNDER CONTRACT D007622-47. THIS LOT IS A PORTION OF NYSDEC SITE 241122, AND THAT SITE IS NOT SHOWN FULLY ON THIS DRAWING. THE OTHER COMPONENT LOTS OF THE SITE ARE SHOWN ON OTHER DRAWINGS DEVELOPED SIMILARLY BY AECOM.
2. THE RELEVANT INFORMATION SHOWN IS TAKEN FROM SURVEY DRAWINGS DEVELOPED BY L. K. McLEAN ASSOC., P.C. FROM NOV. 2018 THROUGH MAY 2019 (FILE. NO. 18031.000), WHICH REFLECT THE SITE CONDITIONS AT THE TIME OF SURVEY.
3. THESE DRAWINGS ARE DEVELOPED TO PROVIDE USERS OF THE LOT WITH RELEVANT INFORMATION DEVELOPED DURING CONSTRUCTION OF THE SOIL COVERS.
4. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD83). VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88). SURVEY CONTROL POINTS SET DURING CONSTRUCTION ARE AS SHOWN.
5. GRID POINTS ARE SPACED GENERALLY 20 FEET FROM EACH OTHER IN NORTH-SOUTH AND EAST-WEST DIRECTIONS. ADDITIONAL POINTS WERE ADDED DURING CONSTRUCTION.

LEGEND

- | | |
|---|---|
|  | SURVEY CONTROL POINT |
| + ELEV. | SPOT ELEVATION (NAVD88) |
|  | BOUNDARY OF NYSDEC SITE 241122 |
|  | LOT BOUNDARY (WITHIN BLOCK 3916) |
|  | LAWN AREA OF SOIL COVER
CONSTRUCTED ON LOT 250 |
|  | PLANTER OR ISLAND CAPPED WITH
1-FOOT (MIN.) CLEAN FILL AND TOPSOIL |
|  | PLANTER OR ISLAND CAPPED WITH
2-FOOT (MIN.) CLEAN FILL AND TOPSOIL |

[illegible]

REVISIONS



URS Corporation

257 West Genesee Street, Buffalo, New York 14202
(716)856-5636 phone (716)856-2545 fax

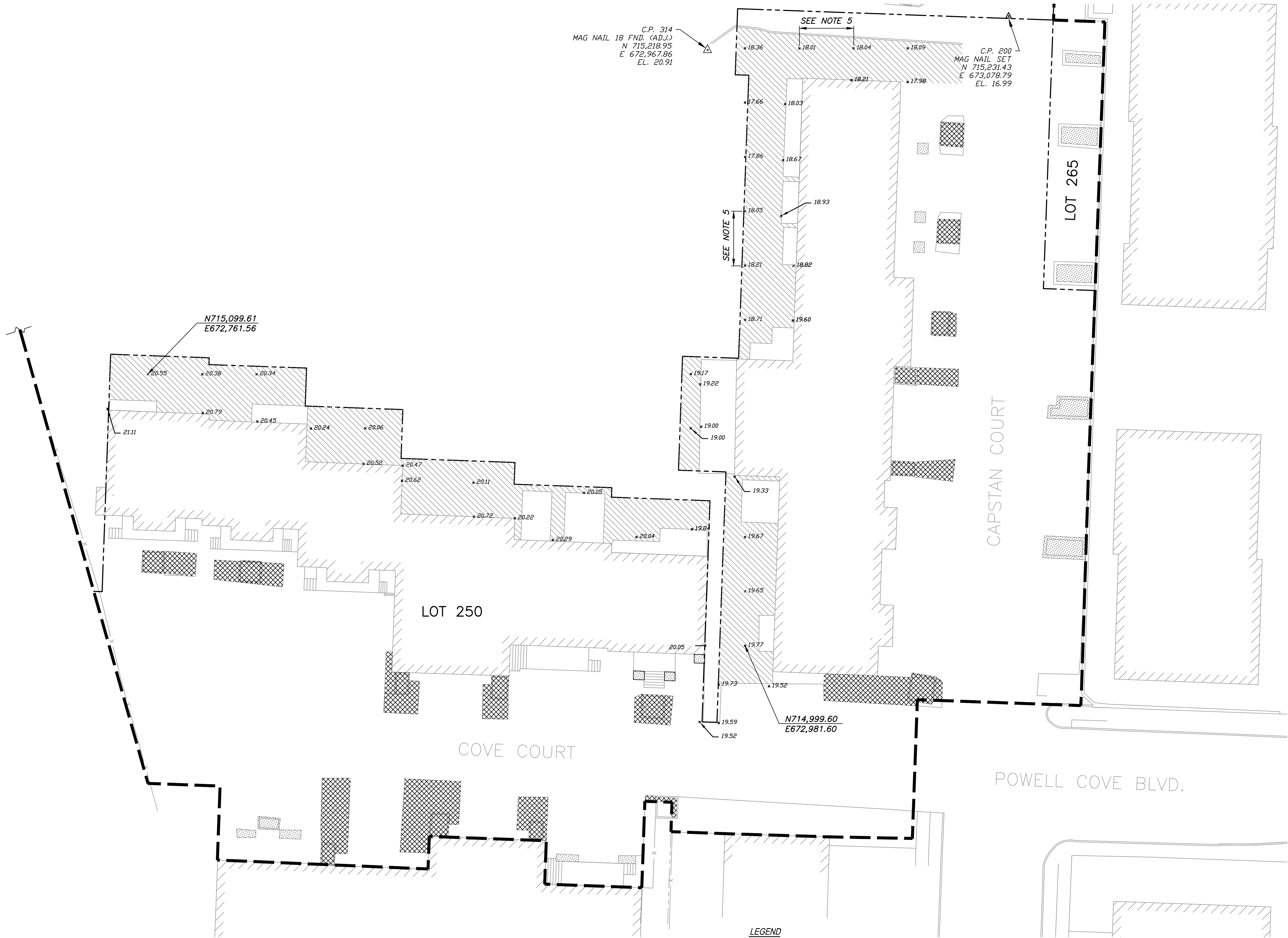
NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL
CONSERVATION

625 BROADWAY
ALBANY, NEW YORK 12233

COLLEGE POINT 3
COLLEGE POINT, NY
SITE NO. 241122

AS BUILT EXCAVATION
LOT 250

OWNER'S PROJECT NUMBER	PROJECT NUMBER 605.36797
DATE JANUARY 2020	SCALE AS SHOWN
DRAWN BY RAL	FIGURE 13
CHECKED BY CED	
ARCH/ENGR. RW	

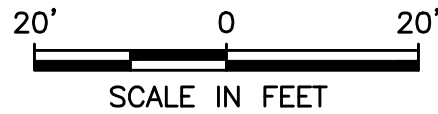


NOTES

- AECOM HAS DEVELOPED THIS DRAWING TO SHOW RELEVANT ELEVATIONS AND DIMENSIONS OF THE SOIL COVERS CONSTRUCTED BY THE NYSDEC ON BLOCK 3916 LOT 250 UNDER CONTRACT D007622-47. THIS LOT IS A PORTION OF NYSDEC SITE 241122, AND THAT SITE IS NOT SHOWN FULLY ON THIS DRAWING. THE OTHER COMPONENT LOTS OF THE SITE ARE SHOWN ON OTHER DRAWINGS DEVELOPED SIMILARLY BY AECOM.
- THE RELEVANT INFORMATION SHOWN IS TAKEN FROM SURVEY DRAWINGS DEVELOPED BY L. K. McLEAN ASSOC., P.C. FROM NOV. 2018 THROUGH MAY 2019 (FILE. NO. 18031.000), WHICH REFLECT THE SITE CONDITIONS AT THE TIME OF SURVEY.
- THESE DRAWINGS ARE DEVELOPED TO PROVIDE USERS OF THE LOT WITH RELEVANT INFORMATION DEVELOPED DURING CONSTRUCTION OF THE SOIL COVERS.
- HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD83). VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88). SURVEY CONTROL POINTS SET DURING CONSTRUCTION ARE AS SHOWN.
- GRID POINTS ARE SPACED GENERALLY 20 FEET FROM EACH OTHER IN NORTH-SOUTH AND EAST-WEST DIRECTIONS. ADDITIONAL POINTS WERE ADDED DURING CONSTRUCTION.

LEGEND

- SURVEY CONTROL POINT
- ELEV. SPOT ELEVATION (NAVD88)
- BOUNDARY OF NYSDEC SITE 241122
- LOT BOUNDARY (WITHIN BLOCK 3916)
- LAWN AREA OF SOIL COVER CONSTRUCTED ON LOT 250
- PLANTER OR ISLAND CAPPED WITH 1-FOOT (MIN.) CLEAN FILL AND TOPSOIL
- PLANTER OR ISLAND CAPPED WITH 2-FOOT (MIN.) CLEAN FILL AND TOPSOIL



URS Corporation

257 West Genesee Street, Buffalo, New York 14202
(716)856-5636 phone (716)856-2545 fax

NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL
CONSERVATION

625 BROADWAY
ALBANY, NEW YORK 12233

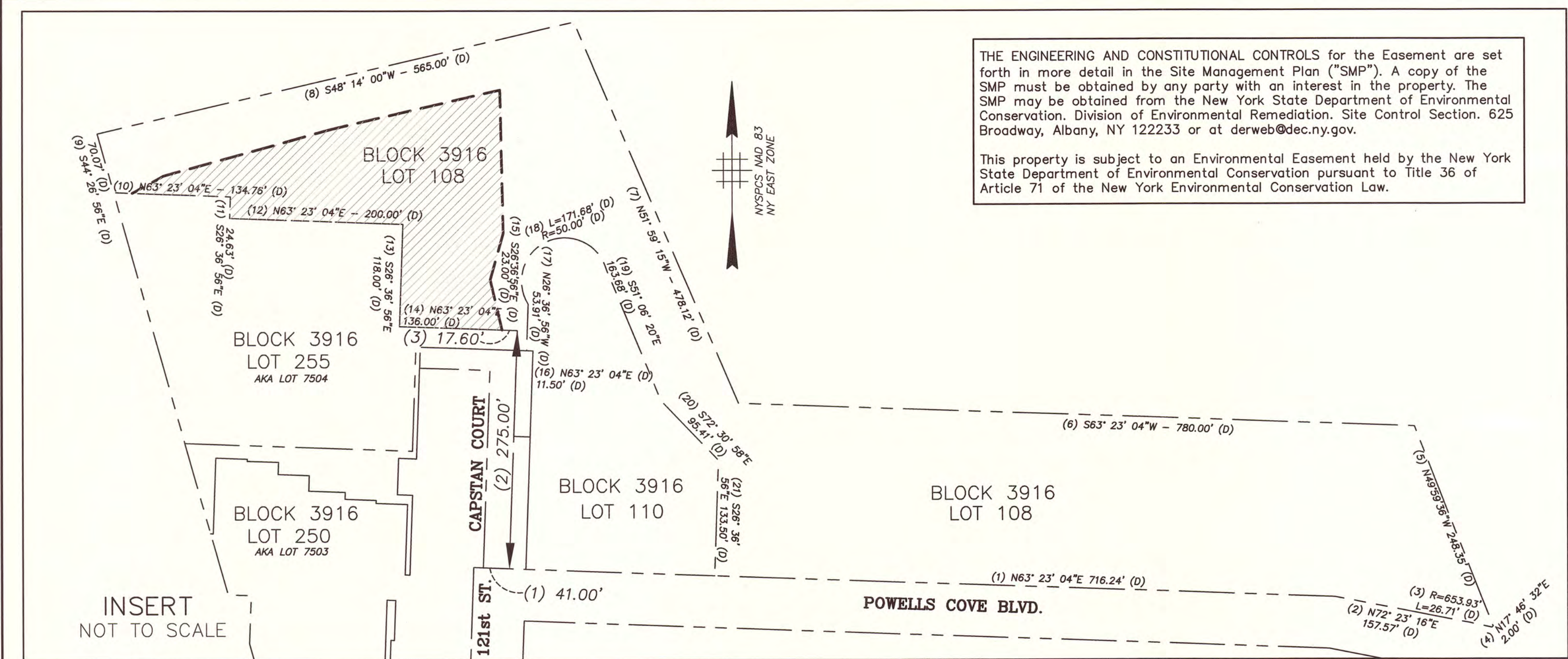
COLLEGE POINT 3
COLLEGE POINT, NY
SITE NO. 241122

AS BUILT FINAL COVER
LOT 250

OWNER'S PROJECT NUMBER	PROJECT NUMBER
	60536797
DATE	SCALE
JANUARY 2020	AS SHOWN
DRAWN BY	FIGURE 14
RAL	
CHECKED BY	
CED	
ARCH/ENGR.	
RW	

APPENDIX A:

SURVEY MAP, METES AND BOUNDS



LEGEND:

	MANHOLE
	GAS VALVE
	FENCE
	HYDRANT
	SIGN
	TREE
	MH SANITARY
	MH WATER
	LIGHT POLE
	WATER VALVE (WV)
	EDGE OF BUILDING
	DEPRESSED CURB
	PROPERTY LINE
	ENVIRONMENTAL EASEMENT LINE

NOTES:

1. FIELD SURVEYS PERFORMED ON MARCH 29-30 & APRIL 26, 2007.
2. ADDITIONAL SURVEY WAS DONE ON MARCH 19, 23, APRIL 1, JUNE 16, AUG. 10, 2010, APRIL 21, 25, 26, MAY 31, 2011, JAN. 18, MARCH 02, MAY 09, 2012, SEPT. 05, 06, 07, 2012 (SITE UNDER CONSTRUCTION) AND JUNE 02, 2016 (SURVEYED ADDITIONAL WELLS).
3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD83).
4. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
5. APPROXIMATE LOCATION OF FOUNDATION UNDER CONSTRUCTION DRAWN BASED ON THE SITE DRAINAGE PLAN NO. WS-107.00 PREPARED BY MIELE ASSOCIATES, LLP FOR AVR-POWELL C. DEVELOPMENT CORP. ON 2/28/2011.
6. HORIZONTAL AND VERTICAL CONTROL ARE ESTABLISHED FROM NGS MONUMENTS.
7. ALL ANGLES ARE 90 DEGREES EXCEPT WHERE OTHERWISE INDICATED.

NAD83 - NEW YORK EAST ZONE #3101				
		NAVD 88	NGS	
NGS MONUMENT	NORTHING	EASTING	ELEVATION (FT)	ADJUSTMENT DATE
NYNR	725171.0430	642081.5331	93.97	JUNE 2013
NYJM	667108.6508	684347.0723	63.22	FEBRUARY 2017
NYQN	687950.8396	705528.3691	102.31	MARCH 2017

ENVIRONMENTAL EASEMENT DESCRIPTION

PART OF LOT 108 IN BLOCK 3916

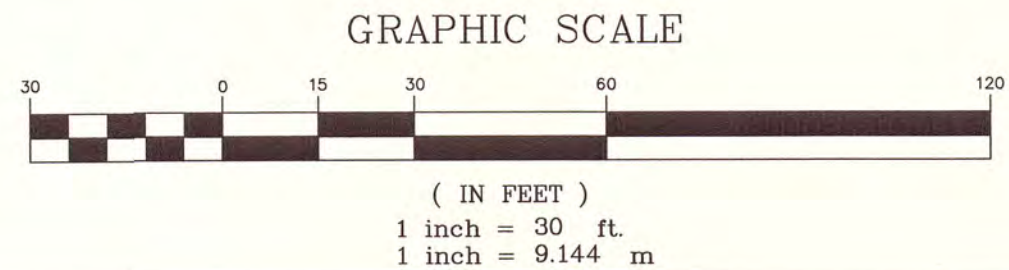
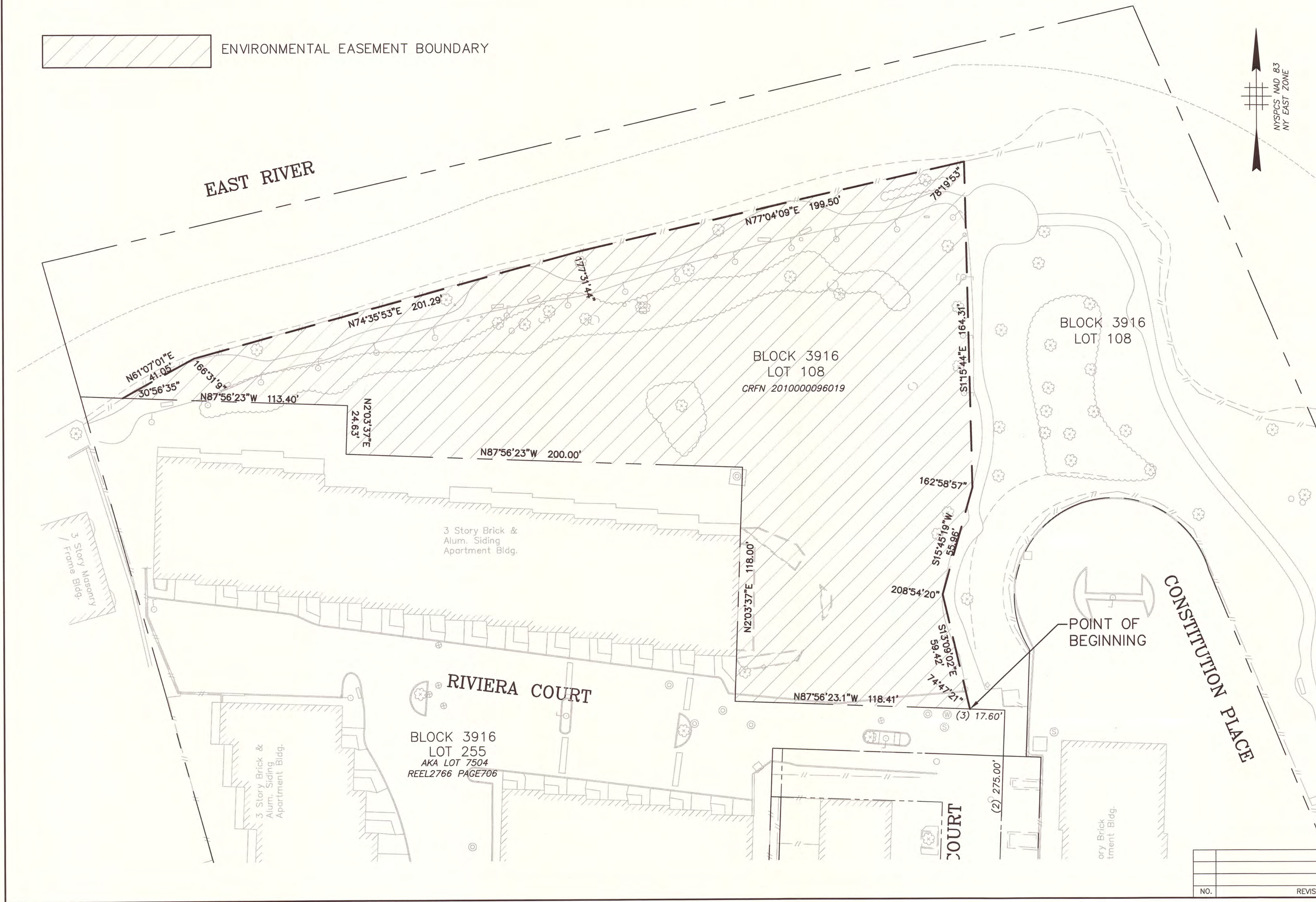
All that certain plot, piece or parcel of land, situated, lying, and being in the Borough and County of Queens, City and State of New York and more particularly bounded and described as follows:

BEGINNING at a point located the following (3) courses and distances from the corner formed by the intersection of the westerly side of 121st Street (60 feet wide) with the northerly side of Powells Cove Boulevard (60 feet wide) as said streets are laid down on the Final Map of the Borough of Queens, City of New York: (1) easterly along the northerly side of Powells Cove Boulevard, 41.00 feet; (2) northerly at right angles to the northerly side of Powells Cove Boulevard 275.00 feet; (3) westerly at right angles to the previous course, 17.60 feet.

Running thence from this point of beginning, westerly along a line parallel with the northerly side of Powells Cove Boulevard, 118.41 feet; thence northerly at right angle to the previous course, 118.00 feet; thence westerly at right angle to the previous course, 200.00 feet; thence northerly at right angle to the previous course, 24.63 feet; thence westerly at right angle to the previous course, 113.40 feet; thence along a line forming an interior angle of 30°-56'-35" with the previous course, 41.05 feet; thence along a line forming an interior angle of 166°-31'-09" with the previous course, 201.29 feet; thence along a line forming an interior angle of 177°-31'-44" with the previous course, 199.50 feet; thence along a line forming an interior angle of 78°-19'-53" with the previous course, 164.31 feet; thence along a line forming an interior angle of 162°-58'-57" with the previous course, 55.96 feet; thence along a line forming an interior angle of 208°-54'-20" with the previous course, 59.42 feet to the point or place of BEGINNING.

The above described easement has an area of 52,198 square feet or 1.198 acres more or less.

SAID LAND being part of the land known and designated on the Tax Map of the City of New York, County of Queens as Block 3916, Lot 108.



COLLEGE POINT 3 SITE

COLLEGE POINT QUEENS COUNTY CITY OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION EASEMENT

BLOCK 3916 LOT 108

Scale 1" = 30'

Drawn VMM

Chk'd FA

Date 09-08-17

Project No. 207013

Drawing No. 1 OF 1

Naik Consulting Group, P.C.

200 Metroplex Drive, Suite 403, Edison, N.J. 08817

Tel: 732.777.0030 Fax: 732.777.0040

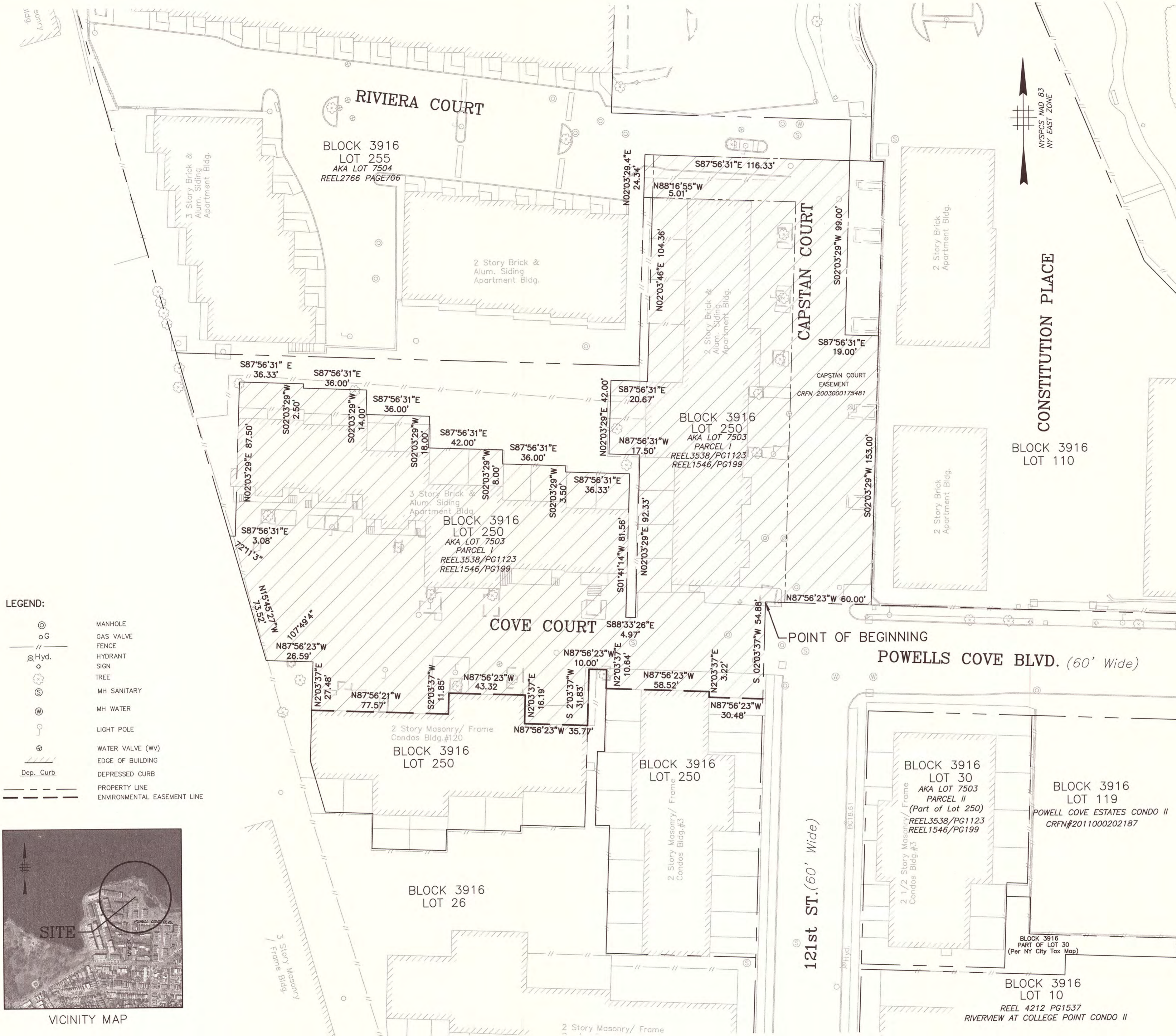
RICHARD C. BARON

N.Y. PROFESSIONAL LAND SURVEYOR LICENSE NO. 050551-1

DATE 10-23-17



NO.	REVISION DESCRIPTION	BY	DATE



NOTES:

1. FIELD SURVEYS PERFORMED ON MARCH 29-30 & APRIL 26, 2007.
2. ADDITIONAL SURVEY WAS DONE ON MARCH 19, 23, APRIL 1, JUNE 16, AUG. 10, 2010, APRIL 21, 25, 26, MAY 31, 2011, JAN. 18, MARCH 02, MAY 09, 2012, SEPT. 05, 06, 07, 2012 (SITE UNDER CONSTRUCTION) AND JUNE 02, 2016 (SURVEYED ADDITIONAL WELLS).
3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD83).
4. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
5. APPROXIMATE LOCATION OF FOUNDATION UNDER CONSTRUCTION DRAWN BASED ON THE SITE DRAINAGE PLAN NO. WS-107.00 PREPARED BY MIELE ASSOCIATES, LLP FOR AVR-POWELL C. DEVELOPMENT CORP. ON 2/28/2011.
6. HORIZONTAL AND VERTICAL CONTROL ARE ESTABLISHED FROM NGS MONUMENTS.
7. ALL ANGLES ARE 90 DEGREES EXCEPT WHERE OTHERWISE INDICATED.

NYSPCS NAD83 - NEW YORK EAST ZONE #3101				
			NAVD 88	NGS
NGS MONUMENT	NORTHING	EASTING	ELEVATION (FT)	ADJUSTMENT DATE
NYNR	725171.0430	642081.5331	93.97	JUNE 2013
NYJM	667108.6508	684347.0723	63.22	FEBRUARY 2017
NYQN	687950.8396	705528.3691	102.31	MARCH 2017

ENVIRONMENTAL EASEMENT DESCRIPTION

PART OF LOT 250 IN BLOCK 3916

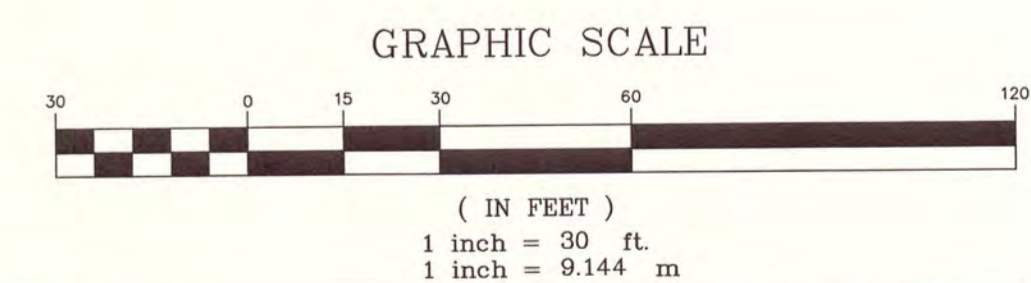
All that certain plot, piece or parcel of land, situated, lying, and being in the Borough and County of Queens, City and State of New York and more particularly bounded and described as follows:

BEGINNING at a point formed by the intersection of the westerly side of 121st Street (60 feet wide) with the northerly side of Powells Cove Boulevard (60 feet wide), as said streets are laid down on the Final Map of the Borough of Queens, City of New York.

Running thence from said beginning point, southerly along the westerly side of 121st Street, 54.88 feet; thence westerly, at right angle to the preceding course, 30.48 feet; thence northerly at right angle to the preceding course, 3.22 feet, thence westerly, at right angle to the preceding course, 58.52 feet; thence northerly, at right angle to the preceding course, 10.64 feet; thence westerly, at right angle to the preceding course, 10.00 feet; thence southerly, at right angle to the preceding course, 31.83 feet; thence westerly, at right angle to the preceding course, 35.77 feet; thence northerly, at right angle to the preceding course, 16.19 feet; thence westerly, at right angle to the preceding course, 43.32 feet; thence southerly, at right angle to the preceding course, 11.85 feet; thence westerly, at right angle to the preceding course, 77.57 feet; thence northerly, at right angle to the preceding course, 27.48 feet; thence westerly, at right angle to the preceding course, 26.59 feet; thence northwesterly along a line forming an interior angle of 107 degrees 49 minutes 04 seconds with the preceding course, 73.52 feet; thence easterly, along a line forming an interior angle of 72 degrees 11 minutes 03 seconds with the preceding course, 3.08 feet; thence northeasterly, at right angle to the preceding course, 87.50 feet; thence easterly, at right angle to the preceding course, 36.33 feet; thence southerly, at right angle to the preceding course, 2.50 feet; thence easterly, at right angle to the preceding course, 8.00 feet; thence easterly, at right angle to the preceding course, 36.00 feet; thence southerly, at right angle to the preceding course, 14.00 feet; thence easterly, at right angle to the preceding course 36.00 feet; thence southerly, at right angle to the preceding course 42.00 feet; thence southerly, at right angle to the preceding course, 8.00 feet; thence easterly, at right angle to the preceding course 36.00 feet; thence southerly, at right angle to the preceding course, 3.50 feet; thence easterly, at right angle to the preceding course 36.33 feet; thence southerly, at right angle to the preceding course, 4.97 feet; thence northerly, at right angle to the preceding course, 18.00 feet; thence easterly, at right angle to the preceding course 17.50 feet; thence northerly, at right angle to the preceding course, 104.36 feet; thence westerly, at right angle to the preceding course 5.01 feet; thence northerly, at right angle to the preceding course, 24.34 feet; thence easterly, at right angle to the preceding course 116.33 feet; thence southerly, at right angle to the preceding course, 99.00 feet; thence easterly, at right angle to the preceding course 19.00 feet; thence southerly, at right angle to the preceding course, 153.00 feet; thence westerly, at right angle to the preceding course 60.00 feet to the point or place of BEGINNING.

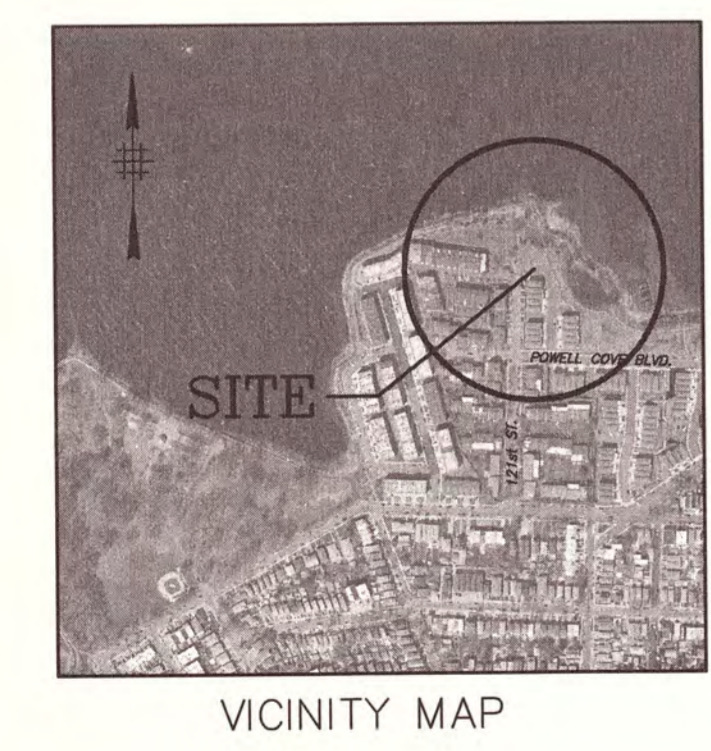
The above described easement has an area of 69,562 square feet or 1.597 acres more or less.

SAID LAND being part of the land known and designated on the Tax Map of the City of New York, County of Queens as Block 3916, Lot 250.



LEGEND:

	MANHOLE
	GAS VALVE
	FENCE
	HYDRANT
	SIGN
	TREE
	MH SANITARY
	MH WATER
	LIGHT POLE
	WATER VALVE (WV)
	EDGE OF BUILDING
	DEPRESSED CURB
	PROPERTY LINE
	ENVIRONMENTAL EASEMENT LINE

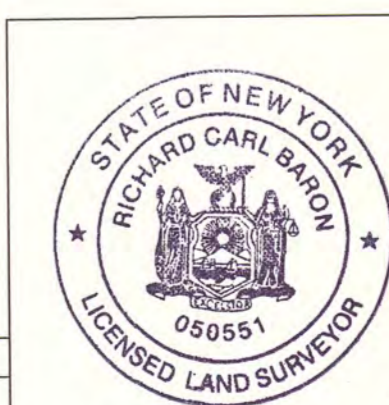


THE ENGINEERING AND CONSTITUTIONAL CONTROLS for the Easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 122233 or at derweb@dec.ny.gov.

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law.

ENVIRONMENTAL EASEMENT BOUNDARY

NO.	REVISION DESCRIPTION	BY	DATE



COLLEGE POINT 3 SITE

COLLEGE POINT QUEENS COUNTY CITY OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION EASEMENT

BLOCK 3916 LOT 250

Scale	Drawn	Chk'd	Date	Project No.	Drawing No.
1" = 30'	VMM	FA	09-08-17	207013	1 OF 1

Naik GROUP Naik Consulting Group, P.C.

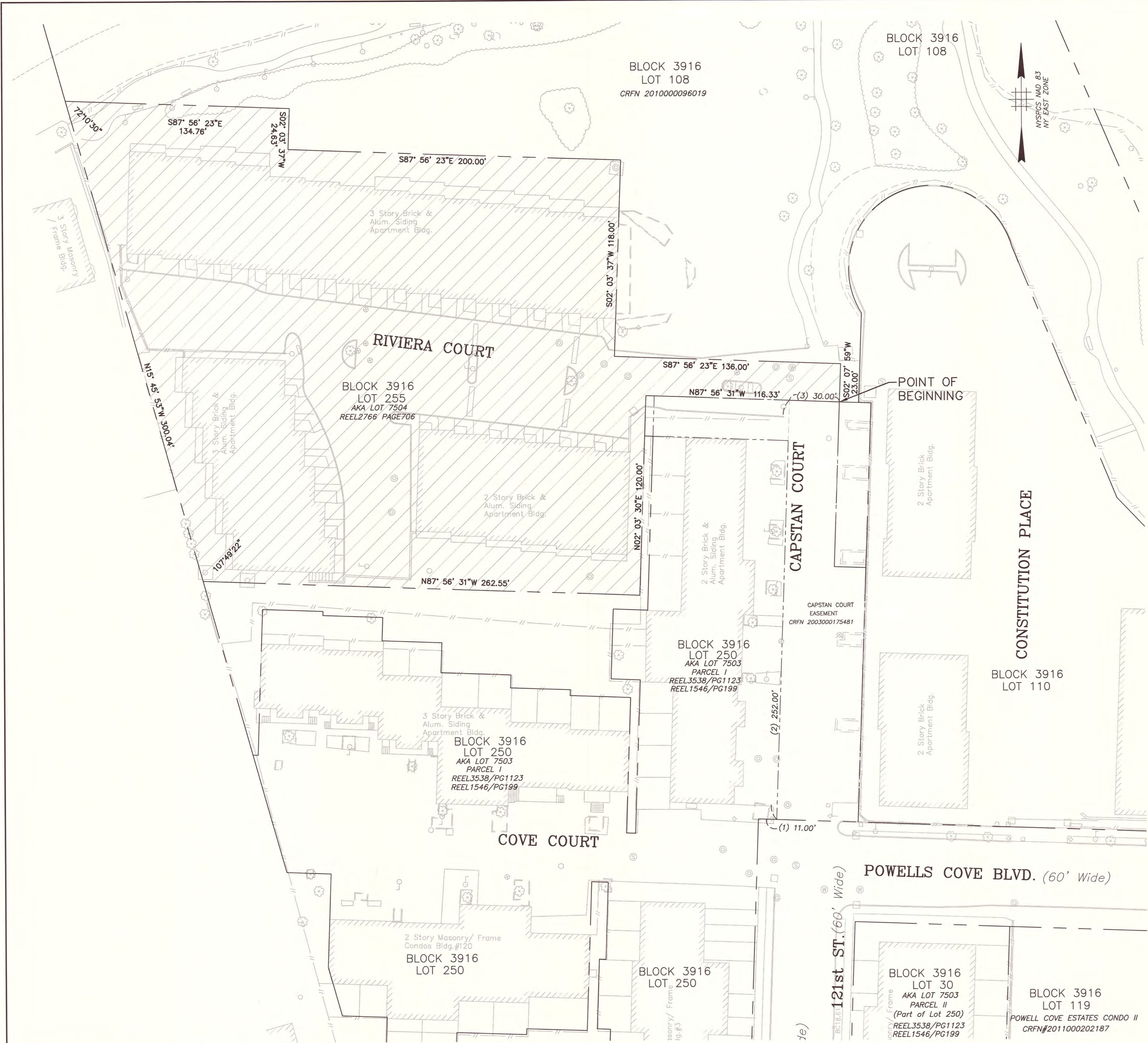
200 Metroplex Drive, Suite 403, Edison, N.J. 08817

Tel: 732.777.0030 Fax: 732.777.0040

Richard C. Baron DATE 10-23-17

RICHARD C. BARON

N.Y. PROFESSIONAL LAND SURVEYOR LICENSE NO. 050551-1



- LEGEND:
- MANHOLE
 - GAS VALVE
 - FENCE
 - HYDRANT
 - SIGN
 - TREE
 - MH SANITARY
 - MH WATER
 - LIGHT POLE
 - WATER VALVE (WV)
 - EDGE OF BUILDING
 - DEPRESSED CURB
 - PROPERTY LINE
 - ENVIRONMENTAL EASEMENT LINE

NOTES:

1. FIELD SURVEYS PERFORMED ON MARCH 29-30 & APRIL 26, 2007.
2. ADDITIONAL SURVEY WAS DONE ON MARCH 19, 23, APRIL 1, JUNE 16, AUG. 10, 2010, APRIL 21, 25, 26, MAY 31, 2011, JAN. 18, MARCH 02, MAY 09, 2012, SEPT. 05, 06, 07, 2012 (SITE UNDER CONSTRUCTION) AND JUNE 02, 2016 (SURVEYED ADDITIONAL WELLS).
3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD83).
4. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
5. APPROXIMATE LOCATION OF FOUNDATION UNDER CONSTRUCTION DRAWN BASED ON THE SITE DRAINAGE PLAN NO. WS-107.00 PREPARED BY MIELE ASSOCIATES, LLP FOR AVR-POWELL C. DEVELOPMENT CORP. ON 2/28/2011.
6. HORIZONTAL AND VERTICAL CONTROL ARE ESTABLISHED FROM NGS MONUMENTS.
7. ALL ANGLES ARE 90 DEGREES EXCEPT WHERE OTHERWISE INDICATED.

NYSPCS NAD83 - NEW YORK EAST ZONE #3101
NAVD 88
NGS

NGS MONUMENT	NORTHING	EASTING	ELEVATION	INSTALLMENT DATE
NYNR	725171.0430	642081.5396	97	JUNE 2013
NYJM	667108.6508	684347.0723	22	FEBRUARY 2017
NYQN	687950.8396	705528.3602	31	MARCH 2017

ENVIRONMENTAL EASEMENT DESCRIPTION

LOT 255 IN BLOCK 3916

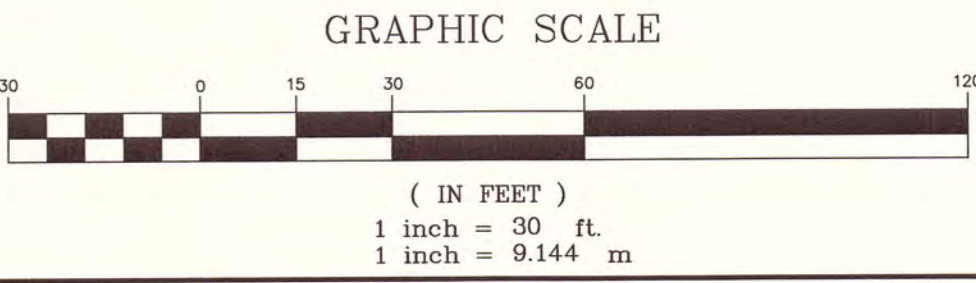
All that certain plot, piece or parcel of land, situated, lying, and being in the Borough and County of Queens, City and State of New York and more particularly bounded and described as follows:

BEGINNING at a point located the following (3) courses and distances from the corner formed by the intersection of the westerly side of 121st Street (60 feet wide) with the northerly side of Powells Cove Boulevard (60 feet wide) as said streets are laid down on the Final Map of the Borough of Queens, City of New York: (1) easterly along the northerly side of Powells Cove Boulevard, 11.00 feet; (2) northerly at right angles to the northerly side of Powells Cove Boulevard, 252.00 feet; (3) easterly at right angles to the previous course, 30.00 feet.

Running thence from this point of beginning, westerly along a line parallel with the northerly side of Powells Cove Boulevard, 116.33 feet; thence southerly at right angles to the previous course, 120.00 feet; thence westerly at right angles to the previous course, 262.55 feet; thence northerly along a line forming an interior angle of 107'-49'-22" with the previous course, 300.04 feet; thence easterly along a line forming an interior angle of 72'-10'-30" with the last mentioned course, 134.76 feet; thence southerly at right angles to the previous course, 24.63 feet; thence easterly at right angles to the previous course, 200.00 feet; thence southerly at right angles to the previous course, 118.00 feet; thence easterly at right angles to the previous course, 136.00 feet; thence southerly at right angles to the previous course, 23.00 feet to the point or place of BEGINNING.

The above described easement has an area of 83,072 square feet or 1.907 acres more or less.

Block 3916, Lot 255, Metes and Bounds and Environmental Easement Metes and Bounds are the same.



THE ENGINEERING AND CONSTITUTIONAL CONTROLS for the Easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 122233 or at derweb@dec.ny.gov.

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law.

ENVIRONMENTAL EASEMENT BOUNDARY

NO.	REVISION DESCRIPTION	BY	DATE



COLLEGE POINT 3 SITE
COLLEGE POINT QUEENS COUNTY CITY OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION EASEMENT
BLOCK 3916 LOT 255

Scale	Drawn	Chk'd	Date	Project No.	Drawing No.
1" = 30'	VMM	FA	09-08-17	207013	1 OF 1

Naik Consulting Group, P.C.
200 Metroplex Drive, Suite 403, Edison, N.J. 08817
Tel: 732.777.0030 Fax: 732.777.0040

Richard C. Baron
RICHARD C. BARON
N.Y. PROFESSIONAL LAND SURVEYOR LICENSE NO. 050551-1

DATE **10-23-17**

APPENDIX B:

CONSTRUCTION COMPLETION REPORT

(ON CD)

APPENDIX C:

ENVIRONMENTAL EASMENTS

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 27th day of July, 2021, between Owner(s) Riverview at College Point Condominiums III, having a mailing address at P.O. Box 564041, College Point, New York 11356 (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of the real property and manager of the common elements for that condominium located at the address of 3-16 121st Street in the City of New York, County of Queens and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 3916 Lots 1072 through 1117. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.597 +/- acres, and is hereinafter more fully described in the Land Title Survey dated October 23, 2017 prepared by Richard C. Baron, L.L.S. of Naik Consulting Group, P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation

Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by

Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: 241122
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of

this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Riverview at College Point Condominiums III:

By: Nat D. Diaz

Print Name: NATIVIDAD D. DIAZ

Title: President Date: 06/25/2021

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF Queens)

On the 25th day of June, in the year 2021, before me, the undersigned, personally appeared Natividad Diaz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Grace H. Nam

Notary Public - State of New York

Grace H. Nam

No. 02NAG333704

My commission expires 11/30/2023

By:

Environmental Easement Page 8

SCHEDULE "A" PROPERTY DESCRIPTION
ENVIRONMENTAL EASEMENT DESCRIPTION

PART OF Block 3916 Lots 1072 through 1117.

All that certain plot, piece or parcel of land, situated, lying, and being in the Borough and County of Queens, City and State of New York and more particularly bounded and described as follows:

BEGINNING at a point formed by the intersection of the westerly side of 121st Street (60 feet wide) with the northerly side of Powells Cove Boulevard (60 feet wide), as said streets are laid down on the Final Map of the Borough of Queens, City of New York.

Running thence from said beginning point, southerly along the westerly side of 121st Street, 54.88 feet; thence westerly, at right angle to the preceding course, 30.48 feet; thence northerly at right angle to the preceding course, 3.22 feet, thence westerly, at right angle to the preceding course, 58.52 feet; thence northerly, at right angle to the preceding course, 10.64 feet; thence westerly, at right angle to the preceding course, 10.00 feet; thence southerly, at right angle to the preceding course, 31.83 feet; thence westerly, at right angle to the preceding course, 35.77 feet; thence northerly, at right angle to the preceding course, 16.19 feet; thence westerly, at right angle to the preceding course, 43.32 feet; thence southerly, at right angle to the preceding course, 11.85 feet; thence westerly, at right angle to the preceding course, 77.57 feet; thence northerly, at right angle to the preceding course, 27.48 feet; thence westerly, at right angle to the preceding course, 26.59 feet; thence northwesterly along a line forming an Interior angle of 107 degrees 49 minutes 04 seconds with the preceding course, 73.52 feet; thence easterly, along a line forming an interior angle of 72 degrees 11 minutes 03 seconds with the preceding course, 3.08 feet; thence northeasterly, at right angle to the preceding course, 87.50 feet; thence easterly, at right angle to the preceding course, 36.33 feet; thence southerly, at right angle to the preceding course, 2.50 feet; thence easterly, at right angle to the preceding course 36.00 feet; thence southerly, at right angle to the preceding course, 14.00 feet; thence easterly, at right angle to the preceding course 36.00 feet; thence southerly, at right angle to the preceding course, 18.00 feet; thence easterly, at right angle to the preceding course 42.00 feet; thence southerly, at right angle to the preceding course, 8.00 feet; thence easterly, at right angle to the preceding course 36.00 feet; thence southerly, at right angle to the preceding course, 3.50 feet; thence easterly, at right angle to the preceding course 36.33 feet; thence southerly, at right angle to the preceding course, 81.56 feet; thence easterly, at right angle to the preceding course 4.97 feet; thence northerly, at right angle to the preceding course, 92.33 feet; thence westerly, at right angle to the preceding course 17.50 feet; thence northerly, at right angle to the preceding course, 42.00 feet; thence easterly, at right angle to the preceding course 20.67 feet; thence northerly, at right angle to the preceding course, 104.36 feet; thence westerly, at right angle to the preceding course 5.01 feet; thence northerly, at right angle to the preceding course, 24.34 feet; thence easterly, at right angle to the preceding course 116.33 feet; thence southerly, at right angle to the preceding course, 99.00 feet; thence easterly, at right angle to the preceding course 19.00 feet; thence southerly, at right angle to the preceding course, 153.00 feet; thence westerly, at right angle to the preceding course 60.00 feet to the point or place of BEGINNING.

The above described easement has an area of 69,562 square feet or 1.597 acres more or less.

SAID LAND being part of the land known and designated on the Tax Map of the City of New York, County of Queens as Block 3916 Lots 1072 through 1117..

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 27th day of July, 2021, between Owner(s) Villa At The Riverview Condominiums, having a mailing address at 211-08 35th Avenue, Bayside, New York 11361 (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of the real property and manager of the common elements for that condominium located at the address of 120-12 Riviera Court in the City of New York, County of Queens and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 3916 Lots 1301 through 1352. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.907 +/- acres, and is hereinafter more fully described in the Land Title Survey dated October 23, 2017 prepared by Richard C. Baron, L.L.S. of Naik Consulting Group, P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be

defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: 241122
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed

by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Villas At The Riverview Condominiums:

By: Brian D. Freeman

Print Name: BRIAN D. FREEMAN

Title: PRESIDENT Date: 6/21/2021

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 21 day of June, in the year 2021, before me, the undersigned, personally appeared Brian Freeman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Michael P. Jennings
Notary Public - State of New York

Michael P. Jennings
Notary Public, State of New York
No. 01JE6027583
Qualified in Queens County
Commission Expires July 12, 2021

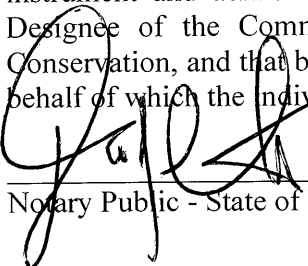
THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: 
Michael J. Ryan, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 27th day of July, in the year 2021, before me, the undersigned, personally appeared Michael J. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chianese
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2024

SCHEDULE "A" PROPERTY DESCRIPTION

ENVIRONMENTAL EASEMENT DESCRIPTION

Block 3916 Lots 1301 through 1352

All that certain plot, piece or parcel of land, situated, lying, and being in the Borough and County of Queens, City and State of New York and more particularly bounded and described as follows:

BEGINNING at a point located the following (3) courses and distances from the corner formed by the intersection of the westerly side of 121st Street (60 feet wide) with the northerly side of Powells Cove Boulevard (60 feet wide) as said streets are laid down on the Final Map of the Borough of Queens, City of New York: (1) easterly along the northerly side of Powells Cove Boulevard, 11.00 feet; (2) northerly at right angles to the northerly side of Powells Cove Boulevard, 252.00 feet; (3) easterly at right angles to the previous course, 30.00 feet.

Running thence from this point of beginning, westerly along a line parallel with the northerly side of Powells Cove Boulevard, 116.33 feet; thence southerly at right angles to the previous course, 120.00 feet; thence westerly at right angles to the previous course, 262.55 feet; thence northerly along a line forming an interior angle of 107°-49'-22" with the previous course, 300.04 feet; thence easterly along a line forming an interior angle of 72°-10'-30" with the last mentioned course, 134.76 feet; thence southerly at right angles to the previous course, 24.63 feet; thence easterly at right angles to the previous course, 200.00 feet; thence southerly at right angles to the previous course, 118.00 feet; thence easterly at right angles to the previous course, 136.00 feet; thence southerly at right angles to the previous course, 23.00 feet to the point or place of BEGINNING.

The above described easement has an area of 83,072 square feet or 1.907 acres more or less.

Block 3916 Lots 1301 through 1352, Metes and Bounds and Environmental Easement Metes and Bounds are the same.

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 10th day of August, 2021, between Owner(s) Powell Cove Estates Home Owners Association, Inc., having an office at 123-09 Lax Avenue, College Point, New York 11356 (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of the real property and manager of the common elements for that condominium located at the address of N/A Powells Cove Boulevard in the City of New York, County of Queens and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 3916 Lot 108, being a portion of the property conveyed to Grantor by deed dated December 17, 2009 and recorded in the City Register of the City of New York as CRFN # 2010000096019. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.198 +/- acres, and is hereinafter more fully described in the Land Title Survey dated October 23, 2017 prepared by Richard C. Baron, L.L.S. of Naik Consulting Group, P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining

contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held
by the New York State Department of Environmental Conservation**

pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: 241122
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

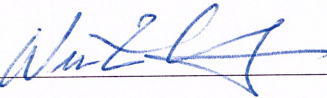
10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Powell Cove Estates Home Owners Association, Inc.:

By: 

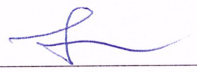
Print Name: Winnie Zhuang

Title: president Date: 7/28/2021

Grantor's Acknowledgment

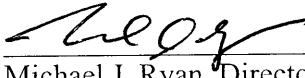
STATE OF NEW YORK)
) ss:
COUNTY OF Queens)

On the 28th day of July, in the year 2021, before me, the undersigned, personally appeared Winnie Zhuang, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public - State of New York

MENG MENG
Notary Public, State of New York
Reg. No. 01ME6341358
Qualified in Queens County
My Commission Expires 05/02/2024

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: 
Michael J. Ryan, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 10th day of August, in the year 2021, before me, the undersigned, personally appeared Michael J. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2021

SCHEDULE "A" PROPERTY DESCRIPTION**ENVIRONMENTAL EASEMENT DESCRIPTION****PART OF LOT 108 IN BLOCK 3916**

All that certain plot, piece or parcel of land, situated, lying, and being in the Borough and County of Queens, City and State of New York and more particularly bounded and described as follows:

BEGINNING at a point located the following (3) courses and distances from the corner formed by the intersection of the westerly side of 121st Street (60 feet wide) with the northerly side of Powells Cove Boulevard (60 feet wide) as said streets are laid down on the Final Map of the Borough of Queens, City of New York: (1) easterly along the northerly side of Powells Cove Boulevard, 41.00 feet; (2) northerly at right angles to the northerly side of Powells Cove Boulevard 275.00 feet; (3) westerly at right angles to the previous course, 17.60 feet.

Running thence from this point of beginning, westerly along a line parallel with the northerly side of Powells Cove Boulevard, 118.41 feet; thence northerly at right angle to the previous course, 118.00 feet; thence westerly at right angle to the previous course, 200.00 feet; thence northerly at right angle to the previous course, 24.63 feet; thence westerly at right angle to the previous course, 113.40 feet; thence along a line forming an interior angle of 30°-56'-35" with the previous course, 41.05 feet; thence along a line forming an interior angle of 166°-31'-09" with the previous course, 201.29 feet; thence along a line forming an interior angle of 177°-31'-44" with the previous course, 199.50 feet; thence along a line forming an interior angle of 78°-19'-53" with the previous course, 164.31 feet; thence along a line forming an interior angle of 162°-58'-57" with the previous course, 55.96 feet; thence along a line forming an interior angle of 208°-54'-20" with the previous course, 59.42 feet to the point or place of BEGINNING.

The above described easement has an area of 52,198 square feet or 1.198 acres more or less.

SAID LAND being part of the land known and designated on the Tax Map of the City of New York, County of Queens as Block 3916, Lot 108.