FINAL

ENGINEERING REPORT

OF

REMEDIAL SERVICES

For the Parkview Commons Development Site

Located at

421-435 East 160th Street
426-440 East 161st Street
865-877 Elton Avenue
Borough of Bronx
Bronx County, New York

NYSDEC Brownfield Cleanup Program: C203014

February 2006
Revised October 2006

VOLUME 1

ESI File: LB03027.60R

Prepared By:

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The undersigned has reviewed this Final Engineering Report of Remedial Services and certifies to BX Parkview Associates, LLC that the information provided in this document is accurate as of the date of issuance by this office. Any and all questions or comments, including requests for additional information, should be submitted to the undersigned.

I certify that the Remedial Investigation Report and Remedial Action Workplan was implemented and that all activities were completed substantially in accordance with the Department-approved Remedial Investigation Report and Remedial Action Workplan and were personally witnessed by a person under my direct supervision.

Paul H. Ciminello
President

Robert M. Capowski, PE
Project Engineer

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1.0 INTRODUCTION

1.1 Purpose

This Final Engineering Report of Remedial Services (Report) summarizes relevant environmental restoration services performed by Ecosystems Strategies, Inc. (ESI) to satisfy the New York State Department of Environmental Conservation (NYSDEC) approved Remedial Investigation Report and Remedial Action Workplan (RIR/RAWP). All work outlined in this report was performed by ESI, authorized subcontractors and independent contractors working directly for BX Parkview Associates at the Parkview Commons Development Site, located at 421-435 East 160th Street, 426-440 East 161st Street, and 865-877 Elton Avenue, Borough of Bronx, Bronx County, New York. The work summarized in this Report was performed to address known environmental contamination identified by ESI during previous investigations of the property, conducted from 2003 to the present.

The specific purpose of this Report is to satisfy the requirements set forth in the NYSDEC Brownfield Cleanup Program (BCP) and to document all remedial activities performed on the subject property. Remedial activities (see Section 2.0) were deemed necessary based upon information obtained from prior fieldwork, which revealed the presence of several underground storage tanks (USTs), and documented pesticide, metal and petroleum hydrocarbon contamination in localized on-site soils and groundwater. This Report: 1) describes each response action specified in the RIR/RAWP and details all activities necessary to satisfy the RIR/RAWP; (2) provides all laboratory data, manifests, well logs and other documentation generated during the satisfactory completion of these response actions; (3) specifies any variations or deviations from the recommended response actions inclusive of any correspondence with the NYSDEC; and, (4) provides conclusions and recommendations regarding remaining environmental conditions.

1.2 Site History

A Phase I Environmental Site Assessment (Phase I) of the Site performed by ESI in March 2003 indicated that the structure formerly located on Lot 16 (northern portion of the Site) was historically used as a gasoline station/automotive service facility, and Lot 25 (southern portion of the Site) had been used as a carpenter's shop, an unspecified "factory", and most recently for residential purposes. Ground Penetrating Radar (GPR) surveys were completed on Lot 25 in May 2004 and Lot 16 in June 2004, confirming the potential presence of underground storage tanks (USTs) in those areas. A Phase II Environmental Site Assessment (Phase II Report) was performed by ESI from June through August 2004. The Phase II ESA was focused on the area of the former service station. Field evidence of petroleum contamination was identified (i.e., odorous soils) in soil borings and test pits, and petroleum hydrocarbons were documented at concentrations exceeding TAGM # 4046 levels. Based on these findings, a spill event (#0407340) was reported to the NYSDEC.

In December 2004, ten, 550-gallon, gasoline USTs were removed from the former service station area (Lot 16). One, approximately 500-gallon fuel-oil tank was encountered during excavation on Lot 25. No evidence of petroleum-impacted soil was observed in the area of the tank. A Tank Closure Site Assessment (TCSA), dated January 2005, was issued by ESI regarding these tanks.

1.3 Limitations

This written analysis is a summary of fieldwork activities conducted at the Parkview Commons Development Site and is not relevant to any other property. It is a representation of the property analyzed as of the respective dates of fieldwork. This Report cannot be held accountable for activities or events resulting in contamination after the dates of fieldwork. Services summarized in this Report were performed in accordance with generally accepted practices and established NYSDEC protocols. Unless specifically noted, the findings and conclusions contained herein must be considered not as scientific certainties but as probabilities based on professional judgment.

1.4 Site Location and Description

The Site as defined in this Report consists of nine tax parcels (Borough of Bronx Tax ID: Block 2382, Lots 16, 20, 22, 23, 24, 25, 27, 28, and 30) located south of East 161st Street, west of Elton Avenue and north of East 160th Street (see Site Location Map, Appendix A). All nine parcels are the subject of this investigation.

Metes and Bounds

Beginning at a point (POB) at the corner of East 161st Street and Elton Avenue (40°49'24.94" N and 73°54'44.51" W), thence N67.8W 9.09 poles, thence S20.5W 3.94 poles, thence N67.5W 1.33 poles, thence S20.5W 1.52 poles, thence N67.5W 1.70 poles, thence S20.5W 6.67 poles, thence S67.5E 12.12 poles, thence N20.5E 12.12 poles direct to the POB.

1.5 Previous Environmental Investigations

1.5.1 Phase I Environmental Site Assessment (Phase I)

A Phase I issued by ESI in May 2003 identified several recognized environmental conditions at the Parkview Commons property, including the former use of Lot 16 as a filling station. A blueprint contained in Borough of Bronx Building Department records for the subject property depicted four, 550-gallon gasoline underground storage tanks (USTs), and a vaulted 275-gallon waste-oil UST. Historic records indicated the presence of several single-family residences, mixed residential and commercial structures, and multi-family residences on the subject property from the late 1800s until the late 1990s. The Phase I concluded that the potential exists for the presence of buried petroleum storage tanks and construction and demolition debris in the subsurface. A GPR survey of the property and soil borings in the vicinity of the suspected UST locations was recommended.

1.5.2 Workplan for Subsurface Investigation (Workplan)

A Workplan was issued by ESI in September 2004, and detailed methodology for the investigations recommended in the Phase I. These investigations are described below.

1.5.3 Phase II Environmental Site Assessment and Draft Remedial Action Workplan (Phase II Report)

ESI's subsequent environmental investigation of the Site is documented in the Phase II Report dated October 2004. The Phase II Report described the extension of 20 soil cores and test pits at various locations throughout the Site to document the presence or absence of subsurface soil contamination. In addition, a test pit trench was extended for the length of that portion of the Site formerly used as a gas station. Finally, two ground penetrating radar (GPR) surveys were

conducted to confirm the presence or absence of on-site USTs. The Phase II Report concluded that approximately eight USTs were located along 161st Street between Elton Avenue and the vacant garage building (see the Proposed Remedial Activities Map, in Appendix A).

Field evidence and analytical data supported the conclusion that petroleum contaminated soil was present in the vicinity of the USTs. Contaminant levels were low, but obvious odors indicated that soils in the vicinity of the USTs would need to be managed as petroleum contaminated wastes. Based on the laboratory data from submitted samples as well as field observations, the total volume of impacted soils was estimated at between 200 and 250 cubic yards. Contaminated soils were considered by ESI to be subject to NYSDEC regulations and therefore a spill report was made. Spill # 04-07340 was assigned to this Site.

1.5.4 Tank Closure Site Assessment and Spill Closure Report (TCSA)

A TCSA was issued by ESI in January 2005, chronicling on-site tank removal activities and subsequent endpoint sampling. Ten (10), 550-gallon capacity USTs were located in a north south orientation approximately 15 feet south of the northern property border (East 161st Street) near the fenced entrance to the Site, and were satisfactorily removed. The tanks were properly drained of all remaining product, cleaned, and disposed of off-site. Excavation services and tank disposal services were provided by Island Pump and Tank, Inc. Tank pump-out and waste disposal services were provided by Envirowaste, Inc.

Approximately 125 cubic yards of visibly contaminated soil was excavated from the tank grave. The contaminated soils were pursued until visibly clean endpoints were documented by field personnel. Excavation of the tank grave was extended until bedrock was reached at approximately eight feet below surface grade. Contaminated soils were stockpiled on and under two layers of 6-mil poly sheeting, and subsequently removed by Allied Environmental Group, Inc. Groundwater was not observed at the floor of the excavation nor was any groundwater observed seeping in from the walls of the excavation at any time during fieldwork. Ten confirmatory endpoint samples were collected from the walls and floors of the gasoline UST excavation.

Laboratory analysis identified no concentrations of VOCs exceeding guidance values (i.e., TAGM levels), however several VOCs were detected at concentrations below guidance values. Minor exceedances of NYSDEC guidance values for PAHs were present in several samples. Given that these soils were scheduled to be capped by the proposed structure, and they will thus not come into human contact, Spill # 04-07340 was closed by the NYSDEC (see Appendix H).

An additional, estimated 500-gallon, fuel-oil tank was encountered on Lot 25 on December 27, 2004, intermixed within debris used to fill in the basements of the former on-site residential structures. This tank was empty, and showed many dents and holes. No soils were encountered around the tank and no elevated PID readings were noted. The tank was found in an area of building debris, (e.g. bricks, other non-putrescable fill) indicating that this tank had likely been an aboveground storage tank (AST) in the basement of a former structure. The absence of any contamination supported the conclusion that the AST was drained of all usable product and was buried during building demolition. The tank was excavated, temporarily stored on and under two layers of 6-mil poly sheeting, and later disposed of accordingly.
Excavation was extended in the vicinity of a purported waste-oil tank and no evidence of a tank or petroleum-contaminated soil was encountered (see Tank Closure Fieldwork Map, in Appendix A). Complete laboratory results are provided in Appendix E.

1.5.5 Remedial Investigation Report/Remedial Action Work Plan (RIR/RAWP)

A RIR/RAWP, issued by ESI in May 2005, documented the collection of multiple soil samples in the vicinity of the proposed courtyard (borings B-1 through B-6), from beneath the slab of the former, automotive repair shop (test pit TP-7) and throughout the southern portion of the Site (test pits TP-1 through TP-6). Soil samples collected in the vicinity of the courtyard were collected from both the uppermost 0-4 inches of soil and from a depth of 36-40 inches. The samples identified elevated levels of metals, pesticides, and PAHs in the courtyard area, as well as elevated concentrations of PAHs in test pits extended in the southwestern portion of the site (consistent with previous characterizations of on-site fill material).

ESI personnel coordinated and supervised the collection of ten soil gas samples (SGS-1 through SGS-10) throughout the Site. Seven samples (SGS-1 through SGS-4 and SGS-8 through SGS-10) were collected within the footprint of the proposed building; the remaining three samples were collected from the proposed parking area and courtyard. Soil gas samples were collected in order to evaluate the potential for exposures and to identify appropriate remedial actions. Soil gas samples collected throughout the site indicated the presence of high levels of VOCs, including both gasoline related compounds and chlorinated solvents (see the Distribution of Soil Gas Map, in Appendix A).

ESI personnel supervised the installation of four on-site groundwater-monitoring wells (MW-1 through MW-4) by Talon Drilling Co. Only three of the wells were determined to be usable. Two wells were located in the area of the former service station (one is south of the former structure, the other at the southeastern terminus of the former UST grave). The two other wells were in the area of former on-site structures (one along the eastern margin of the Site, and the other at the southwest corner of the Site). These four sampling points were selected based on the priori estimate that groundwater flows in a southwesterly direction. No VOCs or PAHs were detected in any of the groundwater samples obtained from the three remaining monitoring wells (MW-1, MW-2 and MW-4).

The Remedial Action Workplan portion of the RIR/RAWP noted the following proposed remedial actions:

1. Excavation and off-site disposal of pesticide-contaminated soils present in the central portion of the Site. Post-removal testing will be used to confirm the absence of remaining pesticide-contaminated soils.

2. Excavation and off-site disposition of fill material present within the footprint of the building. Testing of this stockpiled material will determine disposition procedures for the waste (i.e., removal as hazardous, non-hazardous or exempt material).

3. Excavation and off-site disposition of additional soils outside of the footprint of the building which are currently known or through future testing are subsequently determined to contain contaminated levels (e.g., metals, PAHs) that exceed TAGM guidance values. Post-excavation sampling will be used to confirm the absence of TAGM exceedances in remaining soils.

4. Installation and integrity testing of a vapor extraction system (VES) and a determination as to the system's necessity.

5. Replacement of groundwater monitoring wells and periodic testing of groundwater to document on-site water quality.

Additionally, the RIR/RAWP noted the following criteria assessment:

Short Term Effectiveness: The Proposed Remedial Actions are considered to be effective in protecting human health and the environment in the short term. These Actions would involve the removal of all contaminated soils, and would eliminate exposure to contaminant sources. The implementation of appropriate measures during on-site soil disturbance activities (i.e., dust monitoring and dust control) is likely to effectively prevent the release of significant contaminants into the environment. Construction workers operating under appropriate management procedures are not likely to be significantly impacted by on-site contaminants (personal protective equipment would be worn consistent with the documented risks within the respective work zones for these closure projects).

Long Term Effectiveness: The Proposed Remedial Actions would remove the on-site sources of contamination and remove future concerns with regard to potential RECs. Future threats to human health and the environment will be eliminated.

Feasibility: It is technically feasible to excavate impacted soils from the Site. The Site has reasonably clear access roads for trucks to enter and exit and sufficient space for the loading and unloading (including temporary stockpiling) of materials. The Site not steeply graded.

There are minimal long term administrative issues and activities.

Compliance with Standards, Criteria and Guidance Values (SCG): The Proposed Remedial Actions remove known sources of contamination and associated contaminated soil from the Site. Post-remedial conditions would meet or exceed cleanup requirements.

Overall Protection of Human Health and the Environment: The Proposed Remedial Actions provide for the protection of human health and the environment in both the short and long term.

Reduction in Toxicity, Mobility and Volume: The Proposed Remedial Actions will eliminate all on-site material considered to be contaminated.

Community Acceptance: The Proposed Remedial Actions provide the community with the opportunity to transform this Site from abandoned property to productive real estate and therefore achieves the community's overall objective for this Site. A Participant in the Site redevelopment project is Nos Quedamos, a community service organization. Therefore, there is widespread community support for this Project.

1.6 Brownfield Program Status

BX Parkview Associates submitted an application to enter the NYSDEC BCP on March 19, 2004, and a response from the NYSDEC dated April 6, 2004 acknowledged the completion of the BCP application. A public comment period was opened for the application for thirty days from April 14, 2004, through May 14, 2004. An executed Brownfield Site Cleanup Agreement was issued for the site, dated February 10, 2005. Relevant correspondence can be found in Appendix H. The RIR/RAWP was issued in March 2005 and revised for acceptance in May 2005.

1.7 Schedule

The following schedule was followed and summarizes the completion of all remedial activities. Work began in April 2005 and was completed in January 2006.

Month	Remedial Activities
April 2005	Site preparation work Secured contractors
May 2005	Implementation of CAMP Excavation of pesticide-contaminated soil Excavation of urban fill
June 2005	Continued implementation of CAMP Excavation of urban fill Removal of pesticide-contaminated soil Remediation of urban fill Soil sampling of remaining soils
July 2005	Continued implementation of CAMP Removal of urban fill soils Removal of rock Removal of hydraulic lift
August 2005	Continued implementation of CAMP Removal of urban fill soils Installation of subslab vapor barrier and VES (subslab portion only) Importation of crushed stone
September 2005	System testing of VES
October 2005	No remedial work; on-going site construction
November 2005	No remedial work; on-going site construction
December 2005	Installation of barrier layer in courtyard
January 2006	Restart of CAMP Installation of interior portion of VES Removal of soil in parking area Installation of barrier layer in parking lot

All necessary local and state permits were secured by the Site Owner prior to the initiation of remedial work. A complete list of permits is included as Attachment K.

A detailed description of all costs incurred by the Owner to properly and completely implement the RAWP is provided as Attachment J.

1.8 Status Memos

Daily status memos were prepared by ESI personnel and submitted via email to NYSDEC and NYSDOH (5/24/05 through 7/12/05). Occasionally, the daily status memos were consolidated into weekly status memos (7/11/05 through 8/22/05, and 11/28/05). Generally, the status memos included the following information:

- Date, weather conditions, and on-site personnel;
- Any remedial activities that occurred on-site during the reporting period;
- IDs and description of any samples collected during the reporting period;
- Dust monitor status and any exceedances that occurred during the reporting period; and,
- Background PID readings and any additional comments.

1.9 Site-Specific Clean-up Objectives (SSCOs)

The RAWP, as proposed and accepted, was designed to remove all known contaminants present on the Site, i.e., meeting "Track 1" or TAGM clean-up levels for all constituents of concern. During the course of site development/remediation, soil test data and field observations supported the conclusion that certain contaminants, particularly metals and polycyclic aromatic hydrocarbons (PAHs) were present in soils that were either inaccessible or technically infeasible to remove. As such, ESI in consultation with the NYSDEC, designed site specific clean-up objectives (SSCOs) for specific constituents. These SSCOs were set in consideration of the depth of documented contamination, the immobility of the constituent of concern, and the provision of a future barrier layer on top of these constituents. The Table below summarizes the SSCOs for the Site. The data summarized in the Table is provided for each compound in Appendix B.

Table: Site Specific Clean-up Objectives (SSCOs) for Track IV Clean-up
(Generic Restricted Use SSCOs derived from NYSDEC draft Part 375 regulations)
All levels are in parts per million

Parameter	Range (Low-High)	TAGM	Proposed SCO	Reference
c-PAHs (benzo(a)pyrene equivalent)	ND-3.4	varies	5	Site Specific Clean-up Objective
METALS				
Barium	11 - 1,020	(SB) 300 ppm	600	Site Specific Clean-up Objective
Lead	3 - 1,980	400 ppm	1,000	Site Specific Clean-up Objective
Zinc	39-869	50 ppm	500	Site Specific Clean-up Objective
Cadmium	0.94-1.8	1 ppm	2.0	Site Specific Clean-up Objective
Mercury	ND-0.7	0.2 ppm	1.0	Site Specific Clean-up Objective
PESTICIDES				
4,4'DDT	ND-2.5	2.4	2.5	Site Specific Clean-up Objective
Chlordane	ND-0.7	0.54	0.71	Site Specific Clean-up Objective

2.0 Summary of Remedial Activities

The following is a summary of the remedial activities conducted on the Site. Remedial services have been broken down into six separate tasks. The tasks are generally listed in chronological order, are discussed in detail, and correspond directly to the NYSDEC-approved RIR/RAWP. Each section describes the approved task as defined by the RIR/RAWP, the specific remedial actions completed, and any deviations from the RIR/RAWP.

2.1 Summary of Services

ESI conducted the following remedial services on the Site, in accordance with the NYSDEC approved RIR/RAWP:

- Excavation and off-site disposal of pesticide-contaminated soils present in the central portion of the Site. Post-removal testing was used to confirm the presence or absence of remaining pesticide-contaminated soils. See Section 2.2, below.

- Excavation and off-site disposition of fill material present in the footprint of the building. Testing of this stockpiled material determined disposition procedures for the waste (i.e., removal as hazardous, non-hazardous or exempt material). See Section 2.3, below.

- Excavation and off-site disposition of additional soils outside the footprint of the building which were known or through testing were subsequently determined to contain compounds of concern (e.g., metals, PAHs) at concentrations that exceed TAGM guidance levels. See Section 2.3, below.

- Replacement of groundwater monitoring wells and periodic testing of groundwater to document on-site water quality. See section 2.4, below.

- Implementation of a Community Air Monitoring Plan including the monitoring and suppression of fugitive dust migration. See Section 2.5, below.

- Installation of soil barrier layer, demarcation layer, importation of certified clean fill, and installation of asphalt cap on remaining exposed soils. See Section 2.6, below.

- Installation and integrity testing of a vapor extraction system and a determination as to the system's necessity. See Section 2.7, below.

- Preparation of a Site Management Plan to properly manage all known environmental conditions remaining on the Site after the completion of Site development. See Section 2.8, below.

Each task is described below, including relevant field observations, analytical data, disposal manifests, and other supporting documentation.

All samples collected for chemical analysis to document site integrity were submitted to Severn Trent Laboratories, Inc. (STL), a New York State Department of Health certified laboratory (ELAP Certification Number 10142 and 10602), in accordance with NYSDEC sample collection protocols.

Relevant photographs of remedial activities are provided in Appendix C.

2.2 Excavation and Disposal of Pesticide-Contaminated Soil

2.2.1 Approved Task (RIR/RAWP)

Soils from the central portion of the Site exhibiting concentrations of pesticides above NYSDEC established soil clean-up criteria (as specified in the RIR/RAWP) were identified for removal and off-site disposition. Post-excavation confirmatory sampling was conducted to confirm the presence or absence of remaining contaminated soils.

2.2.2 Specific Remedial Actions Completed

2.2.2.1 Pre-Excavation Soil Sampling

Soils containing pesticide concentrations in excess of NYSDEC established guidance values established in the RIR/RAWP were identified in the central portion of the Site. Six (6) of the twelve (12) samples (50%) submitted for pesticide analysis contained one or more pesticides in excess of established guidance values. All of the samples submitted for analysis contained at least trace concentrations of one or more pesticides.

Peak concentrations of dieldrin (290 ppb) and 4,4'-DDT (4,100 ppb) were detected at B-2 (36-40 inches), exceeding the guidance values of 44 ppb and 2,100 ppb, respectively. A peak concentration of chlordane (1,400 ppb) was detected at B-3 (36-40 inches), exceeding the guidance level of 540 ppb. A peak concentration of aldrin (48 ppb) was detected at B-5 (0-4 inches), exceeding the guidance level of 41 ppb. Trace concentrations of 4,4'-DDE were detected in all samples. Alpha-BHC, delta-BHC, endrin and toxaphene were not detected in any of the samples

2.2.2.2 Pesticide-Contaminated Soil

Euro Excavation Inc. (project excavation contractor) was retained by BX Parkview Associates to excavate soil material from this area, the approximate current location of the Courtyard Area (see Proposed Site Remediation Map in Appendix A). ESI identified the perimeter to be excavated and directed excavation, stockpiling and disposal activity. Post-excavation soil sampling was the responsibility of ESI. On May 24, 2005, approximately 100 cubic yards of non-hazardous pesticide-contaminated soil was stockpiled on two layers of 6-mil polyurethane sheeting and covered with two sheets of 6-mil sheeting. Soils were generally composed of medium, brown sands with brick and other household debris. Excavation involved digging to depths ranging from approximately five feet below surface grade (bsg) to six inches bsg (where bedrock refusal occurred). No backfilling or restoration work was completed in the excavated areas following soil removal activity.

2.2.2.3 Post-Excavation Soil Sampling

Post-excavation confirmatory soil sampling was completed on May 24, 2005 to provide a profile of post-remedial soil conditions. Twelve (12) grab soil samples were collected at distinct locations from the walls and base of the excavation area and submitted for analysis of pesticides utilizing USEPA Method 8081 and TAL Metals using USEPA Method 6010. All soil samples contained detectable concentrations of pesticides; however, only six (6) samples exhibited concentrations of pesticides above the NYSDEC recommended soil cleanup criteria. These samples were collected from the eastern wall (two samples), the southern wall (two samples) and the eastern end of the base (two samples). Therefore, an additional 50 cubic yards (approximate) was excavated from the eastern portion of the excavation area on May 27, 2005 in order to remove all pesticide contaminated soils. Four additional endpoint samples (two from the

east wall, one from the south wall, and one from the base identified in the chain of custody as "ZEPS-1", "ZEPE-1", "ZEPE-2", and "ZEP-B") were collected from the excavation area and analyzed for pesticides, polycyclic aromatic hydrocarbons (PAHs) using USEPA Method 8270, and TAL Metals. All four samples contained no detectable concentrations of pesticides. See Tables 1, 2, and 3 , in Appendix B. PAH concentrations detected in this sampling round were consistent with Track 4 cleanup levels. The presence of elevated PAHs in fill soils represented a practical difficulty in achieving Track I clean-up levels. Site-specific clean-up objectives (SSCOs) were determined in conjunction with the NYSDEC. Any soils present on the Site which exceeded these SSCOs (identified as appropriate in the text below) are located in areas that are inaccessible and are below the building or the on-site cap. See Table 5, in Appendix B.

The total area excavated as pesticide contaminated soil is represented on the "Remedial Activities Map" Pesticide Area Detail", Appendix A. A cross-section showing the depth of excavation is provided on the Map (see Appendix A). Allied Environmental Group, Inc was retained by BX Parkview Associates to dispose of this material. 222.6 tons of pesticide-contaminated soil was removed from the site on June 22, 2005 and hauled to Clean Earth of Philadelphia, located at 3201 South 61st Street, Philadelphia, Pennsylvania for disposal. Soil Disposal Manifests are included in Appendix D.

2.2.3 Deviations from RIR/RAWP

No deviations occurred from the RIR/RAWP.

2.3 Excavation and Removal of Fill Material

2.3.1 Approved Task (RIR/RAWP)

Soil material exhibiting petroleum (PAH) and metals contamination was identified beneath the former automotive repair shop (demolished in November 2004) during the Phase II Report dated October, 2004, and the TCSA dated January, 2005. This material, along with remaining on-site fill material is to be removed and stockpiled. Testing of the stockpiled material will determine disposition procedures for the waste (i.e. removal as hazardous, non-hazardous or exempt material). Post-excavation confirmatory sampling will confirm the presence or absence of remaining contaminated soils. Surface material such as concrete, metal, and other miscellaneous materials are to be removed and stockpiled or properly disposed of off-site as exempt waste.

2.3.2 Specific Remedial Actions Completed

Euro Excavation Inc. (project excavation contractor) was retained by BX Parkview Associates to excavate soil material from this area. Beginning on May 24, 2005 and taking place through December, approximately 7,200 tons of on-site fill material was excavated, stockpiled, and removed from the Site. Stockpiled material was removed from the site by Allied Environmental Group, Inc and/or Metro Environmental Contracting Corp. and hauled to Clean Earth of Philadelphia located at 3201 South 61st Street, Philadelphia, Pennsylvania, and/or Soil Safe Inc. located at 378 Route 130, Logan Township, New Jersey. Due to the abundant presence of on-site fill material, excavations were extended to bedrock at depths ranging from one-half foot to 12 feet bsg.

Soil Repository	Quantity of Soil (Tons)
Clean Earth of Philadelphia 3201 South 61st Street Philadelphia, PA	6042.59 (138 truck loads)
Soil Safe Inc. 378 Route 130 Logan Township, New Jersey	1151.40 (26 truck loads)

2.3.2.1 Initial Excavation (Basement Area)

The main area of fill removal occurred in the initial excavation (basement) area of the structure (see the Remedial Activities Map, Fill Excavation Detail in Appendix A). This area is located on the southern portion of the property (parallel to Elton Avenue), with dimensions of approximately 125' x 25'. The excavation was extended to bedrock, which ranged from approximately 8 to 12 feet bsg. Fill material generally consisted of medium, brown sands, and contained various proportions of brick and other household debris.

Stained soil material exhibiting petroleum contamination was encountered in the southern portion of the basement area on May 24, 2005 (see the Remedial Activities Map, in Appendix A). This soil was initially observed at the bedrock interface at approximately 10 feet bsg. Approximately one cubic yard of stained material was stockpiled on two layers of 6-mil plastic sheeting. After rock breaking occurred in this area, additional material exhibiting evidence of petroleum contamination was observed at the groundwater interface at approximately 17' bsg. Approximately 20 cubic yards of stained material was added to the previously existing stockpile pending waste profiling and disposal. This material (16.97 tons) was characterized and subsequently removed from the Site by Allied Environmental Group, Inc. on June 22, 2005. Soil Disposal Manifests are included in Appendix D.

Post-excavation confirmatory and waste characterization soil sampling was completed for the area exhibiting evidence of petroleum contamination. Eight grab soil samples were collected from this area subsequent to excavation and were submitted for analysis of VOCs using USEPA Method 8260 and PAHs using USEPA Method 8270. No VOCs reasonably associated with environmental contamination were detected above minimum detection limits in any of the samples submitted for analysis. Acetone and methylene chloride were detected at trace levels, which is likely the result of laboratory activities. Concentrations of several PAHs above established guidance values were detected in three of the eight samples collected. Two samples exhibited evidence of either one or two PAHs slightly above their (low) respective guidance values. Given the location of the stained material (bedrock), no further removal of waste materials could occur. See Tables 6 and 7 in Appendix B.

2.3.2.2 Additional Soil Removal

Additional soils located within the footprint (outside of the basement area) of the structure were excavated and added to the existing stockpile. During these additional soil removal activities, a hydraulic lift was discovered in the area formerly occupied by the automotive repair shop. Approximately two gallons of liquid was removed from the lift by Luzon Environmental Services Inc. on July 18, 2005. The lift was subsequently removed and disposed of as exempt material. No significant evidence of a release was observed during removal activities.

The approximate location of this former hydraulic lift is provided in the "Remedial Activities Map" Pesticide Area Detail", Appendix A. A cross-section showing the depth of excavation is provided on this Map.

2.3.2.3 Post-Excavation Soil Sampling

Post-excavation confirmatory soil sampling was completed for the excavation activity occurring within the footprint of the structure in two stages. Nine (9) grab soil samples were collected at distinct locations from the walls and base of the basement area and the portion of the structure parallel to E. 160th Street on August 8, 2005, and eight (8) grab samples were collected from the walls and base of the eastern wing of the structure on August 24, 2005. Additional soil was removed from the southwest corner of the Site, in the area of FEP-1 and FEP-9. All samples were submitted for analysis of PCBs using USEPA Method 8082, TAL Metals using USEPA Methods 6010 and 7471, pesticides using USEPA Method 8081, VOCs using USEPA Method 8260, and semi-volatile organic compounds (SVOCs) using USEPA Method 8270.

All seventeen (17) of the soil samples exhibited total PCB concentrations below the established guidance level for subsurface soils (10,000 ppb). Concentrations ranged from non-detect to 269 ppb, with an average PCB concentration of 73 ppb. One (1) wall sample (FEP-2) exhibited lead concentrations above the site-specific clean-up objective for lead of 1,000 ppm. This soil represents soils underlaying East 160th Street and is therefore inaccessible for removal. Concentrations ranged from 3 ppm to 2,090 ppm, with an average lead concentration of 509 ppm. No soil samples contained levels of mercury above the SSCO of 1.0 for mercury. Two (2) samples exhibited concentrations of chlordane and dieldrin above their respective guidance values of 540 ppb and 44 ppb. Concentrations of chlordane ranged from non-detect to 710 ppb, and dieldrin concentrations ranged from non-detect to 96 ppb. Average concentrations of chlordane and dieldrin were 178 ppb and 20 ppb, respectively. One (1) sample exhibited concentrations of 4,4'-DDT at 2,500 ppb (guidance level of 2,100 ppb). No VOCs were detected above guidance values. See Laboratory Data Tables in Appendix B and the Remedial Activities Map in Appendix A. Soils containing elevated levels of PAHs are present throughout the Site but are located under a barrier layer or under the on-site building. Of specific concern at this Site were levels of carcinogenic PAHs ("c-PAHs") which range from non-detected to a highest aggregate concentration (benzo(a)pyrene equivalent) of 3.41 ppm. All on-site c-PAH aggregate concentrations are below the SSCO of 5 ppm.

2.3.2.4 Parking Lot Area

The remainder of the property is proposed to be an asphalt-paved parking area (see the Remedial Activities Map, in Appendix A). A drainage collection basin area (approximately 20' x 30' x 9') was excavated on November 28, and November 29, 2005. Approximately 75 cubic yards of fill material was excavated from this area and stockpiled directly adjacent to the excavation pit. Plastic was not laid beneath this stockpile due to the similar nature of surface soils in the vicinity of the drainage basin area, and the subsequent removal of these surface soils for disposal. The drainage basin was constructed within the excavation pit during the two-week period of November 28 to December 9, 2005. Following the construction of the drainage basin, the excavation pit was backfilled with stockpiled material, and the top two feet (where applicable) of surface soil was scraped from the parking area and added to the existing stockpile. Approximately 490 tons of on-site fill material was removed from the site by Allied Environmental Group, Inc. on December 15, 16, and 20, 2005. One foot of crushed stone (where applicable) underlain by a fabric meshing that serves as a demarcation layer was laid across the parking area. This area was subsequently paved with asphalt (see Section 2.6, below).

2.3.2.5 Waste Characterization

All fill material was stockpiled and characterized as non-hazardous petroleum contaminated soils. Four (4) samples (DSP-1 through DSP-4) were submitted to STL for characterization; an additional stockpile sample (SP) was submitted to York Analytical Laboratories (ELAP # 10854). Concentrations of several PAHs (benzo(a)anthracene, benzo(a)pyrene, chrysene, and dibenzo(a,h)anthracene) were identified above guidance values in samples SP, DSP-1, DSP-2, DSP-3, and DSP-4. Complete laboratory results are provided in Appendix E. Laboratory Data Tables are provided in Appendix B.

2.3.2.6 Bedrock Removal

Approximately 1,200-1,500 cubic yards of bedrock (approximately 38 truck loads) was broken and removed from the site as exempt material. All bedrock removed from the site was screened for visual evidence of contamination and transported to Evergreen Recycling of Corona, located at 12902 Northern Boulevard, Queens, New York. Bedrock was primarily removed from the basement area of the site. Bedrock was encountered at 8 to 10 feet bsg and was broken to depths of approximately 15 to 19 feet bsg.

2.3.3 Deviations from RIR/RAWP

York Analytical Laboratories, Inc. were used for the analysis of one sample during the waste characterization of the fill material stockpile. No category B deliverables were provided. The soils tested by York were removed from the Site. No other deviations have occurred from the RIR/RAWP.

2.4 Groundwater Sampling and Analysis

2.4.1 Approved Task (RIR/RAWP)

Four on-site groundwater monitoring wells are to be relocated and quarterly groundwater samples are to be collected and analyzed. This includes: the relocation of MW-1 and MW-2 to the sidewalk of Elton Avenue (identified as MW-1R and MW-2R); the installation of a new, down-gradient well on East 161st Street (identified as MW-5); the closure of MW-3; and, the proper development of MW-1R, MW-2R, and MW-5 and quarterly sampling of all wells for VOCs, SVOCs, and dissolved metals (see the Remedial Activities Map in Appendix A).

2.4.2 Specific Remedial Actions Completed

Previously existing, on-site groundwater monitoring wells have been removed (with the exception of MW-4). It is anticipated that this task will be accomplished at the completion of site re-development and construction (Spring 2006). Updates to this Report will be provided upon completion of individual tasks.

2.4.3 Deviations from RIR/RAWP

As per communication with the NYSDEC, all groundwater sampling and analyses activities, including the relocation of groundwater monitoring wells have been placed under the guidance of the Site Management Plan.

2.5 Implementation of a Community Air Monitoring Plan (CAMP)

2.5.1 Approved Task (RIR/RAWP)

Air monitoring of fugitive dust is to be conducted on the site at all times when original soils are being disturbed. Air monitoring is to be conducted consistent with the NYSDEC approved Community Air Monitoring Plan (CAMP).

2.5.2 Specific Remedial Actions Completed

ESI personnel were present during all soil disturbance activities to perform particulate monitoring and to implement appropriate response actions (as warranted), in accordance with the Site's CAMP. Particulate monitoring was performed using real-time monitoring equipment. Thermo MIE Personal Data RAM-1000s (PDR) were utilized for this project, and are capable of measuring particulate matter less than 10 micrometers in size (PM-10) and integrating data over a period of 15 minutes for comparison to the airborne particulate action level. In addition, fugitive dust migration was visually assessed during all work activities.

Each weekday morning, ESI personnel arrived on-site and placed a PDR at each of three temporary particulate monitoring stations located at the perimeters of the immediate work area. PDR-A, PDR-B, and PDR-C were each placed in the same respective area for consistent and accurate data readings (PDR-A and PDR-C along East 160th Street and PDR-B along East 161st Street). Every fifteen minutes from the start of each PDR run, each monitor would take a reading (for Concentration, Time Weighted Average (TWA), Short Term Excursion Limit (STEL), and Maximum Detect), until soil disturbance activities ended, on each day (See the Remedial Activities Map in Appendix A for approximate locations of monitoring stations).

No substantive exceedances were noted by the monitoring reports; however, exceedances did occur as a result of specific on-site activities (i.e. exhaust from on-site vehicles, and rock dust during bedrock breaking). These exceedances are not the result of dust migration from a disturbance of on-site soils. Copies of all monitoring reports are included as Appendix F.

2.5.3 Deviations from RIR/RAWP

No deviations occurred from the RIR/RAWP.

2.6 Installation of Barrier Layer / Importation of Clean Soils

2.6.1 Approved Task (RIR/RAWP)

Clean fill/top soil is to be imported from a credible source (e.g., not from an adjacent parcel near the construction site). On-site soils will only be utilized for backfilling/grading purposes if they are tested and reveal that all contaminant concentrations are below TAGM guidance values. Specifically, soils imported to the Site shall be from an acceptable borrow source that is free of industrial wastes and/or other potential sources of chemical or petroleum contamination. In order to certify that soil from a specific source is free of contamination, a representative number of samples (as determined by soil volume) are to be analyzed for several parameters.
Soils that are confirmed to be non-hazardous (through TCLP analyses) and that meet TAGM recommended soil cleanup criteria (through total-weight analyses) are considered free of

contamination. All analyses must be performed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory. A valid ELAP certification number must be provided with all laboratory data. Soils intended for importation to the Site cannot otherwise be defined as a solid waste in accordance with 6 NYCRR Part 360-1.2(a).

2.6.2 Specific Remedial Actions Completed

Approximately 1,900 cubic yards of certified clean fill was imported on-site from Evergreen Recycling. This material was spread on various days during construction in the Summer of 2005. Clean fill was spread in the courtyard area, within the footprint of the portions of the structure parallel to E. 161st Street and E. 160th Street, and backfilled in and around the basement area and footings of the structure. Clean fill was analyzed by American Analytical Laboratories, LLC for the following parameters:

Total Weight Analysis:

VOCs	(USEPA Method 8260)
PAHs	(USEPA Method 8270)
TAL Metals	(USEPA Methods 6010 and 7471)
Pesticides	(USEPA Method 8081)
PCBs	(USEPA Method 8082)

Analysis by Toxicity Characteristic Leachate Procedure (TCLP):

VOCs	(USEPA Method 8260)
PAHs	(USEPA Method 8270)
RCRA Metals	(USEPA Methods 6010 and 7471)
Pesticides	(USEPA Method 8081)

All clean fill material imported to the site displayed concentrations of the above-referenced parameters below TAGM 4046 guidelines. Complete Laboratory Analyses are provided in Appendix G.

Approximately 210 cubic yards of certified clean fill was imported from Evergreen Recycling of Corona, located at 12902 Northern Boulevard, Queens, New York, and stockpiled in the Courtyard Area on December 14-16, 2005. The cap in the Courtyard Area (area of pesticide-contaminated material) has been completed, and is composed of two feet (where applicable) of certified clean soils, underlain by a plastic demarcation layer. Concrete pavers (2' x 2') will be placed on top of the clean fill material upon the completion of landscaping activities.

2.6.3 Deviations from RIR/RAWP

As per communications with the New York State Department of Health (NYSDOH) and the NYSDEC, the cap in the Parking Lot Area consists of asphalt, underlain by approximately one foot of crushed stone, clean fill, and a plastic demarcation layer.

2.7 Installation of Vapor Extraction System

2.7.1 Approved Task (RIR/RAWP)

As a supplemental preventative construction measure, a vapor barrier underlain by a vapor extraction system (VES) will be installed under the foundation of the building. The purpose of this barrier VES will be to eliminate the migration of vapors containing petroleum hydrocarbons into the building. A VES will be installed beneath the slab of the on-site building in order to intercept sub-slab vapors before they can enter the interior of the structure. The VES will consist of 4" PVC-piping running beneath the slab of the structure connected to six extraction points, each equipped with an in-line fan.

Three monitoring points will be installed throughout the building to confirm effective vacuum in the entire sub-slab. Vacuum data (as measured in inches of water) will be collected from the three monitoring points. Sufficient vacuum will be achieved if levels greater than 0.02 inches of water are measured at each monitoring point. Vacuum at levels below 0.02 inches may necessitate a regulation of flow from the respective extraction well.

2.7.2 Specific Remedial Actions Completed

The vapor barrier has been installed and consists of a 10 mil plastic liner. This barrier was underlain by a highly porous substrate (e.g., gravel). Four-inch PVC piping was installed according to a NYSDOH approved plan and was connected to vertical (extraction) pipes, which extend above the roofline. Three monitoring points have been installed throughout the building to confirm effective vacuum in the entire sub-slab. Fantech FR250 fans (rated at 563 CFM) have been connected to each vertical pipe to ensure the maintenance of vacuum under the building. Discharge points have been properly located above the roofline to minimize the likelihood of air emissions deteriously affecting indoor air quality via roof-mounted air intakes. At this time, it is anticipated that three extraction points will be required to effectively service this Site. As-built drawings (VES System Detail "A" and "B") showing the details of the extraction points and the rooftop systems are provided in Appendix A.

On September 27, 2005 six extraction points were sampled and submitted for analysis using USEPA Method TO-15. All six samples exhibited concentrations of several VOCs above the 75th percentile of indoor samples collected in New York State between 1997 and 2003. See the Laboratory Data Tables in Appendix B. Additionally, three monitoring points were created to confirm effective vacuum in each system. A magnehelic manometer was used to measure the vacuum at each monitoring point in inches of water. Sufficient vacuum was recorded at MP-1 (0.02 inches of water) and at MP-2 (0.06 inches of water). Minimal vacuum was recorded at MP-3; however, system effectiveness was confirmed with a smoke test.

2.7.3 Deviations from RIR/RAWP

No deviations have occurred from the RIR/RAWP. Continued monitoring of the VES will occur in accordance with the Site Management Plan (SMP).

2.8 Preparation of the Site Management Plan (SMP)

The site remediation activities implemented as part of the RIR/RAWP (summarized in Section 2.2 through 2.7 above) resulted in contaminants remaining on the Site. Specifically, the following known contamination remains on-site:

- Groundwater is known to contain low levels of dissolved VOCs, and low level exceedances of dissolved metals;
- Soils containing elevated PAHs are present in the vicinity of the portions of the structure located along Elton Avenue and 160th Street; and,
- Soil gas present beneath the building contains low levels of VOCs.

As a result of these remaining conditions, the Participant has prepared a SMP to properly manage these known environmental concerns. The SMP is provided as Appendix I.

The Site Owner is executing an Environmental Easement with the NYSDEC to identify areas on the Site where contaminants are present and to specify (by reference to the above-mentioned SMP) those future actions which will be taken in response to these known environmental conditions. The easement is provided as Appendix L.

3.0 CONCLUSIONS

This Report documents services completed to satisfy the Remedial Investigation Report/Remedial Action Workplan for the Parkview Commons Development Site located at 421-435 East 160th Street, 426-440 East 161st Street, and 865-877 Elton Avenue, Borough of Bronx, Bronx County, New York (BCP Site ID: C203014). Specifically, the following tasks were completed:

- Excavation and off-site disposal of 222.6 tons of pesticide-contaminated soils present in the central portion of the Site. Pesticide-contaminated soils were hauled to Clean Earth of Philadelphia, located at 3201 South 61st Street, Philadelphia, Pennsylvania for disposal. Post-excavation sampling documents on-site pesticide levels in accordance with Track 4 clean-up standards.

- Excavation and off-site disposition of fill material present in the footprint of the building and additional soils outside of the footprint, which were determined to contain elevated levels of PAHs. Post-excavation sampling that remaining soils are at or below the total PAH SSCO of 20 ppm for this Site, with the exception of off-site soils in the southeast portion of the Site (near FEP-2) and soils under the building in the northeast portion of the Site (near FEB-13). All remaining on-site soils meet the SSCO for total PAHs. Existing concentrations are in compliance with Track 4 clean-up standards.

- A barrier layer consisting of the imported, certified clean fill and asphalt is complete. The majority of on-site soils containing elevated PAHs, metals and other contaminants are below a minimum of two feet of clean soils and/or asphalt.

- A Vapor Extraction System (VES) has been installed under the slab of the on-site building, and extends to the roof of the on-site structure. The system design is considered adequate to intercept any vapors collecting under the building slab. Continued monitoring of the VES will occur in accordance with the Site Management Plan.

- Previously existing, on-site groundwater monitoring wells have been removed (with the exception of MW-4). As per communication with the NYSDEC, all groundwater sampling and analyses activities, including the relocation of groundwater monitoring wells have been placed under the guidance of the Site Management Plan. The relocation of three on-site groundwater monitoring wells and the collection and analysis of quarterly groundwater samples will occur at the completion of site re-development and construction. Samples will be collected for five consecutive quarters. Upon completion of this regimen, data will be reviewed and a determination of future sampling requirements will be made with the NYSDEC.

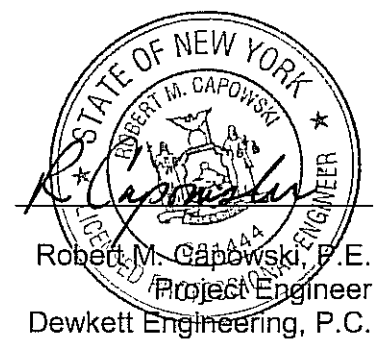
The presence of environmental conditions of concern on the Site after development necessitates the execution of an Environmental Easement (Attachment L) and a Site Management Plan (Attachment I). These instruments will permit the NYSDEC to ensure that the currently installed engineering controls are properly maintained for the protection of public health and the environment.

ENGINEERING CERTIFICATIONS

In accordance with the Environmental Conservation Law Title 14 Brownfield Cleanup Program certification requirements, Ecosystems Strategies Inc. (ESI) hereby certifies that all remedial elements described in this Final Engineering Report were completed in accordance with the approved Remedial Investigation Report and Remedial Action Workplan (RIR/RAWP). Deviations from the RIR/RAWP were based on specific on-Site conditions that were provided to NYSDEC during remedial action activities, and other agreements reached with NYSDEC, and standard engineering practices. All deviations from the RIR/RAWP are fully described in this Final Engineering Report.

Specifically, ESI certifies the following:

- All export including transport and disposal of soil, fill, water or other material from the property was performed in accordance with the RIR/RAWP, and were disposed at facilities licensed to accept this material in full compliance with all Federal, State, and local laws;
- All remedial activities were performed in accordance with the RIR/RAWP;
- All soil importation activities were conducted in accordance with the RIR/RAWP. All materials used for backfill met the TAGM 4046 Recommended Soil Cleanup Objectives (Appendix G contains documentation regarding clean fill soils);
- All air monitoring and dust suppression activities were conducted in accordance with the NYSDEC approved Community Air Monitoring Plan;
- Any 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 to Title 36 of Article 71 of ECL and that any affected governments, as defined in Title 36 of Article 71 of ECL, have been notified that such an easement has been recorded;
- A Site Management Plan has been submitted by ESI for the continual operation, maintenance, and monitoring of all engineering controls employed at the site, including the installation of new monitoring wells, and that this Site Management Plan has been approved by NYSDEC; and
- All remedial activities set forth in the RIR/RAWP have been conducted in accordance with the time frames established in the RIR/RAWP.



Robert M. Capowski, P.E.
Project Engineer
Dewkett Engineering, P.C.

APPENDIX A

Maps and Figures

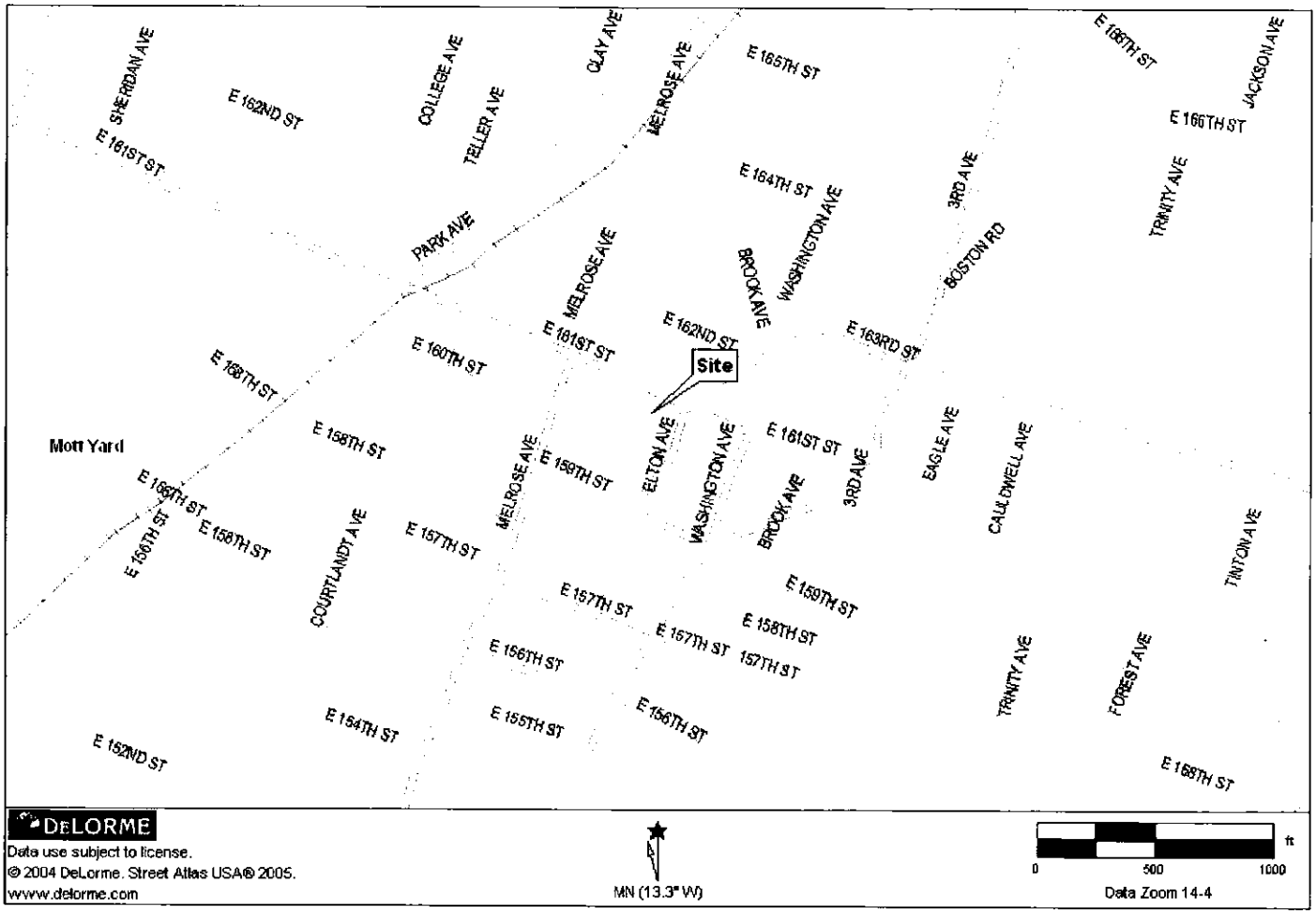


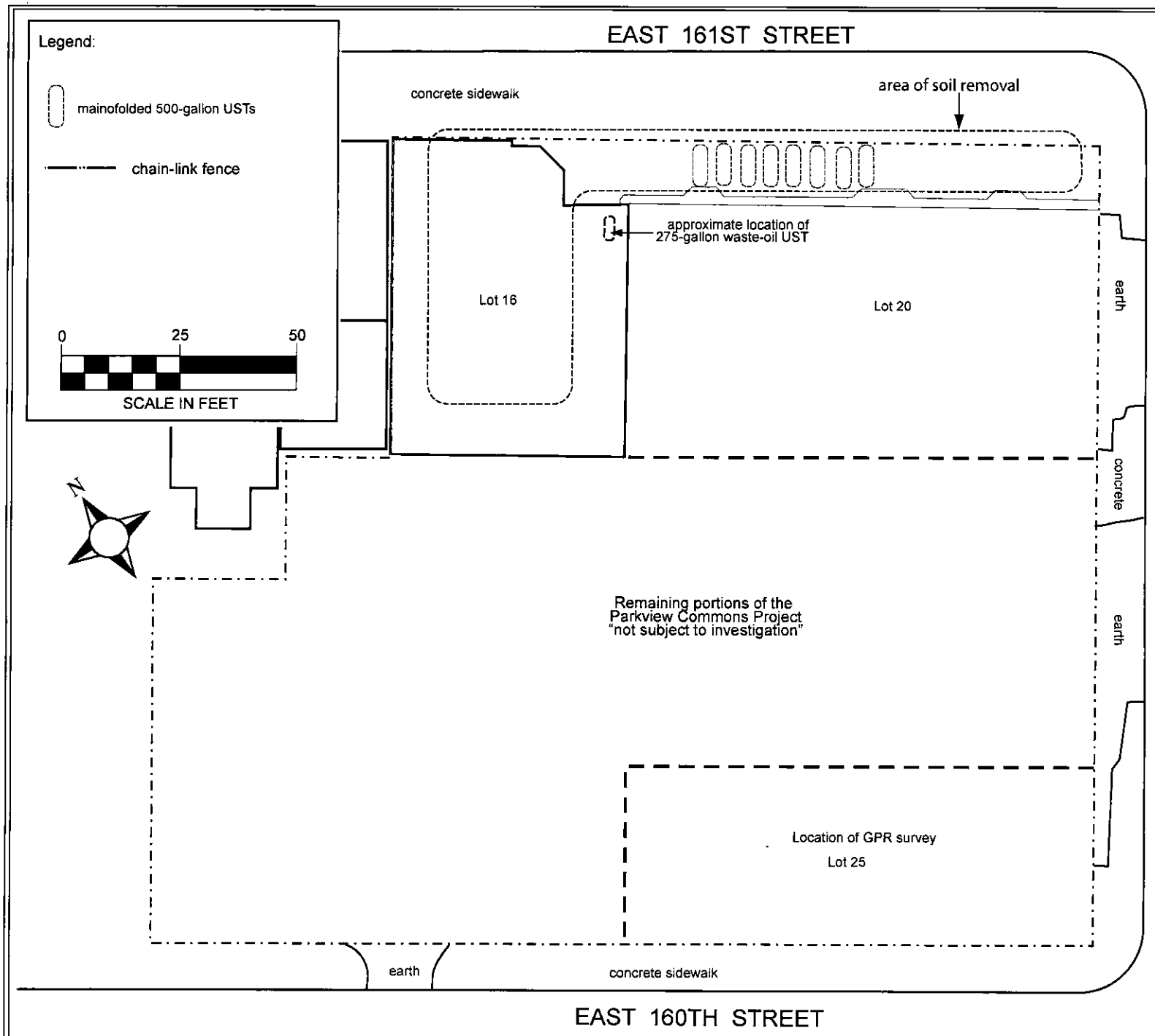
Figure 1 - Site Location Map
Parkview Commons Development Site
421-435 East 160th Street, 426-440 East 161st Street
865-877 Elton Avenue
Borough of Bronx
Bronx County, New York

N

ESI File: LB03027.60R

October 2006

Appendix A



Map is based on "Survey" prepared by Montrose Surveying Co., LLP (October 21, 2003) and Sanborn Map (1969).

Ecosystems Strategies, Inc.
Environmental Services and Solutions
24 Davis Avenue
Poughkeepsie, NY 12603
ph: (845) 452-1658 / fax: (845) 485-7083

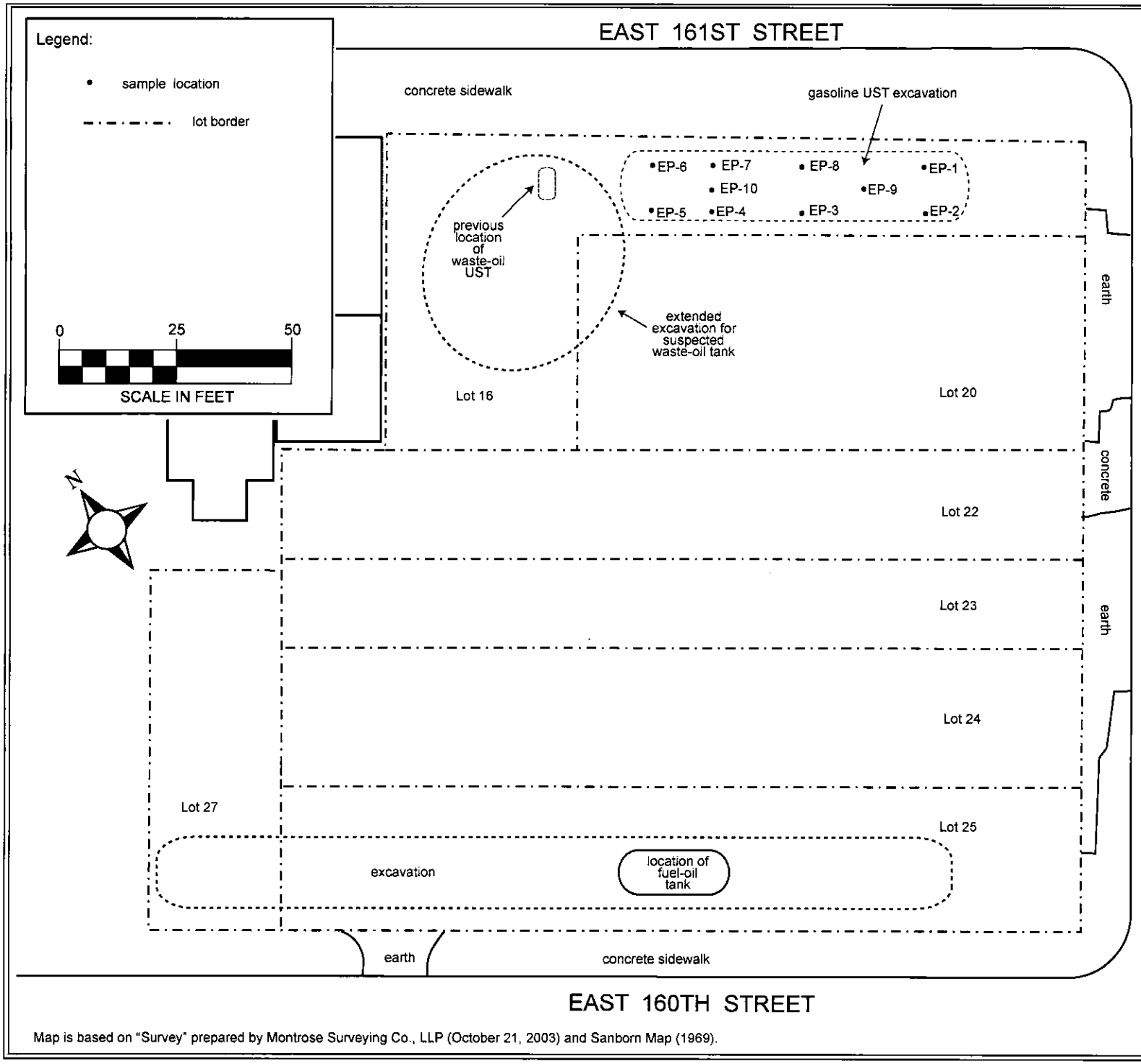
Figure 2 - Proposed Remedial Activities "Parkview Commons Site"

(Lots 16, 20 & 25)
located at
436 East 161st Street
Borough of Bronx
Bronx County, New York

File: LB03027.60R

February 2006

Appendix A



Map is based on "Survey" prepared by Montrose Surveying Co., LLP (October 21, 2003) and Sanborn Map (1969).

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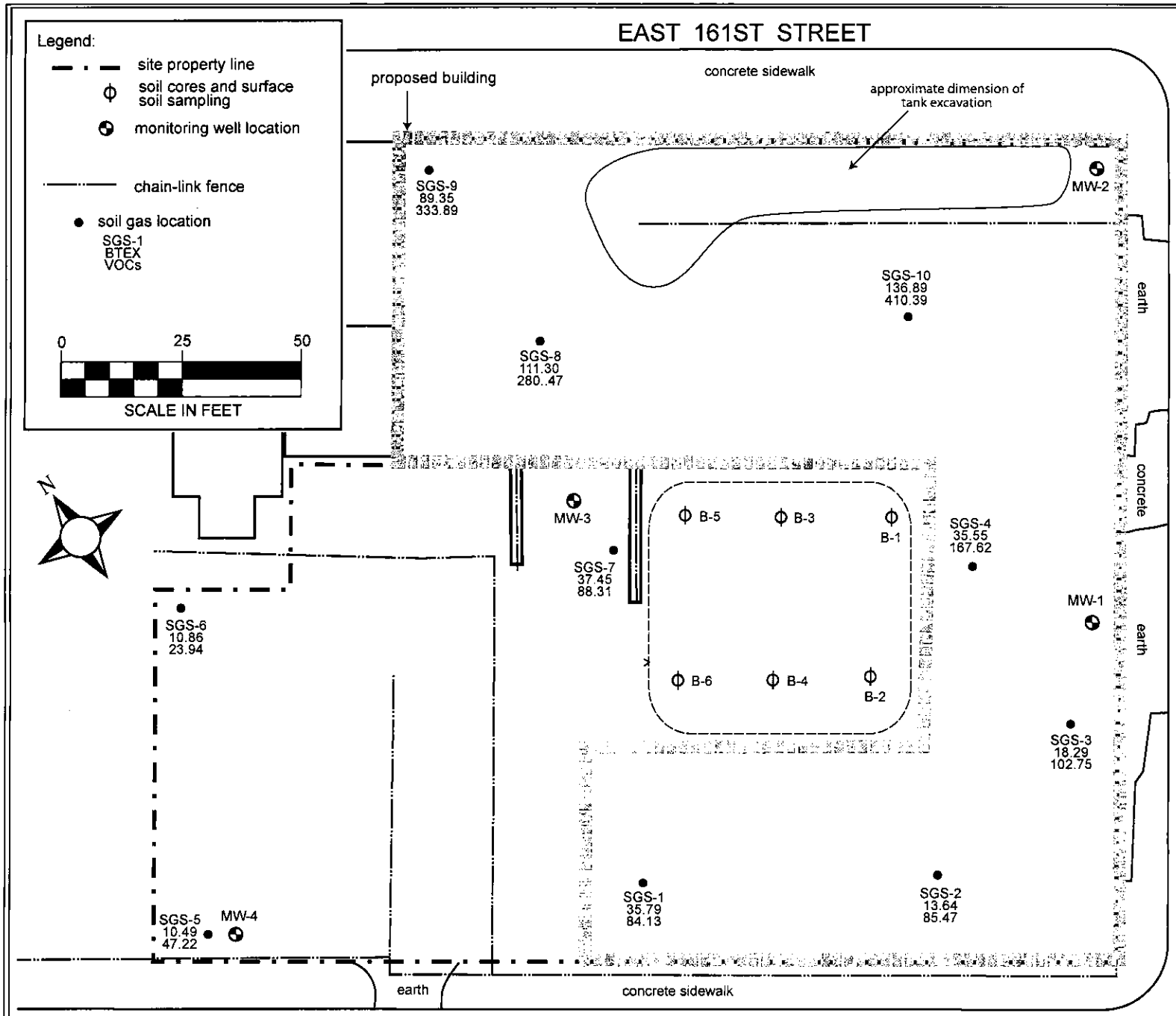
Figure 3
Tank Closure
Fieldwork Map
"Parkview Commons Site"

Parkview Site
436 East 161st Street
Borough of Bronx
Bronx County, New York

File: LB03027.60R

February 2006

Appendix A



Map is based on "Survey" prepared by Montrose Surveying Co., LLP (October 21, 2003) and Sanborn Map (1969).

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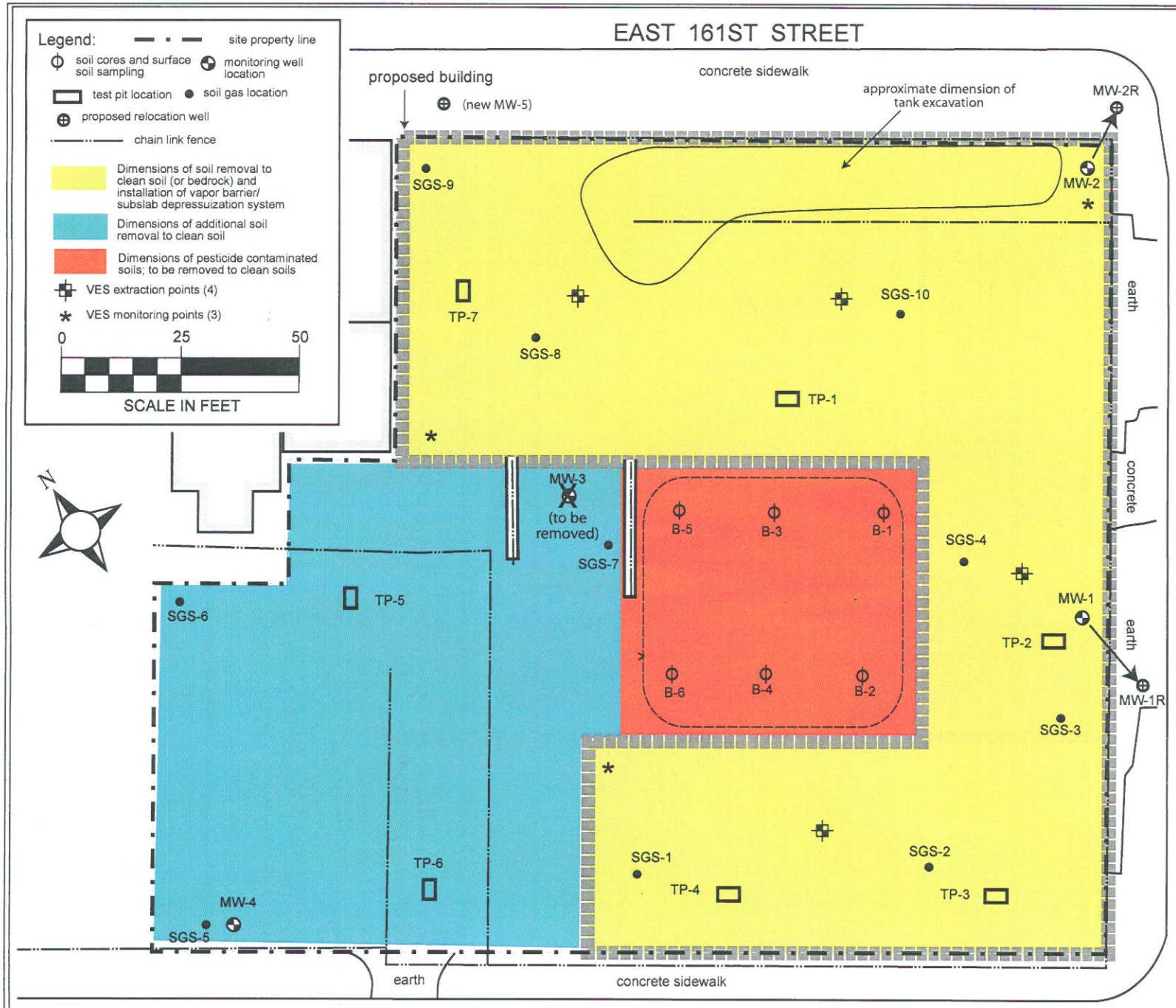
Figure 4
Distribution of Soil Gas Map
"Parkview Commons Site"

located at
421-435 East 160th Street,
426-440 East 161st Street,
and 865-877 Elton Avenue
Borough of Bronx
Bronx County, New York

File: LB03027.60R

February 2006

Appendix A



Map is based on "Survey" prepared by Montrose Surveying Co., LLP (October 21, 2003) and Sanborn Map (1969).

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Poughkeepsie, NY 12603
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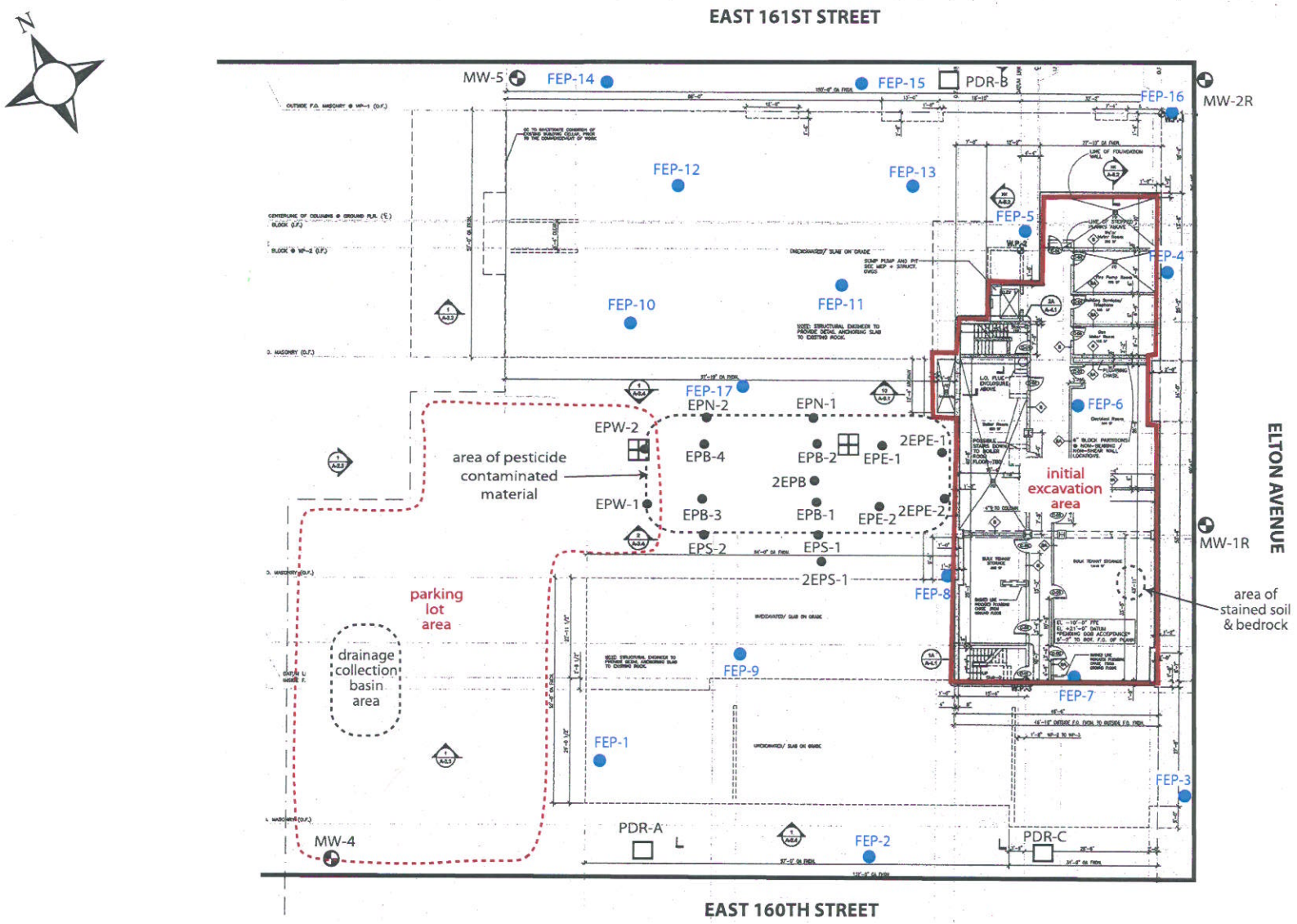
Figure 5 - Proposed Site Remediation Map "Parkview Commons Site"

located at
421-435 East 160th Street,
426-440 East 161st Street,
and 865-877 Elton Avenue
Borough of Bronx
Bronx County, New York

File: LB03027.60R

February 2006

Appendix A



Source: Map based on Magnusson Architecture & Planning PC - Cellar Construction Plan Drawing #A-1.1

Figure 6 - Remedial Activities Map

Parkview Commons Development Site
421-335 East 160th Street, 426-440 East 161st Street
865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

Legend:

- sample location
- previous soil samples
- monitoring wells
- dust monitoring stations
- drains

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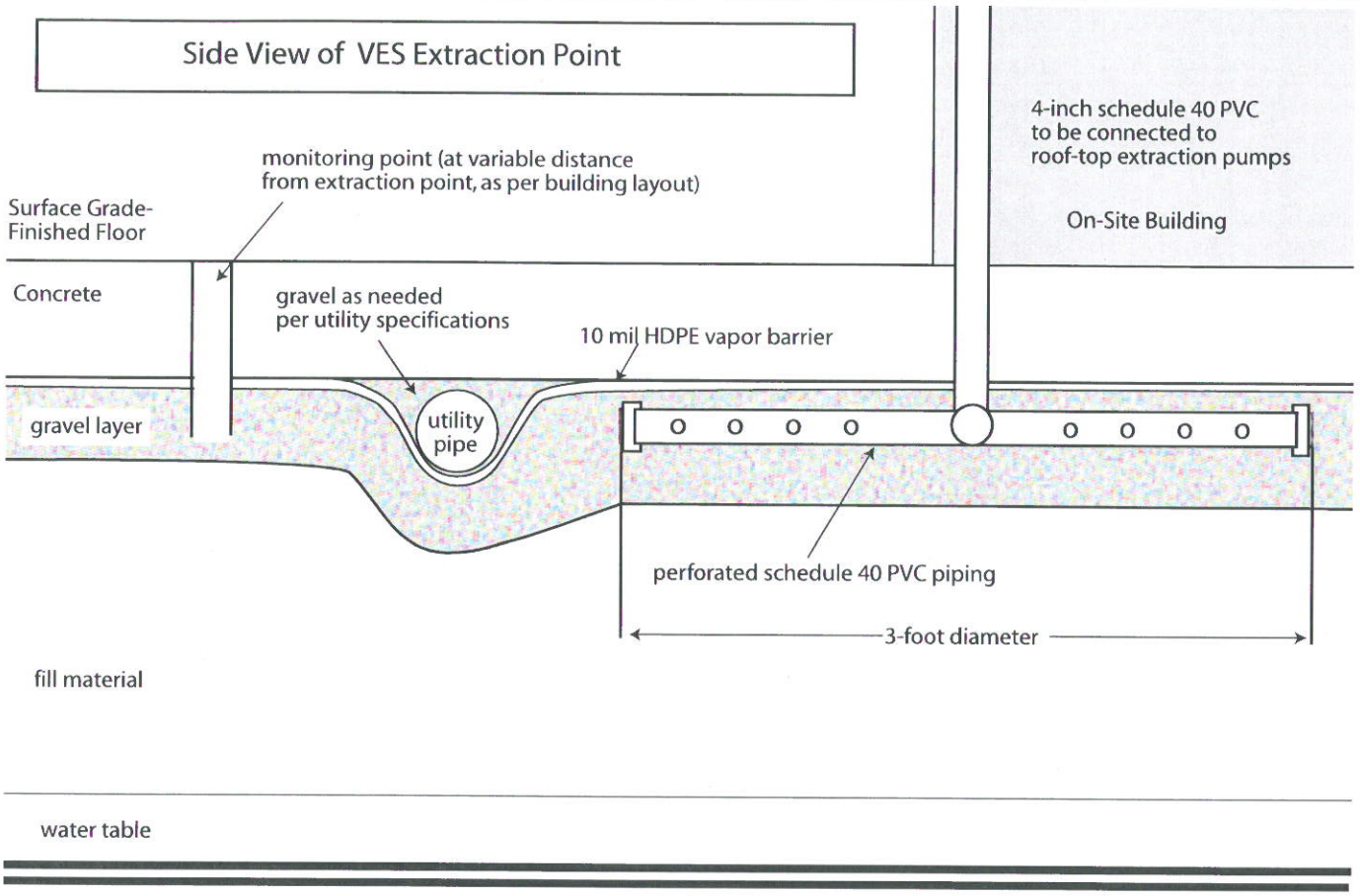
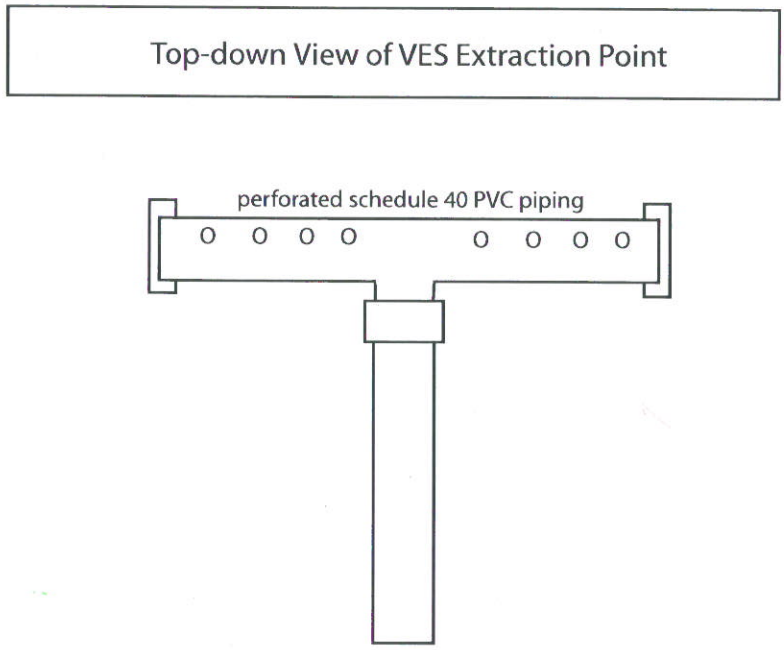
February 2006
Not to scale
Appendix A





All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

Figure 7 - VES System Detail "A"

Parkview Commons Site
421- 435 East 160th Street, 426-440 East 161st Street
and 865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

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February 2006
Not to scale
Appendix A

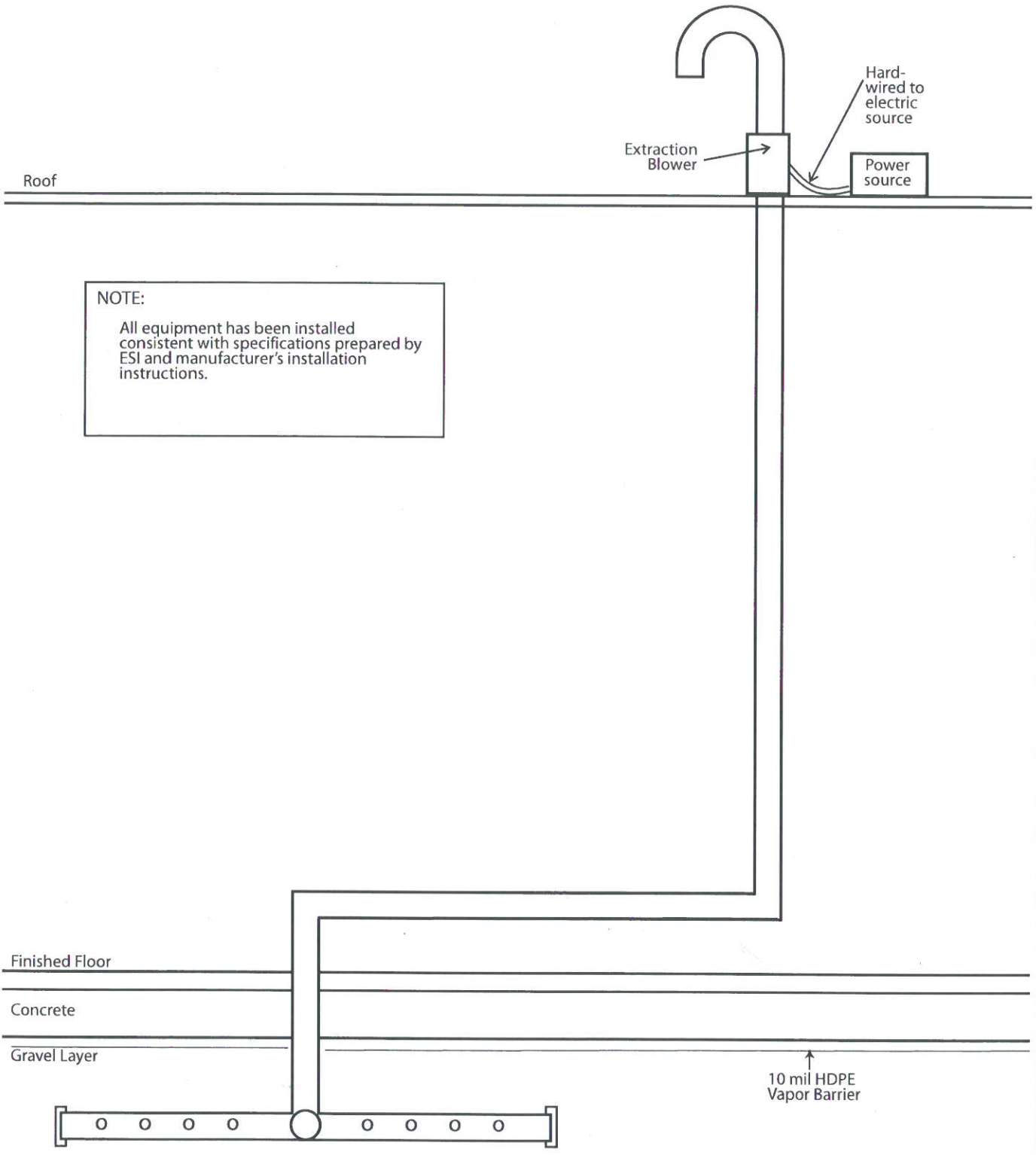
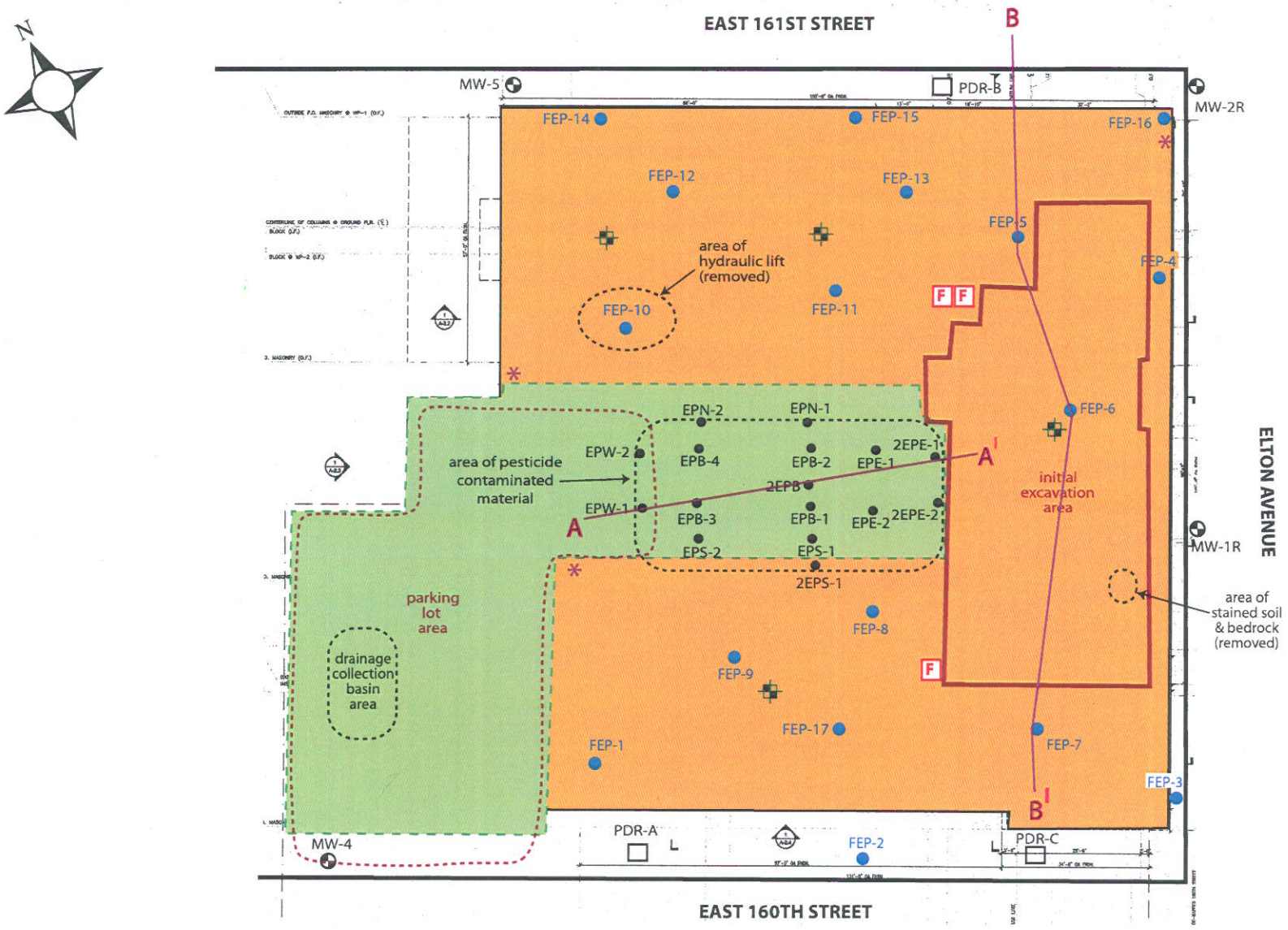


Figure 8 - VES System Detail "B"

Parkview Commons Site
421- 435 East 160th Street, 426-440 East 161st Street
and 865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

ESI File: LB03027.60R
February 2006
Not to Scale
Appendix A



Source: Map based on Magnusson Architecture & Planning PC - Cellar Construction Plan Drawing #A-1.1

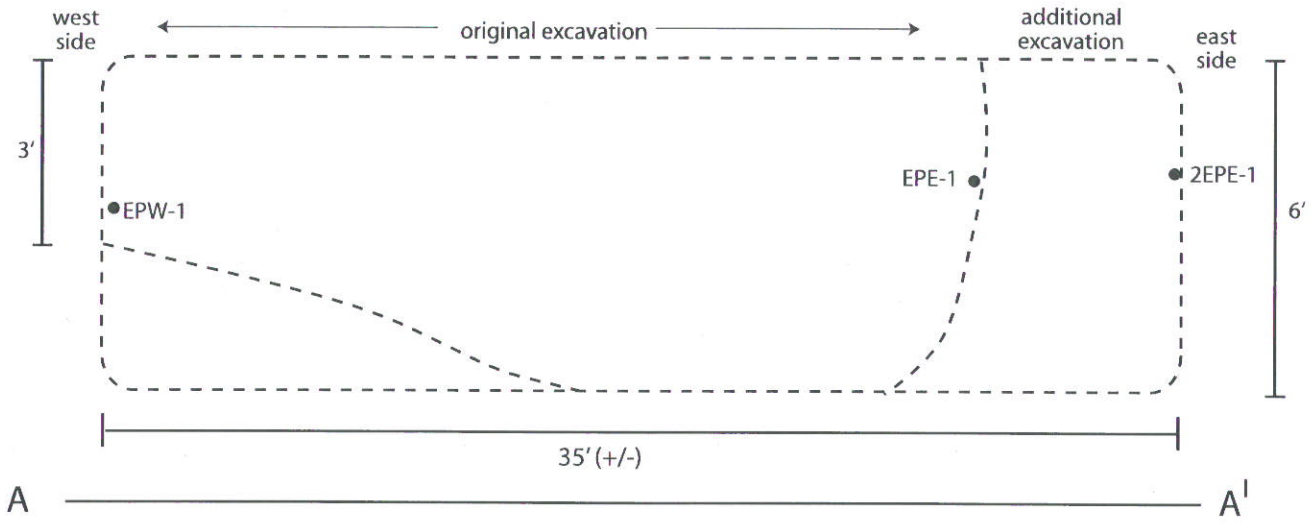
Figure 9 - Environmental Remediation Map

Parkview Commons Development Site
421-335 East 160th Street, 426-440 East 161st Street
865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

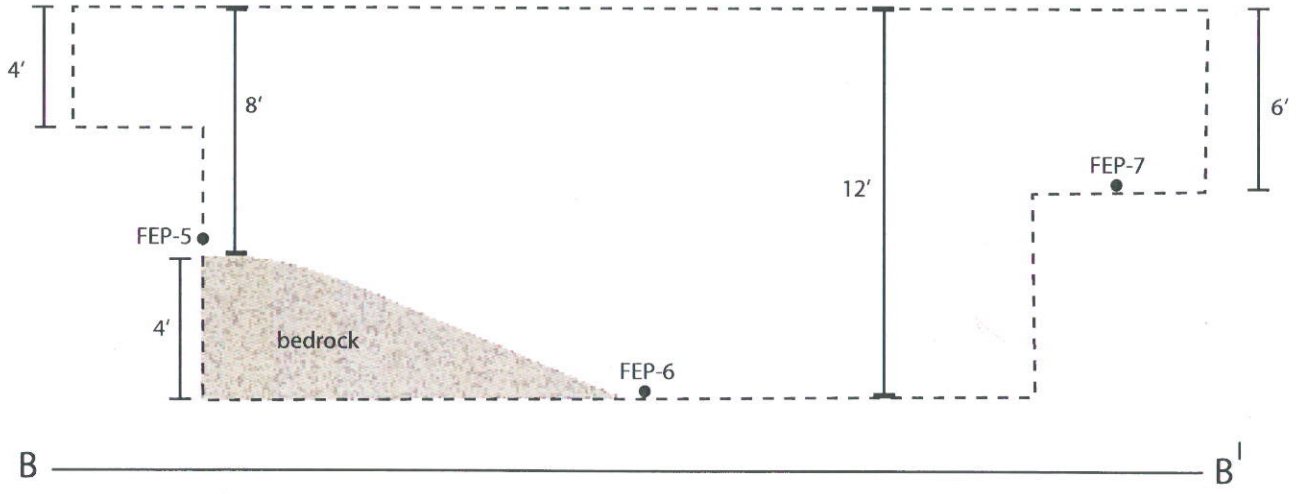
Legend:
- sample location
- previous soil samples
- monitoring wells
- VES monitoring point
- VES extraction point
- dust monitoring stations
- barrier layer parking lot
- barrier layer foundation
- cross-section
- F location of VES roof mounted fan

ESI File:	LB03027.60R
October 2006	
Not to scale	
Appendix A	

Pesticide Removal Area (Cross-Section)



Fill Area Removal (Cross-Section)



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

Figure 10 - Cross-Section Map

ParkviewCommons Development Site
421-335 East 160th Street, 426-440 East 161st Street
865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

ESI File: LB03027.60R
October 2006
Scale as shown
Appendix A

APPENDIX B

Data Tables

Table 1: Summary of Pesticides in Soils

All data provided in µg/kg. Concentrations shown in **bold** exceed NYSDEC established action levels

Pesticides USEPA Method 8081	Action Levels*	Sample Identification														
		EPN-1	EPN-2	EPS-1	EPS-2	EPE-1	EPE-2	EPW-1	EPW-2	EPB-1	EPB-2	EPB-3	EPB-4	SPS-1	SPS-2	SPS-3
Aldrin	41	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
alpha-BHC	11	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
beta-BHC	200	2.2	2.1	ND	ND	ND	ND	ND	ND	ND	ND	3	0.65	2	ND	ND
delta-BHC	300	ND	0.31	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
gamma-BHC (Lindane)	60	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	U	ND	ND
Chlordane	540	75	68	ND	510	**1,200**	**1,100**	91	75	**1,400**	**1,500**	110	29	120	180	110
4,4'-DDD	2,900	24	9.9	370	54	710	110	14	11	290	440	51	5.5	12	22	13
4,4'-DDE	2,100	12	8.3	450	130	620	410	8.2	6.6	330	590	24	2.8	34	58	12
4,4'-DDT	2,100	130	91	**2,700**	1,200	**4,700**	2,000	140	93	2,000	**3,100**	250	32	230	370	140
Dieldrin	44	23	8.7	ND	**56**	**240**	**170**	10	8.5	**180**	**210**	24	1.6	25	30	11
Endosulfan I	900	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Endosulfan II	900	ND	0.63	ND	ND	ND	ND	ND	ND	ND	ND	1.9	ND	ND	ND	3.3
Endosulfan sulfate	1,000	20	6	ND	4.8	ND	42	5	5.9	ND	43	3.8	4.5	11	4.5	6.9
Endrin	100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	9.8	ND	ND	ND	ND
Endrin aldehyde	NE	14	7.7	120	40	92	72	12	12	100	120	22	5.7	23	18	6.4
Heptachlor	100	ND	ND	ND	4.7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	3.8
Heptachlor epoxide	20	ND	0.65	ND	3.9	ND	ND	ND	0.95	ND	ND	ND	0.12	1.2	ND	3
Toxaphene	NE	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

* Source: NYSDEC Division Technical and Administrative Guidance Memorandum on Determination of Soil Cleanup Objectives and Cleanup Levels dated January 24, 1994, as modified by subsequent, relevant NYSDEC Records of Decision (RODs).

ND = Not detected above specified detection limit

NE = Not established.

Table 2: Target Analyte List (TAL) Metals in Soil

All results provided in parts per million. Results in **bold** exceed designated guidance levels.

Metals	Background Levels	Guidance Levels	Sample Identification														
			EPN-1	EPN-2	EPS-1	EPS-2	EPE-1	EPE-2	EPW-1	EPW-2	EPB-1	EPB-2	EPB-3	EPB-4	SPS-1	SPS-2	SPS-3
Aluminum	**33,000**	**SB**	7,000	6,830	6,660	6,060	2,970	4,150	7,610	6,320	4,030	3,300	4,480	6,460	4,970	5,840	7,130
Antimony	**Not Available**	**SB**	ND	1.3	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	1.5	ND	ND
Arsenic	**3-12**	**7.6 or SB**	4.5	3.6	5.3	11.0	4.1	5.8	4.3	3.9	5.6	4.9	3.2	3.6	6.3	3.3	5.2
Barium	**15-600**	**300 or SB**	234	215	**3,990**	**1,020**	**971**	**1,660**	313	268	**1,030**	**988**	488	152	484	240	258
Beryllium	**0-1.75**	**0.16 or SB**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	**0.1-1**	**1 or SB**	ND	**1.1**	**4.3**	**1.8**	ND	**1.6**	ND	ND	**1.4**	**1.3**	ND	ND	**1.7**	ND	**1.0**
Calcium	**130-35,000**	**SB**	**71,300**	**87,100**	**68,400**	**86,500**	**77,900**	**92,400**	**88,100**	**78,800**	**75,300**	**54,700**	**105,000**	**96,000**	**91,700**	**102,000**	**91,500**
Chromium	**1.5-40**	**10 or SB**	17.9	14.1	28.5	19.6	11.9	16.8	15.3	14.1	12.3	12.4	10.9	12.3	11.5	12.3	15.5
Cobalt	**2.5-60**	**30 or SB**	5.7	4.9	6.5	9.0	5.0	7.0	5.2	4.9	4.6	4.3	4.2	5.3	4.8	5.3	5.1
Copper	**1-50**	**25 or SB**	35.5	34.4	38.3	48.4	15.4	28.8	37.5	34.1	32.3	38.0	23.6	29.4	39.5	26.0	36.1
Iron	**2,000-550,000**	**2,000 or SB**	11,300	12,700	13,000	14,200	7,850	8,920	11,900	10,000	14,300	11,200	8,610	10,500	9,930	10,100	12,200
Lead	**4-500**	**SB**	**562**	**550**	**8,910**	**1,980**	**1,280**	**3,390**	**664**	**586**	**1,440**	**1,530**	**969**	368	**1,670**	457	**730**
Magnesium	**100-5,000**	**SB**	355	243	316	304	208	259	245	227	245	218	180	239	354	240	246
Manganese	**50-5,000**	**SB**	**37,600**	**45,900**	**24,800**	**32,300**	**11,700**	**26,400**	**47,100**	**41,400**	**21,800**	**15,800**	**52,500**	**54,100**	**24,700**	**54,000**	**52,300**
Mercury	**0.001-0.2**	**0.1**	**0.5**	**0.5**	**0.3**	**0.7**	0.2	**0.4**	**0.5**	**0.5**	**0.5**	**0.3**	**0.5**	**0.5**	**0.4**	**0.5**	**0.5**
Nickel	**0.5-25**	**13 or SB**	15.0	12.2	13.3	15.8	13.5	11.0	12.3	12.0	11.0	8.9	11.7	13.4	11.2	12.4	12.3
Potassium	**8,500-43,000**	**SB**	1,290	1,270	1,750	1,030	743	966	1,430	1,240	902	667	818	1,320	1,190	1,310	1,440
Selenium	**0.1-3.9**	**2 or SB**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Silver	**Not Available**	**SB**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Sodium	**6,000-8,000**	**SB**	118	132	181	213	169	258	242	153	192	140	115	152	167	189	175
Thallium	**Not Available**	**SB**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Vanadium	**1-300**	**150 or SB**	21.3	18.6	24.2	33.6	14.2	16.6	20.0	18.9	18.6	19.6	14.7	17.7	18.2	16.7	20.8
Zinc	**9-50**	**20 or SB**	**297**	**312**	**2,540**	**869**	**760**	**1,310**	**355**	**325**	**925**	**850**	**368**	**230**	**541**	**263**	**345**

Notes:

Background levels and guidance levels for metals are based on NYSDEC TAGM 4046 and subsequent memoranda.

SB = Site Background ND = Not Detected

Table 3: Summary of Pesticides in Soils

All data provided in μg/kg. Concentrations shown in **bold** exceed NYSDEC established action levels.

Pesticides USEPA Method 8081	Action Levels*	Sample Identification			
		2EPE-1	2EPE-2	2EPS-2	2EPB
Aldrin	**41**	ND	ND	ND	ND
alpha-BHC	**11**	ND	ND	ND	ND
beta-BHC	**200**	ND	ND	1.1	ND
delta-BHC	**300**	ND	ND	ND	ND
gamma-BHC (Lindane)	**60**	ND	ND	ND	ND
Chlordane	**540**	120	110	65	110
4,4'-DDD	**2,900**	37	32	30	39
4,4'-DDE	**2,100**	14	12	11	14
4,4'-DDT	**2,100**	110	110	52	110
Dieldrin	**44**	10	10	6.6	9.7
Endosulfan I	**900**	ND	ND	ND	ND
Endosulfan II	**900**	ND	1.4	ND	ND
Endosulfan sulfate	**1,000**	4.9	6.2	1.4	6.6
Endrin	**100**	19	17	ND	17
Endrin aldehyde	**NE**	16	8.5	13	10
Heptachlor	**100**	ND	2.3	ND	ND
Heptachlor epoxide	**20**	0.99	2.9	0.69	2.6
Toxaphene	**NE**	ND	ND	ND	ND

Notes:

* Source: NYSDEC Division Technical and Administrative Guidance Memorandum on Determination of Soil Cleanup Objectives and Cleanup Levels dated January 24, 1994, as modified by subsequent, relevant NYSDEC Records of Decision (RODs).

ND = Not detected above specified detection limit

NE = Not established.

Table 4: Target Analyte List (TAL) Metals in Soil

All results provided in parts per million. Results in **bold** exceed designated guidance levels.

Metals	Background Levels	Guidance Levels	Sample Identification			
			2EPE-1	2EPE-2	2EPS-2	2EPB
Aluminum	**33,000**	**SB**	21,700	19,300	18,200	15,800
Antimony	**Not Available**	**SB**	ND	ND	ND	ND
Arsenic	**3-12**	**7.5 or SB**	2.1	3.3	2.9	2.6
Barium	**15-600**	**300 or SB**	536	521	527	469
Beryllium	**0-1.75**	**0.16 or SB**	0.6	ND	0.6	ND
Cadmium	**0.1-1**	**1 or SB**	**1.1**	ND	**1.2**	0.9
Calcium	**130-35,000**	**SB**	11,500	15,700	19,400	19,500
Chromium	**1.5-40**	**10 or SB**	**53.2**	**42.5**	36.4	34.3
Cobalt	**2.5-60**	**30 or SB**	21.9	19.2	19.7	15.1
Copper	**1-50**	**25 or SB**	**82.8**	**85.5**	**54.1**	**51.6**
Iron	**2,000-550,000**	**2,000 or SB**	38,800	35,800	32,600	28,100
Lead	**4-500**	**SB**	91	154	137	139
Magnesium	**100-5,000**	**SB**	**17,300**	**13,200**	**11,200**	**14,200**
Manganese	**50-5,000**	**SB**	512	524	1,450	493
Mercury	**0.001-0.2**	**0.1**	0.1	0.2	0.2	0.2
Nickel	**0.5-25**	**13 or SB**	**38.5**	**33.8**	**29.9**	**29.5**
Potassium	**8,500-43,000**	**SB**	8,050	7,620	7,180	6,620
Selenium	**0.1-3.9**	**2 or SB**	ND	ND	ND	ND
Silver	**Not Available**	**SB**	ND	ND	ND	ND
Sodium	**6,000-8,000**	**SB**	294	262	266	224
Thallium	**Not Available**	**SB**	ND	ND	ND	ND
Vanadium	**1-300**	**150 or SB**	78.7	57.7	53.1	57.7
Zinc	**9-50**	**20 or SB**	**227**	**380**	**327**	**336**

Notes:

Background levels and guidance levels for metals are based on NYSDEC TAGM 4046 and subsequent memoranda.

SB = Site Background ND = Not Detected

Table 5: PAHs in Soil

Results provided in parts per billion. Results in **bold** exceed guidance levels.

Compound (USEPA Method 8270)	Guidance level	Sample Identification			
		2EPE-1	2EPE-2	2EPS-2	2EPB
Acenaphthene	**50,000**	ND	ND	ND	ND
Acenaphthylene	**41,000**	630	470	360	690
Anthracene	**50,000**	490	300	250	460
Benzo(a)anthracene	**224**	**1,800**	**1,200**	**890**	**1,600**
Benzo(a)pyrene	**61**	**1,900**	**1,300**	**1,000**	**1,900**
Benzo(b)fluoranthene	**1,100**	**1,700**	**1,300**	890	**1,700**
Benzo(g,h,i)perylene	**50,000**	1,500	1,300	960	1,700
Benzo(k)fluoranthene	**1,100**	**1,700**	**1,200**	1,000	**1,700**
Chrysene	**400**	**2,200**	**1,500**	**1,100**	**1,900**
Dibenzo(a,h)anthracene	**14**	**490**	**280**	**230**	**490**
Fluoranthene	**50,000**	4,000	2,600	2,000	3,200
Fluorene	**50,000**	84	ND	ND	64
Indeno(1,2,3-cd)pyrene	**3,200**	1,600	1,300	960	1,700
Naphthalene	**13,000**	ND	ND	ND	72
Phenanthrene	**50,000**	1,500	870	670	910
Pyrene	**50,000**	3,800	2,600	1,900	3,400

Notes:

* Guidance levels based on NYSDEC TAGM and subsequent memoranda.

ND = Not Detected

Table 6: VOCs in Soil

All results provided in parts per billion. Results in **bold** exceed designated guidance levels.

Compound (USEPA Method 8260B)	Guidance Level	Sample Identification										
		BEPE-1	BEPE-2	BEPW-1	BEPW-2	BEPS-1	BEPS-2	BEPN-1	BEPN-2	PSP-1	PSP-2	PSP-3
1,1,1-Trichloroethane	800	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1,2,2-Tetrachloroethane	600	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1,2-Trichloroethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethane	200	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloroethane	100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloropropane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
2-Butanone (MEK)	300	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
2-Hexanone	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
4-Methyl-2-Pentanone (MIBK)	1,000	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Acetone	200	14	6.1	4	4	8.1	7.7	9.2	5.5	27	15	20
Benzene	60	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromodichloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromoform	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromomethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Carbon disulfide	2,700	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Carbon tetrachloride	600	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chlorobenzene	1,700	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chloroethane	1,900	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chloroform	300	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
cis-1,2-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
cis-1,3-Dichloropropene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Dibromochloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Ethylbenzene	5,500	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Methylene chloride	100	17	15	13	13	7.4	16	11	6.2	9.6	9.8	16
Styrene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Tetrachloroethene	1,400	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Toluene	1,500	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
total Xylenes	1,200	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
trans-1,2-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
trans-1,3-Dichloropropene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Trichloroethene	700	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Vinyl chloride	200	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

Guidance levels based on NYSDEC TAGM 4046 and subsequent memoranda.

** TAGM cleanup objective not established (total individual and sum of VOCs not listed must be less than or equal to 10,000 ppb).

ND = Not Detected

Table 7: PAHs in Soil

Results provided in parts per billion. Results in **bold** exceed guidance levels.

Compound (USEPA Method 8270)	Guidance level	Sample Identification										
		BEPE-1	BEPE-2	BEPW-1	BEPW-2	BEPS-1	BEPS-2	BEPN-1	BEPN-2	PSP-1	PSP-2	PSP-3
Acenaphthene	**50,000**	ND	ND	ND	ND	ND	ND	ND	ND	ND	170	150
Acenaphthylene	**41,000**	63	170	600	690	1,100	ND	ND	ND	ND	96	ND
Anthracene	**50,000**	ND	72	300	340	650	ND	ND	ND	ND	ND	ND
Benzo(a)anthracene	**224**	130	170	**1,000**	**1,100**	**2,000**	ND	ND	55	ND	ND	ND
Benzo(a)pyrene	**61**	**140**	**360**	**1,200**	**1,300**	**2,200**	ND	ND	61	ND	ND	ND
Benzo(b)fluoranthene	**1,100**	150	270	**1,500**	**1,600**	**2,700**	ND	ND	ND	ND	ND	ND
Benzo(g,h,i)perylene	**50,000**	160	560	1,200	1,400	1,800	ND	ND	54	ND	ND	ND
Benzo(k)fluoranthene	**1,100**	81	160	510	790	900	ND	ND	ND	ND	ND	ND
Chrysene	**400**	150	160	**1,200**	**1,100**	**2,100**	ND	ND	60	ND	ND	ND
Dibenzo(a,h)anthracene	**14**	ND	**110**	**360**	**380**	**440**	ND	ND	ND	ND	ND	ND
Fluoranthene	**50,000**	220	220	2,100	1,500	3,400	ND	52	93	ND	ND	ND
Fluorene	**50,000**	ND	ND	ND	ND	130	ND	ND	ND	ND	760	480
Indeno(1,2,3-cd)pyrene	**3,200**	120	470	1,100	1,200	1,600	ND	ND	44	ND	ND	ND
Naphthalene	**13,000**	ND	ND	ND	ND	ND	ND	ND	61	ND	ND	ND
Phenanthrene	**50,000**	130	100	1,300	660	1,700	ND	ND	50	ND	ND	ND
Pyrene	**50,000**	230	230	1,700	1,400	2,700	ND	ND	84	ND	110	79

Notes:

* Guidance levels based on NYSDEC TAGM and subsequent memoranda.

ND = Not Detected

Table 8: Target Analyte List (TAL) Metals in Soil

All results provided in parts per million. Results in **bold** exceed designated guidance levels.

Metals	Background Levels	Guidance Levels	Sample Identification			
			DSP-1	DSP-2	DSP-3	DSP-4
Aluminum	**33,000**	**SB**	5,540	5,710	5,530	6,400
Antimony	**Not Available**	**SB**	ND	ND	ND	ND
Arsenic	**3-12**	**7.5 or SB**	**13.3**	9.7	10.1	9.4
Barium	**15-600**	**300 or SB**	**731**	**1,030**	**803**	**726**
Beryllium	**0-1.75**	**0.16 or SB**	0.77	ND	ND	0.84
Cadmium	**0.1-1**	**1 or SB**	**1.8**	**1.6**	**1.6**	**1.5**
Calcium	**130-35,000**	**SB**	**107,000**	**100,000**	**84,600**	**105,000**
Chromium	**1.5-40**	**10 or SB**	15.7	20.2	19.5	15.4
Cobalt	**2.5-60**	**30 or SB**	10.1	8.7	9.2	9.0
Copper	**1-50**	**25 or SB**	32.1	26.1	28.3	26.0
Iron	**2,000-550,000**	**2,000 or SB**	22,300	14,100	14,900	14,800
Lead	**4-500**	**SB**	**895**	**1,470**	**958**	**906**
Magnesium	**100-5,000**	**SB**	40,000	36,300	29,100	40,900
Manganese	**50-5,000**	**SB**	356	295	289	323
Mercury	**0.001-0.2**	**0.1**	0.20	**0.28**	**0.21**	**0.22**
Nickel	**0.5-25**	**13 or SB**	**31.9**	**27.0**	**34.8**	**28.5**
Potassium	**8,500-43,000**	**SB**	982	1,190	924	1,010
Selenium	**0.1-3.9**	**2 or SB**	ND	ND	ND	ND
Silver	**Not Available**	**SB**	ND	ND	ND	ND
Sodium	**6,000-8,000**	**SB**	253	774	278	244
Thallium	**Not Available**	**SB**	ND	ND	2.1	ND
Vanadium	**1-300**	**150 or SB**	19.9	17.5	17.7	18.0
Zinc	**9-50**	**20 or SB**	**644**	**1,010**	**622**	**545**

Notes:

Background levels and guidance levels for metals are based on NYSDEC TAGM 4046 and subsequent memoranda.

SB = Site Background ND = Not Detected

Table 9: PAHs in Stockpile

Results provided in parts per billion. Results in **bold** exceed guidance levels.

Compound (USEPA Method 8270)	Guidance level	Sample Identification			
		DSP-1	DSP-2	DSP-3	DSP-4
Acenaphthene	50,000	ND	ND	ND	ND
Acenaphthylene	41,000	340	450	470	570
Anthracene	50,000	220	290	290	310
Benzo(a)anthracene	224	**900**	**1,000**	**1,000**	**1,100**
Benzo(a)pyrene	61	**920**	**1,200**	**1,100**	**1,300**
Benzo(b)fluoranthene	1,100	1,000	**1,300**	1,100	**1,300**
Benzo(g,h,i)perylene	50,000	930	1,200	1,100	1,400
Benzo(k)fluoranthene	1,100	890	1,100	1,100	**1,400**
Chrysene	400	**1,200**	**1,300**	**1,300**	**1,500**
Dibenzo(a,h)anthracene	14	**220**	**250**	**200**	**380**
Fluoranthene	50,000	1,900	2,100	2,500	2,400
Fluorene	50,000	ND	ND	110	ND
Indeno(1,2,3-cd)pyrene	3,200	870	1,100	990	1,300
Naphthalene	13,000	64	ND	ND	ND
Phenanthrene	50,000	910	1,100	1,500	1,200
Pyrene	50,000	1,900	2,000	2,200	2,200

Notes:

Guidance levels based on NYSDEC TAGM and subsequent memoranda.

ND = Not Detected

Table 10: PAHs in Stockpile (SP)

(Results provided in parts per billion. Results in **bold** exceed guidance levels).

Compound (USEPA Method 8270C)	Guidance level	Sample Identification SP
1 2 4-Trichlorobenzene	**	ND
1 2-Dichlorobenzene	**	ND
1 3-Dichlorobenzene	**	ND
1 4-Dichlorobenzene	**	ND
2 2-oxybis (1-chloropropane)	**	ND
2 4-Dinitrotoluene	**	ND
2 6-Dinitrotoluene	1,000	ND
2-Chloronaphthalene	**	ND
2-Methylnaphthalene	36,400	ND
2-Nitroaniline	430	ND
3 3-Dichlorobenzidine	**	ND
3-Nitroaniline	500	ND
4-Bromophenyl phenyl ether	**	ND
4-Chloroaniline	2,200	ND
4-Chlorophenyl phenyl ether	**	ND
4-Nitroaniline	**	ND
Acenaphthene	50,000	ND
Acenaphthylene	41,000	ND
Anthracene	50,000	340
Benzo(a)anthracene	224	**1,900**
Benzo(a)pyrene	61	**1,800**
Benzo(b)fluoranthene	1,100	**2,200**
Benzo(ghi)perylene	50,000	1,000
Benzo(k)fluoranthene	1,100	**1,700**
Benzyl alcohol	**	ND
Bis(2-chloroethoxy)methane	**	ND
Bis(2-chloroethyl)ether	**	ND
Bis(2-ethylhexyl)phthalate	50,000	1,500
Butyl benzyl phthalate	50,000	ND
Carbazole	**	ND
Chrysene	400	**1,800**
Dibenzo(a h)anthracene	14	**750**
Dibenzofuran	6,700	ND
Diethyl phthalate	7,100	ND
Dimethyl phthalate	2,000	ND
Di-n-butyl phthalate	8,100	ND
Di-n-octyl phthalate	50,000	ND
Fluoranthene	50,000	3,300
Fluorene	50,000	ND
Hexachlorobenzene	410	ND
Hexachlorobutadiene	**	ND
Hexachlorocyclopentadiene	**	ND
Hexachloroethane	**	ND
Indeno(1 2 3-cd)pyrene	3,200	1,400
Isophorone	4,400	ND
Naphthalene	1,300	ND
Nitrobenzene	200	ND
n-Nitroso-di-n-propylamine	**	ND
n-Nitrosodiphenylamine	**	ND
Phenanthrene	50,000	1,700
Pyrene	50,000	2,600

Notes:

* Guidance levels based on NYSDEC TAGM and subsequent memoranda.

** = Not Provided

Table 11: TCLP RCRA Metals in Stockpile (SP)

All results provided in parts per million. Results in **bold** exceed designated guidance levels.

Compound	Guidance level	Sample identification SP
Arsenic	**5**	ND
Barium	**100**	.234
Cadmium	**1**	ND
Chromium	**5**	ND
Lead	**5**	1.27
Selenium	**1**	ND
Silver	**5**	ND
Mercury	**0.2**	ND
pH	**-**	8.67

ND = Not detected

Table 12: Target Analyte List (TAL) Metals in Soil (FEP)

All results provided in parts per million. Results in **bold** exceed designated guidance levels.

Metals	Background Levels	Guidance Levels	Sample Identification								
			FEP-1	FEP-2	FEP-3	FEP-4	FEP-5	FEP-6	FEP-7	FEP-8	FEP-9
Aluminum	**33,000**	**SB**	4,610	5,520	8,410	3,650	5,850	6,640	4,900	3,890	5,550
Antimony	**Not Available**	**SB**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Arsenic	**3-12**	**7.5 or SB**	4.6	9.3	2.5	1.8	4.3	7.4	4.5	5.2	9.5
Barium	**15-600**	**300 or SB**	**1,170**	**1,590**	47	16	77	69	573	340	**945**
Beryllium	**0-1.75**	**0.16 or SB**	ND	ND	ND	ND	0.6	0.9	ND	ND	ND
Cadmium	**0.1-1**	**1 or SB**	**1.3**	**2.4**	ND	ND	ND	**1.1**	ND	ND	**1.3**
Calcium	**130-35,000**	**SB**	**82,100**	**109,000**	**71,200**	**103,000**	**65,100**	**106,000**	**138,000**	**152,000**	**104,000**
Chromium	**1.5-40**	**10 or SB**	14.7	17.7	13.8	5.4	12.0	11.0	8.6	7.3	13.2
Cobalt	**2.5-60**	**30 or SB**	4.4	6.2	5.5	7.3	10.0	7.1	3.3	4.4	6.7
Copper	**1-50**	**25 or SB**	20.4	**164.0**	23.0	6.8	32.4	21.9	18.0	19.4	31.9
Iron	**2,000-550,000**	**2,000 or SB**	8,480	16,900	11,500	5,920	11,700	11,500	6,660	7,410	11,900
Lead	**4-500**	**SB**	**1,390**	**2,090**	53	5	67	92	357	**1,030**	**1,150**
Magnesium	**100-5,000**	**SB**	**18,100**	**40,100**	**38,900**	**64,600**	**20,700**	**57,900**	**60,400**	**47,700**	**33,700**
Manganese	**50-5,000**	**SB**	175	279	288	184	341	200	164	244	301
Mercury	**0.001-0.2**	**0.1**	0.12	**0.74**	**0.42**	0.01	0.15	0.13	**0.37**	**0.25**	**0.58**
Nickel	**0.5-25**	**13 or SB**	10.3	17.0	12.5	**27.5**	16.0	**27.3**	10.4	12.7	20.8
Potassium	**8,500-43,000**	**SB**	1,040	1,630	2,090	883	1,010	1,240	2,540	1,700	1,360
Selenium	**0.1-3.9**	**2 or SB**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Silver	**Not Available**	**SB**	ND	0.4	ND	ND	ND	ND	ND	ND	0.4
Sodium	**6,000-8,000**	**SB**	262	287	291	157	185	264	179	126	395
Thallium	**Not Available**	**SB**	ND	ND	ND	2.0	ND	ND	ND	ND	ND
Vanadium	**1-300**	**150 or SB**	18.2	38.1	17.9	7.4	16.6	20.4	10.8	14.0	18.6
Zinc	**9-50**	**20 or SB**	**779**	**1,060**	**60**	**56**	**122**	**102**	**354**	**315**	**626**

Notes:

Background levels and guidance levels for metals are based on NYSDEC TAGM 4046 and subsequent memoranda.

SB = Site Background ND = Not Detected

Table 13: Pesticides in Soils (FEP)

All data provided in μg/kg. Concentrations shown in **bold** exceed NYSDEC established action levels.

Pesticides USEPA Method 8081	Action Levels*	Sample Identification								
		FEP-1	FEP-2	FEP-3	FEP-4	FEP-5	FEP-6	FEP-7	FEP-8	FEP-9
Aldrin	**41**	6.3	ND	ND	ND	ND	ND	1.9	ND	ND
alpha-BHC	**11**	ND	ND	ND	ND	ND	ND	ND	ND	ND
beta-BHC	**200**	ND	ND	ND	ND	ND	ND	ND	7.1	ND
delta-BHC	**300**	ND	ND	ND	ND	ND	0.31	ND	ND	ND
gamma-BHC (Lindane)	**60**	ND	ND	ND	0.36	ND	1.8	ND	ND	ND
Chlordane	**540**	**670**	**710**	ND	ND	32	81	54	350	230
4,4'-DDD	**2,900**	19	210	ND	ND	7.4	4.8	11	39	60
4,4'-DDE	**2,100**	57	450	ND	1.4	35	6.7	15	91	56
4,4'-DDT	**2,100**	660	**2,500**	ND	0.63	23	20	120	390	440
Dieldrin	**44**	**88**	**96**	ND	ND	2.0	1.9	6.3	29	20
Endosulfan I	**900**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Endosulfan II	**900**	13	ND	ND	0.4	ND	2.4	2.8	5.6	3.9
Endosulfan sulfate	**1,000**	21	ND	ND	1.0	0.83	2.8	3.5	ND	6.1
Endrin	**100**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Endrin aldehyde	**NE**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Heptachlor	**100**	5.1	ND	ND	ND	ND	0.41	ND	ND	ND
Heptachlor epoxide	**20**	4.5	ND	ND	0.15	ND	0.84	ND	ND	ND
Toxaphene	**NE**	ND	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

* Source: NYSDEC Division Technical and Administrative Guidance Memorandum on Determination of Soil Cleanup Objectives and Cleanup Levels dated January 24, 1994, as modified by subsequent, relevant NYSDEC Records of Decision (RODs).

ND = Not detected above specified detection limit

NE = Not established.

Table 14: PCBs in Soil (FEP)

All results provided in parts per billion. Results in **bold** exceed designated guidance levels.

PCB Compound (USEPA Method 8082)	Sample Identification								
	FEP-1	FEP-2	FEP-3	FEP-4	FEP-5	FEP-6	FEP-7	FEP-8	FEP-9
PCB 1016	ND	ND	ND	ND	ND	ND	ND	ND	ND
PCB 1221	ND	ND	ND	ND	ND	ND	ND	ND	ND
PCB 1232	ND	ND	ND	ND	ND	ND	ND	ND	ND
PCB 1242	ND	ND	ND	ND	ND	ND	ND	ND	ND
PCB 1248	ND	ND	ND	ND	20	ND	45	230	ND
PCB 1254	ND	ND	ND	ND	ND	18	ND	ND	24
PCB 1260	55	29	ND	ND	4.5	20	16	39	19
PCB, Total	55	29	0	0	24.5	38	61	269	43

Notes:

Guidance levels for PCBs are 1.0 ppm for surface soils/sediments and 10 ppm for subsurface soils/sediments, based on NYSDEC TAGM 4046, and subsequent memoranda.

ND = Not Detected

Table 15: VOCs in Soil (FEP)

All results provided in parts per billion. Results in **bold** exceed designated guidance levels.

Compound (USEPA Method 8260B)	Guidance Level	Sample Identification								
		FEP-1	FEP-2	FEP-3	FEP-4	FEP-5	FEP-6	FEP-7	FEP-8	FEP-9
Chloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Vinyl chloride	200	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromomethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chloroethane	1,900	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Carbon disulfide	2,700	5.7	ND	5.3	4	ND	2.3	ND	ND	4
Acetone	200	ND	ND	3.9	4.8	ND	4.6	ND	ND	3.9
Methylene chloride	100	8.5	11	6.3	4.2	7.5	9.1	9.4	7.8	10
trans-1,2-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethane	200	ND	ND	ND	ND	ND	ND	ND	ND	ND
cis-1,2-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
2-Butanone (MEK)	300	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chloroform	300	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1,1-Trichloroethane	800	ND	ND	ND	ND	ND	ND	ND	ND	ND
Carbon tetrachloride	600	ND	ND	ND	ND	ND	ND	ND	ND	ND
Benzene	60	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloroethane	100	ND	ND	ND	ND	ND	ND	ND	ND	ND
Trichloroethene	700	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloropropane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromodichloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
cis-1,3-Dichloropropene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
4-Methyl-2-Pentanone (MIBK)	1,000	ND	ND	ND	ND	ND	ND	ND	ND	ND
Toluene	1,500	ND	ND	ND	ND	ND	ND	ND	ND	ND
trans-1,3-Dichloropropene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1,2-Trichloroethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Tetrachloroethene	1,400	ND	ND	ND	ND	ND	ND	ND	ND	ND
2-Hexanone	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Dibromochloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chlorobenzene	1,700	ND	ND	ND	ND	ND	ND	ND	ND	ND
Ethylbenzene	5,500	ND	ND	ND	ND	ND	ND	ND	ND	ND
Styrene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromoform	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1,2,2-Tetrachloroethane	600	ND	ND	ND	ND	ND	ND	ND	ND	ND
total Xylenes	1,200	ND	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

Guidance levels based on NYSDEC TAGM 4046 and subsequent memoranda.

** TAGM cleanup objective not established (total individual and sum of VOCs not listed must be less than or equal to 10,000 ppb).

ND = Not Detected

Table 16: SVOCs in Soil (FEP)

Results provided in parts per billion. Results in **bold** exceed guidance levels.

Compound (USEPA Method 8270C)	Guidance level	Sample Identification								
		FEP-1	FEP-2	FEP-3	FEP-4	FEP-5	FEP-6	FEP-7	FEP-8	FEP-9
1 2 4-Trichlorobenzene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
1 2-Dichlorobenzene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
1 3-Dichlorobenzene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
1 4-Dichlorobenzene	**	570	ND	ND	ND	ND	ND	ND	ND	ND
2 2-oxybis (1-chloropropane)	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
2 4-Dinitrotoluene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
2 6-Dinitrotoluene	1,000	ND	ND	ND	ND	ND	ND	ND	ND	ND
2-Chloronaphthalene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
2-Methylnaphthalene	36,400	240	ND	ND	ND	ND	ND	ND	ND	590
2-Nitroaniline	430	ND	ND	ND	ND	ND	ND	ND	ND	ND
3 3-Dichlorobenzidine	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
3-Nitroaniline	500	ND	ND	ND	ND	ND	ND	ND	ND	ND
4-Bromophenyl phenyl ether	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
4-Chloroaniline	2,200	ND	ND	ND	ND	ND	ND	ND	ND	ND
4-Chlorophenyl phenyl ether	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
4-Nitroaniline	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Acenaphthene	50,000	570	ND	ND	ND	ND	ND	ND	ND	ND
Acenaphthylene	41,000	2,400	2,100	ND	ND	ND	110	170	220	4,300
Anthracene	50,000	2,700	1,100	ND	ND	ND	340	120	130	3,500
Benzo(a)anthracene	224	**9,300**	**4,800**	ND	49	75	**510**	**350**	**350**	**11,000**
Benzo(a)pyrene	61	**8,800**	**5,200**	46	ND	**71**	**510**	**380**	**420**	**10,000**
Benzo(b)fluoranthene	1,100	**9,400**	**5,700**	ND	ND	ND	570	460	520	**13,000**
Benzo(ghi)perylene	50	**6,900**	**3,700**	ND	ND	ND	**310**	**340**	**340**	**5,400**
Benzo(k)fluoranthene	1,100	**3,800**	**2,700**	ND	ND	66	180	160	210	**4,500**
Benzyl alcohol	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bis(2-chloroethoxy)methane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bis(2-chloroethyl)ether	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bis(2-ethylhexyl)phthalate	50,000	270	2,300	ND	ND	ND	360	390	120	ND
Butyl benzyl phthalate	50,000	ND	ND	ND	ND	ND	ND	ND	ND	ND
Carbazole	**	820	760	ND	ND	ND	ND	ND	73	2,500
Chrysene	400	**11,000**	**4,800**	55	46	87	**530**	310	**440**	**13,000**
Dibenzo(a h)anthracene	14	**1,800**	**1,100**	ND	ND	ND	ND	ND	ND	**1,800**
Dibenzofuran	6,700	510	ND	ND	ND	ND	ND	ND	ND	1,800
Diethyl phthalate	7,100	ND	ND	ND	ND	ND	ND	ND	ND	ND
Dimethyl phthalate	2,000	ND	ND	ND	ND	ND	ND	ND	ND	ND
Di-n-butyl phthalate	8,100	ND	4,500	ND	ND	ND	ND	ND	ND	ND
Di-n-octyl phthalate	50,000	ND	ND	ND	ND	ND	ND	ND	ND	ND
Fluoranthene	50,000	19,000	6,700	91	50	130	1,100	570	600	26,000
Fluorene	50,000	860	220	ND	ND	ND	110	ND	ND	960
Hexachlorobenzene	410	ND	ND	ND	ND	ND	ND	ND	ND	ND
Hexachlorobutadiene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Hexachlorocyclopentadiene	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Hexachloroethane	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Indeno(1 2 3-cd)pyrene	3,200	**5,900**	**3,500**	ND	ND	43	270	260	300	**5,300**
Isophorone	4,400	ND	ND	ND	ND	ND	ND	ND	ND	ND
Naphthalene	1,300	1,300	ND	ND	ND	ND	ND	ND	ND	1,200
Nitrobenzene	200	ND	ND	ND	ND	ND	ND	ND	ND	ND
n-Nitroso-di-n-propylamine	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
n-Nitrosodiphenylamine	**	ND	ND	ND	ND	ND	ND	ND	ND	ND
Phenanthrene	50,000	12,000	3,200	68	ND	59	1,100	280	290	24,000
Pyrene	50,000	16,000	4,900	82	61	150	880	470	390	17,000

Notes:

Guidance levels based on NYSDEC TAGM and subsequent memoranda.

** = Not Provided ND = Not Detected

Table 17: PCBs in Soil (FEP)

All results provided in parts per billion. Results in **bold** exceed designated guidance levels.

PCB Compound (USEPA Method 8082)	Sample Identification							
	FEP-10	FEP-11	FEP-12	FEP-13	FEP-14	FEP-15	FEP-16	FEP-17
PCB 1016	ND	ND	ND	ND	ND	ND	ND	ND
PCB 1221	ND	ND	ND	ND	ND	ND	ND	ND
PCB 1232	ND	ND	ND	ND	ND	ND	ND	ND
PCB 1242	ND	120	61	20	ND	15	ND	ND
PCB 1248	ND	ND	ND	ND	ND	ND	ND	ND
PCB 1254	19	68	68	43	ND	25	ND	120
PCB 1260	13	38	30	23	ND	21	ND	41
PCB, Total	32	226	159	86	0	61	0	161

Notes:

Guidance levels for PCBs are 1.0 ppm for surface soils/sediments and 10 ppm for subsurface soils/sediments, based on NYSDEC TAGM 4046, and subsequent memoranda.

ND = Not Detected

Table 18: Target Analyte List (TAL) Metals in Soil (FEP)

All results provided in parts per million. Results in **bold** exceed designated guidance levels.

Metals	Background Levels	Guidance Levels	Sample Identification							
			FEP-10	FEP-11	FEP-12	FEP-13	FEP-14	FEP-15	FEP-16	FEP-17
Aluminum	**33,000**	**SB**	5,980	6,120	6,660	5,750	6,880	6,520	7,190	5,280
Antimony	**Not Available**	**SB**	ND	ND	ND	ND	ND	ND	ND	ND
Arsenic	**3-12**	**7.5 or SB**	3.5	6.3	7.0	7.9	1.5	7.5	1.3	4.2
Barium	**15-600**	**300 or SB**	169	**621**	509	436	41	370	11	79
Beryllium	**0-1.75**	**0.16 or SB**	ND	ND	0.8	ND	ND	ND	ND	ND
Cadmium	**0.1-1**	**1 or SB**	ND	ND	ND	ND	ND	ND	ND	ND
Calcium	**130-35,000**	**SB**	**129,000**	**83,500**	**122,000**	**106,000**	**69,200**	**114,000**	**186,000**	**14,300**
Chromium	**1.5-40**	**10 or SB**	9.3	17.2	13.7	15.6	14.9	18.6	5.4	14.3
Cobalt	**2.5-60**	**30 or SB**	4.4	6.9	7.5	6.0	6.1	6.7	3.2	4.8
Copper	**1-50**	**25 or SB**	14.8	44.0	24.9	23.7	24.3	**57.9**	3.7	23.4
Iron	**2,000-550,000**	**2,000 or SB**	9,170	12,300	15,400	12,300	12,400	17,300	4,060	23,300
Lead	**4-500**	**SB**	50	**958**	472	404	49	409	3	88
Magnesium	**100-5,000**	**SB**	**78,600**	**30,600**	**39,200**	**44,200**	**41,100**	**54,700**	**115,000**	**4,170**
Manganese	**50-5,000**	**SB**	211	295	571	304	241	309	116	252
Mercury	**0.001-0.2**	**0.1**	0.06	**0.32**	**0.28**	**0.32**	0.02	**0.34**	0.01	ND
Nickel	**0.5-25**	**13 or SB**	10.1	23.2	24.5	20.8	14.5	23.1	12.2	17.4
Potassium	**8,500-43,000**	**SB**	1,360	1,030	1,120	1,050	1,750	1,460	578	533
Selenium	**0.1-3.9**	**2 or SB**	ND	ND	ND	ND	ND	ND	ND	ND
Silver	**Not Available**	**SB**	ND	ND	ND	ND	ND	ND	ND	ND
Sodium	**6,000-8,000**	**SB**	150	319	319	346	179	223	324	111
Thallium	**Not Available**	**SB**	ND	ND	ND	2.3	ND	2.0	ND	2.4
Vanadium	**1-300**	**150 or SB**	13.6	22.9	18.8	18.8	18.6	19.3	6.1	22.0
Zinc	**9-50**	**20 or SB**	**78**	**603**	**367**	**401**	**59**	**443**	39	**90**

Notes:

Background levels and guidance levels for metals are based on NYSDEC TAGM 4046 and subsequent memoranda.

SB = Site Background ND = Not Detected

Table 19: Pesticides in Soils (FEP)

All data provided in µg/kg. Concentrations shown in **bold** exceed NYSDEC established action levels.

Pesticides USEPA Method 8081	Action Levels*	Sample Identification							
		FEP-10	FEP-11	FEP-12	FEP-13	FEP-14	FEP-15	FEP-16	FEP-17
Aldrin	**41**	ND	6.3	5.3	3.6	ND	2	ND	ND
alpha-BHC	**11**	ND	ND	ND	ND	ND	ND	ND	ND
beta-BHC	**200**	ND	3.2	3.5	2.6	ND	2.1	ND	1.9
delta-BHC	**300**	ND	ND	ND	ND	ND	ND	ND	ND
gamma-BHC (Lindane)	**60**	ND	ND	ND	1.2	ND	ND	ND	ND
Chlordane	**540**	31	270	180	87	ND	120	ND	220
4,4'-DDD	**2,900**	3.4	72	52	52	ND	34	ND	5.5
4,4'-DDE	**2,100**	3.3	46	53	40	ND	23	ND	12
4,4'-DDT	**2,100**	18	330	270	250	ND	140	ND	19
Dieldrin	**44**	2	44	16	21	ND	13	ND	ND
Endosulfan I	**900**	ND	ND	ND	ND	ND	ND	ND	ND
Endosulfan II	**900**	ND	ND	ND	ND	ND	ND	ND	ND
Endosulfan sulfate	**1,000**	1.1	7.7	3.6	9.4	0.19	4.1	ND	2.1
Endrin	**100**	ND	ND	ND	ND	ND	ND	ND	ND
Endrin aldehyde	**NE**	ND	ND	ND	ND	ND	ND	ND	ND
Heptachlor	**100**	0.21	ND	ND	ND	ND	ND	ND	3.3
Heptachlor epoxide	**20**	0.32	2.3	0.91	2.2	ND	1	ND	2.1
Toxaphene	**NE**	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

* Source: NYSDEC Division Technical and Administrative Guidance Memorandum on Determination of Soil Cleanup Objectives and Cleanup Levels dated January 24, 1994, as modified by subsequent, relevant NYSDEC Records of Decision (RODs).

ND = Not detected above specified detection limit

NE = Not established.

Table 20: VOCs in Soil (FEP)

All results provided in parts per billion. Results in **bold** exceed designated guidance levels.

Compound (USEPA Method 8260B)	Guidance Level	Sample FEP-10	FEP-11	FEP-12	FEP-13	FEP-14	FEP-15	FEP-16	FEP-17
Chloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND
Vinyl chloride	200	ND	ND	ND	ND	ND	ND	ND	ND
Bromomethane	**	ND	ND	ND	ND	ND	ND	ND	ND
Chloroethane	1,900	ND	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND
Carbon disulfide	2,700	ND	ND	ND	ND	ND	ND	ND	ND
Acetone	200	7.5	2.8	5.3	ND	5.3	3.8	7.4	3.8
Methylene chloride	100	ND	ND	4.2	ND	ND	ND	ND	ND
trans-1,2-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethane	200	ND	ND	ND	ND	ND	ND	ND	ND
cis-1,2-Dichloroethene	**	ND	ND	ND	ND	ND	ND	ND	ND
2-Butanone (MEK)	300	ND	ND	ND	ND	ND	ND	ND	ND
Chloroform	300	ND	ND	ND	ND	ND	ND	ND	ND
1,1,1-Trichloroethane	800	ND	ND	ND	ND	ND	ND	ND	ND
Carbon tetrachloride	600	ND	ND	ND	ND	ND	ND	ND	ND
Benzene	60	ND	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloroethane	100	ND	ND	ND	ND	ND	ND	ND	ND
Trichloroethene	700	ND	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloropropane	**	ND	ND	ND	ND	ND	ND	ND	ND
Bromodichloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND
cis-1,3-Dichloropropene	**	ND	ND	ND	ND	ND	ND	ND	ND
4-Methyl-2-Pentanone (MIBK)	1,000	ND	ND	ND	ND	ND	ND	ND	ND
Toluene	1,500	ND	2	ND	ND	ND	ND	ND	ND
trans-1,3-Dichloropropene	**	ND	ND	ND	ND	ND	ND	ND	ND
1,1,2-Trichloroethane	**	ND	ND	ND	ND	ND	ND	ND	ND
Tetrachloroethene	1,400	ND	ND	ND	ND	ND	ND	ND	ND
2-Hexanone	**	ND	ND	ND	ND	ND	ND	ND	ND
Dibromochloromethane	**	ND	ND	ND	ND	ND	ND	ND	ND
Chlorobenzene	1,700	ND	ND	ND	ND	ND	ND	ND	ND
Ethylbenzene	5,500	ND	ND	ND	ND	ND	ND	ND	ND
Styrene	**	ND	ND	ND	ND	ND	ND	ND	ND
Bromoform	**	ND	ND	ND	ND	ND	ND	ND	ND
1,1,2,2-Tetrachloroethane	600	ND	ND	ND	ND	ND	ND	ND	ND
total Xylenes	1,200	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

**Guidance levels based on NYSDEC TAGM 4046 and subsequent memoranda.

TAGM cleanup objective not established (total individual and sum of VOCs not listed must be less than or equal to 10,000 ppb).

ND = Not Detected

Table 21: SVOCs in Soil (FEP)
Results provided in parts per billion. Results in **bold** exceed guidance levels.

Compound (USEPA Method 8270C)	Guidance level	Sample Identification							
		FEP-10	FEP-11	FEP-12	FEP-13	FEP-14	FEP-15	FEP-16	FEP-17
1 2 4-Trichlorobenzene	**	ND	ND	ND	ND	ND	ND	ND	ND
1 2-Dichlorobenzene	**	ND	ND	ND	ND	ND	ND	ND	ND
1 3-Dichlorobenzene	**	ND	ND	ND	ND	ND	ND	ND	ND
1 4-Dichlorobenzene	**	ND	ND	ND	ND	ND	ND	ND	ND
2 2-oxybis (1-chloropropane)	**	ND	ND	ND	ND	ND	ND	ND	ND
2 4-Dinitrotoluene	**	ND	ND	ND	ND	ND	ND	ND	ND
2 6-Dinitrotoluene	1,000	ND	ND	ND	ND	ND	ND	ND	ND
2-Chloronaphthalene	**	ND	ND	ND	ND	ND	ND	ND	ND
2-Methylnaphthalene	36,400	ND	ND	ND	ND	ND	ND	ND	ND
2-Nitroaniline	430	ND	ND	ND	ND	ND	ND	ND	ND
3 3-Dichlorobenzidine	**	ND	ND	ND	ND	ND	ND	ND	ND
3-Nitroaniline	500	ND	ND	ND	ND	ND	ND	ND	ND
4-Bromophenyl phenyl ether	**	ND	ND	ND	ND	ND	ND	ND	ND
4-Chloroaniline	2,200	ND	120	110	ND	ND	110	ND	ND
4-Chlorophenyl phenyl ether	**	ND	ND	ND	ND	ND	ND	ND	ND
4-Nitroaniline	**	ND	ND	ND	ND	ND	ND	ND	ND
Acenaphthene	50,000	ND	63	ND	ND	ND	57	ND	ND
Acenaphthylene	41,000	ND	ND	ND	ND	ND	ND	ND	ND
Anthracene	50,000	ND	ND	ND	ND	ND	ND	ND	ND
Benzo(a)anthracene	224	ND	ND	ND	ND	ND	ND	ND	ND
Benzo(a)pyrene	61	ND	ND	ND	ND	ND	ND	ND	ND
Benzo(b)fluoranthene	1,100	ND	ND	ND	ND	ND	ND	ND	ND
Benzo(ghi)perylene	50,000	ND	1,800	920	1,800	ND	930	ND	330
Benzo(k)fluoranthene	1,100	ND	ND	ND	ND	ND	ND	ND	ND
Benzyl alcohol	**	ND	ND	ND	ND	ND	ND	ND	ND
Bis(2-chloroethoxy)methane	**	ND	ND	ND	ND	ND	59	ND	ND
Bis(2-chloroethyl)ether	**	ND	51	48	ND	ND	47	ND	ND
Bis(2-ethylhexyl)phthalate	50,000	ND	ND	ND	ND	ND	ND	ND	ND
Butyl benzyl phthalate	50,000	ND	ND	ND	ND	ND	ND	ND	ND
Carbazole	**	ND	ND	ND	ND	ND	ND	ND	ND
Chrysene	400	ND	ND	ND	ND	ND	ND	ND	ND
Dibenzo(a h)anthracene	14	ND	ND	ND	ND	ND	ND	ND	ND
Dibenzofuran	6,700	ND	ND	ND	ND	ND	ND	ND	ND
Diethyl phthalate	7,100	51	56	52	110	ND	51	ND	50
Dimethyl phthalate	2,000	ND	58	55	110	ND	53	ND	52
Di-n-butyl phthalate	8,100	ND	50	47	96	ND	47	ND	45
Di-n-octyl phthalate	50,000	ND	ND	ND	ND	ND	36	ND	ND
Fluoranthene	50,000	230	2,400	1,300	3,200	ND	3,000	ND	740
Fluorene	50,000	45	60	53	94	ND	270	ND	44
Hexachlorobenzene	410	ND	56	52	110	ND	51	ND	ND
Hexachlorobutadiene	**	71	78	73	150	ND	70	ND	69
Hexachlorocyclopentadiene	**	260	280	270	540	ND	260	ND	250
Hexachloroethane	**	ND	ND	ND	ND	ND	ND	ND	ND
Indeno(1 2 3-cd)pyrene	3,200	140	1,600	790	1,700	ND	920	ND	300
Isophorone	4,400	ND	ND	ND	ND	ND	ND	ND	ND
Naphthalene	1,300	60	200	78	120	ND	220	ND	58
Nitrobenzene	200	42	46	43	88	ND	41	ND	41
n-Nitroso-di-n-propylamine	**	47	51	48	99	ND	47	ND	46
n-Nitrosodiphenylamine	**	52	57	54	110	ND	52	ND	51
Phenanthrene	50,000	110	1,200	700	1,100	ND	2,500	ND	440
Pyrene	50,000	220	2,500	1,200	2,700	ND	2,300	ND	770

Notes:
Guidance levels based on NYSDEC TAGM and subsequent memoranda.
** = Not Provided ND = Not Detected

Table 22: VOCs in Air

Results provided in µg/m^3.. Results in **bold** exceed background levels.

Compound	Background Levels[1]	Sample ID						
		SV-1	SV-2	SV-3	SV-4	SV-5	SV-6	GRAB-1
1,1,1-Trichloroethane	<0.25 - 1.4	ND	ND	ND	ND	ND	ND	ND
1,1,2,2-Tetrachloroethane	<0.25	ND	ND	ND	ND	ND	ND	ND
1,1,2-Trichloroethane	<0.25	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethane	<0.25	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethylene	NA	ND	ND	ND	ND	ND	ND	ND
1,2,4-Trichlorobenzene	NA	ND	ND	ND	ND	ND	ND	ND
1,2,4-Trimethylbenzene	0.78 - 4.4	**18.0**	**13.0**	ND	ND	ND	ND	**13.0**
1,2-Dibromoethane	<0.25	ND	ND	ND	ND	ND	ND	ND
1,2-Dichlorobenzene	<0.25	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloroethane	<0.25	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloropropane	<0.25	ND	ND	ND	ND	ND	ND	ND
1,2-Dichlorotetrafluroethane	NA	ND	ND	ND	ND	ND	ND	ND
1,3,5-Trimethylbenzene	<0.25 - 1.7	ND	ND	ND	ND	ND	ND	ND
1,3-Butadiene	NA	ND	ND	ND	ND	ND	ND	ND
1,3-Dichlorobenzene	<0.25	ND	ND	ND	ND	ND	ND	ND
1,4-Dichlorobenzene	NA	ND	ND	ND	ND	ND	ND	ND
1,4-Dioxane	NA	ND	ND	ND	ND	ND	ND	ND
2,2,4-Trimethylpentane	NA	ND	ND	ND	ND	ND	ND	ND
4-Ethyltoluene	NA	ND	ND	ND	ND	ND	ND	ND
Acetone	10.0 - 46	ND	ND	ND	ND	ND	ND	ND
Allyl Chloride	NA	ND	ND	ND	ND	ND	ND	ND
Benzene	1.2-5.7	**6.6**	ND	**6.8**	ND	**10.0**	**11.0**	**24.0**
Benzyl Chloride	NA	ND	ND	ND	ND	ND	ND	ND
Bromodichloromethane	NA	ND	ND	ND	ND	ND	ND	ND
Bromoform	NA	ND	ND	ND	ND	ND	ND	ND
Bromomethane	<0.25	ND	ND	ND	ND	ND	ND	ND
Carbon Disulfide	NA	ND	ND	ND	ND	ND	ND	ND
Carbon Tetrachloride	<0.25 -0.68	ND	ND	ND	ND	ND	ND	ND
Chlorobenzene	<0.25	ND	ND	ND	ND	ND	ND	ND
Cloroethane	NA	ND	ND	ND	6.3	ND	ND	ND
Chloroform	<0.25	ND	ND	ND	**33.0**	ND	ND	ND
Chloromethane	<0.25 - 2.0	ND	ND	ND	ND	ND	ND	ND
cis-1,2-Dichloroethylene	<0.25	ND	ND	ND	ND	ND	ND	ND
cis-1,3-Dichloropropylene	NA	ND	ND	ND	ND	ND	ND	ND
Cyclohexane	NA	ND	ND	ND	ND	ND	ND	ND
Dibromochloromethane	NA	ND	ND	ND	ND	ND	ND	ND
Dichlorodifluoromethane	NA	350.0	42.0	11.0	66.0	ND	26.0	ND
Ethyl acetate	NA	ND	ND	ND	ND	ND	ND	ND
Ethylbenzene	0.43-2.8	ND	ND	ND	ND	ND	ND	**12.0**
Freon-113	NA	ND	ND	ND	ND	ND	ND	ND
Hexachloro-1,3-Butadiene	NA	ND	ND	ND	ND	ND	ND	ND
Isopropanol	NA	ND	ND	ND	ND	ND	ND	ND
Methyl Butyl ketone	NA	ND	ND	ND	ND	ND	ND	ND
Methyl Ethyl ketone	NA	ND	ND	ND	ND	ND	ND	ND
Methyl Isobutyl ketone	NA	ND	ND	ND	ND	ND	ND	ND
Methylene Chloride	0.38-6.3	ND	ND	ND	ND	ND	ND	ND
MTBE	<0.25 - 6.7	ND	ND	ND	ND	ND	ND	ND
n-Heptane	NA	ND	ND	ND	ND	ND	ND	ND
n-Hexane	0.63-6.5	ND	ND	ND	ND	ND	ND	ND
o-Xylene	0.39-3.1	ND	ND	ND	ND	ND	ND	**15.0**
p- & m-Xylenes	0.52-4.7	**14.0**	**10.0**	ND	ND	**23.0**	**18.0**	**44.0**
Propylene	NA	ND	ND	ND	ND	ND	ND	ND
Styrene	<0.25-0.68	**10.0**	ND	ND	ND	ND	ND	ND
Tetrachloroethylene	<0.25 - 1.2	**24.0**	**32.0**	ND	**23.0**	**14.0**	ND	ND
Tetrahydrofuran	NA	ND	ND	ND	ND	ND	ND	ND
Toluene	4.2-25	13.0	8.1	**34.0**	13.0	**38.0**	**41.0**	**100.0**
trans-1,2-Dichloroethylene	NA	ND	ND	ND	ND	ND	ND	ND
trans-1,3-Dichloropropylene	NA	ND	ND	ND	ND	ND	ND	ND
Trichloroethylene	<0.25	ND	ND	ND	ND	ND	ND	ND
Trichlorofluoromethane	NA	200.0	77.0	ND	22.0	ND	ND	ND
Vinyl acetate	NA	ND	ND	ND	ND	ND	ND	ND
Vinyl Bromide	NA	ND	ND	ND	ND	ND	ND	ND
Vinyl Chloride	<0.25	ND	ND	ND	ND	ND	ND	ND

1. Background Levels based on NYSDOH Guidance for Evaluating Soil Vapor Intrusion in the State of New York and subsequent memoranda.

NA=Not Available

ND=Not Detected

Table 23: Parkview Site: Ranking Tables

Proposed SSCO for Chlordane = 710 ppb

Pesticides USEPA Method 8081	Chlordane	4,4'-DDT	Aldrin	Dieldrin
TAGM	**540**	**2,100**	**41**	**44**
Sample				
FEP-2	**710**	**2,500**	ND	**96**
FEP-8	350	390	ND	29
FEP-6	81	20	ND	1.9
FEP-7	54	120	1.9	6.3
FEP-5	32	23	ND	2.0
FEP-3	ND	ND	ND	ND
FEP-4	ND	0.63	ND	ND

Proposed SSCO for 4,4'DDT = 2,500 ppb

Pesticides USEPA Method 8081	4,4'-DDT	Dieldrin	Aldrin	Chlordane
TAGM	**2,100**	**44**	**41**	**540**
Sample				
FEP-2	**2,500**	**96**	ND	**710**
FEP-8	390	29	ND	350
FEP-7	120	6.3	1.9	54
FEP-5	23	2.0	ND	32
FEP-6	20	1.9	ND	81
FEP-4	0.63	ND	ND	ND
FEP-3	ND	ND	ND	ND

Proposed SSCO for c-PAHs in Soil (benzo(a)pyrene equivalent)

Results provided in mg/kg (ppm)

Sample Identification	TOTAL PAHs
Action Level	**5**
BEPS-2	ND
BEPN-2	0.07
FEP-16	0.10
FEP-3	0.10
FEP-5	0.13
FEP-10	0.21
BEPE-2	0.56
FEP-7	0.57
FEP-8	0.58
FEP-17	0.76
FEP-6	0.73
Average	0.32
FEP-12	1.36
BEPW-2	2.09
FEP-15	2.11
FEP-11	2.87
FEP-13	3.41
Average	1.00

Table 23: Parkview Site: Ranking Tables (cont'd)

Proposed SSCO for Barium: 600 ppm

Metals	Barium	Cadmium	Lead	Mercury	Zinc
Background Levels	15-600	0.1-1	4-500	0.001-0.2	9-50
TAGM values	300	1	400	0.10	20
FEP-16	11	1.0	3	0.0	39
FEP-3	47	1.2	53	0.4	60
FEP-6	69	1.1	92	0.1	102
FEP-5	77	1.2	67	0.2	122
FEP-17	79	1.2	88	0.2	90
EPB-4	152	ND	368	0.5	230
FEP-10	169	1.1	50	0.1	78
EPN-2	215	1.1	550	0.5	312
EPN-1	234	ND	562	0.5	297
EPW-2	268	ND	586	0.5	326
EPW-1	313	ND	664	0.5	355
FEP-8	340	1.3	1,030	0.3	315
FEP-15	370	1.1	409	0.3	443
FEP-13	436	1.2	404	0.3	401
2EPB-1	469	0.94	139	0.18	336
EPB-3	488	ND	969	0.5	368
FEP-12	509	1.2	472	0.3	367
2EPE-2	521	1.4	154	0.19	380
2EPS-1	527	1.2	137	0.17	327
2EPE-1	536	1.1	90.6	0.11	227
FEP-7	573	1.2	357	0.4	354
FEP-11	621	1.3	958	0.3	603
EPB-2	988	1.3	1,530	0.3	850
EPS-2	1,020	1.8	1,980	0.7	869

Proposed SSCOs for Lead: 1,000 ppm

Metals	Lead	Mercury	Barium	Cadmium	Zinc
Background Levels	4-500	0.001-0.2	15-600	0.1-1	9-50
TAGM values	400	0.10	300	1	20
FEP-16	3	0.0	11	1.0	39
FEP-10	50	0.1	169	1.1	78
FEP-3	53	0.4	47	1.2	60
FEP-5	67	0.2	77	1.2	122
FEP-17	88	0.2	79	1.2	90
2EPE-1	90.6	0.11	536	1.1	227
FEP-6	92	0.1	69	1.1	102
2EPS-1	137	0.17	527	1.2	327
2EPB-1	139	0.18	469	0.94	336
2EPE-2	154	0.19	521	1.4	380
FEP-7	357	0.4	573	1.2	354
EPB-4	368	0.5	152	ND	230
FEP-13	404	0.3	436	1.2	401
FEP-15	409	0.3	370	1.1	443
FEP-12	472	0.3	509	1.2	367
EPN-2	550	0.5	215	1.1	312
EPN-1	562	0.5	234	ND	297
EPW-2	586	0.5	268	ND	326
EPW-1	664	0.5	313	ND	355
FEP-11	958	0.3	621	1.3	603
EPB-3	969	0.5	488	ND	368
FEP-8	1,030	0.3	340	1.3	315
EPB-2	1,530	0.3	988	1.3	850
EPS-2	1,980	0.7	1,020	1.8	869

Table 23: Parkview Site: Ranking Tables (cont'd)

Proposed SSCO for Zinc: 500 ppm

Metals	Zinc	Cadmium	Lead	Mercury	Barium
Background Levels	**9-50**	**0.1-1**	**4-500**	**0.001-0.2**	**15-600**
TAGM values	**20**	**1**	**400**	**0.10**	**300**
FEP-16	39	1.0	3	0.0	11
FEP-4	**56**	**1.1**	5	0.0	16
FEP-3	**60**	**1.2**	53	0.4	47
FEP-10	**78**	**1.1**	50	0.1	169
FEP-17	**90**	**1.2**	88	0.2	79
FEP-6	**102**	**1.1**	92	0.1	69
FEP-5	**122**	**1.2**	67	0.2	77
2EPE-1	**227**	**1.1**	90.6	0.11	536
EPN-1	**297**	ND	562	0.5	234
EPN-2	**312**	**1.1**	550	0.5	215
FEP-8	**315**	**1.3**	1,030	0.3	340
EPW-2	**326**	ND	586	0.5	268
2EPS-1	**327**	**1.2**	137	0.17	527
2EPB-1	**336**	0.94	139	0.18	469
FEP-7	**354**	**1.2**	357	0.4	573
EPW-1	**355**	ND	664	0.5	313
FEP-12	**367**	**1.2**	472	0.3	509
EPB-3	**368**	ND	969	0.5	488
2EPE-2	**380**	**1.4**	154	0.19	521
FEP-13	**401**	**1.2**	404	0.3	436
FEP-15	**443**	**1.1**	409	0.3	370
FEP-11	**603**	**1.3**	958	0.3	621
EPB-2	**850**	**1.3**	1,530	0.3	988
EPS-2	**869**	**1.8**	**1,980**	0.7	**1,020**

Proposed SSCOs for Cadmium: 2.0 ppm

Metals	Cadmium	Barium	Lead	Mercury	Zinc
Background Levels	**0.1-1**	**15-600**	**4-500**	**0.001-0.2**	**9-50**
TAGM values	**1**	**300**	**400**	**0.10**	**20**
EPN-1	ND	234	562	0.5	**297**
EPW-1	ND	313	664	0.5	**355**
EPW-2	ND	268	586	0.5	**326**
EPB-3	ND	488	969	0.5	**368**
EPB-4	ND	152	368	0.5	**230**
2EPB-1	0.94	469	139	0.18	336
FEP-16	1.0	11	3	0.0	39
EPN-2	1.1	215	550	0.5	**312**
2EPE-1	1.1	536	90.6	0.11	**227**
FEP-6	1.1	69	92	0.1	**102**
FEP-10	1.1	169	50	0.1	**78**
FEP-15	1.1	370	409	0.3	**443**
2EPS-1	1.2	527	137	0.17	**327**
FEP-3	1.2	47	53	0.4	**60**
FEP-5	1.2	77	67	0.2	**122**
FEP-7	1.2	573	357	0.4	**354**
FEP-12	1.2	509	472	0.3	**367**
FEP-13	1.2	436	404	0.3	**401**
FEP-17	1.2	79	88	0.2	**90**
EPB-2	1.3	988	1,530	0.3	**850**
FEP-8	1.3	340	1,030	0.3	**315**
FEP-11	1.3	621	958	0.3	**603**
2EPE-2	1.4	521	154	0.19	**380**
EPS-2	1.8	**1,020**	**1,980**	0.7	**869**

Table 23: Parkview Site: Ranking Tables (cont'd)

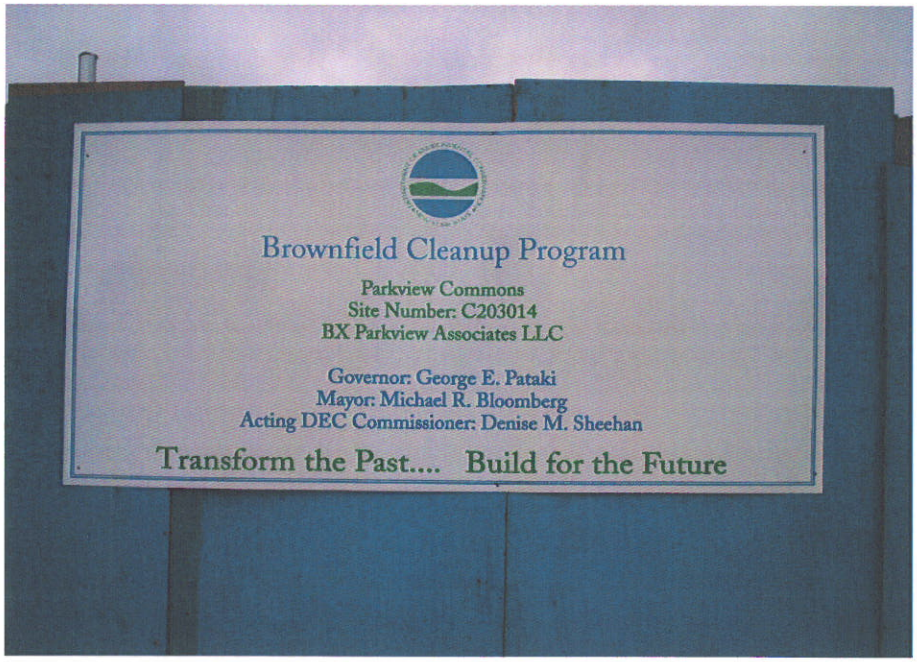
Proposed SSCO for Mercury: 1.0 ppm

Metals	Mercury	Cadmium	Lead	Barium	Zinc
Background Levels	**0.001-0.2**	**0.1-1**	**4-500**	**15-600**	**9-50**
Guidance Levels	**1**	**2**	**1,550**	**1,000**	**1,000**
FEP-16	0.0	1.0	3	11	39
FEP-10	0.1	1.1	50	169	**78**
2EPE-1	0.11	1.1	90.6	536	**227**
FEP-6	0.1	1.1	92	69	**102**
FEP-5	0.2	1.2	67	77	**122**
FEP-17	0.2	1.2	88	79	**90**
2EPS-1	0.17	1.2	137	527	**327**
2EPB-1	0.18	0.94	139	469	**336**
2EPE-2	0.19	1.4	154	521	**380**
FEP-8	0.3	1.3	1,030	340	**315**
FEP-12	0.3	1.2	472	509	**367**
EPB-2	0.3	1.3	1,530	988	**850**
FEP-11	0.3	1.3	958	621	**603**
FEP-13	0.3	1.2	404	436	**401**
FEP-15	0.3	1.1	409	370	**443**
FEP-7	0.4	1.2	357	573	**354**
FEP-3	0.4	1.2	53	47	**60**
EPW-2	0.5	ND	586	268	**326**
EPB-3	0.5	ND	969	488	**368**
EPN-2	0.5	1.1	550	215	**312**
EPN-1	0.5	ND	562	234	**297**
EPW-1	0.5	ND	664	313	**355**
EPB-4	0.5	ND	368	152	**230**
EPS-2	0.7	1.8	**1,980**	**1,020**	**869**

APPENDIX C

Photographs

PHOTOGRAPHS



1. **Parkview Commons Development Site**

2. **Parkview Commons, looking northwest from Elton Avenue (taken Fall 2004)**

PHOTOGRAPHS

3. **Location of buried USTs, along E. 161st Street**

4. **Grave of USTs after removal, E. 161st Street in background**

PHOTOGRAPHS

5. Grave of USTs, looking southeast

6. UST removal activities (taken from E. 160th Street)

PHOTOGRAPHS

7. Area of pesticide-contaminated fill material (foreground), and covered, stockpiled material (background), looking south

8. Early stage soil removal of initial excavation (basement) area, looking east

PHOTOGRAPHS

9. Basement area at bedrock interface (elevation: 23.30'), looking northeast

10. Covered, pesticide-contaminated soil (foreground), and stockpiled material from the basement area (background), looking northeast

PHOTOGRAPHS

11. Breaking of bedrock in basement area, looking east

12. Breaking of bedrock in basement area, looking northeast

PHOTOGRAPHS

13. Stained soil in basement area

14. Basement area, near completion, looking east

PHOTOGRAPHS

15. Removal of fill material

16. Covered, stockpiled fill material, looking east

PHOTOGRAPHS

17. Hydraulic lift

18. VES in basement area

PHOTOGRAPHS

19. VES in basement area

20. On-site structure, looking southeast (taken from E. 160th Street)

PHOTOGRAPHS

21. Broken bedrock in catch basin (in parking area)

22. Demarcation layer in courtyard area

PHOTOGRAPHS

23. Clean fill being spread on top of catch basin in parking area (taken from E. 160th Street)

24. Crushed stone in parking area, looking northwest

PHOTOGRAPHS

25. Asphalt-paved parking area (E. 160th Street pictured)

26. FR-250 fans, atop portion of structure adjacent to E. 161st Street

PHOTOGRAPHS

27. Vapor barrier installation beneath the slab

28. Slab on grade installation in progress adjacent to cellar along column line 4

APPENDIX D

Waste Disposal Manifests (see VOLUME 2)

APPENDIX E & F

Laboratory Results and Dust Monitoring Reports

APPENDIX G

Correspondence and Data Regarding Fill Soils

LAB Results PARKVIEW COMMONS
ATTN KEVIN WOULFE

AMERICAN ANALYTICAL LABORATORIES

NYSDOH 11418
NJDEP NY050
CTDOH PH-0205
PADEP 68-00573

Tuesday, August 16, 2005

Dave Cinquemani
Evergreen Recycling of Corona
127-50 Northern Boulevard
Flushing, NY 11368
TEL: (718) 205-8038
FAX (718) 205-8202

RE: EROC

Dear Dave Cinquemani: Order No.: 0508056

American Analytical Laboratories, LLC received 1 sample(s) on 8/4/2005 for the analyses presented in the following report.

Samples were analyzed in accordance with the test procedures documented on the chain of custody and detailed throughout the text of this report.

The limits provided in the data package are analytical reporting limits and not Federal or Local mandated values to which the sample results should be compared.

There were no problems with the analyses and all data for associated QC met laboratory specifications.

If you have any questions regarding these tests results, please do not hesitate to call (631) 454-6100 or email me directly at lbeyer@american-analytical.com.

Sincerely,

Lori Beyer
Lab Director

American Analytical Laboratories, LLC.

Date: 16-Aug-05

CLIENT:	Evergreen Recycling of Corona	Client Sample ID:	EROC
Lab Order:	0508056	Tag Number:	4191
Project:	EROC	Collection Date:	8/3/2005
Lab ID:	0508056-01B Date Received: 8/4/2005	Matrix:	SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
IGNITABILITY/FLASHPOINT SW-846 1010		SW1010				Analyst: IP
Ignitability	>	140		°F	1	8/15/2005
CORROSIVITY		SW9045C				Analyst: WN
pH	8.60	0		pH Units	1	8/8/2005
REACTIVE CYANIDE		SW7.3.3.2				Analyst: WN
Reactive Cyanide	U	0.100		mg/Kg-dry	1	8/8/2005
REACTIVE SULFIDE		SW7.3.4.2				Analyst: WN
Reactive Sulfide	U	2.00		mg/Kg-dry	1	8/8/2005

Qualifiers:				
	*	Value exceeds Maximum Contaminant Level	B	Analyte detected in the associated Method Blank
	E	Value above quantitation range	H	Holding times for preparation or analysis exceeded
	J	Analyte detected below quantitation limits	ND	Not Detected at the Reporting Limit
	S	Spike Recovery outside accepted recovery limits	U	Indicates the compound was analyzed for but not detected

American Analytical Laboratories, LLC.

Date: *16-Aug-05*

CLIENT:	Evergreen Recycling of Corona	**Client Sample ID:**	EROC
Lab Order:	0508056	**Tag Number:**	4191
Project:	EROC	**Collection Date:**	8/3/2005
Lab ID:	0508056-01B	**Date Received:** 8/4/2005	**Matrix:** SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
Naphthalene	U	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Phenanthrene	790	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Pyrene	1000	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM

VOLATILES-TARGET COMPOUND LIST. (8260) SW8260B Analyst: LDS

1,1,1-Trichloroethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
1,1,2,2-Tetrachloroethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
1,1,2-Trichloroethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
1,1-Dichloroethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
1,1-Dichloroethene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
1,2-Dichloroethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
1,2-Dichloropropane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
2-Butanone	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
2-Chloroethyl vinyl ether	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
2-Hexanone	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
4-Methyl-2-pentanone	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Acetone	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Benzene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Bromodichloromethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Bromoform	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Bromomethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Carbon disulfide	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Carbon tetrachloride	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Chlorobenzene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Chloroethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Chloroform	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Chloromethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
cis-1,3-Dichloropropene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Dibromochloromethane	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Ethylbenzene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Methylene chloride	8.2	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Styrene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Tetrachloroethene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Toluene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
trans-1,2-Dichloroethene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
trans-1,3-Dichloropropene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Trichloroethene	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Vinyl chloride	U	5.4		µg/Kg-dry	1	8/10/2005 8:47:00 PM
Xylenes, Total	U	16		µg/Kg-dry	1	8/10/2005 8:47:00 PM

Qualifiers:	* Value exceeds Maximum Contaminant Level	B	Analyte detected in the associated Method Blank
	E Value above quantitation range	H	Holding times for preparation or analysis exceeded
	J Analyte detected below quantitation limits	ND	Not Detected at the Reporting Limit
	S Spike Recovery outside accepted recovery limits	U	Indicates the compound was analyzed for but not detected

American Analytical Laboratories, LLC.

Date: *16-Aug-05*

CLIENT:	Evergreen Recycling of Corona	**Client Sample ID:**	EROC
Lab Order:	0508056	**Tag Number:**	4191
Project:	EROC	**Collection Date:**	8/3/2005
Lab ID:	0508056-01B **Date Received:** 8/4/2005	**Matrix:**	SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
Percent Moisture	7.83	0		wt%	1	8/8/2005

METALS-TARGET ANALYTE LIST — SW6010B (SW3050A) — Analyst: JP

Aluminum	4020	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Antimony	U	0.510		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Arsenic	2.40	0.510		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Barium	82.6	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Beryllium	U	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Cadmium	0.219	0.204		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Calcium	7490	0.510		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Chromium	10.9	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Cobalt	9.96	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Copper	27.9	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Iron	7210	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Lead	99.8	0.306		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Magnesium	2840	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Manganese	236	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Nickel	15.4	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Potassium	769	1.22		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Selenium	0.625	0.510		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Silver	U	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Sodium	173	0.612		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Thallium	U	0.306		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Vanadium	26.5	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM
Zinc	100	0.408		mg/Kg-dry	1	8/10/2005 1:50:40 PM

SEMIVOLATILES SW-846 8270(PAH) — SW8270D (SW3550A) — Analyst: RN

Acenaphthene	94	130	J	µg/Kg-dry	3	8/11/2005 1:06:00 AM
Acenaphthylene	U	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Anthracene	210	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Benzo(a)anthracene	560	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Benzo(a)pyrene	530	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Benzo(b)fluoranthene	680	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Benzo(g,h,i)perylene	350	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Benzo(k)fluoranthene	240	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Chrysene	560	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Dibenzo(a,h)anthracene	96	130	J	µg/Kg-dry	3	8/11/2005 1:06:00 AM
Fluoranthene	1100	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM
Fluorene	120	130	J	µg/Kg-dry	3	8/11/2005 1:06:00 AM
Indeno(1,2,3-c,d)pyrene	290	130		µg/Kg-dry	3	8/11/2005 1:06:00 AM

Qualifiers:

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J	Analyte detected below quantitation limits	ND	Not Detected at the Reporting Limit
S	Spike Recovery outside accepted recovery limits	U	Indicates the compound was analyzed for but not detected

American Analytical Laboratories, LLC.

Date: *16-Aug-05*

CLIENT:	Evergreen Recycling of Corona	**Client Sample ID:**	BROC
Lab Order:	0508056	**Tag Number:**	4191
Project:	BROC	**Collection Date:**	8/3/2005
Lab ID:	0508056-01B	**Matrix:**	SOIL
	Date Received: 8/4/2005		

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
MERCURY SW-846 7471		SW7471B				Analyst: JP
Mercury	0.184	0.0105		mg/Kg-dry	1	8/10/2005
PCB'S AS AROCLORS SW-846 8082		SW8082A	(SW3660)			Analyst: NP
Aroclor 1016	U	87		µg/Kg-dry	3	8/10/2005 7:26:00 AM
Aroclor 1221	U	87		µg/Kg-dry	3	8/10/2005 7:26:00 AM
Aroclor 1232	U	87		µg/Kg-dry	3	8/10/2005 7:26:00 AM
Aroclor 1242	U	87		µg/Kg-dry	3	8/10/2005 7:26:00 AM
Aroclor 1248	U	87		µg/Kg-dry	3	8/10/2005 7:26:00 AM
Aroclor 1254	U	87		µg/Kg-dry	3	8/10/2005 7:26:00 AM
Aroclor 1260	U	87		µg/Kg-dry	3	8/10/2005 7:26:00 AM
PESTICIDES SW-846 8081		SW8081B	(SW3550)			Analyst: KB
4,4'-DDD	18	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
4,4'-DDE	16	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
4,4'-DDT	170	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Aldrin	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
alpha-BHC	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
beta-BHC	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Chlordane	200	16		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Chlorobenzilate	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
DBCP	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
delta-BHC	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Dieldrin	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Endosulfan I	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Endosulfan II	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Endosulfan sulfate	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Endrin	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Endrin aldehyde	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Endrin ketone	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
gamma-BHC	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Heptachlor	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Heptachlor epoxide	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Hexachlorobenzene	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Hexachlorocyclopentadiene	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Methoxychlor	U	5.4		µg/Kg-dry	3	8/11/2005 9:05:00 AM
Toxaphene	U	52		µg/Kg-dry	3	8/11/2005 9:05:00 AM
PERCENT MOISTURE		D2216				Analyst: PA

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American Analytical Laboratories, LLC.

Date: *16-Aug-05*

CLIENT:	*Evergreen Recycling of Corona*	**Client Sample ID:**	EROC
Lab Order:	0508056	**Tag Number:**	4191
Project:	EROC	**Collection Date:**	8/3/2005
Lab ID:	0508056-01A	**Date Received:** 8/4/2005	**Matrix:** SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
TCLP VOLATILE ANALYSIS		**SW8260B**		**(SW1311)**		**Analyst: LDS**
1,1-Dichloroethene	U	0.070		mg/L	1	8/9/2005 12:16:00 PM
1,2-Dichloroethane	U	0.050		mg/L	1	8/9/2005 12:16:00 PM
1,4-Dichlorobenzene	U	0.75		mg/L	1	8/9/2005 12:16:00 PM
2-Butanone	U	20		mg/L	1	8/9/2005 12:16:00 PM
Benzene	U	0.050		mg/L	1	8/9/2005 12:16:00 PM
Carbon tetrachloride	U	0.050		mg/L	1	8/9/2005 12:16:00 PM
Chlorobenzene	U	10		mg/L	1	8/9/2005 12:16:00 PM
Chloroform	U	6.00		mg/L	1	8/9/2005 12:16:00 PM
Tetrachloroethene	U	0.070		mg/L	1	8/9/2005 12:16:00 PM
Trichloroethene	U	0.050		mg/L	1	8/9/2005 12:16:00 PM
Vinyl chloride	U	0.020		mg/L	1	8/9/2005 12:16:00 PM

Qualifiers:	*	Value exceeds Maximum Contaminant Level	B	Analyte detected in the associated Method Blank
	H	Value above quantitation range	H	Holding times for preparation or analysis exceeded
	J	Analyte detected below quantitation limits	ND	Not Detected at the Reporting Limit
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American Analytical Laboratories, LLC.

Date: *16-Aug-05*

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Lab Order:	0508056	**Tag Number:**	4191
Project:	EROC	**Collection Date:**	8/3/2005
Lab ID:	0508056-01A	**Date Received:** 8/4/2005	**Matrix:** SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
TCLP MERCURY		SW1311/7471B		(SW1311)		Analyst: JP
Mercury	U	0.0200		mg/L	1	8/8/2005
TCLP HERBICIDES SW-846 8151		SW8151A		(SW3510B)		Analyst: KB
2,4,5-TP (Silvex)	U	0.50		mg/L	1	8/10/2005 9:35:00 PM
2,4-D	U	5.0		mg/L	1	8/10/2005 9:35:00 PM
TCLP PESTICIDES SW-846 8081		SW8081B		(SW3510B)		Analyst: KB
Chlordane	U	0.0030		mg/L	1	8/10/2005 3:14:00 AM
Endrin	U	0.0020		mg/L	1	8/10/2005 3:14:00 AM
gamma-BHC	U	0.040		mg/L	1	8/10/2005 3:14:00 AM
Heptachlor	U	0.00080		mg/L	1	8/10/2005 3:14:00 AM
Heptachlor epoxide	U	0.00080		mg/L	1	8/10/2005 3:14:00 AM
Methoxychlor	U	1.0		mg/L	1	8/10/2005 3:14:00 AM
Toxaphene	U	0.050		mg/L	1	8/10/2005 3:14:00 AM
TCLP METALS		SW1311/6010B		(SW1311)		Analyst: JP
Arsenic	U	0.0500		mg/L	1	8/9/2005 12:22:13 PM
Barium	0.356	0.0500		mg/L	1	8/9/2005 12:22:13 PM
Cadmium	U	0.0500		mg/L	1	8/9/2005 12:22:13 PM
Chromium	U	0.0500		mg/L	1	8/9/2005 12:22:13 PM
Lead	0.0953	0.0500		mg/L	1	8/9/2005 12:22:13 PM
Selenium	U	0.0500		mg/L	1	8/9/2005 12:22:13 PM
Silver	U	0.0500		mg/L	1	8/9/2005 12:22:13 PM
TCLP SEMIVOLATILES SW-846 8270		SW8270D		(SW3510)		Analyst: RN
2,4,5-Trichlorophenol	U	80		mg/L	2	8/8/2005 9:07:00 PM
2,4,6-Trichlorophenol	U	0.40		mg/L	2	8/8/2005 9:07:00 PM
2,4-Dinitrotoluene	U	0.026		mg/L	2	8/8/2005 9:07:00 PM
2-Methylphenol	U	40		mg/L	2	8/8/2005 9:07:00 PM
3+4-Methylphenol	U	80		mg/L	2	8/8/2005 9:07:00 PM
Hexachlorobenzene	U	0.026		mg/L	2	8/8/2005 9:07:00 PM
Hexachlorobutadiene	U	0.18		mg/L	2	8/8/2005 9:07:00 PM
Hexachloroethane	U	0.60		mg/L	2	8/8/2005 9:07:00 PM
Nitrobenzene	U	0.40		mg/L	2	8/8/2005 9:07:00 PM
Pentachlorophenol	U	20		mg/L	2	8/8/2005 9:07:00 PM
Pyridine	U	1.0		mg/L	2	8/8/2005 9:07:00 PM

Qualifiers:			
	*	Value exceeds Maximum Contaminant Level	B Analyte detected in the associated Method Blank
	E	Value above quantitation range	H Holding times for preparation or analysis exceeded
	J	Analyte detected below quantitation limits	ND Not Detected at the Reporting Limit
	S	Spike Recovery outside accepted recovery limits	U Indicates the compound was analyzed for but not detected

AMERICAN ANALYTICAL LABORATORIES, LLC
66 TOLEDO STREET
FARMINGDALE, NEW YORK 11735
TELEPHONE: (631) 454-6100 FAX: (631) 454-8027

DATA REPORTING QUALIFIERS

For reporting results, the following "Results Qualifiers" are used:

Value	If the result is greater than or equal to the detection limit, report the value
U	Indicates the compound was analyzed for but was not detected. Report the minimum detection limit for the sample with the U, i.e. "10U". This is not necessarily the instrument detection limit attainable for this particular sample based on any concentration or dilution that may have been required.
J	Indicates an estimated value. The flag is used: (1) When estimating a concentration for a tentatively identified compound (library search hits, where a 1:1 response is assumed.) (2) When the mass spectral data indicated the identification, however the result was less than the specified detection limit greater than zero. If the detection limit was 10ug/L and a concentration of 3ug/L was calculated report as 3J. This flag is used when similar situations arise on any organic parameter i.e. Pesticide, PCBs and others.
B	Indicates the analyte was found in the blank as well as the sample report "10B".
E	Indicates the analytes concentration exceeds the calibrated range of the instrument for that specific analysis.
D	This flag identifies all compounds identified in an analysis at a secondary dilution factor.
P	This flag is used for Pesticide / PCB target analyte when there is >25% difference for detected concentrations between the two GC Columns. The higher of the two values is reported on Form I and flagged with a "P".
N	This flag indicates presumptive evidence of a compound. This is only used for tentatively identified compounds (TICs), where the identification is based on a mass spectral library search. It applies to all TIC results. For generic characterization of a TIC, such as chlorinated hydrocarbon, the flag is not used.
H	Indicates sample was received and/or analyzed outside of The method allowable holding time

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TAG # / COC 4191

NYSDOH	11418
CTDOH	PH-0205
NJDEP	NY050
PADEP	68-573

CHAIN OF CUSTODY / REQUEST FOR ANALYSIS DOCUMENT

CLIENT NAME/ADDRESS: EVERGREEN Recycling, 127-50 Northern Blvd, Flushing NY 11238

CONTACT: David Cingerani

SAMPLER (SIGNATURE): [signature]

SAMPLER NAME (PRINT): David Cingerani

SAMPLES SEALED: YES / NO

CORRECT CONTAINERS: YES / NO

PROJECT LOCATION: ETRAC

ADD WORK

ANALYSIS REQUIRED: [illegible handwritten analyses, incl. METALS, TCLP]

FOR METHANOL PRESERVED SAMPLES (VOLATILE VIALS)

LABORATORY ID #	MATRIX	# CONTAINERS	SAMPLING DATE/TIME	SAMPLE # - LOCATION	Analyses
0508056-1AB	S	2	8/3/05 8:00		X X X X

AS PER DAVE Moorwood 8/8/05 [initials]

MATRIX: S=SOIL; L=LIQUID; SL=SLUDGE; A=AIR; W=WIPE; P=PAINT CHIPS; B=BULK MATERIAL

TYPE: G=GRAB; C=COMPOSITE; SS=SPLIT SPOON

TURNAROUND REQUIRED: NORMAL ☑ STAT ☐ BY / /

COOLER TEMPERATURE:

COMMENTS / INSTRUCTIONS:

RELINQUISHED BY (SIGNATURE)	DATE / TIME	PRINTED NAME	RECEIVED BY LAB (SIGNATURE)	DATE / TIME	PRINTED NAME
[signature]	8/4/05 8:00	David Cingerani	[signature]	8-4-05 11:50am	C. Ouang
	DATE / TIME			DATE / TIME	

WHITE-OFFICE / CANARY-LAB / PINK-SAMPLE CUSTODIAN / GOLDENROD-CLIENT

American Analytical Laboratories, LLC. Date: *16-Aug-05*

CLIENT: Evergreen Recycling of Corona
Project: EROC
Lab Order: 0508056

Work Order Sample Summary

Lab Sample ID	Client Sample ID	Tag Number	Collection Date	Date Received
0508056-01A	EROC	4191	8/3/2005	8/4/2005
0508056-01B	EROC	4191	8/3/2005	8/4/2005

Environmental Testing Laboratories, Inc.
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Phone - 631-249-1456 Fax - 631-249-8344

05/02/2005

TCLP Volatile By SW846 8260

Sample: 0504581-1
Client Sample ID: S-1
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 04/29/2005
Preparation Date(s) : 04/27/2005

Type: Composite

Collected: 04/24/2005 11:00

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration	Units	Q
71-43-2	Benzene	C1769-7133	0.0012	0.0012	ppm	U
56-23-5	Carbon Tetrachloride	C1769-7133	0.00081	0.00081	ppm	U
108-90-7	Chlorobenzene	C1769-7133	0.00096	0.00096	ppm	U
67-66-3	Chloroform	C1769-7133	0.00046	0.00046	ppm	U
107-06-2	1,2-Dichloroethane	C1769-7133	0.00097	0.00097	ppm	U
75-35-4	1,1-Dichloroethene	C1769-7133	0.0022	0.0022	ppm	U
78-93-3	Methyl Ethyl Ketone	C1769-7133	0.0085	0.0085	ppm	U
127-18-4	Tetrachloroethene	C1769-7133	0.0016	0.0016	ppm	U
79-01-6	Trichloroethene	C1769-7133	0.0020	0.0020	ppm	U
75-01-4	Vinyl Chloride	C1769-7133	0.0023	0.0023	ppm	U

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
460-00-4	4-BROMOFLUOROBENZENE	C1769-7133	104.0 %	(85 - 116)	
1868-53-7	DIBROMOFLUOROMETHANE	C1769-7133	106.0 %	(85 - 118)	
2037-26-5	TOLUENE-D8	C1769-7133	98.7 %	(88 - 110)	

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05/02/2005

TCLP Volatile By SW846 8260

Sample: 0504561-2
Client Sample ID: S-2
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 04/29/2005
Preparation Date(s): 04/27/2005

Type: Composite

Collected: 04/24/2005 11:15

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration	Units	Q
71-43-2	Benzene	C1769-7134	0.0012	0.0012	ppm	U
56-23-5	Carbon Tetrachloride	C1769-7134	0.00081	0.00081	ppm	U
108-90-7	Chlorobenzene	C1769-7134	0.00096	0.00096	ppm	U
67-66-3	Chloroform	C1769-7134	0.00046	0.00046	ppm	U
107-06-2	1,2-Dichloroethane	C1769-7134	0.00097	0.00097	ppm	U
75-35-4	1,1-Dichloroethene	C1769-7134	0.0022	0.0022	ppm	U
78-93-3	Methyl Ethyl Ketone	C1769-7134	0.0085	0.0085	ppm	U
127-18-4	Tetrachloroethene	C1769-7134	0.0016	0.0016	ppm	U
79-01-6	Trichloroethene	C1769-7134	0.0020	0.0020	ppm	U
75-01-4	Vinyl Chloride	C1769-7134	0.0023	0.0023	ppm	U

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
460-00-4	4-BROMOFLUOROBENZENE	C1769-7134	105.0 %	(88 - 115)	
1774-33-6	DIBROMOFLUOROMETHANE	C1769-7134	103.0 %	(86 - 118)	
2037-26-5	TOLUENE-D8	C1769-7134	99.7 %	(88 - 110)	

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05/02/2005

TCLP Mercury-Method SW846 1311/7470/7471

Sample: 0504561-1
Client Sample ID: S-1
Matrix: Soil
Remarks:
Type: Composite
Collected: 04/24/2005 11:00
Analyzed Date: 04/28/2005
Preparation Date(s): 04/28/2005 04/27/2005

Analytical Results

Cas No	Analyte	MDL	Concentration	Units	Q
7439-97-6	Mercury	0.000030	0.000030	ppm	U

Sample: 0504561-2
Client Sample ID: S-2
Matrix: Soil
Remarks:
Type: Composite
Collected: 04/24/2005 11:15
Analyzed Date: 04/28/2005
Preparation Date(s): 04/28/2005 04/27/2005

Analytical Results

Cas No	Analyte	MDL	Concentration	Units	Q
7439-97-6	Mercury	0.000030	0.000030	ppm	U

Environmental Testing Laboratories, Inc.
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TCLP Metals-Method SW846 1311/6010

05/02/2005

Sample: 0504561-1
Client Sample ID: S-1
Matrix: Soil
Remarks:
Type: Composite
Collected: 04/24/2005 11:00
Analyzed Date: 04/28/2005
Preparation Date(s): 04/28/2005 04/28/2005 04/27/2005

Analytical Results

Cas No	Analyte	MDL	Concentration	Units	Q
7440-38-2	Arsenic	0.034	0.034	ppm	U
7440-39-3	Barium	0.0040	0.84	ppm	
7440-43-9	Cadmium	0.0030	0.0060	ppm	
7440-47-3	Chromium	0.016	0.016	ppm	U
7439-92-1	Lead	0.017	0.060	ppm	
7782-49-2	Selenium	0.043	0.043	ppm	U
7440-22-4	Silver	0.010	0.010	ppm	U

Sample: 0504561-2
Client Sample ID: S-2
Matrix: Soil
Remarks:
Type: Composite
Collected: 04/24/2005 11:15
Analyzed Date: 04/28/2005
Preparation Date(s): 04/28/2005 04/28/2005 04/27/2005

Analytical Results

Cas No	Analyte	MDL	Concentration	Units	Q
7440-38-2	Arsenic	0.034	0.034	ppm	U
7440-39-3	Barium	0.0040	0.84	ppm	
7440-43-9	Cadmium	0.0030	0.0040	ppm	
7440-47-3	Chromium	0.016	0.016	ppm	U
7439-92-1	Lead	0.017	0.58	ppm	
7782-49-2	Selenium	0.043	0.043	ppm	U
7440-22-4	Silver	0.010	0.010	ppm	U

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05/02/2005

Case Narrative

EPA 8260 VOLATILE ANALYSIS:

The following compounds were calibrated at 25, 50, 100, 150 and 200 ppb levels in the initial calibration curve:
Acetone
2-Butanone
4-Methyl-2-pentanone
2-Hexanone

M&P-Xylenes and 2-Chloroethylvinylether were calibrated at 10, 40, 100, 200 and 300 ppb levels.
Acrolein/Acrylonitrile were calibrated at 50,100,150,200 and 250 ppb levels.
Tert Butyl Alcohol (TBA) was calibrated at 50,200,500,1000 and 1500 ppb levels.

All other compounds were calibrated at 5, 20, 50, 100 and 150 ppb levels.

05/02/2005 07:45 FAX
05/02/2005 07:07 FAX 2488344 ETL FAX 009/010
008/008

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05/02/2005

Case Narrative

METALS ANALYSIS:
Batch C2115

CCV was lower than QC limit (90%) for barium (87%, 86%) and selenium (86%,79%) cadmium (84%), chromium(87%), .

05/02/2005 07:45 FAX
05/02/2005 07:07 FAX 2438344 ETL FAX 010/010
008/008

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05/02/2005

ORGANIC METHOD QUALIFIERS

Q - Qualifier - specified entries and their meanings are as follows:

U - The analytical result is not detected above the Method Detection Limit (MDL). All MDL's are lower than the lowest calibration standard concentration.

J - Indicates an estimated value. The concentration reported was detected below the Method Detection Limit (MDL).

Y - The concentration reported was detected below the lowest calibration standard concentration.

B - The analyte was found in the associated method blank as well as the sample. It indicates possible/probable blank contamination and warns the data user to take appropriate action.

E - The concentration of the analyte exceeded the calibration range of the instrument.

D - This flag indicates a surrogate monitoring compound diluted out.

INORGANIC METHOD QUALIFIERS

C - (Concentration) qualifiers are as follows:

B - Entered if the reported value was obtained from a reading that was less than the Contract Required Detection Limit (CRDL) but greater than or equal to the Instrument Detection Limit (IDL).

U - Entered when the analyte was analyzed for, but not detected above the Method Detection Limit (MDL) which is less than the lowest calibration standard concentration.

Q - Qualifier specific entries and their meanings are as follows:

E - Reported value is estimated because of the presence of interferences.

M - (Method) qualifiers are as follows:

A - Flame AA
AS - Semi-automated Spectrophotometric
AV - Automated Cold Vapor AA
C - Manual Spectrophotometric
F - Furnace AA
P - ICP
T - Titrimetric

OTHER QUALIFIERS

NO - Not Detected

NA - Not Applicable

NR - Not Required

* - Outside Expected Range (NYCDEP Table 01 or Surrogate Limits)

x - Outside Expected Range

Environmental Testing Laboratories, Inc.
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Phone - 631-249-1456 Fax - 631-249-8344

05/18/2005

Laboratory Identifier: 0505260
Custody Document: S2626
Received: 05/12/2005 15:22
Sampled by: Kelley

Client: American Standard Testing & Consulting Labs, Inc.
55 Watermill Lane
Great Neck,
NY 11021

Project: 1427 Doris St.
1427 Doris St. Westchester Ave.
Bronx,

Respectfully submitted,

Quality Assurance Officer

NYS Lab ID # 10989
NJ Cert. # 73812
CT Cert. # PH0645
MA Cert. # NY061
PA Cert. # 68-535
NH Cert. # 252592-B4
RI Cert. # 161

Environmental Testing Laboratories, Inc.

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05/18/2005

TCLP Volatile Compounds by EPA Method 8260B

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/15/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration	Units	Q
541-73-1	1,3-Dichlorobenzene	A1775-7826	0.0025	0.0025	ppm	U
106-46-7	1,4-Dichlorobenzene	A1775-7826	0.0030	0.0030	ppm	U

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
460-00-4	4-BROMOFLUOROBENZENE	A1775-7826	96.3 %	(86 - 115)	
4774-33-8	DIBROMOFLUOROMETHANE	A1775-7826	102.0 %	(86 - 118)	
2037-26-5	TOLUENE-D8	A1775-7826	100.0 %	(88 - 110)	

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/15/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration	Units	Q
541-73-1	1,3-Dichlorobenzene	A1775-7828	0.0025	0.0025	ppm	U
106-46-7	1,4-Dichlorobenzene	A1775-7828	0.0030	0.0030	ppm	U

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
460-00-4	4-BROMOFLUOROBENZENE	A1775-7828	97.1 %	(86 - 115)	
4774-33-8	DIBROMOFLUOROMETHANE	A1775-7828	103.0 %	(86 - 118)	
2037-26-5	TOLUENE-D8	A1775-7828	101.0 %	(88 - 110)	

Environmental Testing Laboratories, Inc.
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05/18/2005

TCLP Volatile By SW846 8260

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/15/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration	Units	Q
71-43-2	Benzene	A1775-7825	0.0038	0.0038	ppm	U
56-23-5	Carbon Tetrachloride	A1775-7825	0.0034	0.0034	ppm	U
108-90-7	Chlorobenzene	A1775-7825	0.0032	0.0032	ppm	U
67-66-3	Chloroform	A1775-7825	0.0033	0.0033	ppm	U
107-06-2	1,2-Dichloroethane	A1775-7825	0.0020	0.0020	ppm	U
75-35-4	1,1-Dichloroethene	A1775-7825	0.0044	0.0044	ppm	U
78-93-3	Methyl Ethyl Ketone	A1775-7825	0.0057	0.0057	ppm	U
127-18-4	Tetrachloroethene	A1775-7825	0.0032	0.0032	ppm	U
79-01-6	Trichloroethene	A1775-7825	0.0040	0.0040	ppm	U
75-01-4	Vinyl Chloride	A1775-7825	0.0038	0.0038	ppm	U

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
460-00-4	4-BROMOFLUOROBENZENE	A1775-7825	96.3 %	(86 - 115)	
1868-53-7	DIBROMOFLUOROMETHANE	A1775-7825	102.0 %	(85 - 118)	
2037-26-5	TOLUENE-D8	A1775-7825	100.0 %	(88 - 110)	

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Phone - 631-249-1456 Fax - 631-249-8344

05/18/2005

TCLP Volatile By SW846 8260

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/15/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration	Units	Q
71-43-2	Benzene	A1775-7826	0.0038	0.0038	ppm	U
56-23-5	Carbon Tetrachloride	A1775-7826	0.0034	0.0034	ppm	U
108-90-7	Chlorobenzene	A1775-7826	0.0032	0.0032	ppm	U
67-66-3	Chloroform	A1775-7826	0.0033	0.0033	ppm	U
107-06-2	1,2-Dichloroethane	A1775-7826	0.0020	0.0020	ppm	U
75-35-4	1,1-Dichloroethene	A1775-7826	0.0044	0.0044	ppm	U
78-93-3	Methyl Ethyl Ketone	A1775-7826	0.0087	0.0087	ppm	U
127-18-4	Tetrachloroethene	A1775-7826	0.0032	0.0032	ppm	U
79-01-6	Trichloroethene	A1775-7826	0.0040	0.0040	ppm	U
75-01-4	Vinyl Chloride	A1775-7826	0.0038	0.0038	ppm	U

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
460-00-4	4-BROMOFLUOROBENZENE	A1775-7826	97.1 %	(86 - 115)	
1868-53-7	DIBROMOFLUOROMETHANE	A1775-7826	103.0 %	(96 - 118)	
2037-26-5	TOLUENE-D8	A1775-7826	101.0 %	(89 - 116)	

Environmental Testing Laboratories, Inc.
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05/18/2005

Semivolatile Compounds - EPA 8270C

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/17/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration*	Units	Q
108-95-2	Phenol	A1316-6835	445	445	ppb	U
111-44-4	bis(2-Chloroethyl)ether	A1316-6835	92.0	92.0	ppb	U
95-57-8	2-Chlorophenol	A1316-6835	88.6	88.6	ppb	U
541-73-1	1,3-Dichlorobenzene	A1316-6835	83.9	83.9	ppb	U
106-46-7	1,4-Dichlorobenzene	A1316-6835	85.1	85.1	ppb	U
100-51-6	Benzyl alcohol	A1316-6835	102	102	ppb	U
95-50-1	1,2-Dichlorobenzene	A1316-6835	77.1	77.1	ppb	U
95-48-7	2-Methylphenol	A1316-6835	113	113	ppb	U
108-60-1	bis(2-Chloroisopropyl)ether	A1316-6835	77.1	77.1	ppb	U
106-44-5	3+4-Methylphenol	A1316-6835	89.7	89.7	ppb	U
621-64-7	N-Nitroso-di-n-propylamine	A1316-6835	85.6	85.6	ppb	U
67-72-1	Hexachloroethane	A1316-6835	70.2	70.2	ppb	U
98-95-3	Nitrobenzene	A1316-6835	101	101	ppb	U
78-59-1	Isophorone	A1316-6835	83.9	83.9	ppb	U
88-75-5	2-Nitrophenol	A1316-6835	55.2	55.2	ppb	U
105-67-9	2,4-Dimethylphenol	A1316-6835	79.3	79.3	ppb	U
65-85-0	Benzoic acid	A1316-6835	782	782	ppb	U
111-91-1	bis(2-Chloroethoxy)methane	A1316-6835	82.8	82.8	ppb	U
120-83-2	2,4-Dichlorophenol	A1316-6835	80.5	80.5	ppb	U
120-82-1	1,2,4-Trichlorobenzene	A1316-6835	87.4	87.4	ppb	U
91-20-3	Naphthalene	A1316-6835	94.3	120	ppb	Y
106-47-8	4-Chloroaniline	A1316-6835	93.2	93.2	ppb	U
87-68-3	Hexachlorobutadiene	A1316-6835	87.4	87.4	ppb	U
59-50-7	4-Chloro-3-methylphenol	A1316-6835	83.9	83.9	ppb	U
91-57-6	2-Methylnaphthalene	A1316-6835	98.9	98.9	ppb	U
77-47-4	Hexachlorocyclopentadiene	A1316-6835	546	546	ppb	U
88-06-2	2,4,6-Trichlorophenol	A1316-6835	82.8	82.8	ppb	U
95-95-4	2,4,5-Trichlorophenol	A1316-6835	109	109	ppb	U
91-58-7	2-Chloronaphthalene	A1316-6835	98.4	98.4	ppb	U
88-74-4	2-Nitroaniline	A1316-6835	106	106	ppb	U
131-11-3	Dimethyl phthalate	A1316-6835	96.6	96.6	ppb	U
208-96-8	Acenaphthylene	A1316-6835	93.2	93.2	ppb	U
606-20-2	2,6-Dinitrotoluene	A1316-6835	71.3	71.3	ppb	U
99-09-2	3-Nitroaniline	A1316-6835	106	106	ppb	U

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05/18/2005

Semivolatile Compounds - EPA 8270C

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/17/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration*	Units	Q
83-32-9	Acenaphthene	A1316-6835	96.6	96.6	ppb	U
51-28-5	2,4-Dinitrophenol	A1316-6835	3840	3840	ppb	U
100-02-7	4-Nitrophenol	A1316-6835	672	672	ppb	U
132-64-9	Dibenzofuran	A1316-6835	90.8	90.8	ppb	U
121-14-2	2,4-Dinitrotoluene	A1316-6835	71.3	71.3	ppb	U
84-66-2	Diethylphthalate	A1316-6835	160	359	ppb	BY
7005-72-3	4-Chlorophenyl-phenyl ether	A1316-6835	97.8	97.8	ppb	U
86-73-7	Fluorene	A1316-6835	97.8	97.8	ppb	U
100-01-6	4-Nitroaniline	A1316-6835	94.3	94.3	ppb	U
534-52-1	4,6-Dinitro-2-methylphenol	A1316-6835	3530	3530	ppb	U
86-30-6	N-nitrosodiphenylamine	A1316-6835	90.8	90.8	ppb	U
101-55-3	4-Bromophenyl-phenylether	A1316-6835	98.9	98.9	ppb	U
118-74-1	Hexachlorobenzene	A1316-6835	98.9	98.9	ppb	U
87-86-5	Pentachlorophenol	A1316-6835	1670	1670	ppb	U
85-01-8	Phenanthrene	A1316-6835	104	104	ppb	U
120-12-7	Anthracene	A1316-6835	100	100	ppb	U
84-74-2	Di-n-butylphthalate	A1316-6835	104	104	ppb	U
206-44-0	Fluoranthene	A1316-6835	100	100	ppb	U
129-00-0	Pyrene	A1316-6835	95.4	95.4	ppb	U
85-68-7	Butylbenzylphthalate	A1316-6835	100	100	ppb	U
91-94-1	3,3'-Dichlorobenzidine	A1316-6835	435	435	ppb	U
56-55-3	Benzo(a)anthracene	A1316-6835	89.7	89.7	ppb	U
218-01-9	Chrysene	A1316-6835	102	102	ppb	U
117-81-7	bis(2-Ethylhexyl)phthalate	A1316-6835	106	90.2	ppb	JB
117-84-0	Di-n-octylphthalate	A1316-6835	79.3	79.3	ppb	U
205-99-2	Benzo(b)fluoranthene	A1316-6835	102	102	ppb	U
207-08-9	Benzo(k)fluoranthene	A1316-6835	87.4	87.4	ppb	U
50-32-8	Benzo(a)pyrene	A1316-6835	55.2	55.2	ppb	U
193-39-5	Indeno(1,2,3-cd)pyrene	A1316-6835	378	378	ppb	U
53-70-3	Dibenzo(a,h)anthracene	A1316-6835	399	399	ppb	U
191-24-2	Benzo(g,h,i)perylene	A1316-6835	401	401	ppb	U

*Results are reported on a dry weight basis

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05/18/2005

Semivolatile Compounds - EPA 8270C

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/17/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.8%

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
118-79-6	2,4,6-TRIBROMOPHENOL	A1316-8836	62.3 %	(19 - 122)	
321-60-8	2-FLUOROBIPHENYL	A1316-8835	61.9 %	(30 - 115)	
367-12-4	2-FLUOROPHENOL	A1316-8835	50.8 %	(25 - 121)	
4165-60-0	NITROBENZENE-D5	A1316-8835	57.7 %	(23 - 120)	
3127-88-3	PHENOL-D6	A1316-8835	60.3 %	(24 - 113)	
1718-51-0	TERPHENYL-D14	A1316-8835	90.6 %	(18 - 137)	

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05/18/2005

Semivolatile Compounds - EPA 8270C

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/17/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration*	Units	Q
108-95-2	Phenol	A1316-6836	437	437	ppb	U
111-44-4	bis(2-Chloroethyl)ether	A1316-6836	90.4	90.4	ppb	U
95-57-8	2-Chlorophenol	A1316-6836	87.0	87.0	ppb	U
541-73-1	1,3-Dichlorobenzene	A1316-6836	82.5	82.5	ppb	U
106-46-7	1,4-Dichlorobenzene	A1316-6836	83.6	83.6	ppb	U
100-51-6	Benzyl alcohol	A1316-6836	101	101	ppb	U
95-50-1	1,2-Dichlorobenzene	A1316-6836	75.7	75.7	ppb	U
95-48-7	2-Methylphenol	A1316-6836	111	111	ppb	U
108-60-1	bis(2-Chloroisopropyl)ether	A1316-6836	75.7	75.7	ppb	U
106-44-5	3+4-Methylphenol	A1316-6836	88.1	88.1	ppb	U
621-64-7	N-Nitroso-di-n-propylamine	A1316-6836	84.4	84.4	ppb	U
67-72-1	Hexachloroethane	A1316-6836	56.9	56.9	ppb	U
98-95-3	Nitrobenzene	A1316-6836	99.4	99.4	ppb	U
78-59-1	Isophorone	A1316-6836	82.5	82.5	ppb	U
88-75-5	2-Nitrophenol	A1316-6836	64.2	64.2	ppb	U
105-67-9	2,4-Dimethylphenol	A1316-6836	78.0	78.0	ppb	U
65-85-0	Benzoic acid	A1316-6836	768	768	ppb	U
111-91-1	bis(2-Chloroethoxy)methane	A1316-6836	81.4	81.4	ppb	U
120-83-2	2,4-Dichlorophenol	A1316-6836	79.1	79.1	ppb	U
120-82-1	1,2,4-Trichlorobenzene	A1316-6836	85.9	85.9	ppb	U
91-20-3	Naphthalene	A1316-6836	92.7	92.7	ppb	U
106-47-8	4-Chloroaniline	A1316-6836	91.5	91.5	ppb	U
87-68-3	Hexachlorobutadiene	A1316-6836	85.9	85.9	ppb	U
59-50-7	4-Chloro-3-methylphenol	A1316-6836	82.5	82.5	ppb	U
91-57-6	2-Methylnaphthalene	A1316-6836	97.2	97.2	ppb	U
77-47-4	Hexachlorocyclopentadiene	A1316-6836	537	537	ppb	U
88-06-2	2,4,6-Trichlorophenol	A1316-6836	81.4	81.4	ppb	U
95-95-4	2,4,5-Trichlorophenol	A1316-6836	107	107	ppb	U
91-58-7	2-Chloronaphthalene	A1316-6836	93.8	93.8	ppb	U
88-74-4	2-Nitroaniline	A1316-6836	104	104	ppb	U
131-11-3	Dimethyl phthalate	A1316-6836	94.9	94.9	ppb	U
208-96-8	Acenaphthylene	A1316-6836	91.5	91.5	ppb	U
606-20-2	2,6-Dinitrotoluene	A1316-6836	70.1	70.1	ppb	U
99-09-2	3-Nitroaniline	A1316-6836	104	104	ppb	U

Environmental Testing Laboratories, Inc.

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05/18/2005

Semivolatile Compounds - EPA 8270C

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/17/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration*	Units	Q
83-32-9	Acenaphthene	A1316-6836	94.9	94.9	ppb	U
51-28-5	2,4-Dinitrophenol	A1316-6836	3770	3770	ppb	U
100-02-7	4-Nitrophenol	A1316-6836	660	660	ppb	U
132-64-9	Dibenzofuran	A1316-6836	89.3	89.3	ppb	U
121-14-2	2,4-Dinitrotoluene	A1316-6836	70.1	70.1	ppb	U
84-66-2	Diethylphthalate	A1316-6836	147	500	ppb	BY
7005-72-3	4-Chlorophenyl-phenyl ether	A1316-6836	96.1	96.1	ppb	U
86-73-7	Fluorene	A1316-6836	96.1	96.1	ppb	U
100-01-6	4-Nitroaniline	A1316-6836	92.7	92.7	ppb	U
534-52-1	4,6-Dinitro-2-methylphenol	A1316-6836	3470	3470	ppb	U
86-30-6	N-nitrosodiphenylamine	A1316-6836	89.3	89.3	ppb	U
101-55-3	4-Bromophenyl-phenylether	A1316-6836	97.2	97.2	ppb	U
118-74-1	Hexachlorobenzene	A1316-6836	97.2	97.2	ppb	U
87-86-5	Pentachlorophenol	A1316-6836	1640	1640	ppb	U
85-01-8	Phenanthrene	A1316-6836	102	102	ppb	U
120-12-7	Anthracene	A1316-6836	98.3	98.3	ppb	U
84-74-2	Di-n-butylphthalate	A1316-6836	102	102	ppb	U
206-44-0	Fluoranthene	A1316-6836	98.3	98.3	ppb	U
129-00-0	Pyrene	A1316-6836	93.8	93.8	ppb	U
85-68-7	Butylbenzylphthalate	A1316-6836	98.3	98.3	ppb	U
91-94-1	3,3'-Dichlorobenzidine	A1316-6836	427	427	ppb	U
56-55-3	Benzo(a)anthracene	A1316-6836	98.1	98.1	ppb	U
218-01-9	Chrysene	A1316-6836	101	101	ppb	U
117-81-7	bis(2-Ethylhexyl)phthalate	A1316-6836	104	110	ppb	BY
117-84-0	Di-n-octylphthalate	A1316-6836	78.0	78.0	ppb	U
205-99-2	Benzo(b)fluoranthene	A1316-6836	101	101	ppb	U
207-08-9	Benzo(k)fluoranthene	A1316-6836	85.9	85.9	ppb	U
50-32-8	Benzo(a)pyrene	A1316-6836	54.2	54.2	ppb	U
193-39-5	Indeno(1,2,3-cd)pyrene	A1316-6836	372	372	ppb	U
53-70-3	Dibenzo(a,h)anthracene	A1316-6836	392	392	ppb	U
191-24-2	Benzo(g,h,i)perylene	A1316-6836	394	394	ppb	U

* Results are reported on a dry weight basis

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05/18/2005

Semivolatile Compounds - EPA 8270C

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks: See Case Narrative
Analyzed Date: 05/17/2005
Preparation Date(s) : 05/13/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
118-79-6	2,4,6-TRIBROMOPHENOL	A1316-6836	82.0 %	(19 - 122)	
321-60-8	2-FLUOROBIPHENYL	A1316-6836	83.6 %	(30 - 115)	
367-12-4	2-FLUOROPHENOL	A1316-6836	57.9 %	(25 - 121)	
4165-60-0	NITROBENZENE-D5	A1316-6836	56.0 %	(23 - 120)	
3127-88-3	PHENOL-D6	A1316-6836	60.5 %	(24 - 113)	
1718-51-0	TERPHENYL-D14	A1316-6836	89.3 %	(18 - 137)	

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05/18/2005

PCB Aroclors by SW846 8082/EPA 608

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks:
Analyzed Date: 05/17/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration*	Units	Q
12674-11-2	PCB 1016	G 899-37	2.34	2.34	ppb	U
11104-28-2	PCB 1221	G 899-37	11.0	11.0	ppb	U
11141-16-5	PCB 1232	G 899-37	2.44	2.44	ppb	U
53469-21-9	PCB 1242	G 899-37	1.83	1.83	ppb	U
12672-29-6	PCB 1248	G 899-37	4.12	4.12	ppb	U
11097-69-1	PCB 1254	G 899-37	8.24	8.24	ppb	U
11096-82-5	PCB 1260	G 899-37	7.17	7.17	ppb	U

*Results are reported on a dry weight basis

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
2051-24-3	DECACHLOROBIPHENYL	G899-37	76.9 %	(30 - 150)	
877-09-8	TETRACHLORO M-XYLENE	G899-37	73.1 %	(30 - 150)	

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05/18/2005

PCB Aroclors by SW846 8082/EPA 608

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks:
Analyzed Date: 05/17/2005
Preparation Date(s): 05/13/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	File ID	MDL	Concentration*	Units	Q
12674-11-2	PCB 1016	G 899 -38	2.31	2.31	ppb	U
11104-28-2	PCB 1221	G 899 -38	10.9	10.9	ppb	U
11141-16-5	PCB 1232	G 899 -38	2.41	2.41	ppb	U
53469-21-9	PCB 1242	G 899 -38	1.81	1.81	ppb	U
12672-29-6	PCB 1248	G 899 -38	4.08	4.08	ppb	U
11097-69-1	PCB 1254	G 899 -38	6.18	6.18	ppb	U
11096-82-5	PCB 1260	G 899 -38	7.10	7.10	ppb	U

*Results are reported on a dry weight basis

Surrogate Results

Cas No	Analyte	File ID	% Recovery	QC Limits	Q
2051-24-3	DECACHLOROBIPHENYL	G899-38	70.7 %	(30 - 150)	
877-09-8	TETRACHLORO-M-XYLENE	G899-38	68.7 %	(30 - 150)	

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05/18/2005

Mercury by SW846 7470/7471/EPA 245.1

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks:
Analyzed Date: 05/17/2005
Preparation Date(s): 05/14/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	MDL	Concentration*	Units	Q
7439-97-6	Mercury	0.0060	0.066	ppm	

*Results are reported on a dry weight basis

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks:
Analyzed Date: 05/17/2005
Preparation Date(s): 05/14/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	MDL	Concentration*	Units	Q
7439-97-6	Mercury	0.0061	0.094	ppm	

*Results are reported on a dry weight basis

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05/18/2005

RCRA Metals by Method SW846 6010/EPA 200.7

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks:
Analyzed Date: 05/16/2005
Preparation Date(s): 05/14/2005 05/14/2005
Type: Composite
Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	MDL	Concentration*	Units	Q
7440-38-2	Arsenic	0.40	0.40	ppm	U
7440-39-3	Barium	0.047	52.9	ppm	
7440-43-9	Cadmium	0.035	0.035	ppm	U
7440-47-3	Chromium	0.19	25.9	ppm	
7439-92-1	Lead	0.20	4.82	ppm	
7782-49-2	Selenium	0.50	0.50	ppm	U
7440-22-4	Silver	0.12	0.12	ppm	U

* Results are reported on a dry weight basis

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks:
Analyzed Date: 05/16/2005
Preparation Date(s): 05/14/2005 05/14/2005
Type: Composite
Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	MDL	Concentration*	Units	Q
7440-38-2	Arsenic	0.38	0.74	ppm	
7440-39-3	Barium	0.045	77.9	ppm	
7440-43-9	Cadmium	0.034	0.034	ppm	U
7440-47-3	Chromium	0.18	37.6	ppm	
7439-92-1	Lead	0.19	23.9	ppm	
7782-49-2	Selenium	0.48	0.48	ppm	U
7440-22-4	Silver	0.11	0.11	ppm	U

* Results are reported on a dry weight basis

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05/18/2005

TCLP Mercury-Method SW846 1311/7470/7471

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks:
Analyzed Date: 05/17/2005
Preparation Date(s): 05/16/2005 05/13/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	MDL	Concentration	Units	Q
7439-97-6	Mercury	0.000030	0.000030	ppm	U

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks:
Analyzed Date: 05/17/2005
Preparation Date(s): 05/16/2005 05/13/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	MDL	Concentration	Units	Q
7439-97-6	Mercury	0.000030	0.000030	ppm	U

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Phone - 631-249-1456 Fax - 631-249-8344

05/18/2005

TCLP Metals-Method SW846 1311/6010

Sample: 0505260-1
Client Sample ID: S-1
Matrix: Soil
Remarks:
Analyzed Date: 05/17/2005
Preparation Date(s): 05/14/2005 05/16/2005 05/13/2005

Type: Composite

Collected: 05/12/2005 09:00
% Solid: 87.3%

Analytical Results

Cas No	Analyte	MDL	Concentration	Units	Q
7440-38-2	Arsenic	0.034	0.035	ppm	
7440-39-3	Barium	0.0040	0.58	ppm	
7440-43-9	Cadmium	0.0030	0.0030	ppm	U
7440-47-3	Chromium	0.016	0.016	ppm	U
7439-92-1	Lead	0.017	0.017	ppm	U
7782-49-2	Selenium	0.043	0.043	ppm	U
7440-22-4	Silver	0.010	0.010	ppm	U

Sample: 0505260-2
Client Sample ID: S-2
Matrix: Soil
Remarks:
Analyzed Date: 05/17/2005
Preparation Date(s): 05/14/2005 05/16/2005 05/13/2005

Type: Composite

Collected: 05/12/2005 09:30
% Solid: 88.2%

Analytical Results

Cas No	Analyte	MDL	Concentration	Units	Q
7440-38-2	Arsenic	0.034	0.034	ppm	U
7440-39-3	Barium	0.0040	0.52	ppm	
7440-43-9	Cadmium	0.0030	0.0030	ppm	U
7440-47-3	Chromium	0.016	0.016	ppm	U
7439-92-1	Lead	0.017	0.017	ppm	U
7782-49-2	Selenium	0.043	0.043	ppm	U
7440-22-4	Silver	0.010	0.010	ppm	U

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05/18/2005

ORGANIC METHOD QUALIFIERS

Q - Qualifier - specified entries and their meanings are as follows:

U - The analytical result is not detected above the Method Detection Limit (MDL). All MDL's are lower than the lowest calibration standard concentration.

J - Indicates an estimated value. The concentration reported was detected below the Method Detection Limit (MDL).

Y - The concentration reported was detected below the lowest calibration standard concentration.

B - The analyte was found in the associated method blank as well as the sample. It indicates possible/probable blank contamination and warns the data user to take appropriate action.

E - The concentration of the analyte exceeded the calibration range of the instrument.

D - This flag indicates a system monitoring compound diluted out.

INORGANIC METHOD QUALIFIERS

C - (Concentration) qualifiers are as follows:

B - Entered if the reported value was obtained from a reading that was less than the Contract Required Detection Limit (CRDL) but greater than or equal to the Instrument Detection Limit (IDL).

U - Entered when the analyte was analyzed for, but not detected above the Method Detection Limit (MDL) which is less than the lowest calibration standard concentration.

Q - Qualifier specific entries and their meanings are as follows:

E - Reported value is estimated because of the presence of interferences.

M - (Method) qualifiers are as follows:

A - Flame AA
AS - Semi-automated Spectrophotometric
AV - Automated Cold Vapor AA
C - Manual Spectrophotometric
F - Furnace AA
P - ICP
T - Titrimetric

OTHER QUALIFIERS

ND - Not Detected

NA - Not Applicable

NR - Not Required

* - Outside Expected Range (NYCDEP Table VII or Surrogate Limits)

x - Outside Expected Range

APPENDIX H

Relevant Project Correspondence

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

10/9/03

Applicant Information

NAME BX Parkview Associates LLC		
ADDRESS 1865 Palmer Avenue		
CITY/TOWN Larchmont, NY	ZIP CODE 10538	
PHONE 914-833-3000	FAX 914-833-3092	E-MAIL dkenyon@l mequity.com
NAME OF APPLICANT'S REPRESENTATIVE Philip E. Karmel, Esq., Bryan Cave LLP		
ADDRESS 1290 Avenue of the Americas		
CITY/TOWN New York, NY	ZIP CODE 10104-3300	
PHONE 212-541-2000	FAX 212-541-1413	E-MAIL pekarmel@bryancave.com

THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER

An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Applicant Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other_____

Current Owner/Operator Information

OWNER'S NAME (if different from applicant) City of New York		
ADDRESS Department of Housing Preservation & Development, 100 Gold St.		
CITY/TOWN New York, NY	ZIP CODE 10038	
PHONE 212-863-8000	FAX 212-863-6302	E-MAIL
OPERATOR'S NAME (if different from applicant)		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

Site Information

SITE NAME Parkview Commons	
SITE ADDRESS 421 E. 160th St. CITY/TOWN Bronx, NY ZIP CODE 10451	
COUNTY Bronx	SITE SIZE (ACRES) 0.67 acres
LATITUDE 40.823412	LONGITUDE -73.912738

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.

1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? ☒ YES ☐ NO
   IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) _____ ☐ YES ☐ NO
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6). IF YES, IDENTIFY AREA (NAME) census tract 141, Bronx, NY ☒ YES ☐ NO

Applicant Eligibility Information (Please refer to ECL § 27-1407)

1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE? ☐ YES ☒ NO
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE? ☐ YES ☒ NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27? ☐ YES ☒ NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP? ☐ YES ☒ NO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM? ☐ YES ☒ NO
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION? ☐ YES ☒ NO
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT? ☐ YES ☒ NO
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION? ☐ YES ☒ NO

Site Eligibility Information (Please refer to ECL § 27-1405)

1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)? ☒ YES ☐ NO
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST? ☐ YES ☒ NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? IF YES, PLEASE PROVIDE: SITE #_____ CLASS # _____ ☐ YES ☒ NO
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY? ☐ YES ☒ NO
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10? ☐ YES ☒ NO
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM? ☐ YES ☒ NO

Project Description

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:

- PURPOSE AND SCOPE OF THE PROJECT
- ESTIMATED PROJECT SCHEDULE

Site's Environmental History

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. **ENVIRONMENTAL DATA**
   A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.
   IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):
   ☐YES ☐NO
2. **OWNERS** See Phase I (attached). No relationship with prior owners.
   A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").
3. **OPERATORS** See Phase I (attached). No relationship with prior operators.
   A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

Contact List Information

PLEASE ATTACH, AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING:

1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED.
2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.
3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.
4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.
5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.
6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.
7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY)

Contaminant Information

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	X	X			X
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: Note: No Phase II has been performed. Contaminants are unknown at this time.

Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Other Site is currently not in use.

Future Use: ☒ Residential ☐ Commercial ☐ Industrial ☐ Other _____

Please check the appropriate boxes and provide an explanation as an attachment if appropriate.

	Yes	No	Unknown
1. Do current historical and/or recent development patterns support the proposed use?	☒	☐	☐
2. Is the proposed use consistent with applicable zoning laws/maps?	☒	☐	☐

3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)	☐	☐	☒
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	☒	☐	☐
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	☐	☒	☐
6. Are there any federal or State land use designations relating to this site?	☐	☒	☐
7. Do the population growth patterns and projections support the proposed use?	☒	☐	☐
8. Is the site accessible to existing infrastructure?	☒	☐	☐
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	☐	☒	☐
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?	☐	☒	☐
11. Are there floodplains proximate to the site?	☐	☒	☐
12. Are there any institutional controls currently applicable to the site?	☐	☒	☐
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.			
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.			
15. Describe on attachment the geography and geology of the site.			
(Note: the 16th criteria relates to comments from the public, which would not be received at the time of application)			

Statement of Certification

(By applicant who is an individual)
I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.
Date: _____ Signature: _____ Print Name: _____

(By an applicant other than an individual)
I certify that I am Attorney (title) of BX Parkview Associates, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.
Date: 3/19/04 Signature: Philip E. Karmel Print Name: Philip E. Karmel

SUBMITTAL INFORMATION:

Four (4) complete copies, one with original signatures, are required.

- **Three (3)** of the copies, one with original signatures, must be sent to:

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

- **One (1)** copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: http://www.dec.state.ny.us/website/der/index.html

FOR DEPARTMENT USE ONLY

BCP SITE NO:_____ **BCP SITE T&A CODE:**_____ **PROJECT MANAGER:**_____

Parkview Commons Site
Attachment to Brownfields Application

Site Boundaries

The Site is comprised of contiguous Lots 16, 20, 22, 23, 24, 25, 27, 28 and 30 in Section 9, Block 2383, Bronx, New York. A survey prepared by Montrose Surveying Co., dated October 21, 2003 with undated revision A, is submitted herewith. The survey shows the boundaries of the Lots that comprise the site. Lots 14, 15 and 31, although shown on the survey for informational purposes, are not part of the site. E. 160th Street, E. 161st Street and Elton Avenue, although shown on the survey for informational purposes, are not part of the site.

Project Description

Parkview Commons is located on the west of Elton Avenue and fronting on East 161st Street and runs thru block to East 160th Street. Parkview is referred to as Site 43, Block 2382, Lot Nos. 16, 20, 22, 23, 24, 25, 27, 28, and 30 on the Melrose Commons Urban Renewal Area Site Map.

Parkview Commons will be constructed as a mixed use affordable housing development located in the Melrose Commons Urban Renewal Area. Parkview will contain 110 rental apartments for households of low income along with 7,000 square feet of commercial space and twenty-nine (29) on-site parking spaces. All of the units will be set aside for households whose incomes do not exceed sixty percent (60%) of area median income.

The nine (9) story apartment building will contain seven (7) studios; forty (40) 1-bedroom units; fifty-two (52) 2-bedroom units; and eleven (11) 3-bedroom units for a total of 109,032 square feet of residential space. One of the 2-bedroom units will be set aside as a non-revenue generating superintendent's unit.

The building's construction will be a combination of concrete block bearing wall and concrete plank, structural metal stud walls and an exterior consisting of polychrome brick and reinforced masonry. The building is configured to allow for the commercial space to front on East 161st Street with the residential portion wrapping around a landscaped plaza on Elton Avenue. The ground floor apartments will be set back five (5'-0") within the landscaped areas.

For the residents use there will be common areas consisting of a residential lobby, community room, and laundry. Facilities and recreational open space will be landscaped with benches. The laundry facility is located on the ground floor and faces the outdoor play area designed for the children of Parkview Commons. Each apartment in the building will have a full kitchen, containing a stove, refrigerator and wood cabinetry. All apartments will have a full bath, except the 3-bedroom apartments, which will have two bathrooms.

Access to the building will be controlled by an entry access system. There will be two (2) host elevators and the building will be fully sprinklered. Cable hook-ups will be available in each apartment with connection at the option of the tenant. There will be a full time on-site superintendent to manage and maintain the apartment community.

The commercial space (7,000 sq. ft.) of the building located at ground level with basement storage areas will serve as a community facility or for local retail use.

Estimated Project Schedule

The closing with the City of New York, by which the applicant or its nominee will take title to the site, is expected to occur in December 2004. Construction of the apartment development, and any associated remediation of contaminated environmental media, will occur immediately upon closing. Accordingly, construction of the apartment building is expected to begin in December 2004 and will last approximately 18 months, with residents moving into their new apartments immediately upon completion of the apartment building, in approximately June 2006.

Site's Environmental History

Submitted with the application are: (i) the Phase I Environmental Site Assessment for the development site, dated May 14, 2003 and (ii) relevant portions of the Melrose Commons FEIS prepared by the City of New York, dated April 1994.

DEC's application form requests information about prior owners and operators of the site. The Phase I report presents the available historical information. In addition, submitted herewith is a chain of title analysis for the various parcels that comprise the site, prepared by National Real Estate Services, Inc. in a letter report dated March 5, 2004.

Contact List Information

1. The Hon. Michael R. Bloomberg
   Mayor, City of New York
   City Hall
   New York, NY 10007

   The Hon. Adolfo Carrion, Jr.
   Bronx Borough President
   851 Grand Concourse
   Bronx, NY 10451
   cc: Williham Ronda

The Hon. Jerilyn Perine
Commissioner, Department of Housing Preservation and Development
100 Gold Street
New York, NY 10038

The Hon. Gloria S. Alston
Chair, Bronx Community Board No. 3
1426 Boston Road
Bronx, NY 10456
cc: John Dudley, District Manager

Hon. Jose M Serrano, Jr.
City Council Member 17th District
384 East 149th Street
Bronx, New York 10454
cc: Nicolas Arture

Hon. Michael A. Benjamin
79th Assembly District
540 East 169th Street
Bronx, New York 104

Hon. Rev. Ruben Diaz
State Senator District #32
1791 Westchester Avenue
Bronx, New York 10472

2. Adjacent businesses include:

   Rev. Eddie Lopez
   790 Elton Avenue
   Bronx, New York 10451

   Rev. Garcia
   Salvation Army
   425 East 159th Street
   Bronx, New York 10451

3. Newspapers sold in the area include the Daily News and El Diario. We would propose to notice the application in both newspapers, with a Spanish language notice in El Diario.

4. New York City Department of Environmental Protection
   59-17 Junction Boulevard
   Corona, NY 11368

5. No one has requested to be put on the site contact list.

6. No school is located on the or adjacent to the site. The following schools are located in the general neighborhood of the site.

Zip Code 10451		
PS 1 Courtlandt School 335 East 152nd Street	Kipp Academy Charter School 250 E. 156th Street	PS 29 Melrose School 758 Courtlandt Avenue
PS 31 W'llm Lloyd Garrison 250 E. 156th Street	CES 35 Franz Sigel 261 East 163rd Street	Readnet Bronx Charter School, 529 Courtland Ave., 5th Floor
St. Angela Merici School 266 East 163rd Street	Melrose Community School 838 Brook Ave.	T. Angela Merici PK-8 266 E. 163rd Street
PS 156 Benjamin Banneker 750 Concourse Village West	IS 151 Henry Lou Gehrig 250 E. 156th Street	Hostos Lincoln Academy 475 Grand Concourse
Bronx School for Law, Government and Justice 350 Gerard Ave.		
Zip Code 10456		
Bronx International HS 1110 Boston Road	IS 120 P.L. Dunbar 890 Cauldwell Ave.	PS 146 Edward J. Collins 968 Cauldwell Ave.
IS 166 Roberto Clemente 250 E. 164th Street	IS 184 Rafael Cordero Y. Molina 778 Forest Ave.	PS 140 Eagle School 916 Eagle Ave.
Jane Adams Voc. HS 900 Tinton Avenue	JHS 22 J. L. Mott 270 E. 167th Street	Morris HS 1110 Boston Road
PS 157 Grover Comm School 757 Cauldwell Ave.		

7. The document repository for the site will be located at:

Mr. John Dudley
District Manager
Bronx Community Board #3
1426 Boston Road
Bronx, New York 10456

Proximity of Real Property to Adjacent Uses

The site is located in the Bronx, New York, a highly urbanized area. The Phase I and FEIS reports submitted herewith provide a description of the surrounding area.. There are no known agricultural uses in the vicinity of the site.

Groundwater Protection

There are no known groundwater wells in the vicinity of the Site. The New York City Department of Environmental Protection provides water to the neighborhood from its reservoir system in Upstate New York.

Geography and Geology

Information on the geography and geology of the site is presented in the Phase I and FEIS submitted with the application.

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9577
Website: www.dec.state.ny.us

Erin M. Crotty
Commissioner

APR - 6 2004

Philip E. Karmel, Esq.
Bryan Cave LLP
1290 Avenue of the Americas
New York, New York 10104-3300

Re: Brownfield Cleanup Application
Parkview Commons
BCP #: C203014

Dear Mr. Karmel:

The New York State Department of Environmental Conservation (DEC) is in receipt of your application on behalf of BX Parkview Associates LLC for participation in the Brownfield Cleanup Program (BCP) pursuant to ECL Section 27-1400 et seq. As you know, the BCP is a cooperative approach between the DEC and lenders, developers, and current and prospective owners. The program fosters private-sector remediation of brownfields and reduces development pressures on "greenfields." We are pleased to advise you that your application has been determined to be complete.

Pursuant to ECL Section 27-1407(5), a thirty-day public comment period is to be commenced upon the Department's determination that an application is complete. The party seeking to participate in the BCP is required under the BCP to notify in writing the chief executive officer and zoning board of each county, city, town and village in which the proposed brownfield site is located, as well as residents of the site, the public water supplier which services the area, any person who has requested to be placed on the brownfield site contact list, and the administrator of any school or day care facility located adjacent to or near the site. Further, the Department will publish a similar notice in the Environmental Notice Bulletin.

In order to facilitate the notifications, the Department has prepared the enclosed Public Notice for you to utilize and the instructions for placing and mailing the notifications as well as the document repository location and contents. As the applicant you are responsible for making available a copy of the application and copies of all other related attached documents such as any assessment and investigation reports and/or investigation or remedial work plans. Also, you must use this Department-approved Public Notice form and cannot provide any other or additional information when fulfilling your obligation to provide notice of the application and comment period. The enclosed form should be provided to a local newspaper servicing the area including the brownfield site for publication on or before April 14, 2004. Additionally, all of the above-mentioned mailings should be completed no later than April 13, 2004.

To the extent that the mailings and publications are not completed in accordance with these time frames, the Department will extend the comment period for a period sufficient to comply with the required thirty-day notice requirement running from the latest of the mailings or publication.

A certificate of mailing, on the enclosed form, is required to be submitted within three days of the mailing. Further, the proof of publication provided by the newspaper must be submitted within three days of your receipt of such document. These documents should be submitted to the Department's project manager at:

New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7016
ATTN: Dave Smith

The Department will make every effort to determine your eligibility (application approval) and status under the BCP by May 20, 2004. We look forward to working cooperatively with you to address the environmental conditions at the brownfield site and to return this property back to productive use.

Sincerely,

Kelly A. Bologna
Chief
Site Control Section

Enclosure

cc: Debra M. Kenyon, L&M Equity Participants Limited

ec: w/enc.:
Dave Smith
Geoff Laccetti, NYSDOH
Anthony Quartararo

Instructions to Applicant Regarding Placing and Mailing of Notification Regarding Completeness Determination

1) The enclosed notice must be provided, without modification, by the applicant to a local newspaper of general circulation servicing the area including the brownfield site for publication no later than the date specified in the cover letter. The notice must be located prominently in the community bulletin section or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

2) The enclosed notice must be mailed, without modification, by the applicant to the brownfield site contact list as identified in the applicant's application. The mailing must be performed by the date specified in the cover letter. No other materials can be mailed with this notice.

3) The applicant must complete and submit to the Department the attached certificate of mailing within the time frame specified in the cover letter.

4) The applicant must forward to the Department proof of publication by the newspaper of the newspaper notice within the time frame specified in the cover letter.

5) The applicant must make available a copy of the application and all other related documents (i.e., Phase Assessment Reports, Remedial Investigation Work Plans and Reports and Remedial Design Work Plans.) at the document repository specified in the public notice.

Instructions to Newspapers Regarding Printing the Public Notice

The enclosed notice announces the receipt of an application by the New York State Department of Environmental Conservation to the Department's Brownfield Cleanup Program. Pursuant to ECL Section 27-1407(5), the notice must be located prominently in the community bulletin section or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

Instructions to Individuals Receiving the Public Notice

The enclosed notice announces the receipt of an application by the New York State Department of Environmental Conservation to the Department's Brownfield Cleanup Program (BCP). Pursuant to ECL Section 27-1407(5), upon the Department's determination that a BCP application is complete, the applicant must send notice of the application to individuals on a site contact list. Please read the enclosed notice for further information and instructions.

Brownfield Cleanup Program

Parkview Commons
City of New York, Bronx County
State of New York

NOTICE
Pursuant to ECL 27-1407 and 1417

The New York State Department of Environmental Conservation (Department) administers the Brownfield Cleanup Program pursuant to ECL 27-1400 et seq. The Brownfield Cleanup Program is designed to encourage the remediation of contaminated properties known as brownfields for reuse and redevelopment. Bryan Cave, LLP has submitted an application on behalf of BX Parkview Associates to participate in the Brownfield Cleanup Program. The application was determined to be complete by the Department on April 5, 2004. The property described in the application is located at 421 East 160th Street, Bronx, NY 10451. The application proposes that the applicant will conduct investigation and/or remedial activities at the site. The application proposes that the site will be used for commercial purposes.

The Department will receive public comments concerning the application for thirty days from April 14, 2004 through May 14, 2004. A copy of the application as well as a copy of the Phase I Environmental Site Assessment, the Draft Site Investigation Work Plan and the Final Environmental Impact Statement (FEIS) are available by contacting the Department's representative at the address listed below or Mr. John Dudley, District Manager, Bronx Community Board #3 at the document repository for this site located at the 1426 Boston Road, Bronx, NY 10456.

The referenced documents are draft and have not been reviewed by the Department staff prior to their release for public comment. The Department, in conjunction with the New York State Department of Health will review these documents during the public comment period.

All citizens are encouraged to offer comments in writing to:

New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7016
ATTN: Dave Smith
Phone #: (518) 402-9768

Parkview Commons
BCP ID C203014

CERTIFICATION OF MAILING

I certify that I mailed on _____ a copy of the attached _____ by first class mail upon the person(s) on the attached mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office box at _____ in the City of _____, New York, which box is under the exclusive care and custody of the United States Post Office Department:

_____ _____

Signature Date

ENB - REGION 2 NOTICES

Brownfield Cleanup Program

Parkview Commons
City of New York, Bronx County
State of New York

Pursuant to ECL 27-1407 and 1417

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All citizens are encouraged to offer comments in writing to:

New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7016
ATTN: Dave Smith
Phone #: (518) 402-9768

Notice Of Acceptance Of Final EIS

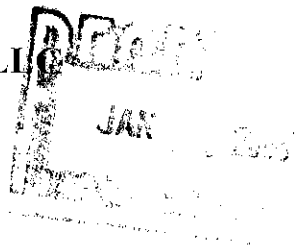
New York City Department of Environmental Protection (NYCDEP), as lead agency, has accepted a Final Environmental Impact Statement on the proposed Waterfowl Management Program. The action involves the New York City Department of Environmental Protection proposing to expand its Waterfowl Management Program beyond the current program at Kensico Reservoir to five additional City reservoirs: Rondout, Ashokan, West Branch, Croton Falls, and Cross River. The objective of the program is to minimize fecal coliform bacteria (FCB) loads to the reservoirs that result from waterbirds roosting on the reservoirs during the migratory and winter seasons. The program would include avian (bird) population monitoring, avian deterrence measures, targeted avian dispersion activities, reproductive management methods, and, on rare occasions, removal methods.

The five reservoirs included in the proposed expansion are located in the following towns and counties:

- Rondout Neversink- (Sullivan), Wawarsing - (Ulster)
- Ashokan Hurley, Marbletown, Olive (Ulster)
- West Branch Carmel, Kent (Putnam)
- Croton Falls Carmel, Southeast (Putnam), Somers (Westchester)
- Cross River Bedford, Lewisboro, Pound Ridge (Westchester)

Contact: Diane McCarthy, AICP, Office of Environmental Planning and Assessment, NYC Department of Environmental Protection, 59-17 Junction Boulevard, 11th Floor, Flushing, NY 11373.

BX PARKVIEW ASSOCIATES LLC
1865 PALMER AVENUE
SUITE 203
LARCHMONT, NY 10538



27 January 2005

Rosalie K. Rusinko, Esq.
Division of Environmental Enforcement
New York State Department of Environmental
Conservation
200 White Plains Road
5th Floor
Tarrytown, NY 10591-5805

Re: BX Parkview Associates LLC

Dear Ms. Rusinko:

Enclosed is the executed Brownfield Site Clean-up Agreement for Site No. C203014.

As we discussed yesterday, please include me in the notice provisions in Section V D and XII A. In addition, please substitute the corrected page 3 we spoke about yesterday. I also noticed that Lot 27 was not listed on the first page in your definition of the Site. Please add Lot 27 and substitute that page as well. Please return a fully executed copy to me after it is signed by DEC.

We look forward to working with you on this project.

Thanks for your help.

Sincerely,

Debra M. Kenyon

DMK:cc
Enclosures

cc: Ron Moelis
Yolanda Garcia
Paul Ciminello

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Remedial Program for
Parkview Commons,
Bronx County
under Article 27, Title 14 of the
Environmental Conservation Law
by Volunteer,

BX Parkview Associates

BROWNFIELD SITE
CLEANUP AGREEMENT

Index No.: W2-1024-04-10
Site No.: C203014

WHEREAS, the Brownfield Cleanup Program Act was enacted to encourage the voluntary remediation of brownfield sites for reuse and redevelopment so as to advance the policy of the State of New York to conserve, improve, and protect its natural resources and environment, and control water, land, and air pollution; and

WHEREAS, the Department of Environmental Conservation (the "Department") is authorized to administer the Brownfield Cleanup Program contained in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

WHEREAS, by a certified application dated April 14, 2004, BX Parkview Associates LLC ("Applicant" or "Volunteer"), a New York limited liability company, with offices located at 1865 Palmer Avenue, Suite 203, Larchmont, New York 10538 and contract vendee, submitted a request to participate in the Brownfield Cleanup Program relative to real property owned by the City of New York located at 421 East 160th Street in the City of New York, County of Bronx, New York 10451 designated as Section 9, Block 2382, Lots 16, 20, 22, 23, 24, 25, 28, and 30 on the Tax Map of the Borough of the Bronx, City of New York (the "Site"). Volunteer is now the owner of the site; and

WHEREAS, the property is currently vacant, *ie.* not in use, and the intended use of the property is residential with ground level commercial space; and

WHEREAS, an opportunity for public comment on Applicant's request to participate in the Brownfield Cleanup Program was provided and the Department duly considered all comments received; and

WHEREAS, upon consideration of the factors enumerated in ECL 27-1407(8) and (9), the Department made a determination, based upon the information contained in the application and the certifications made by the Applicant, as well as any public comment received, that Applicant is eligible to participate in the Brownfield Cleanup Program as a Volunteer as defined in ECL 27-1405(1)(b).

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Citizen Participation Plan

Within twenty (20) Days after the effective date of this Agreement, Volunteer shall submit a written citizen participation plan prepared in accordance with the requirements of ECL 27-1417 that, at a minimum (i) updates the names and addresses of the interested public and includes a brownfield site contact list; (ii) identifies major issues of public concern related to the Site; (iii) includes a description of citizen participation activities already performed; and (iv) includes a description and schedule of public participation activities that are either specifically required by law or are needed to address public concerns related to the Site. The Citizen Participation Plan shall be attached to and incorporated into this Agreement as Exhibit "A."

II. Development, Performance, and Reporting of Work Plans

A. Work Plan Requirements

The work plans ("Work Plan" or "Work Plans") under this Agreement shall be prepared and implemented in accordance with the requirements of ECL Article 27, Title 14 and all applicable laws, rules, regulations, and guidance documents. The Work Plans shall be captioned as follows:

1. "Remedial Investigation Work Plan" if the Work Plan provides for the investigation of the nature and extent of contamination within the boundaries of the Site;

2. "Remedial Work Plan" if the Work Plan provides for the development and implementation of a Remedial Program for contamination within the boundaries of the Site;

3. "IRM Work Plan" if the Work Plan provides for an interim remedial measure; or

4. "OM&M Work Plan" if the Work Plan provides for operation, maintenance, and/or monitoring.

B. Submission/Implementation of Work Plans

1. The first proposed Work Plan to be submitted under this Agreement shall be submitted within forty (40) Days after the effective date of this Agreement. Thereafter, the Volunteer can submit such other and additional work plans as it deems appropriate.

2. A proposed Work Plan shall be submitted for the Department's review and approval and shall include, at a minimum, a chronological description of the anticipated activities, a schedule for performance of those activities, and sufficient detail to allow the

Department to evaluate that Work Plan. The Department shall use best efforts to approve, modify, or reject a proposed Work Plan within forty-five (45) Days from its receipt or within fifteen (15) Days from the close of the comment period, if applicable, whichever is later.

i) Upon the Department's written approval of a Work Plan, such Department-approved Work Plan shall be incorporated into and become an enforceable part of this Agreement as Exhibit "C" and shall be implemented in accordance with the schedule contained therein.

ii) If the Department modifies a Work Plan, the reasons for such modification shall be provided in writing. Within twenty (20) Days after receiving written notice of such disapproval, Volunteer shall elect in writing to (a) implement the Work Plan as modified; (b) implement any other Department-approved Work Plan(s); (c) invoke dispute resolution pursuant to Paragraph XIV; or (d) terminate this Agreement pursuant to Paragraph XIII.

iii) If the Department disapproves a Work Plan, the reasons for such disapproval shall be provided in writing. In the event the Department disapproves a Work Plan, within twenty (20) Days after receiving written notice of such disapproval, Volunteer shall elect in writing to (a) modify or expand it within thirty (30) Days of receipt of the written disapproval notice; (b) complete any other Department-approved Work Plan(s); (c) invoke dispute resolution pursuant to Paragraph XIV; or (d) terminate this Agreement pursuant to Subparagraph XIII.

3. An OM&M Work Plan, if necessary, shall be submitted in accordance with the schedule set forth in the IRM Work Plan or Remedial Work Plan.

4. During all field activities, Volunteer shall have on-Site a representative who is qualified to supervise the activities undertaken. Such representative may be an employee or a consultant retained by Volunteer to perform such supervision.

C. Revisions to Work Plans

If revisions to a Work Plan are required to satisfy the objectives of such Work Plan, the parties will negotiate revisions which shall be attached to and incorporated into the relevant Work Plan and which shall be enforceable under this Agreement. If the parties cannot agree upon revisions to the relevant Work Plan, then unless the Volunteer invokes dispute resolution pursuant to Paragraph XIV, either party may terminate this Agreement pursuant to Paragraph XIII.

D. Submission of Final Reports

1. In accordance with the schedule contained in a Work Plan, Volunteer shall submit a Final Report that shall include but not be limited to: all data generated relative to the Site and all other information obtained as part of the implementation of the subject Work Plan;

all of the assessments and evaluations required by the subject Work Plan; a statement of any additional data that must be collected; and "as-built" drawings.

i) The Final Report for an Investigation Work Plan shall comply with the requirements set forth at ECL 27-1411(1) and shall contain a certification by the person with primary responsibility for the day to day performance of the activities under this Agreement that those activities were performed in full accordance with the Investigation Work Plan. If such Final Report concludes that no remediation is necessary, and the Site does not meet the requirements for Track 1, Volunteer shall submit an Alternatives Analysis prepared in accordance with ECL 27-1413 that supports such determination.

ii) A Final Engineering Report certifying that remediation of the Site has been performed in accordance with this Agreement shall be prepared by a Professional Engineer (or other expert approved by the Department) with primary responsibility for the day to day performance of the activities under this Agreement. The Report shall be prepared in accordance with the requirements of ECL 27-1419(1) and (2) and shall contain a certification that all such activities were performed in accordance with the Department approved Work Plan. The Department shall review such Report, the submittals made pursuant to the Agreement, and any other relevant information regarding the Site and make a determination as to whether the goals of the remedial program have been or will be achieved in accordance with established timeframes; if so, a written Certificate of Completion will be issued in accordance with the requirements of ECL 27-1419. Such Certificate of Completion may be modified or revoked, after notice and an opportunity for hearing, upon a finding that (a) Volunteer failed to comply with this Agreement; (b) Volunteer made a misrepresentation of material fact in connection with its Application or its certification that cleanup levels required by this Agreement were reached; or (c) good cause exists for such modification or revocation.

iii) All other Work Plan Final Reports shall contain a certification by a Professional Engineer with primary responsibility for the day to day performance of the activities under this Agreement that all such activities were performed in full accordance with the Department approved Work Plan.

2. Within sixty (60) Days of the Department's approval of a Final Report, Volunteer shall submit such additional Work Plans as it proposes to implement. Failure to submit any additional Work Plans within such period shall, unless other Work Plans are under review by the Department or being implemented by Volunteer, result in the termination of this Agreement pursuant to Paragraph XIII.

E. Review of Submittals other than Work Plans

1. The Department shall timely notify Volunteer in writing of its approval or disapproval of each submittal other than a Work Plan. All Department-approved submittals shall be incorporated into and become an enforceable part of this Agreement.

2. If the Department disapproves a submittal covered by this Subparagraph, it shall specify the reasons for its disapproval and may request Volunteer to modify or expand the submittal. Within twenty (20) Days after receiving written notice that Volunteer's submittal has been disapproved, Volunteer shall elect in writing to either (i) modify or expand it within thirty (30) Days of receipt of the written notice of disapproval; (ii) complete any other Department-approved Work Plan(s); (iii) invoke dispute resolution pursuant to Paragraph XIV; or (iv) terminate this Agreement pursuant to Paragraph XIII. If Volunteer submits a revised submittal and it is disapproved, the Department and Volunteer may pursue whatever remedies may be available under this Agreement or under law.

F. Department's Determination of Need for Remediation

The Department shall determine upon its approval of each Final Report dealing with the investigation of the Site whether remediation, or additional remediation as the case may be, is needed for protection of public health and the environment.

1. If the Department makes a preliminary determination that remediation, or additional remediation, is not needed for protection of public health and the environment, the Department shall notify the public of such determination and seek public comment in accordance with ECL 27-1417(3)(e). The Department shall provide timely notification to the Volunteer of its final determination following the close of the public comment period.

2. If the Department determines that additional remediation is not needed and such determination is based upon use restrictions, Volunteer shall cause to be filed an Environmental Easement in accordance with Paragraph X within sixty (60) Days of receipt of the Department's determination.

3. If the Department determines that remediation, or additional remediation, is needed, Volunteer may elect to submit for review and approval a proposed Remedial Work Plan (or a revision to an existing Work Plan for the Site) for a remedy selected upon due consideration of the factors set forth in ECL 27-1415(3). A proposed Remedial Work Plan addressing the Site's remediation will be noticed for public comment in accordance with ECL 27-1417(3)(e) and the Citizen Participation Plan developed pursuant to Paragraph I of this Agreement. If the Department determines following the close of the public comment period that revisions are needed, Volunteer agrees to negotiate revisions to the proposed Remedial Work Plan in accordance with Paragraph II.C. If Volunteer elects not to develop a Work Plan under this Subparagraph or if either party concludes that a mutually acceptable Work Plan under this Subparagraph cannot be negotiated, then this Agreement shall terminate in accordance with Subparagraph XIII.

G. Submission of Annual Reports, if required

In the event that the remedy for the Site, if any, or any Work Plan for the Site requires operation, maintenance, and monitoring (OM&M), including reliance upon institutional or

engineering controls, Volunteer shall file a report annually (unless a different frequency is specified in an approved Work Plan) on the 1st day of the month following the anniversary of the start of the OM&M and continuing until the Department notifies Volunteer in writing that such report may be discontinued. Such report shall be signed by a Professional Engineer or by an expert approved by the Department to perform that function and certified under penalty of perjury that the institutional and/or engineering controls are unchanged from the previous certification and that nothing has occurred that would impair the ability of such controls to protect public health and the environment or constitute a violation or failure to comply with the approved OM&M Plan. Volunteer shall notify the Department within twenty-four (24) hours of discovery of any upset, interruption, or termination of one or more controls without the prior approval of the Department. Further, Volunteer shall take all actions required by the Department to maintain conditions at the Site that achieve the objectives of the remedy and/or the Work Plan and are protective of public health and the environment. An explanation of such upset, interruption, or termination of one or more controls and the steps taken in response shall be included in the foregoing notice and in the report required by this Subparagraph as well as in any progress reports required by Paragraph XI. Volunteer can petition the Department for a determination that the institutional and/or engineering controls may be terminated. Such petition must be supported by a Professional Engineer or other expert approved by the Department stating that such controls are no longer necessary. The Department shall not unreasonably withhold its approval of such petition.

III. Enforcement

This Agreement shall be enforceable as a contractual agreement under the laws of the State of New York. Volunteer shall not suffer any penalty or be subject to any proceeding or action if it cannot comply with any requirement of this Agreement as a result of a Force Majeure Event provided it notifies the Department in writing within ten (10) Days of when it obtains knowledge of any such event. Volunteer shall include in such notice the measures taken and to be taken to prevent or minimize any delays and shall request an appropriate extension or modification of this Agreement. Volunteer shall have the burden of proving by a preponderance of the evidence that an event qualifies as a Force Majeure Event pursuant to this Paragraph.

IV. Entry upon Site

A. Volunteer hereby agrees to provide access to the Site and to all relevant information regarding activities at the Site in accordance with the provisions of ECL 27-1431.

B. The Department shall have the right to periodically inspect the Site to ensure that the use of the property complies with the terms and conditions of this Agreement.

V. Payment of State Costs

A. Within forty-five (45) Days after receipt of an itemized invoice from the Department, Volunteer shall pay to the Department a sum of money which shall represent

reimbursement for State Costs for negotiating this Agreement, and all costs associated with this Agreement up to and including the date upon which the Certificate of Completion is issued, the Department approves the Final Report relative to OM&M, or this Agreement is terminated pursuant to Paragraph XIII, whichever is later.

B. Personal service costs shall be documented by reports of Direct Personal Service, which shall identify the employee name, title, biweekly salary, and time spent (in hours) on the project during the billing period, as identified by an assigned time and activity code. Approved agency fringe benefit and indirect cost rates shall be applied. Non-personal service costs shall be summarized by category of expense (*e.g.*, supplies, materials, travel, contractual) and shall be documented by expenditure reports. The Department shall not be required to provide any other documentation of costs, provided however, that the Department's records shall be available consistent with, and in accordance with, Article 6 of the Public Officers Law.

C. Such invoice shall be sent to Volunteer at the following address:

Philip E. Karmel, Esq.
Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104-3300

D. Each such payment shall be made payable to the Department of Environmental Conservation and shall be sent to:

Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, Albany, NY 12233-7012

E. Each party shall provide written notification to the other within ninety (90) Days of any change in the foregoing addresses.

F. Volunteer may contest, in writing, invoiced costs under this Agreement if it believes (i) the cost documentation contains clerical, mathematical, or accounting errors; (ii) the costs are not related to the State's activities reimbursable under this Agreement; or (iii) the Department is not otherwise legally entitled to such costs. If Volunteer objects to an invoiced cost, Volunteer shall pay all costs not objected to within the time frame set forth in Subparagraph V.A and shall, within thirty (30) Days of receipt of an invoice, identify in writing all costs objected to and identify the basis of the objection. This objection shall be filed with the Director of the Bureau of Program Management ("BPM Director") who shall have the authority to relieve Volunteer of the obligation to pay invalid costs. Within forty-five (45) Days of the Department's determination of the objection, Volunteer shall pay to the Department the amount which the BPM Director or the BPM Director's designee determines Volunteer is obligated to pay or commence an action or proceeding seeking appropriate judicial relief.

G. In the event any instrument for the payment of any money due under this Agreement fails of collection, such failure of collection shall constitute a violation of this Agreement, provided (i) the Department gives Volunteer written notice of such failure of collection, and (ii) the Department does not receive from Volunteer a certified check or bank check within fourteen (14) Days after the date of the Department's written notification.

VI. Liability Limitation

Subsequent to the issuance of a Certificate of Completion pursuant to this Agreement, Volunteer shall be entitled to the Liability Limitation set forth at ECL 27-1421, subject to the terms and conditions stated therein. A Notice of the Liability Limitation shall be filed with the recording officer of the county in which the Site is located within thirty (30) Days of (i) the effective date of the Certificate of Completion or (ii) the date Volunteer acquires title to the Site, whichever is later.

VII. Reservation of Rights

A. Except as provided in Subparagraph VII.B, Volunteer reserves all rights and defenses under applicable law to contest, defend against, dispute, or disprove any action, proceeding, allegation, assertion, determination, or order of the Department, including any assertion of remedial liability by the Department against Volunteer, and further reserves all rights including the rights to notice, to be heard, to appeal, and to any other due process respecting any action or proceeding by the Department, including the enforcement of this Agreement. The existence of this Agreement or Volunteer's compliance with it shall not be construed as an admission of any liability, fault, wrongdoing, or violation of law by Volunteer, and shall not give rise to any presumption of law or finding of fact which shall inure to the benefit of any third party.

B. Notwithstanding the foregoing, Volunteer hereby waives any right it may have to make a claim pursuant to Article 12 of the Navigation Law with respect to the Site and releases the State and the New York Environmental Protection and Spill Compensation Fund from any and all legal or equitable claims, suits, causes of action, or demands whatsoever with respect to the Site that Volunteer may have as a result of Volunteer's entering into or fulfilling the terms of this Agreement.

VIII. Indemnification

Volunteer shall indemnify and hold the Department, the Trustee, the State of New York, and their representatives and employees harmless from any claim, suit, action, and cost of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Agreement by Volunteer prior to the Termination Date except for those claims, suits, actions, and costs arising from the State's gross negligence or willful or intentional misconduct by the Department, the State of New York, and/or their representatives and employees during the course of any activities conducted pursuant to this Agreement. The Department shall provide Volunteer

with written notice no less than thirty (30) Days prior to commencing a lawsuit seeking indemnification pursuant to this Paragraph.

IX. Change of Use

Volunteer shall notify the Department at least sixty (60) Days in advance of any change of use, as defined in ECL 27-1425, which is proposed for the Site. In the event the Department determines that the proposed change of use is prohibited, the Department shall notify Volunteer of such determination within forty-five (45) Days of receipt of such notice.

X. Environmental Easement

A. Within thirty (30) Days after the Department's approval of a Remedial Work Plan which relies upon one or more institutional and/or engineering controls, or within thirty (30) Days after the Department's determination pursuant to Subparagraph II.F.2 that additional remediation is not needed based upon use restrictions, Volunteer shall submit to the Department for approval an Environmental Easement to run with the land in favor of the State which complies with the requirements of ECL Article 71, Title 36. The submittal shall be substantially similar to Exhibit "B." Volunteer shall cause such instrument to be recorded with the recording officer for the county in which the Site is located within thirty (30) Days after the Department's approval of such instrument. Volunteer shall provide the Department with a copy of such instrument certified by the recording officer to be a true and faithful copy within thirty (30) Days of such recording (or such longer period of time as may be required to obtain a certified copy provided Volunteer advises the Department of the status of its efforts to obtain same within such thirty (30) Day period).

B. Volunteer or the owner of the Site may petition the Department to modify or extinguish the Environmental Easement filed pursuant to this Agreement at such time as it can certify that the Site is protective of human health and the environment without reliance upon the restrictions set forth in such instrument. Such certification shall be made by a Professional Engineer or other expert approved by the Department. The Department will not unreasonably withhold its consent.

XI. Progress Reports

Volunteer shall submit a written progress report of its actions under this Agreement to the parties identified in Subparagraph XII.A.1 by the 10th day of each month commencing with the month subsequent to the approval of the first Work Plan and ending with the Termination Date, unless a different frequency is set forth in a Work Plan. Such reports shall, at a minimum, include: all actions relative to the Site during the previous reporting period and those anticipated for the next reporting period; all approved activity modifications (changes of work scope and/or schedule); all results of sampling and tests and all other data received or generated by or on behalf of Volunteer in connection with this Site, whether under this Agreement or otherwise, in the previous reporting period, including quality assurance/quality control information;

information regarding percentage of completion; unresolved delays encountered or anticipated that may affect the future schedule and efforts made to mitigate such delays; and information regarding activities undertaken in support of the Citizen Participation Plan during the previous reporting period and those anticipated for the next reporting period.

XII. Communications

A. All written communications required by this Agreement shall be transmitted by United States Postal Service, by private courier service, or hand delivered.

1. Communication from Volunteer shall be sent to:

Shaminder Chawla
New York State Department of Environmental Conservation
Division of Environmental Remediation
47-40 21st Street
Long Island City, NY 11101

Note: three copies (one unbound) of work plans are required to be sent.

Geoff Laccetti
Bureau of Environmental Exposure Investigation
New York State Department of Health
Flanigan Square
547 River Street
Troy, New York 12180-2216

Note: two copies of work plans are required to be sent, and

Rosalie K. Rusinko, Esq.
New York State Department of Environmental Conservation
200 White Plains Road, 5th Floor
Tarrytown, New York 10591-5805

Correspondence only, with electronic copy of other documents as provided for in Subparagraph XV.E

2. Communication from the Department to Volunteer shall be sent to:

Philip E. Karmel, Esq.
Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104-3300

B. The Department and Volunteer reserve the right to designate additional or different addressees for communication on written notice to the other.

C. Each party shall notify the other within ninety (90) Days after any change in the addresses listed in this Paragraph XII or in Paragraph V.

XIII. Termination of Agreement

Volunteer may terminate this Agreement at any time by providing written notification to the parties listed in Subparagraph XII.A.1. The Department may terminate this Agreement at any time pursuant to Subparagraph XV.A or in the event Volunteer fails to substantially comply with the Agreement's terms and conditions. The Department shall provide written notification to Volunteer setting forth the basis for termination of the Agreement. The termination shall be effective the 5th day after the non-terminating party's receipt of such written notification, except that such termination shall not affect the provisions contained in Paragraphs V, VII.B, and VIII.

XIV. Dispute Resolution

A. In the event disputes arise regarding any notice of disapproval of a submittal, proposed Work Plan or Final Report, or during the implementation of any Work Plan, Volunteer may, within thirty (30) Days of receipt of such notice, request in writing informal negotiations with the Department in an effort to resolve the dispute. The Department and Volunteer shall consult together in good faith and exercise best efforts to resolve any differences or disputes without resort to the procedures described in Subparagraph XIV.B. The period for informal negotiations shall not exceed thirty (30) Days from Volunteer's request for informal negotiations. If the parties cannot resolve a dispute by informal negotiations during this period, the Department's position shall be considered binding unless Volunteer notifies the Department in writing within thirty (30) Days after the conclusion of the thirty (30) Day period for informal negotiations that it invokes the dispute resolution provisions provided under Subparagraph XIV.B.

B. 1. Volunteer shall file with the Office of Hearings and Mediation ("OH&M") a request for formal dispute resolution and a written statement of the issues in dispute, the relevant facts upon which the dispute is based, factual data, analysis, or opinion supporting its position, and all supporting documentation upon which Volunteer relies (hereinafter called the "Statement of Position"). A copy of such request and written statement shall be provided contemporaneously to the Director of the Division of Environmental Remediation ("DER Director") and to the parties listed under Subparagraph XII.A.1.

2. The Department shall serve its Statement of Position no later than twenty (20) Days after receipt of Volunteer's Statement of Position.

3. Volunteer shall have the burden of proving by substantial evidence that the Department's position does not have a rational basis and should not prevail. The OH&M can conduct meetings, in person or via telephone conferences, and request additional information from either party if such activities will facilitate a resolution of the issues.

4. The OH&M shall prepare and submit a report and recommendation to the DER Director who shall issue a final decision resolving the dispute in a timely manner. The final decision shall constitute a final agency action and Volunteer shall have the right to seek judicial review of the decision pursuant to Article 78 of the CPLR provided that Volunteer notifies the Department within thirty (30) Days after receipt of a copy of the final decision of its intent to commence an Article 78 proceeding and commences such proceeding within sixty (60) Days after receipt of a copy of the Director's final decision. Volunteer shall be in violation of this Agreement if it fails to comply with the final decision resolving this dispute within sixty (60) Days after the date of such final decision, or such other time period as may be provided in the final decision, unless it seeks judicial review of such decision within the sixty (60) Day period provided. In the event that Volunteer seeks judicial review, Volunteer shall be in violation of this Agreement if it fails to comply with the final Court Order or settlement within thirty (30) Days after the effective date of such Order or settlement, unless otherwise directed by the Court. For purposes of this Subparagraph, a Court Order or settlement shall not be final until the time to perfect an appeal of same has expired.

5. The invocation of dispute resolution shall not extend, postpone, or modify Volunteer's obligations under this Agreement with respect to any item not in dispute unless or until the Department agrees or a Court determines otherwise. The invocation of the procedures set forth in this Paragraph XIV shall constitute a waiver of any and all other administrative remedies which may otherwise be available to Volunteer regarding the issue in dispute.

6. The Department shall keep an administrative record of any proceedings under this Paragraph XIV which shall be available consistent with Article 6 of the Public Officers Law.

7. Nothing in this Paragraph XIV shall be construed as an agreement by the parties to resolve disputes through administrative proceedings pursuant to the State Administrative Procedure Act, the ECL, or 6 NYCRR Part 622 or Section 375-2.1.

XV. Miscellaneous

A. If the information provided and any certifications made by Volunteer are not materially accurate and complete, this Agreement, except with respect to Volunteer's obligations pursuant to Paragraphs V, VII.B, and VIII, shall be null and void *ab initio* fifteen (15) Days after the Department's notification of such inaccuracy or incompleteness or fifteen (15) Days after issuance of a final decision resolving a dispute pursuant to Paragraph XIV, whichever is later, unless Volunteer submits information within that fifteen (15) Day time period indicating that the

information provided and the certifications made were materially accurate and complete. In the event this Agreement is rendered null and void, any Certificate of Completion and/or Liability Limitation that may have been issued or may have arisen under this Agreement shall also be null and void *ab initio*, and the Department shall reserve all rights that it may have under law.

B. Volunteer shall allow the Department to attend, and shall notify the Department at least seven (7) Days in advance of, any field activities to be conducted pursuant to this Agreement, as well as any pre-bid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting; nothing in this Agreement shall be construed to require Volunteer to allow the Department to attend portions of meetings where privileged matters are discussed.

C. The Department may exempt Volunteer from the requirement to obtain any state or local permit or other authorization for any activity conducted pursuant to this Agreement that (i) is conducted on the Site or on different premises that are under common control or contiguous to or physically connected with the Site and such activity manages exclusively hazardous waste and/or petroleum from such Site, and (ii) satisfies all substantive technical requirements applicable to like activity conducted pursuant to a permit, as determined by the Department.

D. Volunteer shall use "best efforts" to obtain all Site access, permits, easements, rights-of-way, rights-of-entry, approvals, institutional controls, or authorizations necessary to perform Volunteer's obligations under this Agreement. If, despite Volunteer's best efforts, any access, permits, easements, rights-of-way, rights-of-entry, approvals, institutional controls, or authorizations required to perform this Agreement are not obtained, Volunteer shall promptly notify the Department, and include a summary of the steps taken to obtain access. The Department may, as it deems appropriate and within its authority, assist Volunteer in obtaining same. If an interest in property is needed to implement an institutional control required by a Work Plan and such interest cannot be obtained, the Department may require Volunteer to modify the Work Plan pursuant to Subparagraph II.C of this Agreement to reflect changes necessitated by the lack of access and/or approvals.

E. All approved Work Plans, Final Reports, and other documents required under this Agreement shall be submitted to the Department in an electronic format acceptable to the Department within thirty (30) Days of approval. If any document cannot be converted into electronic format, Volunteer shall so advise the Department and, if the Department concurs, submit such document in an alternative format acceptable to the Department.

F. Volunteer shall provide a copy of this Agreement to each contractor hired to perform work required by this Agreement and shall condition all contracts entered into for the obligations identified in this Agreement upon performance in conformity with the terms of this Agreement. Volunteer or its contractor(s) shall provide written notice of this Agreement to all subcontractors hired to perform any portion of the work required by this Agreement. Volunteer

shall nonetheless be responsible for ensuring that Volunteer's contractors and subcontractors perform the work in satisfaction of the requirements of this Agreement.

G. The paragraph headings set forth in this Agreement are included for convenience of reference only and shall be disregarded in the construction and interpretation of any provisions of this Agreement.

H. 1. The terms of this Agreement shall constitute the complete and entire agreement between the Department and Volunteer concerning the implementation of the activities required by this Agreement. No term, condition, understanding, or agreement purporting to modify or vary any term of this Agreement shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department shall be construed as relieving Volunteer of Volunteer's obligation to obtain such formal approvals as may be required by this Agreement. In the event of a conflict between the terms of this Agreement and any Work Plan submitted pursuant to this Agreement, the terms of this Agreement shall control over the terms of the Work Plan(s) attached as Exhibit "C." Volunteer consents to and agrees not to contest the authority and jurisdiction of the Department to enter into or enforce this Agreement.

2. i. Except as set forth herein, if Volunteer desires that any provision of this Agreement be changed, other than a provision of a Work Plan or a time frame, Volunteer shall make timely written application to the Commissioner with copies to the parties listed in Subparagraph XII.A.1.

ii. Changes to the Work Plan shall be accomplished as set forth in Subparagraph II.C of this Agreement.

iii. Requests for a change to a time frame set forth in this Agreement shall be made in writing to the Department's project attorney and project manager; such requests shall not be unreasonably denied and a written response to such requests shall be sent to Volunteer promptly.

I. 1. If there are multiple parties signing this Agreement, the term "Volunteer" shall be read in the plural, the obligations of each such party under this Agreement are joint and several, and the insolvency of or failure by any Volunteer to implement any obligations under this Agreement shall not affect the obligations of the remaining Volunteer(s) under this Agreement.

2. If Volunteer is a partnership, the obligations of all general partners (including limited partners who act as general partners) under this Agreement are joint and several and the insolvency or failure of any general partner to implement any obligations under this Agreement shall not affect the obligations of the remaining partner(s) under this Agreement.

3. Notwithstanding the foregoing Subparagraphs XV.I.1 and 2, if multiple parties sign this Agreement as Volunteers but not all of the signing parties elect to implement a Work Plan, all Volunteers are jointly and severally liable for each and every obligation under this Agreement through the completion of activities in such Work Plan that all such parties consented to; thereafter, only those Volunteers electing to perform additional work shall be jointly and severally liable under this Agreement for the obligations and activities under such additional Work Plan(s). The parties electing not to implement the additional Work Plan(s) shall have no obligations under this Agreement relative to the activities set forth in such Work Plan(s). Further, only those Volunteers electing to implement such additional Work Plan(s) shall be eligible to receive the Liability Limitation referenced in Paragraph VI.

J. Volunteer shall be entitled to contribution protection to the extent authorized by ECL 27-1421(6).

K. Volunteer shall not be considered an operator of the Site solely by virtue of having executed and/or implemented this Agreement.

L. Volunteer and Volunteer's agents, grantees, lessees, sublessees, successors, and assigns shall be bound by this Agreement. Any change in ownership of Volunteer including, but not limited to, any transfer of assets or real or personal property, shall in no way alter Volunteer's responsibilities under this Agreement.

M. Unless otherwise expressly provided herein, terms used in this Agreement which are defined in ECL Article 27 or in regulations promulgated thereunder shall have the meaning assigned to them under said statute or regulations. Whenever terms listed in the Glossary attached hereto are used in this Agreement or its Exhibits, the definitions set forth in the Glossary shall apply. In the event of a conflict, the definition set forth in the Glossary shall control.

N. Volunteer's obligations under this Agreement represent payment for or reimbursement of response costs, and shall not be deemed to constitute any type of fine or penalty.

O. This Agreement may be executed for the convenience of the parties hereto, individually or in combination, in one or more counterparts, each of which shall be deemed to have the status of an executed original and all of which shall together constitute one and the same.

P. The effective date of this Agreement is the date it is signed by the Commissioner

assigned to them under said statute or regulations. Whenever terms listed in the Glossary attached hereto are used in this Agreement or its Exhibits, the definitions set forth in the Glossary shall apply. In the event of a conflict, the definition set forth in the Glossary shall control.

N. Volunteer's obligations under this Agreement represent payment for or reimbursement of response costs, and shall not be deemed to constitute any type of fine or penalty.

O. This Agreement may be executed for the convenience of the parties hereto, individually or in combination, in one or more counterparts, each of which shall be deemed to have the status of an executed original and all of which shall together constitute one and the same.

P. The effective date of this Agreement is the date it is signed by the Commissioner or the Commissioner's designee.

DATED: FEB 1 0 2005

DENISE M. SHEEHAN,
ACTING COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION AND
ACTING TRUSTEE OF THE STATE'S
NATURAL RESOURCES

By: _____
Dale A. Desnoyers, Director
Division of Environmental Remediation

CONSENT BY VOLUNTEER

Volunteer hereby consents to the issuing and entering of this Agreement, waives Volunteer's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

BX Parkview Associates LLC

By:_____
Ron Moelis

Title: Managing Member

Date: 1/26/05

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

On the 26th day of January, in the year 2004, before me, the undersigned, personally appeared Ron Moelis, 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

DEBRA M. KENYON
Notary Public, State of New York
No. 02KE5020703
Qualified in Westchester County
Commission Expires Nov. 29, 2005

Glossary of Terms

The following terms shall have the following meanings:

"Day": a calendar day. In computing any period of time under this Agreement, if the last day would fall on a Saturday, Sunday, or State holiday, the period shall run until the close of business of the next working day.

"Force Majeure Event": an event which is brought on as a result of fire, lightning, earthquake, flood, adverse weather conditions, strike, shortages of labor and materials, war, riot, obstruction or interference by adjoining landowners, or any other fact or circumstance beyond Volunteer's reasonable control.

"IRM": an interim remedial measure which is a discrete set of activities which can be undertaken without extensive investigation and evaluation to prevent, mitigate, or remedy environmental damage or the consequences of environmental damage attributable to a Site.

"OM&M": operation, maintenance, and monitoring.

"Professional engineer": an individual registered as a professional engineer in accordance with Article 145 of the New York State Education Law. If such individual is a member of a firm, that firm must be authorized to offer professional engineering services in the State of New York in accordance with Article 145 of the New York State Education Law.

"State Costs": all the State's expenses including, but not limited to, direct labor, fringe benefits, indirect costs, travel, analytical costs, and contractor costs incurred by the State of New York for negotiating, implementing, and administering this Agreement. Approved agency fringe benefit and indirect cost rates will be applied.

"Termination Date": the date upon which (i) the Department issues the Certificate of Completion or approves the Final Report relative to the OM&M at the Site, whichever is later, or (ii) the Agreement terminates pursuant to Paragraph XIII or Subparagraph XV.A,.

"Trustee": the Trustee of New York State's natural resources.

"Work Plan": a Department-approved work plan, as may be modified, that Volunteer shall implement and that is attached to this Agreement.

EXHIBIT "A"

Citizen Participation Plan

EXHIBIT "B"

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this ____ day of _____, 20 __, between ***Name of title owner(s) of the site*** residing at (or having an office at) ***Title owner's address - no PO Boxes***, (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 ("brownfield 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 maintenance, monitoring or operation requirements and of ensuring the potential 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 be effective, or which requires groundwater use 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 brownfield site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and;

WHEREAS, Grantor, is the owner of real property located in the City/Town/Village of _____, _____County, New York known and designated on the tax map of the _____ of _____ _____ as ***insert tax map information***, being the same as that property conveyed to Grantor by deed on _____, and recorded in the Land Records of the _____ County Clerk at ***insert Liber and page or computerized system tracking/ identification number***, comprised of approximately # acres, and hereinafter more fully described in Schedule A attached hereto and made a part hereof (the " Controlled Property"); and;
Attach an adequate legal description of the property subject to the easement, or reference a recorded map. If the easement is on only a part of a parcel of land which is not subdivided into encumbered and unencumbered portions, a legal description needs to be created by a survey

bearing the seal and signature of a licensed land surveyor with reference to a metes and bounds description.

WHEREAS, the Commissioner does hereby acknowledge that the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established at this 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 covenants and mutual promises contained herein and the terms and conditions of Brownfield Cleanup Agreement Number W2-1024-04-10 , Grantor grants, conveys and releases to Grantee a permanent Environmental Easement pursuant to Article 71, Title 36 of the ECL 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 maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The following controls 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. The Controlled Property may be used for **STRIKE INAPPROPRIATE LANGUAGE residential/commercial/industrial use as long as the following the long-term engineering controls are employed:**

STATE THE CONTROLS. FOR EXAMPLE:

(i) any soil on the property must be covered by a demarcation layer and a barrier layer approved by NYSDEC such as concrete, asphalt or structures or must be covered with a _____layer of clean soil and this demarcation layer and barrier layer must be maintained; and

(ii) any proposed soil excavation on the property below the _____ cover or below the demarcation layer requires prior notification and prior approval of NYSDEC in accordance with the Site Management Plan approved by NYSDEC for this Controlled Property and the excavated soil must be

managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives.

B. The Controlled Property may not be used for a higher level of use such as **STRIKE INAPPROPRIATE LANGUAGE residential/commercial use** and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of 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 of Title 36 to Article 71 of the Environmental Conservation Law.

D. 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.

E. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury that the controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls employed at the Controlled Property were approved by the NYSDEC, and that nothing has occurred that would impair the ability of such control to protect the public health and environment or constitute a violation or failure to comply with any Site Management Plan for such controls and giving access to such Controlled Property to evaluate continued maintenance of such controls.

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 Controlled Property, including:

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

2. The right to give, sell, assign, or otherwise transfer the underlying fee interest to the Controlled Property by operation of law, by deed, or by indenture, 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 intentionally violates this environmental easement, the Grantee may revoke the Certificate of Completion provided under ECL Article 27, Title 14, or the Satisfactory Completion of Project provided under ECL Article 56, Title 5 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. Grantor shall then have a reasonable amount of time from receipt of such notice to cure. At the expiration of said second period, Grantee may commence any proceedings and take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement in accordance with applicable law to require compliance with the terms of this Environmental Easement.

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 its enforcement rights in the event of a subsequent breach of or noncompliance with any of the terms of this Environmental easement.

6. Notice. Whenever notice to the State (other than the annual certification) or approval from the State is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the its County tax map number or the Liber and Page or computerized system tracking/ identification number and address correspondence to:

Division of Environmental Enforcement
Office of General Counsel
New York State Department of Environmental Conservation
625 Broadway
Albany New York 12233-5500

Such correspondence shall be delivered by hand, or 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. This environmental easement may be amended only by an amendment executed by the Commissioner of the New York State Department of Environmental Conservation 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 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. Costs and Liabilities. Grantor shall retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including but not limited to the obligation to maintain adequate liability insurance coverage.

12. Taxes. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority.

13. Successors. The term "Grantor", wherever used herein, shall include the persons and/or entities named at the beginning of this document, identified as "Grantor" and their personal representatives, heirs, successors, and assigns.

14. Compliance with Law. This Environmental easement shall not remove the necessity of Grantor to obtain any permit and/or approval from any governmental agency having jurisdiction over any activity conducted or to be conducted on the Controlled Property.

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

Grantor's Name

By:_____

Title:_____

Date:_____

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the _____ day of _____, in the year 200_, 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.

_____
Notary Public - State of New York

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

By: _____
Erin M. Crotty, Commissioner

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the _____ day of _____, in the year 200_, 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/ executed the same in his/her/ capacity as 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

EXHIBIT "C"

Approved Work Plans

The City of New York

DEPARTMENT OF ENVIRONMENTAL PROTECTION
59-17 Junction Boulevard
Flushing, New York 11373

David B. Tweedy
Acting Commissioner

Tel. (718) 595-6576
Fax (718) 595-3557
dtweedy@dep.nyc.gov

Angela Licata
Assistant Commissioner

Office of Environmental Planning & Assessment

Tel: (718) 595-4398
Fax: (718) 595-4479

www.nyc.gov/dep

DIAL 311 Government Information and Services for NYC

NOTICE TO PROCEED

February 10, 2005

Marshall Kaminer, P.E.
Bronx Borough Commissioner
1932 Arthur Avenue, 5th Floor
Bronx, NY 10457-6306

Re: **Parkview Commons, The Bronx - DEP #: 05 DEPTECH 012X**

421-435 East 160th Street
426-440 East 161st Street
865-877 Elton Avenue
Block 2382, Lots 16, 20, 22, 23, 24, 25, 27, 28, 30
Hazardous Materials "E" Designation
Melrose Commons URA – CEQR # 88-087X
E-53: Block 2382, Lots 16 and 20

Dear Mr. Kaminer:

The New York City Department of Environmental Protection, Office of Environmental Planning and Assessment (DEP) has reviewed Ecosystem Strategies, Inc. (Ecosystem) February 2004 Remedial Action Workplan (RAP) and site specific construction Health and Safety Plan (HASP) for the above referenced site. The proposed development plan slated for this site includes the construction of a multi-story building that would include approximately 110 units of affordable housing for low-income households with commercial and/or community facility uses on the ground floor and basement levels, parking for 29 cars, and a landscaped outdoor seating area. According to project site plans, soil excavation down to bedrock would be required across most of the site. Currently, the subject property is vacant/unoccupied land. A former automobile repair shop and gasoline filling station were recently demolished.

Although the entire project area includes nine (9) tax lots (as referenced above), only two (2) parcels (Lots 16 & 20 of Block 2382) were assigned a Hazardous Materials "E" designation (E-53) as part of the Melrose Commons URA rezoning action (CEQR # 88-087X), due to historic land uses that posed an environmental concern. As a result of the proposed project/structure encompassing all nine (9) tax lots, the developer has begun the process of merging all nine zoning lots (lots 16, 20, 22, 23, 24, 25, 27, 28, 30) into one tax lot. The tentative tax lot number for the project site is Lot 16 of Block 2382. Once the new tax lot merger is finalized, the Hazardous Materials "E" designation would remain on the new Lot 16. It is our understanding that your Agency would be involved in this process of merging tax lots.

DEP has approved Ecosystems February 2005 RAP and site-specific construction HASP that includes the installation of a vapor barrier in accordance with manufacturers specifications. The RAP and construction HASP follow our department's recommendations from previous subsurface investigations that were completed at the site. Therefore, we have no objection to the permitted work relating to development of the mixed-use structure at the subject site. DEP has concluded that the Hazardous Materials "E" environmental requirement has been met for the subject property insofar as the applicant may proceed with construction.

We have no objection to the issuance of a "Notice to Proceed" to the applicant for the proposed construction project, with the understanding that no other permits will be issued by your Agency to the applicant until DEP issues a "Notice of Satisfaction" for the proposed project. A Remedial Closure Report, certified by a Professional Engineer (P.E.), must be submitted by the applicant for DEP's review/approval prior to our office issuing a "Notice of Satisfaction" for this project.

If you have any questions or comments, please call Kate Demong at (718) 595-6443.

Sincerely,

Daniel L. Cole
Deputy Director - SAU

cc: John Wuthenow
Darryl Cabbagestalk
Callista Nazaire
Kate Demong
Helen Gitelson – HPD
Walter Roberts – HPD
Yolanda Gonzalez – Nos Quedamos
Debbie Kenyon – L&M / Bx Parkview
Paul Ciminello - Ecosystems Strategies

New York State Department of Environmental Conservation
Petroleum Remediation Section
Division of Environmental Remediation, Region 2
47-40 21st Street, Long Island City, New York 11101-5407
Phone: (718) 482-4934 • **FAX:** (718) 482-6358
Website: www.dec.state.ny.us

Erin M. Crotty
Commissioner

December 22, 2004

Debbie Kenyon
BX Parkview Associates LLC
1865 Palmer Avenue, Suite 203
Larchmont, New York 10538

Re: Parkview Commons Development
436 East 161st Street, Bronx
Spill No. 0407340

Dear Ms. Kenyon:

The New York State Department of Environmental Conservation, Division of Environmental Remediation (Division) has reviewed the Updated Phase I dated November 2004 and the Draft Remedial Action Workplan dated October 2004. The Division approves the work proposed in Section 4.3.2 through 4.3.7 of the Workplan. Based on the results of the endpoint sampling, additional investigation and/or remediation may be required.

The Division is requiring that you submit plans for the removal of the referenced waste oil tank and fuel oil tanks and assessment of the subsurface in these areas.

If you have any questions concerning this matter, please call my office at (718) 482-4934.

Very truly yours,

Jennifer Rommel
Engineering Geologist 2

cc: Paul Ciminello, Ecosystems Strategies, Inc.

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 2
47-40 21ST Street, Long Island City, NY 11101-5407
Phone: (718) 482-4995 • **FAX:** (718) 482-6358
Website: www.dec.state.ny.us

Denise M. Sheehan
Acting
Commissioner

February 14, 2005

Paul H. Ciminello
President
Ecosystems Strategies, Inc.
24 Davis Avenue
Poughkeepsie, New York 12603-2332

Re: Parkview Site, Site # C 203014
Citizen Participation Plan
Remedial Investigation Work Plan

Dear Mr. Ciminello:

New York State Department of Environmental Conservation and the New York State Department of Health has reviewed the Draft Remedial Investigation Work Plan dated February 7, 2005 and Draft Citizen Participation Plan dated February 11, 2005.

These Workplans are approved for implementation. Please finalize these plans and distribute them to document repositories. I understand that remedial investigation field work has started as of today. Please keep me informed of all field activities through daily reports via e-mail to spsingh@gw.dec.state.ny.us.

Sincerely,

Shaminder Chawla
Hazardous Waste Remediation

cc: G. Laccetti/S. Selmer, NYSDOH

Ecosystems Strategies, Inc.
24 Davis Avenue, Poughkeepsie, New York 12603-2332
Environmental Services and Solutions
TEL: 845-452-1658 • FAX: 845-485-7083 •
mail@ecosystemsstrategies.com

January 6, 2005

Jennifer Rommel
NYSDEC Region 2
Spills Unit
47-40 21st Street
Long Island City, NY 11101

Re: Tank Closure Site Assessment (TCSA) for the Parkview Commons Development Site, located at 436 East 161st Street, Borough of Bronx, New York
ESI File: LB03027.41
NYSDEC Spill File Number: 0407340

Dear Ms. Rommel:

Enclosed please find two (2) copies of the Tank Closure Site Assessment (TCSA) prepared on the above-referenced site, dated January 2005. This TCSA is being submitted in support of spill closure.

Relevant information in this TCSA is as follows:

- The source of documented on-site soil contamination, the ten (10) abandoned gasoline USTs, have been removed from the Site;
- All gasoline-contaminated soils have been excavated from the site and properly disposed of;
- Ten soil samples from endpoints around the excavation (both walls and base samples) document only trace concentrations of VOCs well below TAGM levels; and,
- An approximately 500-gallon fuel-oil AST was excavated. This tank was present in the basement of the former structure during building demolition. No evidence of contaminated soil was noted in the area of the tank.

Please review this document and call me at (845) 452-1658 should you have any questions or comments.

Sincerely,

ECOSYSTEMS STRATEGIES, INC.

Paul H. Ciminello
President

PHC:cpr

enclosures

cc: Debbie Kenyon
Yolanda Garcia
File

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYRR, Subpart 360-14

Section A

(See enclosed instructions and please be sure to complete Sections A & B)

Return Completed Form & Fees To:
NYSDEC BS Unit

Expiration Date:

Please Type or Print Clearly and Complete All Items

PBS Number
2-609789

DEC ID# number (If applicable)

DER SPILL# number (If applicable)

Transaction Type
(Check all that apply)
NOTE: Transaction Types 1, 2 and 5 may require a fee

- [ ] 1|Initial New Facility
- [ ] 2|Change of Ownership
- [XX] 3|Substantial Tank Modification
- [ ] 4|Information Correction
- [ ] 5|Renewal

FACILITY

Facility Name: Parkview Commons

Location (Not P.O. Box): 436 E. 161st Street

Location (cont.):

City: Bronx | State: NY | Zip Code: 10451

County: Bronx | Township or City: New York City

Name of Operator at Facility:

Facility Telephone number:

Emergency Contact name: Paul H. Ciminello

Emergency Telephone number: 845-452-1658

OWNER

Owner Name: Department of Housing Preservation and Development

Address (Street and/or P.O.): 100 Gold Street

City: New York | State: NY | Zip Code: 10038

Federal Tax ID number:

Owner Telephone number: 212-863-5176

Type of Owner (Check only one):
1 [ ] Private Resident
2 [ ] State Government
3 [X] Local Government
4 [ ] Federal Government
5 [ ] Corporate/Commercial

TYPE OF PETROLEUM FACILITY (Check only one)

- [ ] 01=Storage Terminal/Petroleum Distributor
- [ ] 02=Retail Gasoline Sales
- [ ] 03=Other Retail Sales
- [ ] 04=Manufacturing
- [ ] 05=Utility
- [ ] 06=Trucking/Transportation
- [ ] 07=Apartment Building
- [ ] 08=School
- [ ] 09=Farm
- [ ] 10=Private Residence
- [ ] 11=Airline/Air Taxi
- [ ] 12=Chemical Distributor
- [ ] 13=Municipality
- [ ] 14=Refinery
- [ ] 15=Railroad
- [ ] 16=Vessel/Barge
- [X] 99=Other (Specify): Abandoned

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative: Paul H. Ciminello

Amount Enclosed: $

Title: President, Ecosystems Strategies, Inc.

Signature: Paul H. Ciminello Date: 01/06/05

CORRESPONDENCE

(Please keep up to date - this information is used for mailing and contact purposes)

Attention: Paul H. Ciminello

Name of Company: Ecosystems Strategies, Inc.

Address: 24 Davis Avenue

Address:

City/State/Zip Code: Poughkeepsie, NY 12603

Telephone Number: 845-452-1658

OFFICIAL USE ONLY

Page of

Date Received / /

Date Processed / /

Amount Received $

Reviewed by

PBS Number:
2-609789

Section B - Tank Information

(See enclosed instructions and *use the key located on the bottom of this sheet to complete each item/column*)

Registration Expiration Date:

IMPORTANT: Tank number is required. If tank and piping models are entered then the shaded columns DO NOT have to be supplied. Tank and piping model codes are on the PBS instruction sheet provided.

Action (1)	Tank Model	Piping Model	Tank Number	Tank Location (3)	Status (4)	Installation or Permanent Closure Date (5)	Capacity (Gallons) (6)	Product Stored (7)	Tank Type (8)	Tank Internal Protection (9)	Tank External Protection (10)	Tank Secondary Containment (11)	Tank Leak Detection (12)	Tank Overfill Prevention (13)	Tank Spill Prevention (14)	Tank Dispenser (15)	Piping Location (16)	Piping Type (17)	Piping External Protection (18)	Piping Sec. Containment (19)	Piping Leak Detection (20)	Last Test Date / Testing Due Date (Underground Tanks): Last Test Date	Next Test Date
3	101	A	1	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	2	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	3	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	4	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	5	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	6	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	7	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	8	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	9	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	10	5	3	12/16/04	550	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	none	
3	101	A	11	5	3	12/27/04	500	0000	01	00	00	00	00	00	00	00	00	00	00	00	00	None	

Action (1)
1 Initial Listing
2 Add Tank
3 Close/Remove Tank
4 Information Correction
5 Recondition/Repair/Reline Tank

Status (4)
1 In-service
2. Temporarily out-of-service
3. Closed-Removed
4. Closed- In Place
5 Tank converted to Non-Regulated use

Tank Location (3)
1 Aboveground-contact w/soil
2 Aboveground contact w/ impervious barrier
3 Aboveground on saddles, legs, stilts, rack, or cradle
4 Aboveground with 10% or more below ground
5. Underground
6 Underground, vaulted, with access

Product Stored (7)
0000 Empty
0001 #2 Fuel Oil
0002 #4 Fuel Oil
0003 #6 Fuel Oil
0011 Jet Fuel
0008 Diesel
0009 Gasoline
0012 Kerosene
0013 Lube Oil
0022 Waste/Used Oil
0259 #5 Fuel Oil
2642 Used Oil (Fuel)
9999 Other -please list *

Tank Type (8)
01 Steel/Carbon Steel/Iron
02 Galvanized Steel Alloy
03 Stainless Steel Alloy
04 Fiberglass Coated Steel
05 Steel Tank in Concrete
06 Fiberglass Reinforced Plastic (FRP)
07 Plastic
08 Equivalent Technology
09 Concrete
10 Urethane Clad Steel
99 Other-please list *

Internal Protection (9)
00 None
01 Epoxy Liner
02 Rubber Liner
03 Fiberglass Liner (FRP)
04 Glass Liner
99 Other-please list *

External Protection (10/18)
00 None
01. Painted/Asphalt Coating
02 Original Sacrificial Anode
03. Original Impressed Current
04 Fiberglass
05 Jacketed
06 Wrapped (Piping)
07. Retrofitted Sacrificial Anode
08. Retrofitted Impressed Current
09. Urethane
99. Other-please list *

Tank Leak Detection (12)
00 None
01 Interstitial Electronic Monitoring
02 Interstitial Manual Monitoring
03 Vapor Well
04 Groundwater Well
05 In-Tank System (ATG)
06. Impervious Barrier/Concrete Pad (A/G)
99. Other-please list *

Piping Type (17)
00. None
01. Steel/Carbon Steel/Iron
02. Galvanized Steel
03. Stainless Steel Alloy
04 Fiberglass Coated Steel
05 Steel Encased in Concrete
06 Fiberglass Reinforced Plastic (FRP)
07 Plastic
08 Equivalent Technology
09 Concrete
10 Copper
11 Flexible Piping
99 Other-please list *

Overfill Prevention (13)
00. None
01 Float Vent Valve
02 High Level Alarm
03. Automatic Shut-off
04 Product Level Gauge (A/G)
05 Vent Whistle
99 Other-please list *

Secondary Containment (11/19)
00 None
01. Diking (A/G)
02. Vault (w/access)
03 Vault (w/o access)
04 Double Walled (U/G)
05 Synthetic Liner
06 Remote Impounding Area
07. Excavation/Trench Liner System
08 Flexible Internal Liner (Bladder)
09 Modified Double-Walled (A/G)
10 Impervious Underlayment
11 Double Bottom (A/G)
99 Other-please list *

Spill Prevention (14)
00 None
01 Catch Basin
02 Transfer Station Containment
99 Other - Please list *

Piping Location (16)
00 No Piping
01 Aboveground
02 Underground/On-ground
03. Aboveground/Underground Combination

Pipe Leak Detection (20)
00. None
01 Interstitial Electronic Monitoring
02 Interstitial Manual Monitoring
03 Vapor Well
04. Groundwater Well
07 Pressurized Piping Leak Detector
08 Tank Top Sump (Piping)
09 Exempt Suction Piping
99 Other-please list *

Dispenser (15)
00 None
01 Submersible
02 Suction
03 Gravity

* **If other, please list on a separate sheet including Tank Number**

APPENDIX I

Site Management Plan

SITE MANAGEMENT PLAN

Parkview Commons Development Site

421-435 East 160th Street

426-440 East 161st Street

865-877 Elton Avenue

Borough of Bronx

Bronx County, New York

Brownfield Cleanup Program: C203014

ESI File: LB03027.70R

Date prepared:
September 2006

Prepared by:
ECOSYSTEMS STRATEGIES, INC.
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(845) 452-1658

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Poughkeepsie, New York 12603

Prepared For:

BX Parkview Associates, LLC
1865 Palmer Avenue, Suite 203
Larchmond, NY 10538

The undersigned has reviewed this Site Management Plan and certifies to BX Parkview Associates, LLC that the information provided in this document is accurate as of the date of issuance by this office. Any and all questions or comments, including requests for additional information, should be submitted to the undersigned.

Paul H. Ciminello
President

TABLE OF CONTENTS

SECTION 1 - INTRODUCTION

1.1 SITE DESCRIPTION

This Site Management Plan (SMP) details on-going environmental response actions appropriate to satisfy known environmental conditions at the Parkview Commons Development Site (hereafter referred to as the "Site") located at 421-435 East 160th Street, 426-440 East 161st Street, and 865-877 Elton Avenue, Borough of Bronx, New York (Block 2382, Lot 16). Site Location Map is provided on page 2.

The subject property is an irregularly-shaped, 0.67-acre parcel, which has 200 feet of frontage on the northern side of East 160th Street, 150 feet of frontage on the southern side of East 161st Street, and 164 feet of frontage on the western side of Elton Avenue.

1.2 PURPOSE

The purpose of this SMP is to provide a detailed description of the procedures warranted to properly manage environmental remediation systems currently installed and monitor the environmental conditions described in Section 2, below. Proper management and monitoring will be achieved by conducting the tasks outlined in Sections 3-6, below.

Site management is the last phase of remediation, which begins with the approval of the final remedial report and/or issuing of the certificate of completion and continues until the remedial action objectives for the site have been satisfied and the site is closed out. The remedial party is responsible to ensure that all site management responsibilities are performed. Implementation of the SMP is the responsibility of the Owner and all future owners of the site.

The SMP is intended to provide a detailed description of the procedures required to properly manage residual contamination left in place at the site following completion of the remedial action in accordance with the New York State Brownfield Cleanup agreement with the New York State Department of Environmental Conservation, including (1) development, implementation and management of all engineering and institutional controls; (2) development and implementation of monitoring systems and a monitoring plan; (3) development of a plan to operate and maintain any treatment, collection, containment or recovery systems (including, where appropriate, preparation of an operation and maintenance manual); (4) submittal of site management reports, performance of inspections and certification of results and insurance of proper communication of site information to the Department; and (5) defining criteria for termination of treatment system operation.

This SMP includes four plans, an Institutional and Engineering Control Plan for implementation and management of institutional and engineering controls; a Monitoring Plan for implementation of site monitoring; an Operation and Maintenance Plan (and manual where appropriate) for implementation of remedial collection, containment, treatment and recovery systems; and a Site Management Reporting Plan for submittal of data, information, recommendations and certifications to the Department.

Where the remedial action objectives call for residual contaminants to be retained and managed onsite, the requirements outlined in this SMP are to be in place in perpetuity, or until removal of the environmental easement according to an approval by the Department, or until otherwise approved by the Department.

This SMP defines the means for implementation of easement requirements. Site management activities, reporting and institutional & engineering control certification will be scheduled on a certification period basis. The certification period will be annually. The Owner of the subject property, BX Parkview Associates, LLC, will identify a qualified environmental consultant to provide all services described in this SMP. The Environmental Easement is binding and enforceable. Penalty for failure to implement this SMP is revocation of COC.

Site Location Map

SECTION 2 - BACKGROUND

2.1 SITE DESCRIPTION

The Site consisted, in part, of a former gasoline station and an active automobile repair shop. The gasoline station operated on the northeastern portion of the property from 1951 until at least 1979 and was demolished in 2004. In May 2003, a Phase 1 Environmental Assessment indicated potential environmental issues associated with the underground storage tanks (USTs) used at the gasoline station. A ground penetrating radar survey was subsequently conducted in the probable location of the gas tanks. In December 2004, ten 550-gallon gasoline USTs were removed and disposed off-site. The remaining petroleum-impacted soils were removed under the current remedial action. Several single-family residences, mixed residential and commercial structures, and multi-family residences were present on the subject property from the late 1800s until the late 1990s. Currently, the property contains a recently constructed, nine-story, mixed-use structure.

Environmental remediation activities at the Site are summarized in the Final Engineering Report, prepared by Ecosystems Strategies, Inc (ESI) and accepted by the NYSDEC.

2.2 REMEDIAL INVESTIGATION FINDINGS

The Final Remedial Report and Remedial Investigation can be found at the NYSDEC Region 2 offices as well as at the local document repository (Bronx Community Board #3). A general discussion of environmental activities is provided below.

2.2.1 Site conditions

A subsurface investigation of Lot 20, conducted by ATC Associates (Remedial Investigation Report, dated June 18, 2001), documented the presence of fill materials overlying bedrock at ten to eleven feet below grade. A geotechnical investigation of subsurface conditions conducted by URS Corporation (Geotechnical Investigation, dated June 11, 2004) concluded that the subsurface consisted of two to twelve feet of sandy fill material overlying fractured marble bedrock. The property contains primarily dry, sandy, medium-brown soils. One to two feet of clean-fill material covers portions of the property (barrier layer is depicted in Appendix A).

No groundwater was encountered during ATC's investigation. The URS investigation documented groundwater at 7.4 feet below grade in a single groundwater observation well (B-3) located near the southeastern end of the on-site building.

Regional groundwater flow is likely to be in a southeasterly direction, toward the East River, located approximately 1.4 mile southeast of the Site. Shallow groundwater flow is likely to be strongly influenced by bedrock contours and utility conduits. Groundwater at the Site flows north, following the topography of the subject property. A Groundwater Flow Map indicating site elevations, is attached in Appendix B.

2.2.2 Nature and extent of contamination

ESI's environmental investigation of the Site is documented in a Phase II Environmental Site Assessment and Draft Remedial Action Workplan (Phase II Report) dated October 2004.

The Phase II Report described the extension of 20 soil cores and test pits at various locations throughout the Site to document the presence or absence of subsurface soil contamination. In addition, a test pit trench was extended for the length of that portion of the Site formerly used as a gas station. Finally, two ground penetrating radar (GPR) surveys were conducted to confirm the presence or absence of on-site USTs. The Phase II Report concluded that eight USTs were located along 161st Street between Elton Avenue and the vacant garage building.

Field evidence and analytical data supported the conclusion that petroleum contaminated soil was present in the vicinity of the USTs. Contaminant levels were low, but obvious odors indicated that soils in the vicinity of the USTs would need to be managed as petroleum contaminated wastes. The total volume of impacted soils was estimated at between 200 and 250 cubic yards. Contaminated soils were subject to NYSDEC regulations and therefore a spill report was made. Spill # 04-07340 was assigned to this Site.

A Tank Closure Site Assessment and Spill Closure Report (TCSA) was issued by ESI in January 2005, chronicling on-site tank removal activities and subsequent endpoint sampling. Ten, 550-gallon USTs were satisfactorily removed. The tanks were properly drained of all remaining product, cleaned, and disposed of off-site. Ten confirmatory endpoint samples were collected from the walls and floors of the gasoline UST excavation.

Laboratory analysis identified no concentrations of VOCs exceeding guidance values (i.e., TAGM levels), however several VOCs were detected at concentrations below guidance values. Minor exceedances of NYSDEC guidance values for PAHs were present in several samples. Given that these soils are capped by the on-site structure, and will not come into human contact, Spill # 04-07340 was closed by the NYSDEC.

Excavation was extended in the vicinity of a purported waste-oil tank and no evidence of a tank or petroleum-contaminated soil was encountered. A 500-gallon fuel-oil tank was excavated from the basement of the former on-site structure; no evidence of contaminated soil was noted in the area of the tank.

A RAWP, issued by ESI in February 2005, identified elevated levels of PAHs in test pits extended in the southwestern portion of the site (consistent with previous characterizations of on-site fill material). Soil gas samples collected throughout the site indicated the presence of high levels of VOCs, including both gasoline related compounds and chlorinated solvents.

2.3 REMEDIAL ACTIONS

The following activities were conducted as part of the implementation of the NYSDEC approved Remedial Investigation Report and Remedial Action Workplan (RIR/RAWP):

A. Excavation and off-site disposition of contaminated soils present in the central portion of the Site. A total of 222.6 tons of soils containing elevated levels of chlorinated pesticides was excavated from the current courtyard area and disposed of off-site at a licensed (Clean Earth facility of Philadelphia) repository. Prior to removal, soil samples documented a peak level of chlordane at 1,400 ppb (TAGM level is 540 ppb), a peak level of dieldrin at 290 ppb (TAGM level is 44 ppb) and a peak level of DDT at 4,100 ppb (TAGM levels is 2,100 ppb). Post excavation sampling in the area documented levels of all pesticides below applicable guidance values. Site-wide, one sample location (FEP-2) exceeds the guidance values; however, this location is along 160th Street, representing soils that are at or under the roadway..

B. Excavation and off-site disposition of fill material present in the footprint of the building and additional soils outside the footprint of the building. Soils/fill material present in the footprint of the building were removed as regulated waste based on documented concentrations of PAHs and metals exceeding respective TAGM levels. A total of 6,140 tons of fill soils were removed. Post excavation sampling documented soils with elevated PAHs and metals remaining under the building as well as under the parking area.

C. Implementation of a Community Air Monitoring Plan (CAMP), including the monitoring and suppression of fugitive dust migration. Data documents no long term exceedances of dust levels at the monitoring stations.

D. Installation of demarcation layer, barrier layer and importation of certified clean fill. Upon completion of construction, a barrier layer consisting of certified clean soil (soil testing documented contaminant levels below TAGM levels) and/or pavement (the building itself also serves as a barrier layer). Underlaying the imported soil (i.e., between the known on-site contaminated soils and the documented clean imported soils) is demarcation layer consisting of black, porous filter fabric.

E. Installation and integrity testing of a vapor extraction system. Underlaying the on-site structure is an active subslab depressurization system consisting of 4" PVC piping underlaying the building connected to rooftop fans. Monitor points through the basement floor documented acceptable vacuum, confirming that the system is effective. Air quality testing from the rooftop discharge points confirm that low levels of VOCs are accumulating under the slab and being redirected by this system to the roof.

F. Installation of asphalt barrier.

Cover design is included in Appendix A

2.4 RESIDUAL CONTAMINATION

The site remediation activities implemented as part of the RIR/RAWP (summarized above) resulted in contaminants remaining on the Site. Specifically, the following known contamination remains on-site:

A. Groundwater is known to contain low levels of dissolved volatile organic compounds (VOCs), and low level exceedances of dissolved metals; as detailed in Table 2.4-A below. These data document a site condition which has warranted continued monitoring , but no active remediation. Elevated levels of sodium and magnesium in on-site groundwater are considered to be the result of road salting operations.

Table 2.4-A: Metals in Groundwater

All data provided in parts per billion.

Concentrations shown in bold exceed NYSDEC established guidance levels.

Metals	Guidance Levels	Sample Identification		
		MW-1	MW-2	MW-4
Aluminum	100	94.6	ND	ND
Antimony	3	ND	ND	ND
Arsenic	50	ND	ND	ND
Barium	1,000	52	43.7	36.6
Beryllium	NA	ND	ND	ND
Cadmium	5	ND	ND	ND
Calcium	NA	261,000	310,000	183,000
Chromium	50	ND	ND	ND
Cobalt	5	**6.1**	ND	ND
Copper	200	ND	ND	4.7
Iron	300	ND	ND	ND
Lead	50	ND	ND	ND
Magnesium	35,000	**132,000**	**185,000**	**40,300**
Manganese	300	**1,470**	20.6	ND
Mercury	0.7	ND	ND	ND
Nickel	100	10.9	ND	2.4
Potassium	NA	17,000	16,300	7,980
Selenium	10	ND	8.6	ND
Silver	50	ND	ND	ND
Sodium	20,000	**80,700**	**24,500**	**23,200**
Thallium	8	ND	ND	ND
Vanadium	14	ND	ND	ND
Zinc	NA	ND	ND	ND

Notes:
Guidance levels for metals are based on NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality Standards And Guidance Values And Groundwater Effluent Limitations, October 22, 1993 (Revised June 1998)

ND = Not detected

SB = Site Background

NA = Not Available

B. Soils containing elevated PAHs are present in the vicinity of the portions of the structure located along Elton Avenue and 160th Street; as summarized in Table 2.4-B below. These data document a site condition which warranted a remedial response action (i.e., capping) which, in turn, will require periodic inspection and maintenance; and,

Table 2.4-B: Soil Clean-up Objectives (SCOs) for Track IV Clean-up
(Generic Restricted Use SCOs derived from NYSDEC draft Part 375 regulations)
All levels are in parts per million

Parameter	Range (Low-High)	TAGM	Proposed SCO	Reference
c-PAHs (benzo(a)pyrene equivalent)	ND-3.4	varies	5	Site Specific Clean-up Objective
METALS				
Barium	11 - 1,020	(SB) 300 ppm	600	Site Specific Clean-up Objective
Lead	3 - 1,980	400 ppm	1,000	Site Specific Clean-up Objective
Zinc	39-869	50 ppm	500	Site Specific Clean-up Objective
Cadmium	0.94-1.8	1 ppm	2.0	Site Specific Clean-up Objective
Mercury	ND-0.7	0.2 ppm	1.0	Site Specific Clean-up Objective
PESTICIDES				
4,4'DDT	ND-2.5	2.4	2.5	Site Specific Clean-up Objective
Chlordane	ND-0.7	0.54	0.71	Site Specific Clean-up Objective

C. Soil gas present beneath the building contains low level exceedances of VOCs.

A map showing the locations of all residual contamination is provided in Appendix A.

2.5 PROVISIONS IN ENVIRONMENTAL EASEMENT

The following controls apply to the use of the Site, run with the land are binding on the Grantor (Site Owner) and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Site, any lessees, and any person using the Site:

A. The Site may be used for restricted residential use as long as the following long-term engineering controls are employed:

   i. The barrier layer consisting of the asphalt in the parking area, impervious sidewalks/walkways, the soil cover in the courtyard area, and the building structures is maintained in accordance with the NYSDEC-approved Site Management Plan;

   ii. All future soil disturbance activities, including building renovation/expansion, subgrade utility line repair/relocation, and new construction are conducted in accordance with this NYSDEC-approved Site Management Plan;

   iii. Vegetable gardens are prohibited;

   iv. The use of the groundwater underlying the Site is prohibited without treatment rendering it safe for intended purpose;

   v. Groundwater and other environmental or public health monitoring, and reporting of information thus obtained, is performed in a manner specified in the NYSDEC-approved Site Management Plan;

vi. On-site environmental monitoring devices, including but not limited to, groundwater monitor wells and soil vapor monitoring wells, are protected and replaced as necessary to ensure continued functioning in the manner specified in the NYSDEC-approved Site Management Plan; and,

vii. Sub-slab soil vapor extraction system is operated and maintained in a manner specified in the NYSDEC-approved Site Management Plan. Annual inspection and reporting, including operational and monitoring data, will be performed in a manner specified in the NYSDEC-approved Site Management Plan.

B. The Site may not be used for a higher level of use such as unrestricted use and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of the Environmental Easement.

2.6 HASP/CAMP Considerations

All environmental response work detailed in this SMP will be conducted in accordance with an approved Health and Safety Plan (HASP) as well as a Community Air Monitoring Plan (CAMP). The HASP is intended to protect the health of workers who have the potential to come in contact with known on-site contaminants. The CAMP is intended to protect the health of community residents who have the potential to be exposed to known on-site contaminants as a result of fugitive discharge of dusts and vapors.

SECTION 3 – INSTITUTIONAL AND ENGINEERING CONTROL PLAN

The Institutional and Engineering Control Plan details the oversight steps and any media-specific requirements necessary to assure that the institutional and engineering controls required by the decision document for the site remain in place and effective.

Following is a description of all institutional controls and engineering controls and the role they are intended to play. The plan for annual inspection and certification of the institutional and engineering controls, including identification of the issues to be specifically evaluated by the inspection and certification, and any criteria that might apply, is included in Sections 4-6, below.

A copy of the Environmental Easement requiring the institutional controls for the site is included in Appendix C.

The remedial party at a site must provide, in a computer database format acceptable to the DER, the following information for any environmental easement or other institutional control approved by the Department, the following data, including but not limited to:

A. A site summary;
B. Name of current site owner and/or the remedial party implementing the SMP for the site;
C. The location of the site;
D. The current status of site remedial activity;
E. A copy of the environmental easement; and
F. A contact name and phone number of a person knowledgeable of the easement, in order for the DER to obtain additional information.

If and when an environmental easement is modified or extinguished, the copy of the environmental easement contained in the database should be updated accordingly.

3.1 ENGINEERING CONTROL COMPONENTS

On-site environmental monitoring devices (groundwater monitor wells) will be protected and replaced as necessary to ensure continued functioning in the manner specified in the NYSDEC-approved Groundwater Monitoring Plan (described in Section 4.1, below). The purpose of groundwater monitoring wells is to facilitate documentation of changes in groundwater quality that may have a material effect on site usage.

All future soil disturbance activities, including building renovation/expansion, subgrade utility line repair/relocation, and new construction must be conducted in accordance with the NYSDEC-approved Soil Management Plan (described in Section 4.2, below) to ensure contaminated media (described above) will be properly maintained.

Sub-slab soil vapor extraction (VES) system will be operated and maintained in a manner specified in the NYSDEC-approved Operation and Maintenance Plan (described in Section 5.1, below). Annual inspection and reporting, including operational and monitoring data, will be performed in a manner specified in the NYSDEC-approved Site Management Plan. The purpose of the active VES system is to intercept vapors containing petroleum hydrocarbons that may accumulate under the building.

The barrier layer consisting of the asphalt in the parking area, impervious sidewalks/walkways, the soil cover in the courtyard area, and the building structures, must be maintained in accordance with the NYSDEC-approved Operation and Maintenance Plan (described in section 5.2, below). The purpose of the barrier layer is to provide sufficient distance between known contaminated soil and future users of the property.

Description of physical components of engineering controls are included on the Environmental Remediation Map (Appendix A).

These engineering controls will be inspected annually to ensure that they continue to perform as designed and continue to be protective of human health and the environment.
Inspections should also occur after any severe condition occurs such as major erosion or flooding (see Sections 4-6 for details). Inspections will continue until treatment remedy is complete.

3.2 INSTITUTIONAL CONTROL COMPONENTS

- Vegetable gardens are prohibited;
- The use of the groundwater underlying the Site is prohibited without treatment rendering it safe for intended purpose;
- Groundwater and other environmental or public health monitoring, and reporting of information thus obtained, will be performed in a manner specified in the NYSDEC-approved Site Management Plan;
- If there is a proposed change of use, the NYSDEC will be notified;

Groundwater monitoring and soil management plans are described in Section 4.

SECTION 4 – MONITORING PLAN

The Monitoring Plan details the steps necessary to inspect, monitor and report the performance and effectiveness of the remedy, both short and long-term, by assessing compliance with actual or equivalent discharge permit limits; assessing achievement of the remedial performance criteria; sampling and analysis of appropriate media; evaluating site information periodically to confirm that the remedy continues to be effective for the protection of public health and the environment; and preparing the necessary reports of the results of this monitoring.

The monitoring plan is required to assess both the performance of the remedy, as well as the effectiveness of the remedy in restoring the impacted environmental media.

4.1 GROUNDWATER MONITORING

Four groundwater monitoring wells were previously installed on the Site for the purpose of documenting changes in groundwater quality and the direction of groundwater flow. Two of the wells were destroyed during construction activities, one was closed, and the fourth currently remains on-site.

The relocation of three on-site groundwater monitoring wells and the collection and analysis of quarterly groundwater samples will occur at the completion of site re-development and construction. This includes: the relocation of MW-1 and MW-2 on to the sidewalk of Elton Avenue (identified as MW-1R and MW-2R); the installation of a new, down-gradient well at the western end of the Site on East 161st Street (identified as MW-5); the closure of MW-3; and, the proper development of MW-1R, MW-2R, and MW-5 and quarterly sampling of all wells for VOCs, PAHs, and dissolved metals.

The location of these wells is included on the Environmental Remediation Map (Appendix A).

Sample Collection Procedures

Groundwater wells will be sampled following a schedule determined by the NYSDEC. All wells will be sampled on each collection date, beginning at the well expected to show the lowest contaminant levels. The following list details procedures to be followed at each monitoring well during each collection date. All measurements indicated below, as well as any other relevant field observations, will be recorded on log sheets.

A. Weather conditions (e.g., temperature, precipitation) will be recorded at the time each well is sampled.

B. The protective casing on the well will be unlocked, and air in the well-head screened for organic vapors.

C. Height of standing water in the well will be measured. Using the well diameter, total well depth, and the measured depth of the standing water, the volume of standing water in the well will be calculated.

D. The well will be purged using a submersible pump. The pump will be properly decontaminated between wells to prevent cross-contamination.

   i. Dedicated, disposable, polyethylene tubing will be used at each well. Care will be taken to minimize the amount of groundwater agitation created during purging.

ii. The number of well volumes to be removed during purging may vary with site characteristics, well design, and the chemicals or parameters for which analyses shall be performed. At a minimum, three well volumes to a maximum of five well volumes will be purged from each well prior to sampling. The purged volumes will be calculated by discharging the purge water into a container of known volume. Time at which purging begins and ends will be recorded.

E. Samples will be collected with dedicated, disposable bailers and/or submersible pumps. Water samples will be immediately transferred to the appropriate sample containers. Samples collected for volatile organic analyses will be collected first. Sample jars will be labeled, preserved if necessary, stored on ice, sample information will be recorded, and laboratory chain-of-custody forms completed.

F. Quality control samples (e.g., field duplicates, equipment blanks) will be collected as required. A trip blank will be included in each cooler.

G. The standing water level in the well after sampling will be re-measured and the protective cap on the well will be replaced and locked.

Groundwater Analyses

Groundwater will be analyzed by a laboratory certified through the Environmental Laboratory Approval Program (ELAP) of the NYS Department of Health. All samples will be analyzed for VOCs (ASP-1) and SVOCs (ASP-2) and metals. The laboratory will use New York State Analytical Services Protocols in each test. The laboratory will provide data to the Owner and/or Owner's consultant within fifteen business days of receipt of samples.

Sampling Frequency

Samples will be collected for a minimum of eight consecutive quarters. Upon completion of this regimen, data will be reviewed and a determination of future sampling requirements will be made with the NYSDEC.

Reports

Quarterly reports detailing the results of groundwater analyses for each collection date will be submitted to the NYSDEC. These reports will include groundwater contaminant concentrations, comparisons to previous groundwater data, and groundwater flow maps. Reports will be submitted to the NYSDEC within 30 days of sample collection.

A written report summarizing these quarterly reports will be submitted annually to the NYSDEC. The annual report will include detailed laboratory reports, and laboratory-provided quality assurance and quality control documentation.

Well Closure

Groundwater monitoring wells will be closed upon receipt of written authorization to do so from the NYSDEC. Well closure procedures will be in accordance with all relevant NYSDEC guidelines.

This determination will be based on changes in contamination concentrations; no changes in contamination levels or decrease in those levels will be considered sufficient justification for stopping groundwater testing.

4.2 SOIL MANAGEMENT

This section of the SMP provides a contingency plan for future soil disturbance activities, including building renovation/expansion, subgrade utility line repair/relocation, and new construction. All such projects **where disturbance of soils beneath the barrier or demarcation layers will occur** must be overseen by a full time qualified environmental professional, the NYSDEC must be notified of all work, and work must be certified according to the SMP. Projects where only soils above the demarcation layer will be disturbed do not require notification of the NYSDEC.

All endemic (non-imported, previously existing) on-site soils are assumed to be contaminated with petroleum hydrocarbons and, as a result, any of these soils must be handled as regulated material. Excavated soil (of endemic nature) must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives. All exported soils will be considered a regulated waste, subject to management under NYSDEC regulation (6NYCRR, Part 360 and Part 370). Excavated soils that remain on-site as fill and any certified soils imported to the Site are not considered regulated waste. This SMP addresses the management of any soils generated by potential future soil disturbances or soils imported onto the property, and addresses these contingencies.

Particulate air monitoring of fugitive dust is to be conducted on the site at all times when endemic soils are being disturbed. Air monitoring is to be conducted consistent with the NYSDEC approved CAMP.

Disturbed Soil Remaining On-Site

Qualified personnel will be on-site to monitor any activities that might disturb soils. Air in the excavation area will be monitored with a PID for dangerous levels of organic vapors. Excavated soils that remain on-site as fill are not considered regulated waste. As such, this soil may be used as backfill. If the barrier has been disturbed due to soil excavation activities, it must be repaired. All soils proposed for re-interment must be placed under the barrier layer.

Disturbed Soil Disposed of Off-Site

All exported soils will be considered a regulated waste, subject to management under NYSDEC regulation (6NYCRR, Part 360 or 370). The following will occur in the case that soil is exported off-site:

A. Qualified personnel will be on-site to monitor any activities that might disturb soils. Air in the excavation area will be monitored with a PID for dangerous levels of organic vapors.

B. Excavated soil with visual evidence of contamination, including staining or elevated PID measurements, will be sampled using one composite sample and a duplicate sample per 100 cubic yards of stockpiled soil.

C. Excavated soil showing no evidence of contamination will be sampled by collecting one composite sample and a duplicate sample per 2,000 cubic yards of stockpiled soil. A minimum of one sample will be collected for volumes less than 2,000 cubic yards.

D. Composite samples will be collected from five locations within each stockpile. PID measurements will be recorded for each of the five individual locations. One grab sample will be collected from the individual location with the highest PID measurement. If none of the five individual sample locations exhibit PID readings, one location will be selected at random. The composite sample will be analyzed by an ELAP-certified laboratory for pH, RCRA metals, pesticides, polychlorinated biphenyl compounds (PCBs), VOCs and cyanide. Stockpiled soil cannot be transported off-site until the analytical results are received.

E. Stockpile Management

i. Stockpiles will be kept covered at all times with appropriately anchored tarps. Stockpiles will be routinely inspected and damaged tarp covers will be promptly replaced.

ii. Soil stockpiles will be continuously encircled with silt fences. Hay bales will be used as needed near catch basins, surface waters and other discharge points.

F. Truck Management

i. All trucks leaving the site will be lined with plastic and covered with plastic and will have tight-fitting covers.

ii. All trucks will be washed prior to leaving the site. Truck wash waters will be collected and disposed offsite in an appropriate manner.

iii. All trucks loaded with site materials will exit the vicinity of the site using only approved truck routes.

iv. Egress points for truck and equipment transport from the site will be kept clean of dirt and other materials during site remediation and development.

Queuing of trucks will be performed onsite in order to minimize off-site disturbance. Off-site queuing of trucks is prohibited.

G. Odor Controls

i. Odor control methods will be capable of controlling emissions of nuisance odors. If nuisance odors are identified, work will be halted and the source of odors will be identified and corrected. Work will not resume until all nuisance odors have been abated. NYSDEC and NYSDOH will be notified of all odor events and of all other complaints about the project.

ii. All necessary means will be employed to control odors and eliminate associated nuisances on- and off-site. The means to be considered for odor control when odors are caused by remedial actions or associated work include, but are not limited to: (a) limiting the area of open excavations; (b) shrouding open excavations with tarps and other covers; (c) use of foams to cover exposed odorous soils; (d) use of chemical odorants in spray or misting systems; and, (e) use of staff to monitor odors in surrounding neighborhoods. If these and other methods are not successful, enclosures will be erected around remedial work areas to control odors.

Imported Soil

Imported soil must meet all applicable NYSDEC guidelines as "clean fill". Soil imported for use above the barrier layer will be analyzed for total weight VOCs, PAHs, TAL Metals, pesticides and PCBs, and TCLP VOCs, PAHs, RCRA Metals, and pesticides. Only soils with documented contaminated concentrations below respective TAGM 4046 levels will be acceptable as "clean fill", unless the NYSDEC is petitioned and approves such alternative soils.

SECTION 5 – OPERATION AND MAINTENANCE PLAN

This Operation and Maintenance Plan describes the measures necessary to operate and maintain any mechanical components of the remedy.

5.1 INSPECTION OF VAPOR EXTRACTION SYSTEM

As a supplemental preventative measure, a vapor barrier underlain by three separate vapor extraction systems (VES) were installed under the building foundation. The purpose of this barrier and VES is to eliminate the migration of vapors containing petroleum hydrocarbons into the building, consistent with good construction practices. The locations of the roof-mounted fans as well as the locations of the monitoring points in the building's slab floors are provided on the Environmental Remediation Map (Appendix A).

Inspection Procedures

Annual inspections of the VES will include the following procedures:

A. Inspection of VES Equipment

A qualified person will assess the integrity of the accessible VES equipment and piping by visual inspection. The inspector will ensure, at a minimum, that the systems are intact, free from damage, and that the fans are working as required.

B. Assessment of Vacuum Function

A qualified person will assess the strength of the vacuum created by the VES. A monitoring point for each system will be installed to confirm effective vacuum in the entire sub-grade. Vacuum data (as measured in inches of water) will be collected from the monitoring points. Sufficient vacuum will be achieved if levels greater than 0.02 inches of water are measured at each monitor point.

Annual Certification

An annual report will be based on the inspection described in Section 2.3.A. This report will be provided to the Owner and to the NYSDEC. Should any failures or potential failures of the VES be observed, the Owner will be given a reasonable amount of time to complete remedial actions as required by the NYSDEC. A subsequent inspection and report will then be made.

5.2 INSPECTION OF BARRIER

For the purpose of this SMP, the barrier layer is defined as the asphalt parking area, impervious sidewalks/walkways, building slab and soil cover. The soil cover consists of a minimum thickness of two feet of certified clean soil over all contaminated areas (where applicable) not covered by asphalt or buildings to prohibit potential contact with subsurface contaminated soils.
The barrier layer is represented in the "Barrier Layer Inspection Map" (see Appendix A).

Inspection Procedures

A qualified person will conduct a yearly inspection of the barrier layer. This inspection will include, at a minimum, visual confirmation that the system is intact and free from damage.

Annual Certification

An annual report will be based on the inspection described in Section 2.3.A. This report will be provided to the Owner and to the NYSDEC. Should any failures or potential failures of the barrier layer be observed, the Owner will be given a reasonable amount of time to complete remedial actions as required by the NYSDEC. A subsequent inspection and report will then be made.

SECTION 6 – SITE MANAGEMENT REPORTING PLAN

An annual Site Management Report will be submitted and will include the certification of engineering and institutional controls and the product of required site inspections. The Site Management Report must identify all required institutional and engineering controls required by the decision document, should include an evaluation of Engineering and Institutional Control Plan, and assessment and certification of the continued effectiveness of all institutional and/or engineering controls required by the decision document for a site.

The following schedule will be adhered to by the Site Owner unless modifications are otherwise agreed to by the NYSDEC:

A. Groundwater Monitoring

Well installation will occur within 30 days of building completion but no later than August 1, 2006.

Groundwater monitoring will occur on a quarterly basis (August, November, February and May), until a determination has been made otherwise. Quarterly reports will be issued to the Owner and the NYSDEC no later than 30 days after the sampling has occurred. An Annual Report will be submitted to the Owner and NYSDEC after the first year (on or about October 1st of each year). See Appendix E, NYSDEC Institutional and Engineering Controls Certification Form.

B. Monitoring of the Vapor Extraction System

The VES system will be inspected on an annual basis. An Annual Report will be submitted to the Owner and NYSDEC after the first year (on or about October 1st of each year).

C. Monitor the Integrity of the Barrier Layer

The Barrier Layer will be inspected on an annual basis. An Annual Report will be submitted to the Owner and NYSDEC after the first year (on or about October 1st of each year).

6.1 CERTIFICATION OF ENGINEERING AND INSTITUTIONAL CONTROLS

Annual certification is to be a written statement prepared and signed by a professional engineer licensed to practice in New York State. The engineer must inspect the site (see requirements in section 6.2) and must certify that the institutional controls and/or engineering controls employed at the site are: unchanged from the previous certification; in-place and effective; and performing as designed. Certification must also be made that: nothing has occurred that would impair the ability of the controls to protect the public health and environment; nothing has occurred that would constitute a violation or failure to comply with any operation and maintenance plan for such controls; access is available to the site to evaluate continued maintenance of such controls; and site usage is compliant with environmental easement.

This site which is a BCP site determined to be non-significant threat site, but where contaminants in groundwater contravene drinking water standards at the site border, in addition to the items noted above the Site owner, will also, have to certify on a yearly basis that no new information has come to the site owner's attention, including groundwater monitoring data from wells located at the site boundary, to indicate that the assumptions made in the qualitative exposure assessment of offsite contamination are no longer valid; and every five years, that the assumptions made in the qualitative exposure assessment remain valid.

Certification must be included in a Site Management Report submitted annually by March 1 following the calendar year reporting period.

6.2 SITE INSPECTION

The person responsible for implementing the SMP for a site should conduct inspections of the site to assure the remedy remains in place and effective. Inspection of a site should be at least annually. Inspection should also occur whenever a severe condition, such as major erosion, flooding, which could effect engineering controls or a breakdown of the treatment system occurs at a site.

Inspections should be documented on an inspection form developed for the site, which should compile sufficient information to assess:

A. Compliance with all institutional controls, including site usage;

B. The site conditions at the time of the inspection, including an evaluation of the condition and continued effectiveness of engineering controls;

C. The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection;

D. Compliance with permits and schedules included in the Operation and Maintenance Plan; and

Evaluation of Records and Reporting

The results of the inspection and site monitoring data should evaluated to provide certification (see section 6.1) that the:

A. Engineering controls, including necessary treatment systems, and associated institutional controls are in place, are performing properly and remain effective;

B. Monitoring plan is being implemented;

C. Operation and maintenance activities are being conducted properly; and, based on the above items;

D. Remedy continues to be protective of public health and the environment and compliant with the decision document for the site. See Appendix E.

6.3 SITE MANAGEMENT REPORT

A Site Management Report (SMR) will be prepared for the site certification period. In accordance with the results of the monitoring plan, inspections, and the project evaluation discussed in above. This report should be submitted, within 45 days of the date of the end of the certification period, and include:

A. The IC/EC certification required for the site;

B. A site evaluation, which should address the following:

   i. The compliance of the remedy with the requirements of the decision document for the site;

   ii. The performance and effectiveness of the remedy;

   iii. The operation and the effectiveness of all treatment units, etc., including identification of any needed repairs or modifications;

iv. Any new conclusions or observations regarding the site contamination based on the inspections or data generated by the site monitoring plan for the media being monitored; and

v. Recommendations regarding any necessary changes to the remedy and/or monitoring plan.

C. Comments, conclusions and recommendations based on an engineering evaluation of the information included in the report, must be prepared by a professional engineer, where engineering controls or a treatment system are components of the site remedy;

D. Comments, conclusions and recommendations based on an evaluation of the information in the report where institutional controls exist, prepared by a qualified person;

E. Where the Operation and Maintenance Plan or manual section of the Site Management Plan identifies the need for monthly, quarterly or biannual reports of performance monitoring this report should include and summarize the following:

i. A description of routine maintenance and inspection forms;

ii. A description of breakdowns and/or repairs along with an explanation for any significant downtime;

iii. A summary of the performance or effectiveness monitoring; and

iv. Comments, conclusions and recommendations based on an evaluation and resolution of performance problems.

v. A figure showing sampling and well locations, and significant analytical values at sampling locations, if effectiveness monitoring is performed;

vi. Where cumulative data summary tables and/or graphical representations of contaminants of concern are to be included in the report:

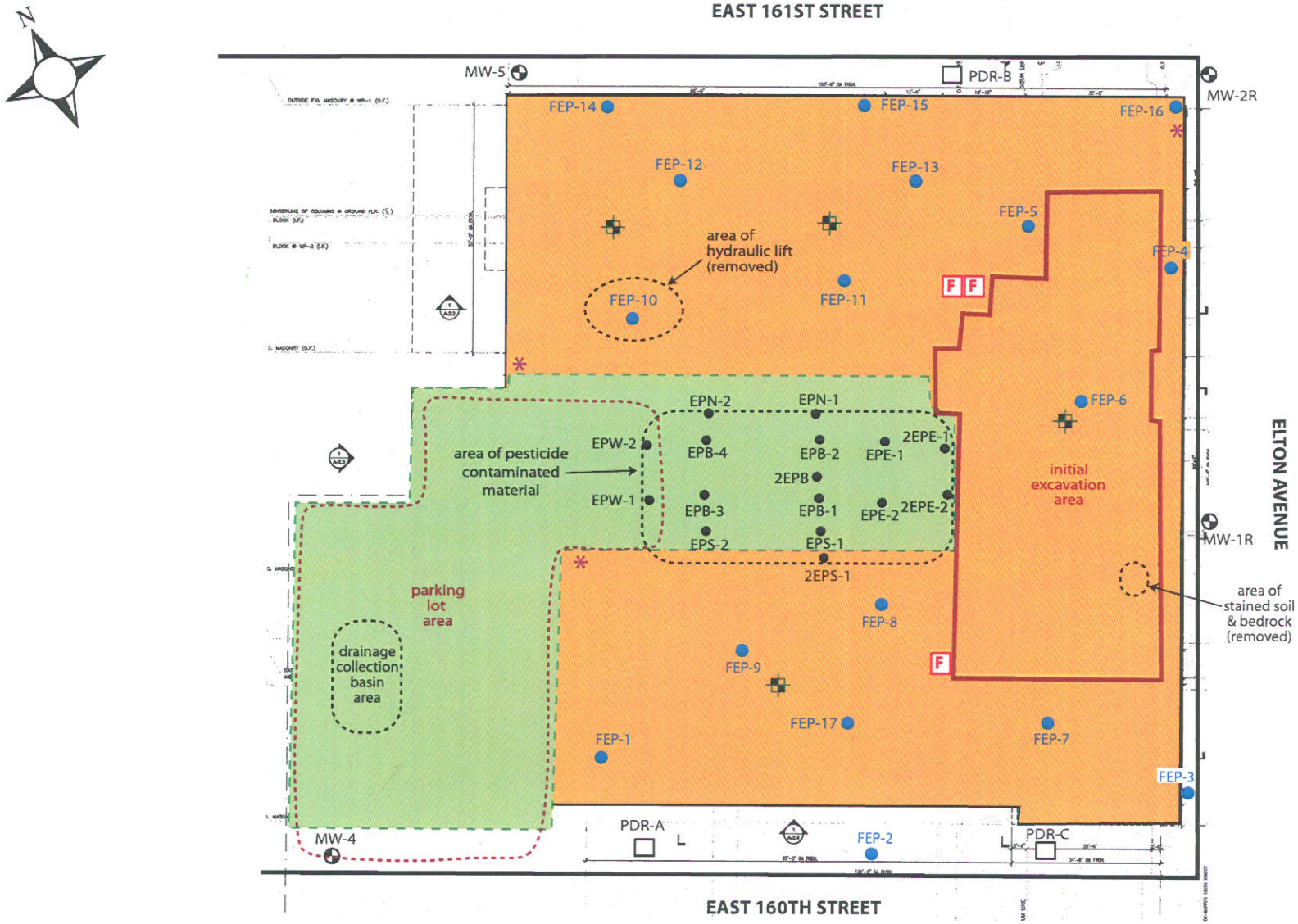
a. Provide a listing of all compounds analyzed for along with the applicable standards, however only report by sampling point detected compounds, with any exceedance highlighted; unless

b. Where no Site Management Plan is required, in such cases the results of all analyses, copies of all laboratory data sheets and the required laboratory data deliverables are required to be submitted electronically, in the DER identified format, for all points sampled.

APPENDIX A

Environmental Remediation Map

Area of Post Construction Contamination Map



Source: Map based on Magnusson Architecture & Planning PC - Cellar Construction Plan Drawing #A-1.1

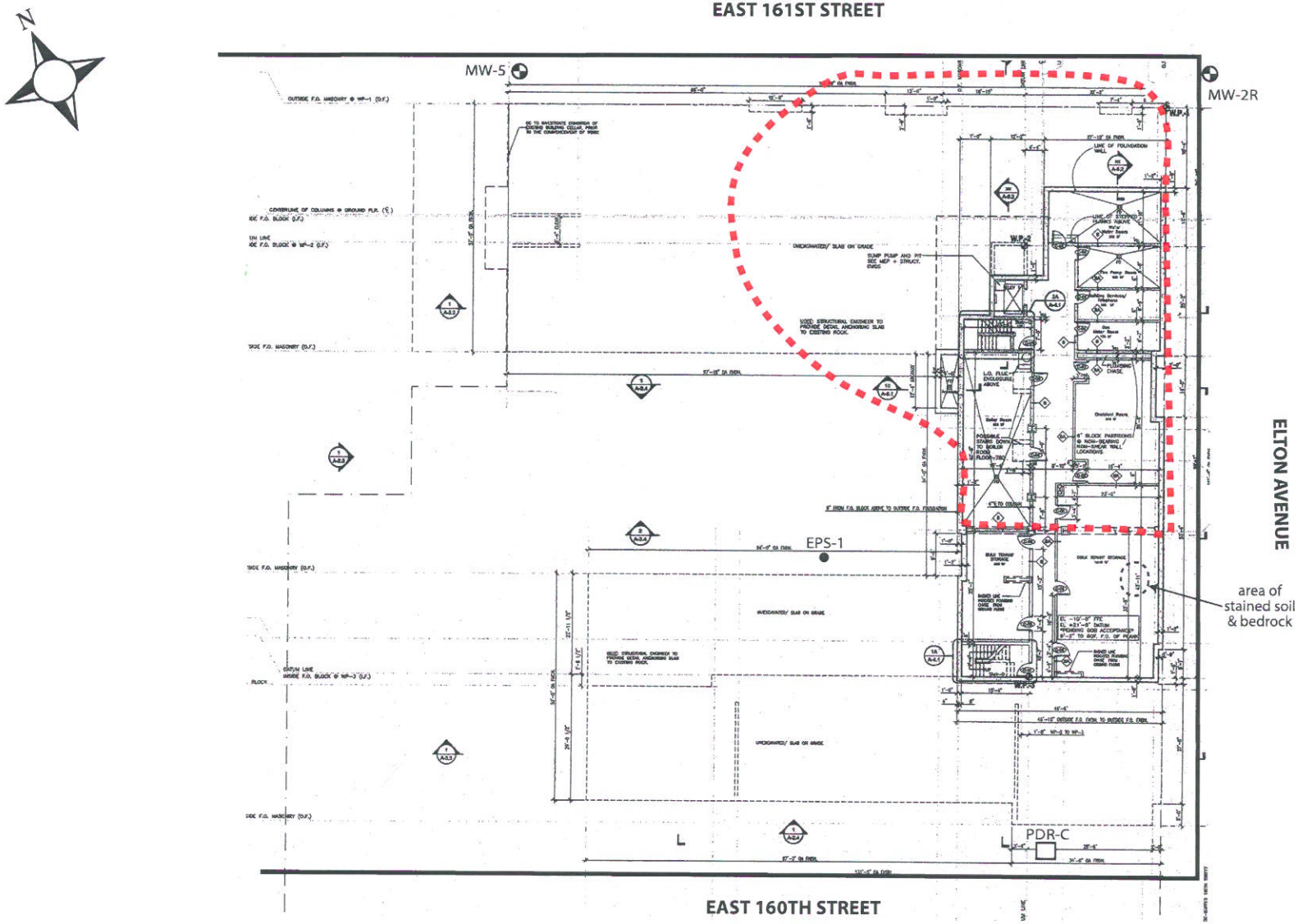
Environmental Remediation Map

Parkview Commons Development Site
421-335 East 160th Street, 426-440 East 161st Street
865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

Legend:

- sample location
- previous soil samples
- monitoring wells
- VES monitoring point
- VES extraction point
- dust monitoring stations
- barrier layer parking lot
- barrier layer foundation
- F location of VES roof mounted fan

ESI File: LB03027.70R
September 2006
Not to scale
Appendix A



Source: Map based on Magnusson Architecture & Planning PC - Cellar Construction Plan Drawing #A-1.1

Area of Post Construction Contamination

Parkview Commons Development Site
421-335 East 160th Street, 426-440 East 161st Street
865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

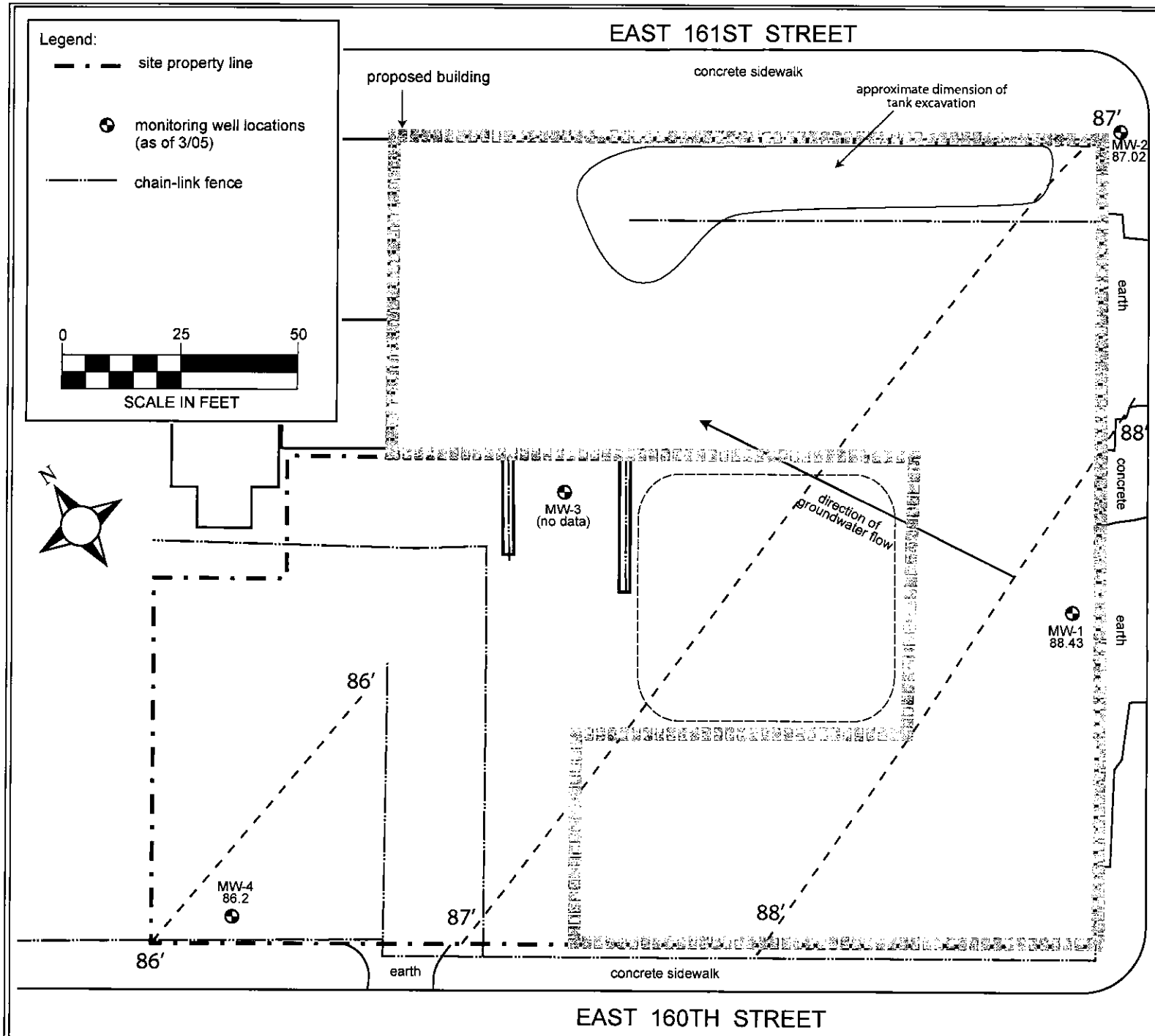
Legend:

area no contamination (excavation to bedrock)

ESI File: LB03027.70R
September 2006
Not to scale
Appendix A

APPENDIX B

Groundwater Flow Map



Map is based on "Survey" prepared by Montrose Surveying Co., LLP (October 21, 2003) and Sanborn Map (1969).

Ecosystems Strategies, Inc.
Environmental Services and Solutions
24 Davis Avenue
Poughkeepsie, NY 12603
ph: (845) 452-1658 / fax: (845) 485-7083

Groundwater Flow Map
"Parkview Commons Site"

located at
421-435 East 160th Street,
426-440 East 161st Street,
and 865-877 Elton Avenue
Borough of Bronx
Bronx County, New York

File: LB03027.70R

September 2006

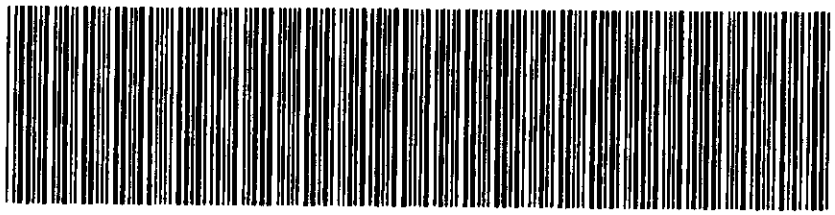
Appendix B

APPENDIX C

Environmental Easement

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



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RECORDING AND ENDORSEMENT COVER PAGE **PAGE 1 OF 10**

Document ID: 2006082301969001 Document Date: 03-24-2006 Preparation Date: 08-23-2006
Document Type: EASEMENT
Document Page Count: 8

PRESENTER:
ALL NEW YORK TITLE AGENCY (PICK-UP)
AS A DIVISION OF FIRST AMERICAN TITLE
INSURANCE CO
180 EAST POST ROAD^(ANY2006-3371C)
WHITE PLAINS, NY 10601
914-686-5600

RETURN TO:
DEBRA M. KENYON, ESQ.
L & M EQUITY PARTICIPANTS
1865 PALMER AVENUE - SUITE 203
LARCHMONT, NY 10538

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	2382	16	Entire Lot	871 ELTON AVENUE

Property Type: APARTMENT BUILDING

CROSS REFERENCE DATA

CRFN_____ *or* Document ID_____ *or* _____ Year____ Reel ___ Page ____ *or* File Number_____

PARTIES

GRANTOR/SELLER:
BX PARKVIEW HOUSING DEVELOPMENT FUND CORP.
811 COURTLAND AVENUE
BRONX, NY 10451
x Additional Parties Listed on Continuation Page

GRANTEE/BUYER:
THE PEOPLE OF ST OF NY BY NYS DEPT OF ENV CONSERVA
625 BROADWAY
ALBANY, NY 12233

FEES AND TAXES

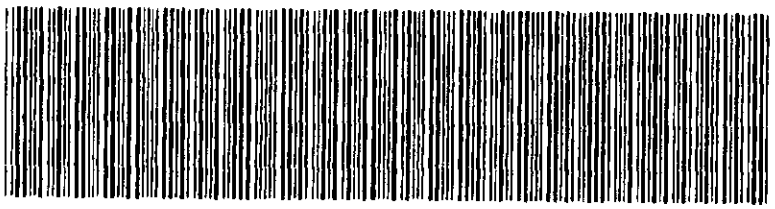
Mortgage		
Mortgage Amount:	$	0.00
Taxable Mortgage Amount:	$	0.00
Exemption:		
TAXES: County (Basic):	$	0.00
City (Additional):	$	0.00
Spec (Additional):	$	0.00
TASF:	$	0.00
MTA:	$	0.00
NYCTA:	$	0.00
Additional MRT:	$	0.00
TOTAL:	$	0.00

Recording Fee: $ 77.00
Affidavit Fee: $ 0.00
NYC Real Property Transfer Tax Filing Fee: $ 50.00
NYS Real Estate Transfer Tax: $ 0.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 08-29-2006 09:41
City Register File No.(CRFN):
2006000487054

City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) **PAGE 2 OF 10**

Document ID: 2006082301969001 Document Date: 03-24-2006 Preparation Date: 08-23-2006
Document Type: EASEMENT

PARTIES
GRANTOR/SELLER:
BX PARKVIEW ASSOCIATES LLC
1865 PALMER AVENUE - SUITE 203
LARCHMONT, NY 10538

8/

Amy 2006-337C
B: 2382
L: 16
Bronx

ENVIRONMENTAL EASEMENT

THIS INDENTURE made this 24th day of March, 2006, between BX Parkview Housing Development Fund Corp. ("Grantor Fee Owner"), a New York Not-for profit corporation, having an office at 811 Courtland Avenue, Bronx, New York 10451, and BX Parkview Associates LLC ("Grantor Beneficial Owner"), a New York limited liability company, having an office at 1865 Palmer Avenue, Suite 203, Larchmont, New York 10538 (collectively 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 ("brownfield 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 of ensuring the potential 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 brownfield site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum: and;

WHEREAS, Grantor Fee Owner, is the owner of real property located in the City of New York, Bronx County, New York known and designated on the tax map of the Borough of Bronx as tax map section 9 block 2382 lot 16, being the same as that property conveyed to Grantor Fee Owner by deed from BX Parkview Associates LLC on December 8, 2004, and recorded on January 3, 2005 in the Land Records of the Office of the City Register of the City of New York, Bronx County as CRFN: 2005000001215, comprised of approximately 0.67 acres, consisting of former lots 16, 20, 22, 23, 24, 25, 27, 28, 30 consolidated on November 3, 2005, and hereinafter more fully described in Schedule A attached hereto and made a part hereof (the "Controlled Property"); and;

WHEREAS, Grantor Beneficial Owner, is the owner of the beneficial interest in the Controlled Property being the same as that beneficial interest conveyed to Grantor Beneficial Owner by means of a Declaration of Interest and Nominee Agreement dated December 8, 2004 between BX Parkview Housing Development Fund Corp. and BX Parkview Associates LLC, and recorded on January 3, 2005 in the Land Records of the Office of the City Register of the City of New York, Bronx County as CRFN: 2005000001216; and;

WHEREAS, the Commissioner does hereby acknowledge that the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established at this 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 covenants and mutual promises contained herein and the terms and conditions of Brownfield Cleanup Agreement Index No.: W2-1024-04-10, Grantor grants, conveys and releases to Grantee a permanent Environmental Easement pursuant to Article 71, Title 36 of the ECL 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 potential restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The following controls 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. The Controlled Property may be used for restricted residential use as long as the following long-term engineering controls are employed:

a) the barrier layer consisting of the asphalt in the parking area, impervious sidewalks/walkways, the soil cover in the courtyard area, and the building structures is maintained in accordance with the NYSDEC-approved Site Management Plan,

b) all future soil disturbance activities, including building renovation/expansion, subgrade utility line repair/relocation, and new construction are conducted in accordance with the NYSDEC-approved Site Management Plan,

c) vegetable gardens are prohibited.

d) the use of the groundwater underlying the Controlled Property is prohibited without treatment rendering it safe for intended purpose.

e) groundwater and other environmental or public health monitoring, and reporting of information thus obtained, will be performed in a manner specified in the NYSDEC-approved Site Management Plan.

f) onsite environmental monitoring devices, including but not limited to, groundwater monitor wells and soil vapor monitoring stacks, will be protected and replaced as necessary to ensure continued functioning in the manner specified in the NYSDEC-approved Site Management Plan, and

g) sub-slab soil vapor extraction system will be operated and maintained in a manner specified in the NYSDEC-approved Site Management Plan. Annual inspection and reporting, including operational and monitoring data, will be performed in a manner specified in the NYSDEC-approved Site Management Plan.

B. The Controlled Property may not be used for a higher level of use such as unrestricted use and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of 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 of Title 36 to Article 71 of the Environmental Conservation Law.

D. 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.

E. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury that the controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls employed at the Controlled Property were approved by the NYSDEC, and that nothing has occurred that would impair the ability of such control to protect the public health and environment or constitute a violation or failure to comply with any Site Management Plan for such controls and giving access to such Controlled Property to evaluate continued maintenance of such controls.

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 Controlled 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 the underlying fee interest to the Controlled Property by operation of law, by deed, or by indenture, 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 intentionally violates this environmental easement, the Grantee may revoke the Certificate of Completion provided under ECL Article 27, Title 14, or the Satisfactory Completion of Project provided under ECL Article 56, Title 5 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. Grantor shall then have a reasonable amount of time from receipt of such notice to cure. At the expiration of said second period, Grantee may commence any proceedings and take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement in accordance with applicable law to require compliance with the terms of this Environmental Easement.

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 its enforcement rights in the event of a subsequent breach of or noncompliance with any of the terms of this Environmental easement.

6. Notice. Whenever notice to the State (other than the annual certification) or approval

from the State is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing its County tax map number or the Liber and Page or computerized system tracking/identification number and address correspondence to:

Division of Environmental Enforcement
Office of General Counsel
New York State Department of Environmental Conservation
625 Broadway
Albany New York 12233-5500

Such correspondence shall be delivered by hand, or 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. This environmental easement may be amended only by an amendment executed by the Commissioner of the New York State Department of Environmental Conservation 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 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.

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

BX Parkview Housing Development Fund Corp.

By: Ronald Moelis

Title: DIRECTOR

Date: MARCH 24, 2006

BX Parkview Associates LLC
By: BX Parkview Housing Development Fund Corp.

By: _____
Ronald Moelis

Title: DIRECTOR

Date: MARCH 24, 2006

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

By: _____
Denise M. Sheehan, Commissioner

Grantor Fee Owner's Acknowledgment

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

On the 24th day of MARCH, in the year 2006, before me, the undersigned, personally appeared RONALD MOELIS, 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

KEVIN P. McCARTHY
Notary Public, State of New York
No. 01MC6008702
Qualified in Westchester County
Commission Exoires June 15, 2006

Grantor Fee Beneficial Owner's Acknowledgment

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

On the 24th day of March, in the year 2006, before me, the undersigned, personally appeared Ronald Tocci, 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

KEVIN F. McCARTHY
Notary Public, State of New York
No. 01MC6008702
Qualified in Westchester County
Commission Expires June 15, 2006

Grantee's Acknowledgment

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

On the 17th day of August, in the year 2006 before me, the undersigned, personally appeared Denise M. Sheehan 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 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

MARK D. SANZA
Notary Public, State of New York
No. 02SA6010701
Qualified In Albany County
Commission Expires July 20, 2010

Record & Return:
Kevin McCarthy
L-M Group Partnership
1965 Palmer Ave - Suite 203
Larchmont, NY 10538

ALL NEW YORK TITLE AGENCY, INC.

Title No. ANY2006-3371(

ALL that certain plot, piece or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of East 161st Street (100 feet wide) with the westerly side of Elton Avenue (50 feet wide);

RUNNING THENCE westerly along the southerly side of East 161st Street 150 feet to a point;

RUNNING THENCE southerly at right angles to the southerly side of 161st Street, [illegible] feet to a point;

RUNNING THENCE westerly at right angles to the last mentioned course, 22 feet to a point;

RUNNING THENCE southerly at right angles right angles to the last mentioned course 25 feet to a point;

RUNNING THENCE westerly at right angles to the last mentioned course, 28 feet to a point;

RUNNING THENCE southerly at right angles to the mentioned course, 75 feet to the northerly side of eliminated East 160th Street.

RUNNING THENCE easterly along the northerly side of eliminated East 160th Street, 200 feet to the corner formed by the intersection of the northerly side of said East 160th Street with the westerly side of Elton Avenue;

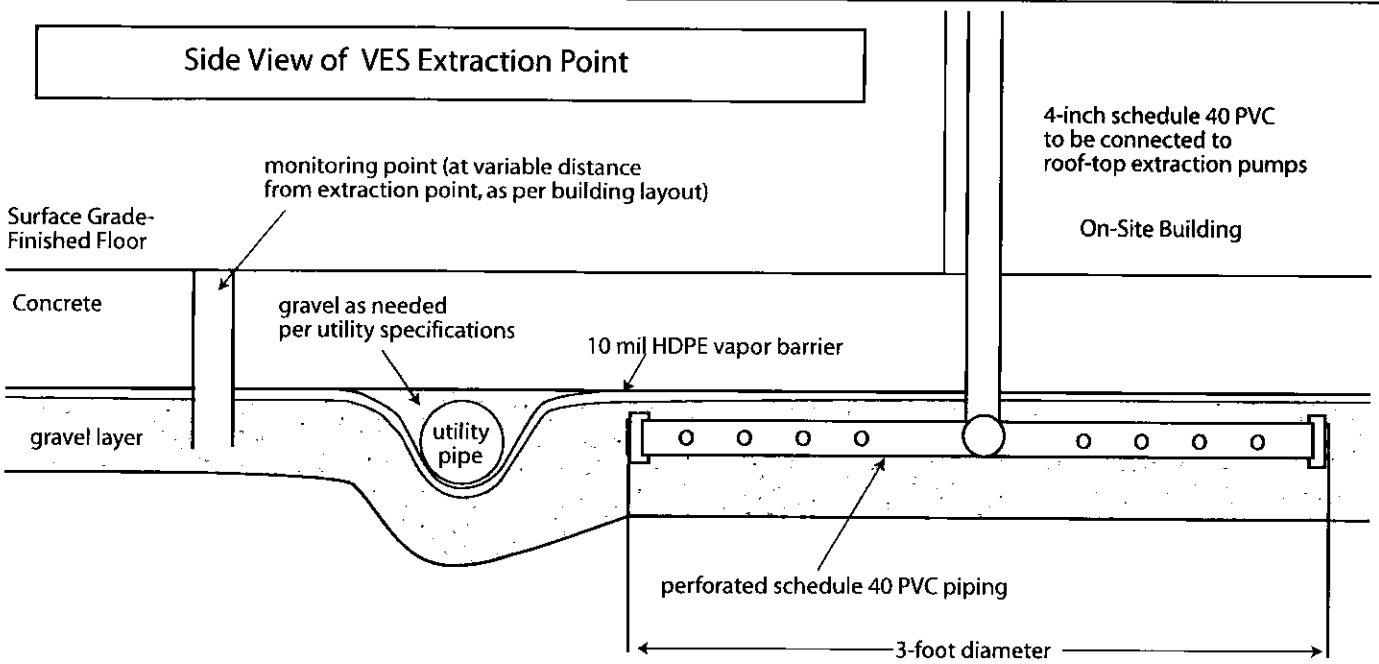
RUNNING THENCE northerly along the westerly side of Elton Avenue, 165 feet to the corner, the point or place of **BEGINNING.**

Said premises are known as Block 2382, Lot 16, County of Bronx, City of New York.

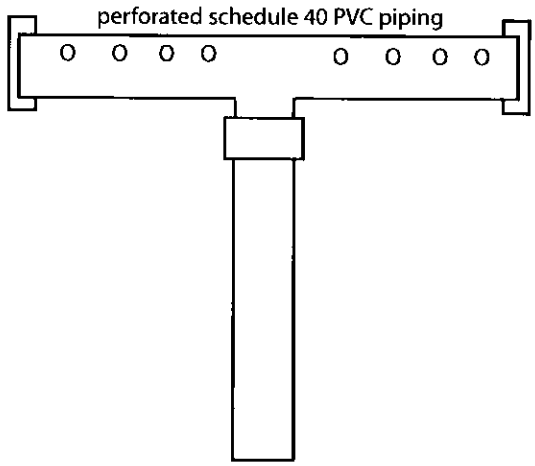
APPENDIX D

VES System Detail

Side View of VES Extraction Point



Top-down View of VES Extraction Point

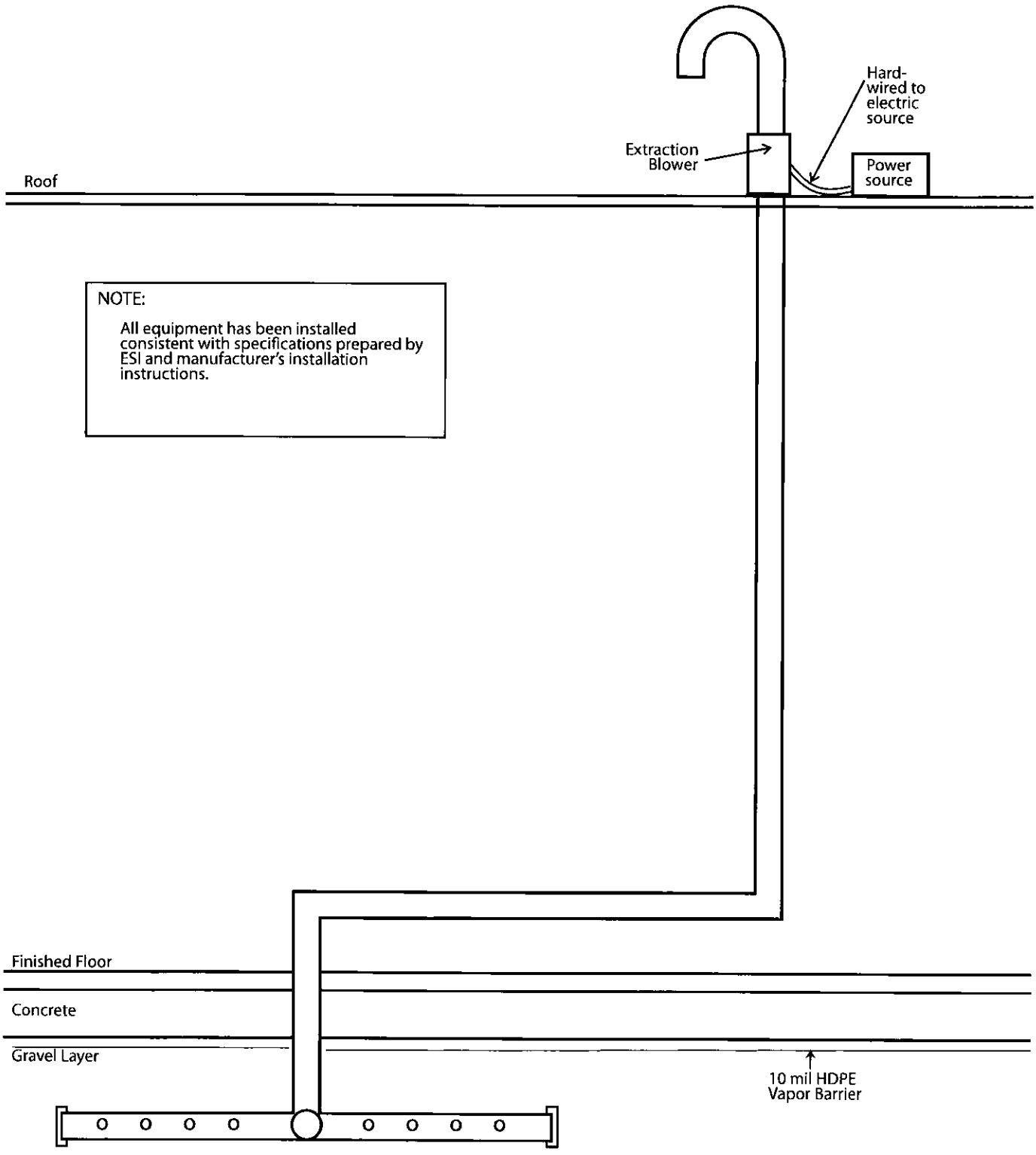


All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

VES System Detail "A"

Parkview Commons Site
421- 435 East 160th Street, 426-440 East 161st Street
and 865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

ESI File: LB03027.70R
September 2006
Not to scale
Appendix D



VES System Detail "B"

Parkview Commons Site
421- 435 East 160th Street, 426-440 East 161st Street
and 865-877 Elton Avenue
Borough of Bronx, Bronx County, New York

ESI File: LB03027.70R
September 2006
Not to Scale
Appendix D

APPENDIX E

NYSDEC Institutional and Engineering Controls Certification Form

ENCLOSURE 1
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION FORM

SITE DETAILS

SITE NO. C203014

SITE NAME Parkview Commons Development Site

SITE ADDRESS: 421-435 East 160th Street, 426-440 East 161st Street and 865-877 Elton Avenue ZIP CODE: 10451

CITY/TOWN: Bronx

COUNTY: Bronx

CURRENT USE: Mixed Use (commercial and residential)

CURRENT CERTIFICATION FREQUENCY: EVERY 1 YEAR(S)

VERIFICATION OF SITE DETAILS

		YES	NO
1.	Are the SITE DETAILS above, correct?	☒	☐
	If NO, are changes handwritten above or included on a separate sheet?	☐	
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?	☐	☒
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	☐	
3.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?	☐	☒
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	☐	
4.	Has a change-of-use occurred since the initial/last certification?	☐	☒
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	☐	
5.	Has any new information come to your attention to indicate that assumptions made in the qualitative exposure assessment for offsite contamination are no longer valid (applies to non-significant threat sites subject to ECL 27-1415.7(c))? **NA**	☐	☒
	If YES, is the new information or evidence that new information has been previously submitted included with this certification?	☐	
6.	Are the assumptions in the qualitative exposure assessment still valid (must be certified every five years for non-significant threat sites subject to ECL 27-1415.7(c))?**NA**	☒	☐
	If NO, are changes in the assessment included with this certification?	☐	

Description of Institutional/Engineering Control	Control Certification
ENVIRONMENTAL EASEMENT	☒
DEED RESTRICTIONS	☐
OTHER CONTROLS (Engineering Controls)	☒

CONTROL CERTIFICATION STATEMENT

For each institutional or engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

(a) the institutional control and/or engineering control employed at this site is unchanged from the date the control was put in-place, or last approved by the Department;

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

(c) nothing has occurred that would constitute a violation or failure to comply with any Site Management Plan for this control; and

(d) access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control.

(e) if a financial assurance mechanism is required under the remedial work plan for the site, the mechanism remains valid and sufficient for their intended purpose under the work plan.

CONTROL CERTIFICATIONS
SITE NO. C203014

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 Paul H. Ciminello (print name), Ecosystems Strategies, Inc, (print business address), am certifying as Owners Designated Site Representative (Owner or Owner's Designated Site Representative (if the site consists of multiple properties, I have been authorized and designated by all site owners to sign this certification) for the Site named in the Site Details section of this form.

Paul H Ciminello

Signature of Site Owner or Representative Rendering Certification

10/3/06
Date

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

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 Paul H. Ciminello (print name), 24 Davis Avenue, Poughkeepsie, NY 12603 (print business address), am certifying as a Qualified Environmental Professional for the Owner, BX Parkview Associates, LLC (Owner or Owner's Representative) for the Site named in the Site Details section of this form.

Paul H Ciminello

10-3-06

Signature of Qualified Environmental Professional, for the Owner or the Owner's Representative, Rendering Certification

Stamp (if Required)

Date

Enclosure 2

Certification of Institutional Controls/ Engineering Controls (ICs/ECs)
Step-by-Step Instructions, Certification Requirements and Definitions

The Site owner, or site owner's representative, and when necessary, a Professional Engineer (P.E.), or the Qualified Environmental Professional (QEP), must review and complete the IC/EC Certification Form, sign it, and return it, along with the Periodic Site Management Report, within 45 days of the date of this notice.

Institutional Controls (defined below) are organized into 4 categories: Governmental Controls (e.g., groundwater-use restrictions), Proprietary Controls (e.g., Environmental Easements), Enforcement and Permit Tools (e.g., Consent Orders), and Informational Devices (e.g., State Registries of Inactive Hazardous Waste Sites). The Certification Form shows the Control information the Department has for this Site. Please use the following instructions to complete the IC/EC Certification.

I. Verification of Site Details (First and Second Boxes):

1. Verify the accuracy of information in the **Site Details** section by answering the 6 questions. If necessary, you and/or your P.E. or QEP may handwrite changes and submit supporting documentation.

II. Verification of Institutional / Engineering Controls (Third and Fourth Boxes)

1. Review the listed Institutional / Engineering Controls and select "YES" or "NO" for **Control Certification** for each IC/EC, based on Sections (a)-(d) of the **Control Certification Statement**.

2. If you cannot certify "Yes" for each Control, please continue to complete the remainder of this **Control Certification** form. Attach supporting documentation that explains why the **Control Certification** cannot be rendered, as well as a statement of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Control Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is conducted.

   If the Department concurs with the explanation, the corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued. If the Department has any questions or concerns regarding the completion of the certification, the Project Manager will contact you.

III. Certification by Signature (Fifth and Sixth Boxes):

1. WHY IC/EC Certification is required:
   The Section of the New York Environmental Conservation Law that includes the requirement of a periodic certification of IC(s) and EC(s) is as follows:

   For Environmental Restoration Projects: N.Y. Envtl Conserv.Law Section 56-0503 (Environmental restoration projects; state assistance)

   For State Superfund Projects: Envtl Conserv.Law Section 27-1318. (Institutional and engineering controls)

   For Brownfields Cleanup Program Projects: Envtl Conserv.Law Section 27-1415. (Remedial program requirements)

   Voluntary Cleanup Program: Applicable program guidance.

2. To determine WHO signs the **Control Certification,** please use the following table:

Signature Requirements for IC/EC Certification Form		
Type of Control	**Example of IC/EC**	**Required Signatures**
IC	Environmental Easement Deed Restriction.	Site Owner or their designated representative, e.g., a Property Manager.
EC with no treatment system, or engineered caps.	Fence, Clean Soil Cover.	Site Owner or their designated representative, and QEP. (P.E. license not required)
EC that includes treatment systems, or engineered caps.	Pump & Treat System providing hydraulic control of a plume, Part 360 Cap.	Site Owner or his designated representative, and QEP with P.E. License.

3. WHERE to mail the signed Certification Form within 45 days of the date of the notice:

[generated from UIS]

New York State Department of Environmental Conservation
Division of Environmental Remediation
Central Office or Regional Address
City Name, NY Zipcode
Attn: _____, Project Manager

Please note that extra postage may be required.

IV. Definitions:

"Engineering Control" (EC), means any physical barrier or method employed to actively or passively contain, stabilize, or monitor any hazardous waste or petroleum waste to ensure the long-term effectiveness of an inactive site remedial program or brownfield site remedial program or environmental restoration project, or to eliminate potential exposure pathways to any such hazardous waste or petroleum waste. Engineering Controls include, but are not limited to: pavement, caps, covers, subsurface barriers and slurry walls; building ventilation systems; fences, other barriers and access controls; and provision of alternative water supplies via connection to an existing public water supply, addition of treatment technologies to an existing public water supply, and installation of filtration devices on an existing private water supply.

"Institutional Control" (IC), means any non-physical means of enforcing a restriction on the use of real property, that limits human or environmental exposure to any hazardous waste or petroleum waste, restricts the use of groundwater; provides notice to potential owners, operators, or members of the public; or prevents actions that would interfere with the effectiveness of an inactive site remedial program or brownfield site remedial program or environmental restoration project, or with the effectiveness and/or integrity of Site Management activities at or pertaining to any site.

"Professional Engineer" means a person, including a firm headed by such a person, who holds a current New York State Professional Engineering license or registration, and has the equivalent of three (3) years of full-time relevant experience in site investigation and remediation of the type detailed in this Control Certification.

"Property Owner" means, for purposes of an IC/EC certification, the actual owner of a property. If the site has multiple properties with different owners, the Department requires that the owners be represented by a single representative to sign the certification.

"Oversight Document" means any document the Department issues pursuant to each Remedial Program (see below) to define the role of a person participating in the investigation and/or remediation of a site or area(s) of concern. Examples for the various programs are as follows:

BCP (after approval of the BCP application by DEC) - Brownfield Site Cleanup Agreement.
ERP (after approval of the ERP application by DEC) - State Assistance Contract.
Federal Superfund Sites - Federal Consent Decrees, Administrative Orders on Consent or Unilateral Orders issued pursuant to CERCLA.
Oil Spill Program - Order on Consent, or Stipulation pursuant to Article 12 of the Navigation Law (and the New York Environmental Conservation Law).
State Superfund Program - Administrative Consent Order.
VCP (after approval of the VCP application by DEC) - Voluntary Cleanup Agreement.

RCRA Corrective Action Sites- Federal Consent Decrees, Administrative Orders on Consent or permit conditions issued pursuant to RCRA.

"Qualified Environmental Professional" (QEP), means a person, including a firm headed by such a person, who possesses sufficient specific education, training, and experience necessary to exercise professional judgment, to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property or off-site areas, sufficient to meet the objectives and performance factors for the areas of practice identified by this guidance (DER10 Technical Guide).

1. Such a person must:
   i. Hold a current Professional Engineering or a Professional Geologist license or registration, and have the equivalent of three (3) years of full-time relevant experience in site investigation and remediation of the type detailed in this guidance; or
   ii. Be a site remediation professional licensed or certified by the federal government, a state; or a recognized, accrediting agency, to perform investigation or remediation tasks identified by this guidance, and have the equivalent of three (3) years of full-time relevant experience. Examples of such license or certification include, but are not limited to, the following titles:
      - Licensed Site Professional, by the State of Massachusetts
      - Licensed Environmental Professional, by the State of Connecticut
      - Qualified Environmental Professional, by the Institute of Professional Environmental Practice
        Certified Hazardous Materials Manager, by the Institute of Hazardous Materials Management

2. The definition of QEP provided above does not preempt State Professional licensing or registration requirements such as those for a Professional Geologist, Engineer, or Site Remediation Professional. Before commencing work, a person should determine the applicability of State professional licensing or registration laws to the activities to be undertaken pursuant to section 1.5 (DER10 Technical Guide).

3. A person who does not meet the above definition of a QEP under the foregoing definition may assist in the conduct of all appropriate investigation or remediation activities in accordance with this document if such person is under the supervision or responsible charge of a person meeting the definition provided above.

"Remedial Party" means any person or persons, as defined in 6NYCRR 375, who executes, or is otherwise subject to, an oversight document (State Superfund, BCP, ERP or VCP Program). For purposes of this guidance, remedial party also includes:

1. Any person or persons who is performing the investigation and/or remediation, or has control over the person (for example, contractor or consultant) who is performing the investigation and/or remediation, including, without limitation, an owner, operator or volunteer; and

2. The DER for State-funded investigation and/or remediation activities.

"Site Management" (SM) means the activities included in the last phase of the remediation of a site, in accordance with a Site Management Plan, which continue until the remedial action objectives for the project are met and the site can be closed-out. Site Management includes the management of the institutional and engineering controls required for a site, as well as the implementation of any necessary long-term monitoring and/or operation and maintenance of the remedy. (Formerly referred to as Operation and Maintenance (O&M)).

"Site Management Plan" (SMP) means a document which details the steps necessary to assure that the institutional and engineering controls required for a site are in-place, and any physical components of the remedy are operated, maintained and monitored to assure their continued effectiveness, developed pursuant to Section 6 (DER10 Technical Guide).

"Site Owner" means the actual owner of a site. If the site has multiple owners of multiple properties with ICs and/or ECs, the Department requires that the owners designate a single representative for IC/EC Certification activities.

"Site Owner's Designated Representative" means a person, including a firm headed by such a person, who has been designated in writing by the Site Owner(s) to complete and sign the Institutional and Engineering Controls Certification Form.

APPENDIX J

Itemized Description of Costs

Parkview Commons
Environmental costs

COSTS INCURRED BEFORE FEBRUARY 10, 2005

Service	Date Paid		Amount
Legal Fees	11/12/2004	$	32,155.78
Environmental work	6/5/2003	$	1,700.00
Environmental work	3/3/2004	$	1,000.00
Environmental work	4/14/2004	$	2,106.70
Environmental work	8/3/2004	$	1,058.41
Environmental work	9/17/2004	$	5,440.42
Environmental work	11/9/2004	$	1,200.00
Environmental work	12/10/2004	$	1,021.28
Environmental work	12/10/2004	$	12,569.86
Environmental work	2/10/2005	$	45,596.76
Environmental work	2/10/2005	$	17,818.04
Environmental work	4/28/2005	$	2,541.25
Subtotal		**$**	**43,461.31**

COSTS INCURRED AFTER FEBRUARY 10, 2005

Service	Date Paid		Amount
Environmental work	4/28/2005	$	13,564.78
Environmental work	4/28/2005	$	28,887.90
Environmental work	8/23/2005	$	1,588.29
Environmental work	8/23/2005	$	7,077.15
Environmental work	8/23/2005	$	10,598.01
Environmental work	8/23/2005	$	6,342.81
Environmental work	8/23/2005	$	14,064.12
Environmental work	1/23/2006	$	30,703.07
Environmental work	1/23/2006	$	2,676.80
Subtotal		**$**	**115,502.93**

Service	Date Paid		Amount
Contaminated soil carting	June - Nov '05	$	322,141.72
Contaminated soil carting	June - Nov '05	$	24,344.73
Import of certified fill	June - Nov '05	$	30,000.00
Cap parking with Asphalt	June - Nov '05	$	19,965.00
De-Mark Barrier Screen	June - Nov '05	$	750.00
Installation of VES riser	June - Nov '05	$	9,075.00
Subtotal		**$**	**406,276.45**

Service	Date Paid		Amount
Legal Fees	12/21/2005	$	2,209.40
Subtotal		**$**	**2,209.40**

SUBTOTAL PRE-FEBRUARY 10, 2005	$	43,461.31
SUBTOTAL POST-FEBRUARY 10, 2005	$	523,988.78
TOTAL	**$**	**567,450.09**

APPENDIX K

List of Required Permits

PERMITS ISSUED TO 871 ELTON AVENUE

(AS OF 1/26/06)

TYPE OF PERMITS	DATE ISSUED	ISSUED TO	ISSUING AGENCY	PERMIT #	CONTACT PERSON	TELEPHONE #
SIDEWALK SHED	10/27/2005	LOUIS MARCIANO	DEPT. OF BUILDINGS	201006044	WILLIAM HINKLEY, BOROUGH MANAGER	718-579-6982
SCAFFOLD	8/3/2005	JAMES HERRERA	DEPT. OF BUILDINGS	200987432		
SPRINKLER	11/2/2005	JAMES SALERA	DEPT. OF BUILDINGS	200946888		
STANDPIPE	11/2/2005	JAMES SALERA	DEPT. OF BUILDINGS	200946888		
FENCE	3/7/2005	EUGENE	DEPT. OF BUILDINGS	200934828		
SIDEWALK SHED	3/23/2005	EUGENE SCHAFER	DEPT. OF BUILDINGS	200838031		
CONSTRUCTION (NB)	3/23/2005	JAMES SALERA	DEPT. OF BUILDINGS	200838031		
PLUMBING	8/16/2005	JAMES SALERA	DEPT. OF BUILDINGS	200838031		
ELECTRICAL	1/6/2005	IZZO ELECTRIC	ELECTRICAL BUREAU	Y130028	K. ASHMAN, BUILDING INSPECTOR	718-579-6888
ELECTRICAL WIRING FOR ELEVATOR	12/2/2005	SLADE ELECTRIC INC.	ELECTRICAL BUREAU	7129629	EUGENE HINDS, BUILDING INSPECTOR	718-579-6888
ELEVATOR	12/28/2005	SLADE ELECTRIC INC.	ELEVATOR DIVISION	EA2858/05	JAY GOLBERG, BUILDING INSPECTOR	212-566-5524
OCCUPANCY OF SIDEWALK	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	X02-2005189-030	HARVEY WOODS, BOROUGH COORDINATOR	212-442-6770
OCCUPANCY OF ROADWAY	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-029		
PLACE EQUIP. ON STREET/FENCE	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-028		
CROSSING SIDEWALK	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-027		
PLACE MATERIAL ON STREET	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-026		
OCCUPANCY OF SIDEWALK	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-025		
PLACE EQUIP. ON STREET/FENCE	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-024		
CROSSING SIDEWALK	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-023		
OCCUPANCY OF SIDEWALK	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-022		
PLACE EQUIP. ON STREET/FENCE	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-021		
CROSSING SIDEWALK	7/8/2005	L&M BUILDERS	DEPT. OF TRANSPORTATION	189-020		
TCO	N.A	N.A.	N.A.	N.A.		

APPENDIX L

Environmental Easement

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.

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RECORDING AND ENDORSEMENT COVER PAGE **PAGE 1 OF 10**

Document ID: 2006082301969001 Document Date: 03-24-2006 Preparation Date: 08-23-2006
Document Type: EASEMENT
Document Page Count: 8

PRESENTER:	**RETURN TO:**
ALL NEW YORK TITLE AGENCY (PICK-UP) AS A DIVISION OF FIRST AMERICAN TITLE INSURANCE CO 180 EAST POST ROAD^(ANY2006-3371C) WHITE PLAINS, NY 10601 914-686-5600	DEBRA M. KENYON, ESQ. L & M EQUITY PARTICIPANTS 1865 PALMER AVENUE - SUITE 203 LARCHMONT, NY 10538

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	2382	16	Entire Lot	871 ELTON AVENUE

Property Type: APARTMENT BUILDING

CROSS REFERENCE DATA

CRFN_____ *or* Document ID_____ *or* _____ Year____ Reel ___ Page ____ *or* File Number_____

PARTIES

GRANTOR/SELLER:	**GRANTEE/BUYER:**
BX PARKVIEW HOUSING DEVELOPMENT FUND CORP. 811 COURTLAND AVENUE BRONX, NY 10451 x Additional Parties Listed on Continuation Page	THE PEOPLE OF ST OF NY BY NYS DEPT OF ENV CONSERVA 625 BROADWAY ALBANY, NY 12233

FEES AND TAXES

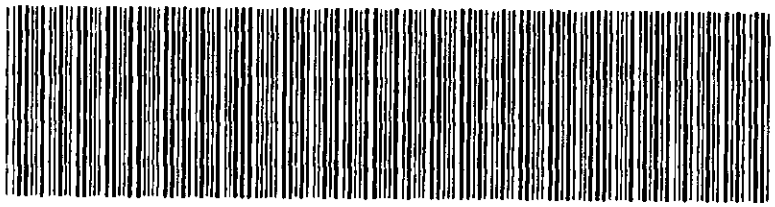
Mortgage		
Mortgage Amount:	$	0.00
Taxable Mortgage Amount:	$	0.00
Exemption:		
TAXES: County (Basic):	$	0.00
City (Additional):	$	0.00
Spec (Additional):	$	0.00
TASF:	$	0.00
MTA:	$	0.00
NYCTA:	$	0.00
Additional MRT:	$	0.00
TOTAL:	$	0.00

Recording Fee: $	77.00
Affidavit Fee: $	0.00
NYC Real Property Transfer Tax Filing Fee: $	50.00
NYS Real Estate Transfer Tax: $	0.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 08-29-2006 09:41
City Register File No.(CRFN):
2006000487054

City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) **PAGE 2 OF 10**

Document ID: 2006082301969001 Document Date: 03-24-2006 Preparation Date: 08-23-2006
Document Type: EASEMENT

PARTIES
GRANTOR/SELLER:
BX PARKVIEW ASSOCIATES LLC
1865 PALMER AVENUE - SUITE 203
LARCHMONT, NY 10538

8/

Any 2006-337C
B: 2382
L: 16
Bronx

ENVIRONMENTAL EASEMENT

THIS INDENTURE made this 14th day of March, 2006, between BX Parkview Housing Development Fund Corp. ("Grantor Fee Owner"), a New York Not-for profit corporation, having an office at 811 Courtland Avenue, Bronx, New York 10451, and BX Parkview Associates LLC ("Grantor Beneficial Owner"), a New York limited liability company, having an office at 1865 Palmer Avenue, Suite 203, Larchmont, New York 10538 (collectively 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 ("brownfield 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 of ensuring the potential 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 brownfield site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and;

WHEREAS, Grantor Fee Owner, is the owner of real property located in the City of New York, Bronx County, New York known and designated on the tax map of the Borough of Bronx as tax map section 9 block 2382 lot 16, being the same as that property conveyed to Grantor Fee Owner by deed from BX Parkview Associates LLC on December 8, 2004, and recorded on January 3, 2005 in the Land Records of the Office of the City Register of the City of New York, Bronx County as CRFN: 2005000001215, comprised of approximately 0.67 acres, consisting of former lots 16, 20, 22, 23, 24, 25, 27, 28, 30 consolidated on November 3, 2005, and hereinafter more fully described in Schedule A attached hereto and made a part hereof (the "Controlled Property"); and;

WHEREAS, Grantor Beneficial Owner, is the owner of the beneficial interest in the Controlled Property being the same as that beneficial interest conveyed to Grantor Beneficial Owner by means of a Declaration of Interest and Nominee Agreement dated December 8, 2004 between BX Parkview Housing Development Fund Corp. and BX Parkview Associates LLC, and recorded on January 3, 2005 in the Land Records of the Office of the City Register of the City of New York, Bronx County as CRFN: 2005000001216; and;

WHEREAS, the Commissioner does hereby acknowledge that the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established at this 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 covenants and mutual promises contained herein and the terms and conditions of Brownfield Cleanup Agreement Index No.: W2-1024-04-10, Grantor grants, conveys and releases to Grantee a permanent Environmental Easement pursuant to Article 71, Title 36 of the ECL 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 potential restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The following controls 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. The Controlled Property may be used for restricted residential use as long as the following long-term engineering controls are employed:

a) the barrier layer consisting of the asphalt in the parking area, impervious sidewalks/walkways, the soil cover in the courtyard area, and the building structures is maintained in accordance with the NYSDEC-approved Site Management Plan,

b) all future soil disturbance activities, including building renovation/expansion, subgrade utility line repair/relocation, and new construction are conducted in accordance with the NYSDEC-approved Site Management Plan,

c) vegetable gardens are prohibited.

d) the use of the groundwater underlying the Controlled Property is prohibited without treatment rendering it safe for intended purpose.

e) groundwater and other environmental or public health monitoring, and reporting of information thus obtained, will be performed in a manner specified in the NYSDEC-approved Site Management Plan,

f) onsite environmental monitoring devices, including but not limited to, groundwater monitor wells and soil vapor monitoring stacks, will be protected and replaced as necessary to ensure continued functioning in the manner specified in the NYSDEC-approved Site Management Plan, and

g) sub-slab soil vapor extraction system will be operated and maintained in a manner specified in the NYSDEC-approved Site Management Plan. Annual inspection and reporting, including operational and monitoring data, will be performed in a manner specified in the NYSDEC-approved Site Management Plan.

B. The Controlled Property may not be used for a higher level of use such as unrestricted use and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of 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 of Title 36 to Article 71 of the Environmental Conservation Law.

D. 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.

E. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury that the controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls employed at the Controlled Property were approved by the NYSDEC, and that nothing has occurred that would impair the ability of such control to protect the public health and environment or constitute a violation or failure to comply with any Site Management Plan for such controls and giving access to such Controlled Property to evaluate continued maintenance of such controls.

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 Controlled 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 the underlying fee interest to the Controlled Property by operation of law, by deed, or by indenture, 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 intentionally violates this environmental easement, the Grantee may revoke the Certificate of Completion provided under ECL Article 27, Title 14, or the Satisfactory Completion of Project provided under ECL Article 56, Title 5 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. Grantor shall then have a reasonable amount of time from receipt of such notice to cure. At the expiration of said second period, Grantee may commence any proceedings and take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement in accordance with applicable law to require compliance with the terms of this Environmental Easement.

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 its enforcement rights in the event of a subsequent breach of or noncompliance with any of the terms of this Environmental easement.

6. Notice. Whenever notice to the State (other than the annual certification) or approval

from the State is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing its County tax map number or the Liber and Page or computerized system tracking/identification number and address correspondence to:

Division of Environmental Enforcement
Office of General Counsel
New York State Department of Environmental Conservation
625 Broadway
Albany New York 12233-5500

Such correspondence shall be delivered by hand, or 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. This environmental easement may be amended only by an amendment executed by the Commissioner of the New York State Department of Environmental Conservation 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 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.

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

BX Parkview Housing Development Fund Corp.

By: _____

Title: Director

Date: March 24, 2006

BX Parkview Associates LLC
By: BX Parkview Housing Development Fund Corp.

By: _____
Ronald Moelis

Title: DIRECTOR

Date: MARCH 24, 2006

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

By: _____
Denise M. Sheehan, Commissioner

Grantor Fee Owner's Acknowledgment

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

On the 24th day of MARCH, in the year 2006, before me, the undersigned, personally appeared RONALD MOELIS, 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

KEVIN P. McCARTHY
Notary Public, State of New York
No. 01MC6008702
Qualified in Westchester County
Commission Expires June 15, 2006

Grantor Fee Beneficial Owner's Acknowledgment

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

On the 24th day of March, in the year 2006, before me, the undersigned, personally appeared Ronald McEvoy, 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

KEVIN F. McCARTHY
Notary Public, State of New York
No. 01MC6008702
Qualified in Westchester County
Commission Expires June 15, 2006

Grantee's Acknowledgment

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

On the 17th day of August, in the year 2006 before me, the undersigned, personally appeared Denise M. Sheehan 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 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

MARK D. SANZA
Notary Public, State of New York
No. 02SA6010701
Qualified in Albany County
Commission Expires July 20, 2010

Record - Return:
Kevin McCarthy
Law Offices
1965 Palmer Ave - Suite 203
Larchmont, NY 10538

ALL NEW YORK TITLE AGENCY, INC.

Title No. ANY2006-3371(

ALL that certain plot, piece or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of East 161st Street (100 feet wide) with the westerly side of Elton Avenue (50 feet wide);

RUNNING THENCE westerly along the southerly side of East 161st Street 150 feet to a point;

RUNNING THENCE southerly at right angles to the southerly side of 161st Street, [illegible] feet to a point;

RUNNING THENCE westerly at right angles to the last mentioned course, 22 feet to a point;

RUNNING THENCE southerly at right angles right angles to the last mentioned course 25 feet to a point;

RUNNING THENCE westerly at right angles to the last mentioned course, 28 feet to a point;

RUNNING THENCE southerly at right angles to the mentioned course, 75 feet to the northerly side of eliminated East 160th Street.

RUNNING THENCE easterly along the northerly side of eliminated East 160th Street, 200 feet to the corner formed by the intersection of the northerly side of said East 160th Street with the westerly side of Elton Avenue;

RUNNING THENCE northerly along the westerly side of Elton Avenue, 165 feet to the corner, the point or place of **BEGINNING.**

Said premises are known as Block 2382, Lot 16, County of Bronx, City of New York.