

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

Mr. Vincent Sapienza, Commissioner
New York City Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

OCT 17 2017

Re: Revised Certificate of Completion
SAC Nos.: C301746 & C302809
Site Name: Barretto Point
ERP Site No. B00032
New York (C), Bronx County

Dear Mr. Sapienza:

As requested, enclosed is a revised Environmental Restoration Program (ERP) Certificate of Completion (COC). The Certificate Holder has been changed to: *"NYC Department of Environmental Protection on behalf of the City of New York"*. Additionally, the Site Owner has been changed to: *"City of New York"*. Please disregard the previous version transmitted on September 27, 2017.

You are now required to perform the following tasks:

- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC, and provide the Department with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR)



Department of
Environmental
Conservation

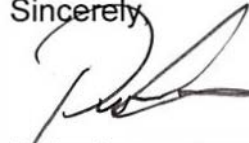
which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in November 2018.

The Department will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Ronnie Lee, the Department's project manager, at (518) 402-9767.

Sincerely,



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

Enclosure

Ec w/ Enclosure:

C. Bitet (christyb@dep.nyc.gov)

K. Ton (KinT@dep.nyc.gov)

E. Bodnar (eric.bodnar@aecom.com)

R. Lee

B. Burns

NOTICE OF CERTIFICATE OF COMPLETION

Environmental Restoration Program Pursuant to 6 NYCRR Part 375-1.9(d)

Site Name: Barretto Point, Site ID No. B00032

**Site Address: 1121 Viele Avenue & 1240 Viele Avenue, Bronx, New York 10474
City of New York, Bronx County, Block 2777, Lots 100, 105, 600 & 901 and Block 2779, Lot 1**

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to the City of New York for a parcel approximately 13.22 acres located at 1121 Viele Avenue and 1240 Viele Avenue in the City of New York, Bronx County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Bronx County as CFRN 2017000156093.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

Barretto Point, B00032
1121 Viale Avenue & 1240 Viale Avenue, Bronx NY 10474

PLEASE TAKE NOTICE, any change of use of the Site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 office located at 47-40 21st Street, Long Island City, NY 11101 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of New York

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__ , before me, the undersigned, personally appeared _____, 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.

Signature and Office of individual
taking acknowledgment

Please record and return to:
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, New York 11373

12/03/09

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)
CERTIFICATE OF COMPLETION

Name

NYC Department of Environmental Protection
on behalf of City of New York

Address

59-17 Junction Boulevard, Flushing, NY 11373

SITE INFORMATION

Site No.: B00032 **Site Name:** Barretto Point

State Assistance Contract No.: C301746
C302809

Site Owner: City of New York

Street Address: 1121 Viele Avenue & 1240 Viele Avenue

Municipality: Bronx **County:** Bronx **DEC Region:** 2

Site Size: 13.220 Acres

Tax Map Identification Number(s): 2777-100, 2777-105, 2777-600, 2777-901, 2779-1

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the ERP: Commercial and Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Bronx County with recording identifier 2017000156093.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 56-0509(1) and 6NYCRR Part 375.

CERTIFICATE MODIFICATION/REVOCATION

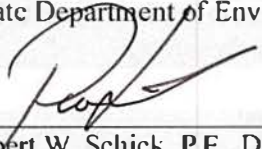
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;
- (2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;
- (4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;
- (5) the environmental easement as implemented, if applicable, is not protective or enforceable;
or
- (6) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:


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

Date: September 27, 2017

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

COMMERCIAL WITH PASSIVE RECREATIONAL USE EASEMENT

Block 2777 Lot 901

BEGINNING at the intersection of the southerly line of Viele Avenue (100' wide) with the easterly line of Tiffany Street (100' wide);

Thence easterly along the southerly line of Viele Avenue 472.61 feet to a point;
Thence southerly at right angles to Viele Avenue 600.97 feet to a point;
Thence southwesterly on a line forming an interior angle of 112 degrees 22 minutes 40 seconds with the last mentioned course, 158.74 feet to a point on the U.S. Bulkhead Line and shoreline;
Thence along said shoreline the following courses:

Northwesterly at right angles with the last mentioned course, 124.97 feet to a point;
Thence northwesterly on a line forming an interior angle of 176 degrees 59 minutes 10 seconds with the last mentioned course, 68.41 feet to a point;
Thence northwesterly on a line forming an interior angle of 187 degrees 40 minutes 46 seconds with the last mentioned course, 29.07 feet to a point of curve;
Thence northeasterly along a curve to the right having a radius of 11.67 feet, a central angle of 53 degrees 02 minutes 02 seconds, an arc length of 10.80 feet, an interior chord angle with the last mentioned course of 153 degrees 28 minutes 59 seconds, 10.42 feet to a point;
Thence northeasterly on a line forming an interior angle of 157 degrees 50 minutes 03 seconds with the last mentioned chord, 21.72 feet to a curve;
Thence northwesterly along a curve to the left having a radius of 16.40 feet, a central angle of 85 degrees 55 minutes 29 seconds, an arc length of 24.60 feet, an interior chord angle with the last mentioned course of 242 degrees 04 minutes 33 seconds, 22.36 feet to a point;
Thence southwesterly on a line forming an interior angle of 229 degrees 26 minutes 48 seconds with the last mentioned course, 50.47 feet to a point;
Thence southwesterly on a line forming an interior angle of 196 degrees 50 minutes 51 seconds with the last mentioned course, 132.04 feet to a curve;
Thence northwesterly along a curve to the right having a radius of 74.05 feet, a central angle of 67 degrees 04 minutes 21 seconds, an arc length of 86.69 feet, an interior chord angle with the last mentioned course of 146 degrees 27 minutes 50 seconds, 81.82 feet to a point;
Thence northwesterly on a line forming an interior angle of 143 degrees 58 minutes 44 seconds with the last mentioned course, 60.41 feet to a point;
Thence northwesterly on a line forming an interior angle of 193 degrees 04 minutes 44 seconds with the last mentioned course, 38.47 feet to a point;
Thence northwesterly on a line forming an interior angle of 161 degrees 40 minutes 50 seconds with the last mentioned course, 67.95 feet to a point;
Thence northwesterly on a line forming an interior angle of 171 degrees 17 minutes 52 seconds with the last mentioned course, 17.80 feet to a point of curve;
Thence northwesterly along a curve to the left having a radius of 10.93 feet, a central angle of 81 degrees 28 minutes 31 seconds, an arc length of 15.55 feet, an interior chord angle with the last mentioned course of 205 degrees 13 minutes 30 seconds, 14.27 feet to a point of reverse curve;
Thence northwesterly along a curve to the right having a radius of 11.57 feet, a central angle of 78 degrees 50 minutes 48 seconds, an arc length of 15.93 feet, an interior chord angle with the last mentioned course of 188 degrees 51 minutes 10 seconds, 14.70 feet to a point;

Thence northwesterly on a line forming an interior angle of 130 degrees 48 minutes 04 seconds with the last mentioned course, 60.75 feet to a point;

Thence northwesterly on a line forming an interior angle of 166 degrees 00 minutes 30 seconds with the last mentioned course, 28.68 feet to a point on the southerly extension of the easterly line of Tiffany Street;

Thence northeasterly along the southerly extension of the easterly line of Tiffany Street and the easterly line of Tiffany Street forming an interior angle of 142 degrees 58 minutes 55 seconds with the last mentioned course, 230.97 feet, forming an interior angle of 132 degrees 54 minutes 00 seconds with the first course, to the Point of BEGINNING.

Subject to a 35-foot sewer easement and a 25-foot NYC Shaft No. 8A Easement.

Containing 283,928 Square Feet or 6.52 Acres.

SCHEDULE "B" PROPERTY DESCRIPTION

INDUSTRIAL USE EASEMENT

Block 2777 Lots 100, 105, and 600 and Block 2779 Lot 1

BEGINNING at a point on the southerly line of Viele Avenue (100' wide), said point being 472.61 feet easterly from the intersection of the southerly line of Viele Avenue with the easterly line of Tiffany Street (100' wide);

Thence easterly along said southerly line of Viele Avenue 260.00 feet to the former westerly line of Manida Street;

Thence southerly at right angles to Viele Avenue, 700.00 feet to a point on the southerly line of Ryawa Avenue (100' wide);

Thence westerly along the westerly prolongation of said Ryawa Avenue, at right angles with the last mentioned course, 120.15 feet to a point;

Thence southerly at right angles with the last mentioned course, 415.00 feet to a point;

Thence easterly at right angles with the last mentioned course, 120.15 feet to a point;

Thence southerly at right angles with the last mentioned course, 9.40 feet to a point;

Thence southwesterly on a line forming an interior angle of 160 degrees 41 minutes 05 seconds with the last mentioned course, 150.33 feet to a point;

Thence southwesterly on a line forming an interior angle of 131 degrees 41 minutes 35 seconds with the last mentioned course, 78.66 feet to the shoreline;

Thence along said shoreline the following courses:

Northwesterly on a line forming an interior angle of 73 degrees 13 minutes 31 seconds with the last mentioned course, 85.48 feet to a point;

Thence northwesterly on a line forming an interior angle of 193 degrees 09 minutes 59 seconds with the last mentioned course, 61.14 feet to a point;

Thence northwesterly on a line forming an interior angle of 193 degrees 24 minutes 15 seconds with the last mentioned course, 162.28 feet to a point;

Thence northwesterly on a line forming an interior angle of 184 degrees 16 minutes 25 seconds with the last mentioned course, 47.90 feet to a point;

Thence northwesterly on a line forming an interior angle of 185 degrees 35 minutes 23 seconds with the last mentioned course, 171.69 feet to a point;

Thence northwesterly on a line forming an interior angle of 169 degrees 32 minutes 03. seconds with the last mentioned coarse, 38.77 feet to a point;

Thence northwesterly on a line forming an interior angle of 152 degrees 08 minutes 06 seconds with the last mentioned coarse, 36.35 feet to a point;

Thence northwesterly on a line forming an interior angle of 163 degrees 52 minutes 42 seconds with the last mentioned coarse, 18.90 feet to a point;

Thence northeasterly on a line forming an interior angle of 111 degrees 55 minutes 41 seconds with the last mentioned coarse, 24.18 feet to a point;

Thence northwesterly on a line forming an interior angle of 244 degrees 39 minutes 54 seconds with the last mentioned coarse, 14.23 feet to a point;

Thence northeasterly on a line forming an interior angle of 95 degrees 12 minutes 02 seconds with the last mentioned coarse, 17.43 feet to a point;

Thence northwesterly at right angles with the last mentioned course, 70.00 feet to a point;

Thence northeasterly at right angles with the last mentioned course, 158.74 feet to a point;
Thence northwesterly on a line forming an interior angle of 247 degrees 37 minutes 20 seconds
with the last mentioned course, 600.97 feet and at right angles to the first course, to the Point of
BEGINNING.

Subject to a 35-foot sewer easement, a 25-foot NYC Shaft No. 8A Easement, and a 30-foot NYC
Tunnel No. 2 Easement.

Containing 291,373 Square Feet or 6.7 Acres

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
10/11/2017



SITE DESCRIPTION

SITE NO. B00032

SITE NAME Barretto Point

SITE ADDRESS: 1121 Viele Avenue & 1240 Viele Avenue **ZIP CODE:** 10474

CITY/TOWN: Bronx

COUNTY: Bronx

ALLOWABLE USE: Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: 1 year

Description of Institutional Control

City of New York
1121 Viele Avenue
Environmental Easement
Block: 2777
Lot:
Sublot: 901
Section:
Subsection:
S_B_L Image: 2777-901
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan

1240 Viele Avenue
Environmental Easement
Block: 2777

Lot:

Sublot: 105

Section:

Subsection:

S_B_L Image: 2777-105

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Sublot: 600

Section:

Subsection:

S_B_L Image: 2777-600

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Lot: 100

Sublot:

Section:

Subsection:

S_B_L Image: 2777-100

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Block: 2779

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 2779-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Description of Engineering Control

City of New York

1121 Viele Avenue

Environmental Easement

Block: 2777

Lot:

Sublot: 901

Section:

Subsection:

S_B_L Image: 2777-901

Cover System

Fencing/Access Control

1240 Viele Avenue

Environmental Easement

Block: 2777

Lot:

Sublot: 105

Section:

Subsection:

S_B_L Image: 2777-105

Cover System

Fencing/Access Control

Sublot: 600

Section:

Subsection:

S_B_L Image: 2777-600

Cover System

Fencing/Access Control

Lot: 100

Sublot:

Section:

Subsection:

S_B_L Image: 2777-100

Cover System

Fencing/Access Control

Block: 2779

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 2779-1

Cover System

Fencing/Access Control