

**New York State Department of Environmental Conservation**

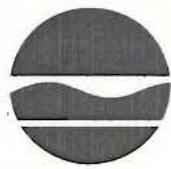
**Division of Environmental Remediation, 12<sup>th</sup> floor**

**Office of the Director**

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Alexander B. Grannis  
Commissioner

AUG 18 2010

Mr. Alexander Lempert  
Director, Industrial and Environmental Hygiene Division  
New York City School Construction Authority  
30-30 Thomson Avenue  
Long Island City, New York 11101

Re: Site # C203030, Certificate of Completion  
Former Metro-North Property (Mott Haven)  
730 Concourse Village West  
Bronx, New York 10451

Dear Mr. Lempert:

Congratulations on having satisfactorily completed the remedial program at the Former Metro-North Property (Mott Haven) Site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (NYSDEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the Site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A standard notice form is attached to this letter;
- Provide a notice of the issuance of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in an Annual Site Management Report (SMR) which also includes any required IC/EC Certifications. The Site IC/ECs are identified on the attached Site Management Form. The first SMR including the certification of the IC/ECs is due to the Department in March 2011.

- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact Vadim Brevdo at (718) 482-4928.

Sincerely,  
Dale A. Desnoyers  
Director

Division of Environmental Remediation

cc w/ enc:

S. Bates - NYSDOH

cc w/o enc.:

Vadim Brevdo

Robert Cozzy

Amar Nagi

Cindy Dixon

Rosalie Rusinko

Charlotte Bethoney - NYSDOH

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

**Name** NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY **Address** 30-30 Thomson Ave, Long Island City, NY 11101-3045

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 1/6/06 **Agreement Execution:** 2/17/06 **Agreement Index No.:** W2-1074-05-08

**Application Approval Amendment:** none **Agreement Execution Amendment:** none

**SITE INFORMATION**

**Site No.:** C203030 **Site Name:** Former Metro North Property

**Site Owner:** CITY OF NEW YORK

**Street Address:** 730 Concourse Village West

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

**Site Size:** 0.92Acres

**Tax Map Identification Number(s):** 9-2443-78 P/O

**Percentage of site located in an EnZone:** 0 - 49 %

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

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

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

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

**Allowable Uses under the BCP:** Restricted-Residential, Commercial, and Industrial  
**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**  
Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.  
Tangible Property Credit Component Rate is 12 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**  
Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.  
Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Bronx County as 2010000265110.

## **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

## **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

## **CERTIFICATE MODIFICATION/REVOCATION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

(1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;

(2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;

(3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;

(4) there is good cause for such modification or revocation;

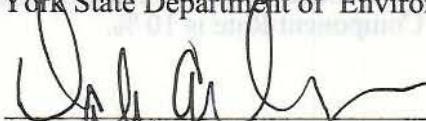
(5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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

Alexander B. Grannis  
Commissioner  
New York State Department of Environmental Conservation

By:



Dale A. Desnoyers, Director  
Division of Environmental Remediation

Date:

AUG 18 2010

**NOTICE OF CERTIFICATE OF COMPLETION**

**Brownfield Cleanup Program**

**6 NYCRR Part 375-1.9(d)**

**Former Metro-North Property (Mott Haven)**

**BCP No. C203030**

**730 Concourse Village West, Bronx, New York 10451**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to New York City School Construction Authority for a parcel approximately 0.9180 ± acres located at 730 Concourse Village West in the Bronx, Bronx County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the Remedial Action Work Plan.

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

- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii, which would allow the use as a New York City Public School,
- Commercial as described in 6NYCRR Part 375-1.8(g)(2)(iii), and
- Industrial as described in 6NYCRR Part 375-1.8(g)(2)(iv).

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

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Bronx County as CRFN: 2010000265110.

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

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Former Metro-North Property (Mott Haven)  
BCP No. C203030  
730 Concourse Village West, Bronx, New York 10451

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

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

**PLEASE TAKE NOTICE**, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

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

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

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

**WHEREFORE**, the undersigned has signed this Notice of Certificate

NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK      ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

New York City School Construction Authority  
30-30 Thomson Avenue  
Long Island City, New York 11101

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION****Site Management Form**

6/23/2010

**SITE DESCRIPTION****SITE NO.** C203030**SITE NAME** Former Metro North Property**SITE ADDRESS:** 730 Concourse Village West **ZIP CODE:** 10451**CITY/TOWN:** City of New York/Borough of the Bronx**COUNTY:** Bronx**ALLOWABLE USE:** Restricted Residential, Commercial; Industrial**SITE MANAGEMENT DESCRIPTION**

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	X	—
Monitoring Plan	X	—
Operation and Maintenance (O&M) Plan	X	—
Periodic Review Frequency:	Annual	
First Periodic Review Date:	Annual Report will be submitted 2/20/2012	

**Description of Institutional Controls**

The Institutional Controls are:

- Compliance with the Environmental Easement and Declaration of Covenants and Restrictions by the Grantor and the Grantor's successors and assigns with all elements of this Site Management Plan;
- All Engineering Controls must be operated and maintained as specified in this Site Management Plan;
- A composite cover system consisting of concrete building slabs, asphalt-covered roads, concrete-covered sidewalks, artificial turf athletic field, or two feet of clean fill on all exposed ground surfaces including landscaped areas in the Brownfield Cleanup Program Area and Non-Brownfield Cleanup Program Area A, and a concrete cap in the Non-Brownfield Cleanup Program Area B must be inspected, certified and maintained as required in this Site Management Plan;
- A soil vapor mitigation system consisting of a vapor barrier and an active Sub Slab Depressurization System under all enclosed building structures must be inspected, certified, operated and maintained as required in this Site Management Plan;
- All Engineering Controls on the Site must be inspected and certified at a frequency and in a manner defined in the Site Management Plan;
- Data and information pertinent to Site Management for the Site must be reported at the frequency and in a manner defined in this Site Management Plan;

- Groundwater monitoring must be performed as defined in Section 3.3 of this Site Management Plan;
- Groundwater monitor wells must be protected and replaced as necessary to ensure the devices function in the manner specified in this Site Management Plan; and,
- Engineering Controls may not be discontinued without an amendment or the extinguishment of the Environmental Easement and Declaration of Covenants and Restrictions.

The Site has a series of Institutional Controls in the form of Site restrictions. Site restrictions that apply to the Site are:

- Vegetable gardens and farming on the Site are prohibited;
- The use of the groundwater underlying the Site is prohibited without treatment rendering it safe for its intended purpose;
- All future activities on the Site that will disturb historic urban fill material are prohibited unless they are conducted in accordance with the soil management provisions in this Site Management Plan;
- The Site may be used for a school campus provided that the long-term Engineering and Institutional Controls included in this Site Management Plan are employed;
- The Site may not be used for purposes other than a school without an amendment or the extinguishment of this Environmental Easement and Declaration of Covenants and Restrictions approved in writing by the NYSDEC, and;
- Grantor agrees to submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Site are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the Site Management Plan. NYSDEC retains the right to access such Site at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or at an alternate period of time that NYSDEC may allow. This annual statement must be certified by an expert that the NYSDEC finds acceptable.

#### Description of Engineering Controls

The Engineering Controls are:

- A jet grout hydraulic barrier that was installed along 400 feet of the retaining wall on the west side of the Brownfield Cleanup Program Area and Non-Brownfield Cleanup Program Area A to prevent any upgradient contaminated groundwater from flowing beneath the school buildings in the future;
- A Waterloo® hydraulic barrier that was installed 370 feet along the north side of the Brownfield Cleanup Program Area and Non-Brownfield Cleanup Program Area A to prevent any upgradient contaminated groundwater from flowing beneath the school buildings in the future;
- A Sub Slab Depressurization System that was installed beneath all of the new school buildings (Brownfield Cleanup Program Area and Non-Brownfield Cleanup Program Area A) as an added precaution to prevent any potential residual soil gas vapors from entering the school buildings in the future. The Sub Slab Depressurization System was installed beneath the vapor barrier and will be operated in an active mode for the life of the school facility unless there is clear demonstration that the subsurface volatile organic compound contamination emanating from upgradient source(s) has been removed or treated;
- A vapor barrier that was installed beneath all of the new school buildings (Brownfield Cleanup Program Area and Non-Brownfield Cleanup Program Area A) as an added precaution to prevent any potential residual soil gas vapors from entering the school building in the future. The vapor barrier was installed above the gravel layer containing the Sub Slab Depressurization System; and
- A composite cover system that was installed over the Brownfield Cleanup Program Area and Non Brownfield Cleanup Program Area A that includes concrete building slabs, asphalt-covered roads, concrete-covered sidewalks, an artificial turf athletic field, or two feet of clean fill on all exposed ground surfaces including landscaped areas. In addition, a concrete cap was installed on Non-Brownfield Cleanup Program Area B.