1888 Bathgate Avenue Redevelopment Site
Bronx, New York

Periodic Review Report
Reporting Period
February 11, 2022 to February 11, 2023

NYSDEC Site Number: C203088

Prepared for:
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March 24, 2023

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1.0 Executive Summary

The 1888 Bathgate Avenue Redevelopment Site is located at 4181 Third Avenue in the Bronx, New York (hereinafter referred to as the "Site"). The Site is located in the Borough of the Bronx, New York and is identified as Tax Block 2924, Lot 7 (former Lots 7, 10, 25, 30, and 34) on the New York City Tax Map. The Site is currently enrolled in the New York State (NYS) Brownfield Cleanup Program (BCP) (Site No. C203088), which is administered by the New York State Department of Environmental Conservation (NYSDEC). The Site was investigated and remediated in accordance with Brownfield Cleanup Agreement (BCA) Index No. C203088-03-17, which was executed in May 2017 by Wilfrid East Properties LLC, Wilfrid East LIHTC LLC, and Wilfrid West Properties LLC (collectively the "Original Applicants"). The BCA was amended on August 2, 2017 to add the Applicants Wilfrid Realty Corp., Wilfrid Properties LLC, Wilfrid LIHTC LLC, and ACMH Wilfrid Housing Development Fund Corporation (collectively, with the Original Applicants the "Applicants").

A Site Management Plan (SMP) was developed in December 2018 as required under the NYSDEC's DER-10 (Technical Guidance for Site Investigation and Remediation), dated May 2010, and the guidelines provided by the NYSDEC. The Site was remediated to Track 2 Restricted Residential Soil Cleanup Objectives (RRSCOs) in accordance with the NYSDEC-approved Remedial Action Work Plan (RAWP) and Decision Document (DD). The remedy included:

- Soil excavation and off-site disposal
- Underground storage tank (UST) removal
- Material import
- Remedial design
- In-situ Chemical Oxidation (ISCO) for groundwater treatment
- Institutional control in the form of an Environmental Easement (EE)
- Completion of a SMP

The previous Periodic Review Report for the period from February 11, 2021 to February 11, 2022, was submitted and approved by the NYSDEC in a letter dated April 13, 2022.

This Periodic Review Report (PRR) cover the period from February 11, 2022 to February 11, 2023. It summarizes and evaluates the performance, effectiveness, and protectiveness of the Engineering Controls (ECs) and Institutions Controls (ICs) established for the Site for the reporting period.

Based on the data during the reporting period, the institutional and engineering controls appear to remain in place as specified in the December 2018 Site Management Plan. The ISCO remedy to treat impacted groundwater at the site has made some improvements. However, it appears progress has reached asymptotic levels with the concentrations of several chlorinated volatile organic compounds (CVOCs) exceeding applicable standards in some wells.

An evaluation is underway to remediate the remaining exceedances. A work plan will be submitted separately with a proposed remedy to treat the residual impact.

2.0 Site Overview

2.1 Site Description

The Site is located in the Bronx, Bronx County, New York and is identified as Section 2, Block 2924, Lot 7 (formerly Lots 7, 10, 25, 30, and 34) on the New York City Tax Map, as shown on **Figure 1**. The Site is an approximately 0.83-acre area and is bounded by: commercial uses and a public school facility to the north; Third Avenue, followed by Tremont Park to the east; residential and commercial uses to the south; and Bathgate Avenue, followed by institutional and industrial uses and a parking lot to the west. The surrounding area is primarily developed with commercial, institutional, and residential properties, with some industrial uses. A Site Location map and a Site Plan are provided as **Figure 1** and **Figure 2**. The boundaries of the Site are more fully described in the Environmental Easement, provided as **Appendix A**.

2.2 Site and Remedial History

A full Site history, including historical Sanborn maps and a summary of previous investigations conducted at the Site, was provided in the RAWP. Historic records indicated that the Site was developed with private residences and stores as early as 1896, with industrial and manufacturing uses including a lumber yard, various warehouses, Decorative Plastics Co., a glass and glazing facility, a bed spring company, various clothing and accessory manufacturers, a woodworking facility, and a rebar manufacturing facility. ABCO Steel Door (ABCO), a steel door manufacturing facility, occupied the Site between approximately 1980 and 1993. Since approximately 1993, no manufacturing operations occurred at the Site; however, the Site buildings have been used for storage of equipment and supplies by ABCO. The initial environmental investigations at the Site include:

- A Phase I Environmental Site Assessment (ESA) was performed by ALC Environmental (ALC) during April 2016;
- A Phase II Work Plan was completed by ALC and discussed with the New York City Office of Environmental Remediation (OER) during May 2016;
- A Geotechnical Investigation Report was completed by SESI Consulting Engineers D.P.C during August 2016;
- A Remedial Investigation Report was completed by ALC during November 2016;
- A Supplement Remedial Investigation Report was completed by AKRF, Inc. during June 2017.

After the initial investigations, a Remedial Action Work Plan (RAWP) was completed by AKRF, Inc. during September 2017. The RAWP outlined the remedial activities and cleanup objectives for the Site. AKRF conducted a Remedial Design Investigation (RDI) between September 12 and 26, 2017 and February 6 and 22, 2018 to aid with the groundwater remedy to be implemented under the RAWP and Decision Document (DD).

The objectives for the remedial program were established through the remedy selection process stated in 6 NYCRR Part 375. Remedial actions were performed at the Site in accordance with the NYSDEC-approved RAWP and DD and applicable federal, state, and local rules and regulations. Detailed descriptions of the completed remedial actions are included in the Final Engineering Report (FER). The following remedial actions were conducted at the Site. Detailed descriptions of the remedial actions listed below are included in the SMP:

- Soil excavation and off-site disposal
- Underground storage tank (UST) removal
- Material import
- Remedial design
- In-situ Chemical Oxidation (ISCO) for groundwater treatment
- Institutional control in the form of an Environmental Easement (EE)
- Completion of a SMP, by AKRF during December 2018.

The information provided below summarizes the baseline soil and groundwater quality after the implementation of the remedial actions (up to 2018).

2.3 Soil Impacts

Following excavation of soil and fill material across the Site, 26 post-excavation endpoint samples were collected in areas that were not excavated to bedrock. Track 2 RRSCOs were met at all endpoint sample locations, or excavation extended to 15 feet below grade. No soil contamination is remaining in place above 15 feet below grade. The endpoint sample analytical results and sample locations and comparison to the UUSCOs and RRSCOs are included in the SMP.

2.4 Groundwater Impacts

Four groundwater monitoring wells (MW-10, 11, 12, and 13) were installed at the site. During the May 14, 2018 baseline groundwater sampling event, Tetrachloroethylene (PCE) was detected

at concentrations of 102 µg/L, 10.7 µg/L, and 29.1 µg/L, in groundwater samples from wells MW-11, MW-12, and MW-13 respectively. The highest concentration was detected in the center of the groundwater treatment area, with decreasing concentrations detected downgradient of the treatment area. Breakdown products of PCE, including cis-1,2-dichloroethene and trichloroethylene (TCE), were detected above the TOGS of 5 µg/L in samples from MW-13 at respective concentrations of 22.4 µg/L and 24 µg/L. No chlorinated volatile organic compounds (CVOCs) were detected above the TOGS standards in well MW-10.

One round of groundwater samples was collected on September 6, 2018, approximately two months after the initial ISCO event. CVOCs were detected at concentrations above the NYSDEC TOGS in the majority of the groundwater samples, with the exception of MW-11. PCE was detected at concentrations of 12.5 µg/L, 19.5 µg/L, and 61.7 µg/L in samples from MW-10-MW-12, and MW-13, respectively, above the NYSDEC TOG of 5 µg/L. These concentrations slightly increased compared to the baseline sampling event in May 2018. Cis-1,2 dichloroethene and TCE were detected at respective concentrations of 28.8 µg/L and 34 µg/L in sample from MW-13. No other CVOCs were detected at concentrations above their respective NYSDEC TOGS. The groundwater data is summarized in **Table 1**.

2.5 Remedial Goals and Site Closure Criteria

Remedial activities completed at the Site were conducted in accordance with the NYSDEC-approved RAWP and DD. The remedial goals included the attainment of the RRSCOs.

2.6 Remedial System

As the remedy for this Site involved excavation and removal of impacted soil, implementation of an in-situ groundwater treatment program, and followed by the implementation of institutional and engineering controls, there are no active treatment systems currently operating at the Site. Therefore, this section is not applicable.

2.7 Current Remedy Status

Following the implementation of the ISCO to treat groundwater, no active remediation is conducted. Monitoring is being implemented to evaluate the effectiveness of the remedy. A detailed discussion on the performance, effectiveness and protectiveness is provided in Section 4.

3.0 Institutional Controls/Engineering Controls

Since remaining impacted groundwater exists at the Site, Institutional Controls and Engineering Controls (IC/ECs) are required to protect human health and the environment. The intent of this section is to provide a description of the IC/ECs in place for the Site, the objective and status of each IC/EC, as well as to provide a mechanism used to monitor and enforce each IC/EC. The IC/EC Certification form completed for the Site for this reporting period was prepared in accordance with Section 6.3(c) of NYSDEC's DER-10 document and is provided as **Appendix B**.

3.1 Institutional Controls

A series of ICs is required by the RAWP to: (1) implement, maintain and monitor EC systems; (2) prevent future exposure to remaining contamination; and (3) limit the use and development of the Site to Restricted Residential, Commercial, and Industrial uses only. Adherence to these ICs on the Site is required by the Environmental Easement (EE) and will be implemented under the SMP. ICs identified in the EE may not be discontinued without an amendment to or extinguishment of the EE. The IC boundaries are included in the SMP. These ICs are:

- The Site may be used for restricted residential, commercial or industrial use;
- All ECs must be operated and maintained as specified in the SMP;
- All ECs must be inspected at a frequency and in a manner defined in the SMP;
- The use of groundwater underlying the Site is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;
- Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;
- Data and information pertinent to Site management must be reported at the frequency and in a manner as defined in the SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP;

- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in the SMP;
- Access to the Site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the EE; and
- The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries noted on **Figure 2**, and any potential impacts that are identified must be monitored or mitigated; and
- In-ground vegetable gardens and farming on the Site are prohibited.

3.2 Engineering Controls

The following information summarizes the ECs implemented at the Site.

3.2.1 ISCO Groundwater Treatment Program

An ISCO Groundwater Treatment Program was established as part of the Site remedy. Approximately 8,325 gallons of a 5% to 10% sodium permanganate/water solution were injected into 24 temporary injections points located in the southwestern portion of the Site (the groundwater treatment area). The injection points were spaced approximately 12 to 14 feet apart to achieve 6 to 7 feet overlapping radius of influence (ROI). Multiple intervals were targeted in the treatment area above the bedrock surface, up to approximately 28 feet below grade. Groundwater is monitored via the four post-remedial monitoring wells installed in the southwestern portion of the Site to evaluate the effectiveness of the in-situ groundwater treatment program.

3.2.2 Criteria for Completion of Remediation/Termination of Remedial Systems

Generally, remedial processes are considered completed when monitoring indicates that the remedy has achieved the remedial action objectives identified by the decision document. The framework for determining when remedial processes are complete is provided in Section 6.4 of NYSDEC DER-10.

3.2.2.1 ISCO Groundwater Treatment Program

The ISCO treatment program will not be discontinued unless prior written approval is granted by the NYSDEC. In the event that monitoring data indicates that the ISCO treatment program may no longer be required, a proposal to discontinue the treatment will be submitted by the remedial party. Conditions that may warrant discontinuing the ISCO treatment program include contaminant concentrations in groundwater that: (1) reach levels that are consistently below ambient water quality standards; (2) have become asymptotic to a low level over an extended period of time, as accepted by the NYSDEC; or (3) the NYSDEC has determined that the ISCO treatment program has reached the limit of its effectiveness. This assessment will be based in part on post-remediation contaminant levels in groundwater collected from monitoring wells located throughout the site. Systems will remain in place and operational until permission to discontinue their use is granted in writing by the NYSDEC.

3.2.2.2 Monitoring Wells associated with Monitoring Natural Attenuation

Groundwater monitoring activities to assess natural attenuation will continue, as determined by the NYSDEC with consultation with NYSDOH, until residual groundwater concentrations are found to be consistently below ambient water quality standards or have become asymptotic at an acceptable level over an extended period. In the event that monitoring data indicates that monitoring for natural attenuation may no longer be required, a proposal to discontinue such monitoring will be submitted by the remedial party, but will otherwise continue until permission to discontinue is granted in writing by the NYSDEC. If groundwater contaminant levels become asymptotic at a level that is not acceptable to the NYSDEC, a revised treatment plan would be developed for the Site and submitted to the NYSDEC for review and approval.

4.0 Remedy Performance, Effectiveness, and Protectiveness

The remedial implementation of soil excavation effectively removed all on-site soils that exceeded the RRSCOs to a maximum depth of 15 feet below grade. Post-excavation soil endpoint samples were collected, except at locations excavated down to bedrock. Additional information regarding the soil excavation and cleanup activities is summarized in the SMP.

As for the groundwater, CVOCs exceeding pertinent standards are still persistent in the samples collected from the monitoring wells. In the reporting period (February 11, 2022 to February 11, 2023), Well MW-10 had only PCE concentrations exceeding standards and ranging between 39.40 and 77.00 ug/L. The concentrations of PCE in MW-10 had slightly increased in the third quarter of 2022. Well MW-11 had concentrations of PCE reduced and appear to be breaking down into the daughter compounds of cis-1,2 and trans-1,2 DCE and vinyl chloride. The concentrations of cis-1,2 and trans-1,2 DCE as well as vinyl chloride in MW-11 are above applicable standards. Well MW-12 appears to have its second quarter data erroneously switched with Well MW-13, and having only a slight TCE exceedance of 6.20 ug/L in the third quarter. Well MW-13 has several exceedances for PCE, TCE and cis-1,2 DCE, generally in the same range at previous quarters. A summary of historical groundwater data is included as **Table 1**. The monitoring well locations are depicted on **Figure 2**. A graphical representation of the historical CVOCs concentrations in each well is provided in the charts in **Appendix C**.

It appears that the implementation of the ISCO to treat impacted groundwater at the site has made some improvements especially in MW-12. However, some exceedances are still present for several CVOCs in the other wells.

5.0 Monitoring Plan Compliance Report

This section of the PRR provides a summary of the components of the monitoring plan specified in the December 2018 SMP.

Institutional Controls:	1. The property may be used for restricted residential, commercial, and industrial use. 2. Environmental Easement 3. All ECs must be monitored at a frequency and in a manner defined in the SMP.
Engineering Controls:	1. Groundwater Treatment Program (In-situ chemical oxidation)
Monitoring:	1. Post-remedial groundwater monitoring and sampling quarterly for one year.
Reporting:	1. Groundwater Monitoring Report – Quarterly for one year. 2. Periodic Review Report - Annually

The SMP requirements included post-remedial groundwater sampling from four onsite wells (Monitoring wells MW-10, MW-11, MW-12, and MW-13) on a quarterly basis. However, in the fourth quarter 2022, no sampling was performed as a plan was prepared for the evaluation of additional measures that would include additional sampling for and separate parameters to be collected in the first quarter of 2023. A request was made for this change and verbally approved by the DEC. A total of three quarterly groundwater sampling events have been conducted in the reporting period from February 11, 2022 to February 11, 2023. The most recent quarterly groundwater sampling event included in this report occurred in September 2022. The analytical results of the groundwater samples collected during the investigations were compared to the NYSDEC Title 6 New York Codes, Rules, and Regulations (6NYCRR) Part 703.5 Class GA groundwater standards and submitted as a separate report.

A summary of historical groundwater data is included as **Table 1**. The monitoring well locations are depicted on **Figure 2**. Based on the results of the post-remedial groundwater sampling events, exceedances of CVOCs still exist in onsite wells. Quarterly groundwater monitoring and sampling will continue per the SMP.

6.0 Operation & Maintenance Plan Compliance Report

The remedy for this Site included excavation and removal of impacted soil, implementation of an in-situ groundwater treatment program, and implementation of institutional and engineering controls. There are no mechanical systems such as a groundwater pump and treat system, sub-slab depressurization system, or air sparge/soil vapor extraction systems. Therefore, the operation and maintenance of such components are not applicable.

7.0 Green Remediation/Climate Change Resilience

The remedy for this Site involved excavation and removal of impacted soil followed by the implementation of institutional and engineering controls. The Site is currently in the Site Management phase, during which the only activities completed at the Site related to the remedy involve periodic ground water sampling and inspections to verify compliance with the IC/ECs specified in the December 2018 SMP. As a result, there were no environmental impacts that could affect the "environmental footprint" of the Site during this reporting period. In addition, there are no planned remedial activities that could negatively impact the environment. The remedial system at the Site does not consume energy, water or materials and produces no "greenhouse" gasses or wastes.

8.0 Cost Evaluation

The annual cost for the required monitoring is approximately $35,000 based on costs incurred in a calendar year. This cost includes quarterly groundwater sampling, analysis and reporting along with the development of this PRR.

9.0 Conclusions and Recommendations

The remedy for the Site involved excavation and removal of impacted soil, implementation of an in-situ groundwater treatment program, and followed by the implementation of institutional and engineering controls. The Site is currently in the site management phase of the overall remedial process. Site management activities involve routine inspections, as outlined in the SMP, to confirm that all institutional and engineering controls implemented for the Site remain in place and are effective.

Based on the evaluation of the performance, effectiveness and protectiveness of the remedy during the current reporting period, and as detailed in the preceding sections, the institutional and engineering controls appear to remain in place as specified in the December 2018 Site Management Plan for the Site. The ISCO remedy to treat impacted groundwater at the site has made some improvements in some wells. However, exceedances are still present for several CVOCs in onsite wells.

It is recommended that additional action be implemented to address remaining groundwater impact. It is also recommended that site management continue per the December 2018 Site Management Plan for the next year. An evaluation is underway to remediate the remaining exceedances. A work plan will be submitted separately for approval with a proposed remedy to treat the residual impact.

10.0 Certifications

For each institutional or engineering control identified for the site, I certify that all of the following statements are true:

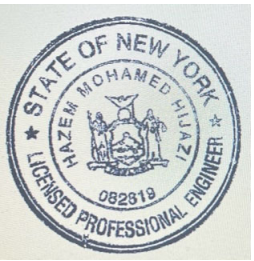
(a) the institutional control and/or engineering control employed at this site is unchanged from the date the control was put in place, or last approved by DER;

(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;

(d) access to the site will continue to be provided to DER to evaluate the remedy, including access to evaluate the continued maintenance of this control; and

(e) if a financial assurance mechanism is required under the oversight Final DER-10 Page 25 of 226 Technical Guidance for Site Investigation and Remediation May 2010 document for the site, the mechanism remains valid and sufficient for their intended purpose under the document.



March 23, 2023

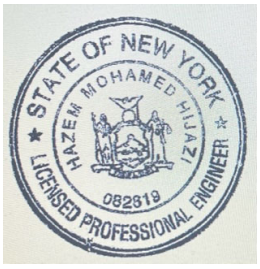
Hazem M. Hijazi, PE

For RESNY Engineering – 1218 Central Ave, Suite 100, Albany, NY 12205

For each Institutional or Engineering Control identified for the Site, I certify that all of the following statements are true:

(a) The inspection of the Site to confirm the effectiveness of the Institutional and Engineering Controls required by the remedial program was performed under my direction;
(b) 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;
(c) Nothing has occurred that would impair the ability of the control to protect the public health and environment;
(d) Nothing has occurred that would constitute a violation or failure to comply with any Site Management Plan for this control;
(e) 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;
(f) If a financial assurance mechanism is required under the oversight document for the Site, the mechanism remains valid and sufficient for the intended purpose under the document;
(g) Use of the Site is compliant with the Environmental Easement;
(h) The Engineering Control systems are performing as designed and are effective;
(i) To the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program and generally accepted engineering practices; and
(j) The information presented in this report is accurate and complete.

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, Hazem Hijazi, of For RESNY Engineering – 1218 Central Ave, Suite 100, Albany, NY 12205, am certifying as Owner's/Remedial Party's Designated Site Representative.



March 23, 2023

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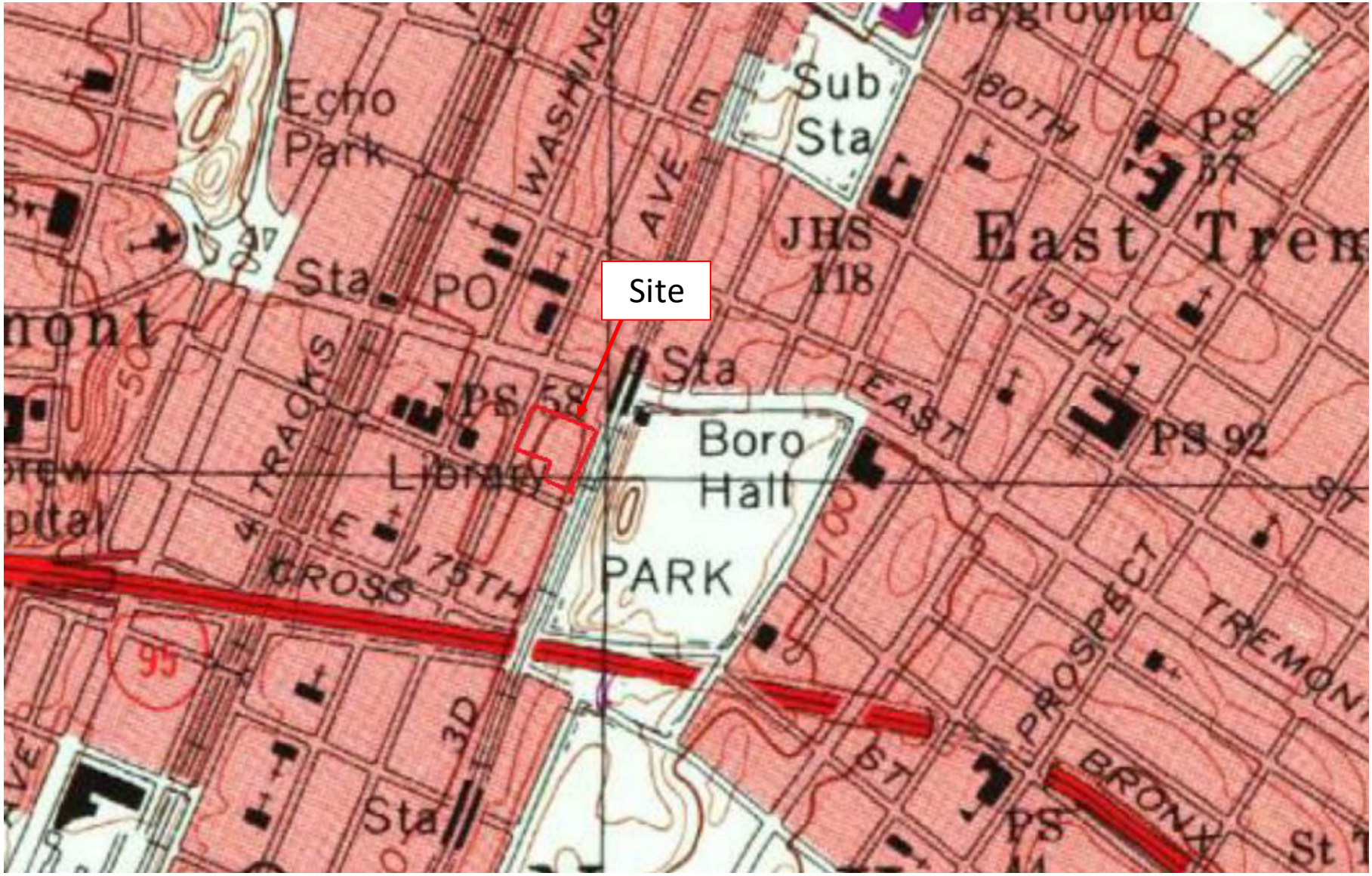
FIGURES



ALC Environmental

U.S.G.S. Topographical Map, Central Park, NY – 1997
Block 2924 Lots 7, 10, 25, 30, and 34
Site Map

Figure 1
Site Location

Project Site Location

Groundwater Monitoring Wells
(Approximate Locations)

N

ALC Environmental

1880 Bathgate Avenue, Bronx, NY 10457

Figure 2 - Site Plan

TABLES

Table 3
Summary of Historical Groundwater Data
1888 Bathgate Avenue
Bronx, NY 10457

MW-10

COMPOUND	1,1,1-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichlorobenzene	1,2-Dichloroethane	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Methylene chloride	Tetrachloroethylene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl Chloride
NYSDEC Class GA TOGS (µg/L)	5	5	5	3	0.6	5	7	5	5	5	5	5	2
Sampling Date	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)
5/14/2018	0.25 U	0.21 UJ	0.47 U	0.5 U	0.2 U	0.34 U	0.39 U	0.5 U	1 U	3.7	0.4 U	0.27 U	0.62 U
9/6/2018	0.54 U	0.57 U	0.59 U	0.53 U	0.6 U	0.55 U	1.4 U	0.51 U	1 U	**12.5**	0.54 U	0.66 U	0.79 U
1/31/2019 & 2/1/2019	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
6/13/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.52	0.43	1 U	**22.10**	0.2 U	2.140	0.2 U
8/20/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.63	0.57	2 U	**31.00**	0.2 U	2.320	0.2 U
10/15/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.43 J	0.45 J	1 U	**27.20**	0.2 U	1.390	0.2 U
1/14/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.76	1.00	1 U	**30.10**	0.2 U	2.390	0.2 U
6/25/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	4.07	0.62	1 U	**33.60**	0.2 U	1.880	0.2 U
9/23/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.51	0.59	1 U	**12.60**	0.2 U	1.340	0.2 U
12/18/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.89	0.54	1 U	**32.30**	0.200	0.200	0.200
3/17/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.93	0.83	1 U	**35.20**	0.200	2.570	0.200
6/2/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.32	0.86	1 U	**36.00**	0.200	2.380	0.200
8/12/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	2.06	0.51	1 U	**23.80**	0.200	1.600	0.200
10/28/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.00	1.10	1 U	**44.00**	0.200	3.000	0.200
03/22/2022	0.2 U	0.2U	0.2 U	0.2 U	0.2 U	0.2 U	1.05	1.48	0.2 U	**62.20**	0.2 U	3.880	0.2U
06/23/2022	0.2U	0.2U	0.2U	0.2U	0.2U	0.2U	1.06	0.84	0.2U	**39.40**	0.2U	2.900	0.2U
9/28/2022	0.7 U	0.7 U	0.17 U	0.7 U	0.13 U	0.7 U	1.2 J	2.20	0.7 U	**77.00**	0.7 U	3.500	0.7 U

MW-11

COMPOUND	1,1,1-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichlorobenzene	1,2-Dichloroethane	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Methylene chloride	Tetrachloroethylene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl Chloride
NYSDEC Class GA TOGS (µg/L)	5	5	5	3	0.6	5	7	5	5	5	5	5	2
Sampling Date	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)
5/14/2018	0.25 U	0.21 U	0.47 U	0.5 U	0.2 U	0.34 U	0.29 U	2	1 U	**102**	0.4 U	3	0.62 U
9/6/2018	0.54 U	0.57 U	0.59 U	0.53 U	0.6 U	0.55 U	0.5 U	5	1 U	0.9 U	0.54 U	0.53 U	0.79 U
2/1/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.38 J	**7.50**	1 U	**100**	0.37 J	**16**	0.2 U
6/13/2019	0.2 U	0.2 U	0.64	0.2 U	0.2 U	0.2 U	0.38 J	**68.20**	1 U	**37**	1.42	**11.10**	**2.96**
8/20/2019	0.2 U	0.2 U	0.27 J	0.2 U	0.2 U	0.2 U	0.2 U	**28.20**	1 U	3	1.57	1.42	**50.20**
10/15/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**9.88**	1 U	2.75	2.09	1.64	**80.40**
1/15/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**12.50**	1 U	4.17	1.70	2.06	**60.90**
6/25/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.42 J	1 U	0.2 U	3.38	0.2 U	**115**
9/23/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.62	1 U	0.26	3.70	0.31	**62**
12/18/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**11.50**	1 U	**11.60**	3.86	0.2 U	**55.50**
3/17/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**9.25**	1 U	**7.81**	3.57	3.05	**49.70**
6/2/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**10.50**	1 U	3.13	3.960	2.05	**43.70**
8/13/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**10.40**	1 U	3.82	**5.385**	1.99	**74.30**
10/28/2021	0.2U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**7.90**	1 U	0.75	**6.80**	1.10	**59.00**
03/22/2022	0.2 U	1.21	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.74	1 U	1.50	4.64	0.29	**30.70**
06/23/2022	0.2U	0.2U	0.2U	0.2U	0.2U	0.2U	0.2U	**5.44**	1U	1.90	**6.21**	1.02	**44.20**
9/28/2022	0.7 U	0.7 U	0.17 U	0.7 U	0.13 U	0.7 U	0.7 U	**15.00**	0.7 U	3.30	**7.90**	1.40	**68.00**

MW-12

COMPOUND	1,1,1-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichlorobenzene	1,2-Dichloroethane	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Methylene chloride	Tetrachloroethylene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl Chloride
NYSDEC Class GA TOGS (ug/L)	5	5	5	3	0.6	5	7	5	5	5	5	5	2
Sampling Date	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)
5/14/2018	0.25 U	0.21 U	0.47 U	0.5 U	0.2 U	0.34 U	0.29 U	3.6	1 U	**10.7**	0.4 U	3.5	0.62 U
9/6/2018	0.54 U	0.57 U	0.59 U	0.53 U	0.6 U	0.55 U	0.5 U	4.5	1 U	**19.5**	0.54 U	4.4	0.62 U
1/31/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.40	1 U	**5.10**	0.2 U	1.30	0.2 U
6/13/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.89	1 U	3.20	0.2 U	1.19	0.2 U
8/20/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.21 J	1.37	1 U	4.86	0.2 U	1.79	0.2 U
10/15/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.52	1.83	1 U	**7.18**	0.2 U	2.69	0.2 U
1/15/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.64	1.32	1 U	**6.23**	0.2 U	2.41	0.2 U
6/25/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.79	1.62	1 U	**7.52**	0.2 U	2.59	0.2 U
9/23/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.01	1.62	1 U	**10.70**	0.2 U	3.65	0.2 U
12/18/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.09	1.47	1 U	**9.73**	0.2 U	0.20	0.20
3/17/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.54	1.09	1 U	3.68	0.2 U	2.05	0.20
6/2/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.46	1.39	0.2 U	3.53	0.2 U	2.12	0.2 U
8/13/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.39	1.31	0.2 U	4.39	0.2 U	2.53	0.2 U
10/28/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.20	1.31	0.2 U	3.90	0.2 U	2.30	0.2 U
03/22/2022	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.05	1.48	1 U	4.23	0.2 U	2.12	0.2 U
06/23/2022	0.2U	0.40	0.2U	0.2U	0.2U	0.2U	0.2U	**13.30**	1U	**18.60**	0.38	**24.60**	0.2U
9/28/2022	0.7U	0.7 U	0.17 U	0.7 U	0.13 U	0.7 U	0.7 U	1.50	0.7 U	**6.20**	0.70 U	2.30	0.07 U

MW-13

COMPOUND	1,1,1-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichlorobenzene	1,2-Dichloroethane	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Methylene chloride	Tetrachloroethylene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl Chloride
NYSDEC Class GA TOGS (µg/L)	5	5	5	3	0.6	5	7	5	5	5	5	5	2
Sampling Date	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)
5/14/2018	0.25 U	0.64 U	0.47 U	0.5 U	0.2 U	0.34 U	0.29 U	**22.40**	1 U	**29.1**	0.4 U	**24**	0.62 U
9/6/2018	0.54 U	0.77 U	0.59 U	0.53 U	0.6 U	0.55 U	0.5 U	**28.80**	1 U	**61.7**	0.54 U	**34**	0.79 U
1/31/2019	0.2 U	0.33 J	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**15.00**	1 U	**14**	0.2 U	**11**	0.2 U
6/13/2019	0.2 U	0.57	0.2 U	0.2 U	0.2 U	0.2 U	0.35	**16.50**	1 U	**50.90**	0.26	**27.90**	0.2 U
8/20/2019	0.2 U	0.57	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**15.30**	1 U	**46.90**	0.29 J	**23.20**	0.2 U
10/15/2019	0.2 U	0.52	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**14.60**	1 U	**43.90**	0.29 J	**21.50**	0.2 U
1/15/2020	0.2 U	0.49 J	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**13.80**	1 U	**43.70**	0.27 J	**24.70**	0.2 U
6/25/2020	0.2 U	0.55	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**14.20**	1 U	**22.30**	0.42 J	**15.70**	0.2 U
9/23/2020	0.2 U	0.39 J	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**12.90**	1 U	**31.30**	0.46	**20.50**	0.2 U
12/18/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.23	**13.50**	1 U	**23.00**	0.51	**17.90**	0.2 U
3/17/2021	0.2 U	0.2 U	0.390	0.2 U	0.2 U	0.2 U	0.23	**11.50**	1 U	**11.80**	0.37	**14.50**	0.2 U
6/2/2021	0.2 U	0.340	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**10.60**	0.2 U	**11.40**	0.2 U	**14.20**	0.2 U
8/13/2021	0.2 U	0.360	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**12.00**	0.2 U	**14.60**	0.2 U	**17.10**	0.2 U
10/28/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**12.00**	0.2 U	**14.00**	0.2 U	**21.00**	0.2 U
03/23/2022	0.2 U	0.390	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	**11.40**	1 U	**9.04**	0.380	**15.40**	0.2 U
06/23/2022	0.2U	0.2U	0.2U	0.2U	0.2U	0.2U	0.47	0.83	1U	1.83	0.2U	1.15	0.2U
9/28/2022	0.70 U	0.70 U	0.17 U	0.70 U	0.70 U	0.13 U	0.70 U	**16.00**	0.70 U	22.00	0.17 U	**16.00**	0.70 U

APPENDIX A

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.

2018111200589001002E4420

RECORDING AND ENDORSEMENT COVER PAGE **PAGE 1 OF 11**

Document ID: 2018111200589001 Document Date: 10-10-2018 Preparation Date: 12-03-2018
Document Type: EASEMENT
Document Page Count: 10

PRESENTER:
CHICAGO TITLE INSURANCE CO. (PICK-UP)
711 THIRD AVE, 5TH FLOOR
CT18-80168-BX (CES)
NEW YORK, NY 10017
212-880-1200
CTINYRECORDING@CTT.COM

RETURN TO:
CHICAGO TITLE INSURANCE COMPANY
NEIL FALCONE, ESQ.
711 THIRD AVENUE, 5TH FLOOR
NEW YORK, NY 10017

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	2924	7	Entire Lot	4181 THIRD AVENUE

Property Type: COMMERCIAL REAL ESTATE Easement

CROSS REFERENCE DATA

CRFN_____ *or* DocumentID_____ *or* _____ Year____ Reel____ Page____ *or* File Number_____

PARTIES

GRANTOR/SELLER:
WILFRID REALTY CORP.
4181 THIRD AVENUE
BRONX, NY 10457

GRANTEE/BUYER:
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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:	$	87.00
Affidavit Fee:	$	0.00

Filing Fee: $ 100.00
NYC Real Property Transfer Tax: $ 0.00
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 12-03-2018 15:51
City Register File No.(CRFN): **2018000398399**

City Register Official Signature

CT18-80168-BX

County: Bronx Site No: C203088 Brownfield Cleanup Agreement Index : C203088-03-17 as amended August 2, 2017

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

THIS INDENTURE made as of this 10th day of October, 2018, between Owner(s) Wilfrid Realty Corp., having an office at 4181 3rd Ave, Bronx, New York 10457, County of Bronx, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

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

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

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

WHEREAS, Grantor, is the owner of real property located at the address of 4181 3rd Avenue in the City of New York, County of Bronx and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 2924 Lot 7, being the same as that property conveyed to Grantor by deed dated January 26, 2017 and recorded in the City Register of the City of New York as CRFN # 2017000064989. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.8288 +/- acres, and is hereinafter more fully described in the Land Title Survey dated May 11, 2018 prepared by Robert J. Fehringer, L.L.S. of Fehringer Surveying, P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

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

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

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C203088-03-17 as amended August 2, 2017, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

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

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

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

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

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

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

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

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

(6) Data and information pertinent to Site Management of the Controlled

Property must be reported at the frequency and in a manner defined in the SMP;

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

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

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

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

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

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

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

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

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

This property is subject to an Environmental Easement held

by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

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

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

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

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

(i) are in-place;

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

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

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

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

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

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

(7) the information presented is accurate and complete.

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

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

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

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee

interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

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

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

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

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

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

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

Parties shall address correspondence to:

Site Number: C203088
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

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

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

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

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

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

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

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

Wilfrid Realty Corp.:

By: _____

Print Name: ISRAEL SCHWARTZ

Title: VP Date: 9/17/2018

Grantor's Acknowledgment

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

On the 17th day of September, in the year 2018 before me, the undersigned, personally appeared Israel Schwartz, 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

ELLEN NOELLE PRESOTTO
NOTARY PUBLIC, STATE OF NEW YORK
No. 01PR6267343
Qualified in Nassau County
My Commission Expires August 20, 2020

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

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

Grantee's Acknowledgment

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

On the 10th day of October, in the year 2018 before me, the undersigned, personally appeared Michael J. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2019

SCHEDULE "A" PROPERTY DESCRIPTION

ALL that certain piece or parcel of land, situate, lying and being in the Borough and County of the Bronx, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Bathgate Avenue (as now open and in use, 60 feet wide) distant 86.19 feet southwesterly from a corner formed by the intersection of said southeasterly side of Bathgate Avenue and the southwesterly side of East Tremont Avenue (as now open and in use, 75 feet wide)

RUNNING THENCE southeasterly along a line at interior angle of 89 degrees 59 minutes 33 seconds with the southeasterly side of Bathgate Avenue, 178.13 feet to the northwesterly side of 3rd Avenue (as now open and in use, 80 feet wide)

RUNNING THENCE southwesterly along the northwesterly side of 3rd Avenue; 216.02 feet;

THENCE northwesterly along a line at interior angle of 87 degrees 47 minutes 41 seconds with the northwesterly side of 3rd Avenue, 95.87 feet;

THENCE northeasterly along a line at interior angle of 90 degrees 00 minutes 08 seconds with the last mentioned course, 35.86 feet;

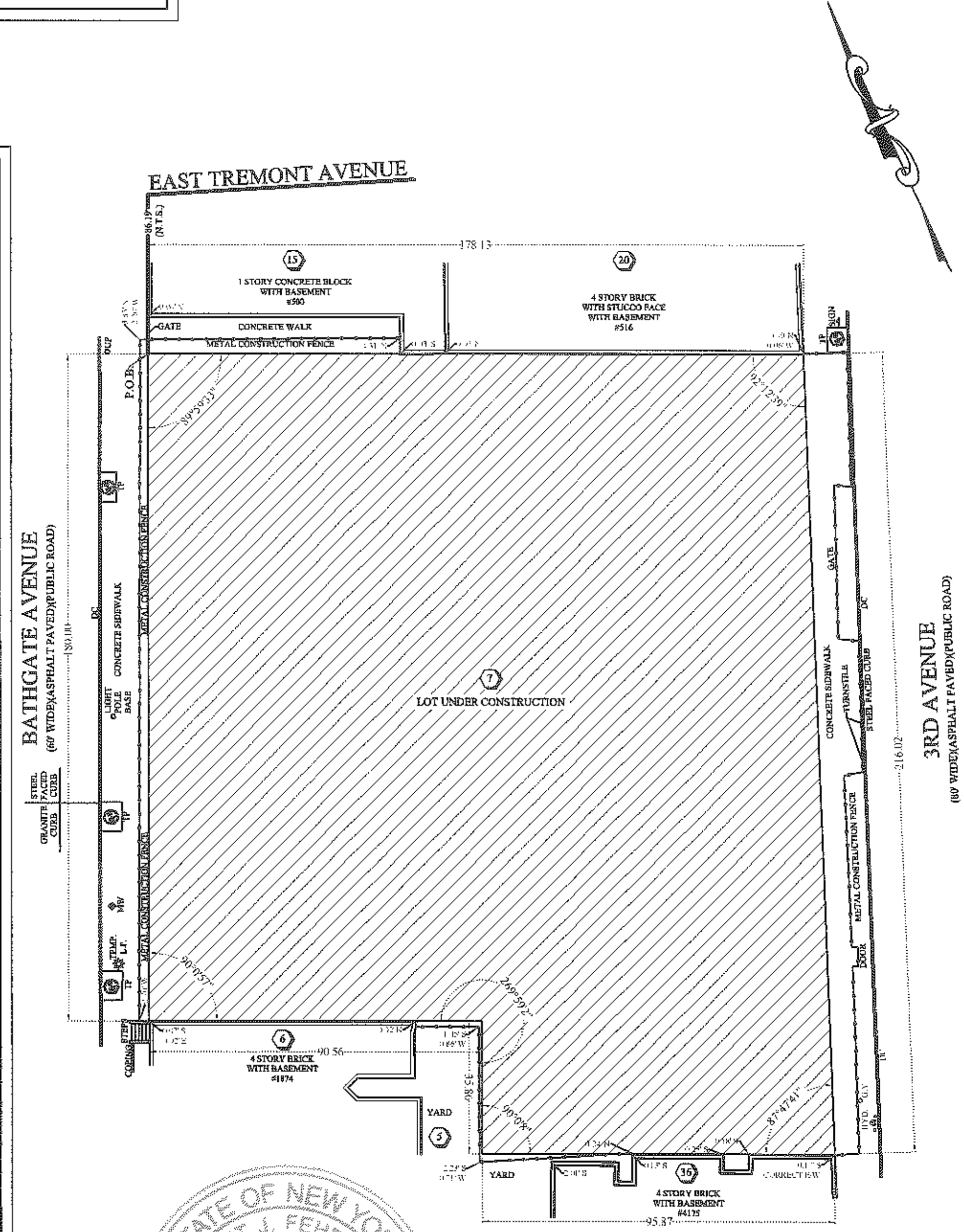
THENCE northwesterly along a line at interior angle of 269 degrees 59 minutes 02 seconds with the last mentioned course, 90.56 feet to the southeasterly side of Bathgate Avenue;

THENCE northeasterly along the southeasterly side of Bathgate Avenue, 180.00 feet to the Point or Place of BEGINNING.

THE ABOVE MENTIONED DESCRIPTION HAS AN ACREAGE OF 0.8288 AND A SQUARE FOOTAGE OF 36,100.37.

BLOCK: 2924
LOT: 7
TOTAL LOT AREA:
SQ.FT.: 36,100.37
ACRES: 0.8288

TITLE SURVEY



ENVIRONMENTAL EASEMENT DESCRIPTION

LEGAL DESCRIPTION

INDICATES ENVIRONMENTAL EASEMENT AREA
AREA= 36,115.40 SQ. FT. = 0.8291 ACRES

"This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in more detail in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@dec.ny.gov".

STATE OF NEW YORK
ROBERT J. FEHRINGER
LICENSE NO. 050001
LICENSED LAND SURVEYOR

LEGEND

- TAX LOT
- STREET LIGHT
- LIGHT POLE
- TRAFFIC SIGN POLE
- FIRE HYDRANT
- PARKING METER
- CATCH BASIN
- OIL FILL
- STAND PIPE
- AUTO SPRINKLER
- TREE PIT
- PLANTED AREA
- DROP CURB
- TOP OF CURB
- BOTTOM OF CURB
- CENTER LINE OF ROAD
- BACK OF WALK
- CHAIN LINK FENCE
- WROUGHT IRON FENCE
- WOOD STOCKADE FENCE
- POST AND RAIL FENCE
- ELECTRIC MANHOLE COVER
- UNDERGROUND ELECTRIC DUCTS
- DEPARTMENT OF WATER SUPPLY MANHOLE COVER
- WATER MAIN
- SEWER MANHOLE COVER
- SANITARY SEWER
- STEAM MAIN
- DEPARTMENT OF WATER SUPPLY WATER GATE
- WATER VALVE
- GAS MAIN
- CATCH BASIN MANHOLE
- GAS VALVE
- TELEPHONE MANHOLE COVER
- TELEPHONE LINES
- OVERHEAD UTILITY WIRES
- UTILITY OR POLE

REVISED: NOVEMBER 5, 2018: BOUNDARY

FEET: 8.00' 16.00' 24.00' 48.00' — 0 8 24 48 96

DRAWN BY: MF

METERS: 3 M 5 M 8 M 16 M — 3 M 8 M 16 M 32 M

SCALE: 1" = 16'

SURVEYED: MAY 11, 2018

SURVEY OF PROPERTY SITUATED IN:
4181 3RD AVENUE
BOROUGH OF BRONX
COUNTY OF BRONX
CITY OF NEW YORK
STATE OF NEW YORK

FEHRINGER SURVEYING, P.C.
ROBERT FEHRINGER
LICENSED LAND SURVEYOR

APPENDIX B

IC/EC Certification Form

Enclosure 1

Certification Instructions

I. Verification of Site Details (Box 1 and Box 2):

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)

1.1.1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party should petition the Department separately to request approval to remove the control.

2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.

3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **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 completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 6 and Box 7**):**

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.

- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.

Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form

Site Details **Box 1**

Site No. C203088

Site Name 1888 Bathgate Avenue Redevelopment Site

Site Address: 4181 3rd Avenue Zip Code: 10457
City/Town: Bronx
County: Bronx
Site Acreage: 0.829

Reporting Period: February 11, 2022 to February 11, 2023

	YES	NO
1. Is the information above correct?	X	☐
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	X
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☐	X
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☐	X
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?	☐	X

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	X	☐
7. Are all ICs in place and functioning as designed?	X	☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

3/16/23
Date

Box 2A

	YES	NO
8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	☐	☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	☒	☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C203088 **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
2924-7	Wilfred Realty Corp.	Ground Water Use Restriction Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan

- The Site may be used for restricted residential, commercial or industrial use;
- All ECs must be operated and maintained as specified in this SMP;
- All ECs must be inspected at a frequency and in a manner defined in the SMP;
- The use of groundwater underlying the Site is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;
- Groundwater and other environmental or public health monitoring must be performed as defined in this SMP;
- Data and information pertinent to Site management must be reported at the frequency and in a manner as defined in this SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with this SMP;
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in this SMP;
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in this SMP;
- Access to the Site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the EE; and
- In-ground vegetable gardens and farming on the Site are prohibited.

Box 4

Description of Engineering Controls

Parcel	Engineering Control
2924-7	Groundwater Treatment System

ISCO Groundwater Treatment Program
An ISCO Groundwater Treatment Program was established as part of the Site remedy. Approximately 8,325 gallons of a 5% to 10% sodium permanganate/water solution was injected into 24 temporary injections points located in the southwestern portion of the Site (the groundwater treatment area). The injection points were spaced approximately 12 to 14 feet apart to achieve 6 to 7 feet overlapping radius of influence (ROI). Multiple intervals were targeted in the treatment area above the bedrock surface, up to approximately 28 feet below grade. Groundwater will be monitored via the four post-remedial monitoring wells installed in the southwestern portion of the Site to evaluate the effectiveness of the

Parcel	Engineering Control

in-situ groundwater treatment program.

Groundwater samples will be collected from the four post-remedial monitoring wells (MW-10, MW-11, MW-13, and MW-14) approximately three months after the each ISCO treatment event. Two rounds of groundwater samples have been collected from the post-remedial wells (one round prior to the initial treatment event and one after the treatment event). This data will be utilized as baseline concentrations for which future sampling events will be compared.

Groundwater monitoring activities to assess natural attenuation will continue, as determined by the NYSDEC with consultation with NYSDOH, until residual groundwater concentrations are found to be consistently below ambient water quality standards or have become asymptotic at an acceptable level over an extended period. In the event that monitoring data indicates that monitoring for natural attenuation may no longer be required, a proposal to discontinue such monitoring will be submitted by the remedial party, but will otherwise continue until permission to discontinue is granted in writing by the NYSDEC. If groundwater contaminant levels become asymptotic at a level that is not acceptable to the NYSDEC, a revised chemical oxidation injection/treatment plan would be developed for the Site and submitted to the NYSDEC for review and approval. The dosage of any reagents may change based on the results of the post-remedial groundwater samples. If a revision to the treatment plan is warranted, notification will be made to NYSDEC with the proposed changes.

Box 5

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

   a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

   b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and compete.

YES	NO
X	☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

   (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was 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) 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;

   (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

   (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES	NO
X	☐

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

3/16/23

Date

IC CERTIFICATIONS
SITE NO. C203088

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 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 Emanuel Kokinakis (print name) at 48-02 25th Ave, Suite 400, Astoria (print business address),

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Signature of Owner, Remedial Party, or Designated Representative Rendering Certification

3/16/23
Date

EC CERTIFICATIONS

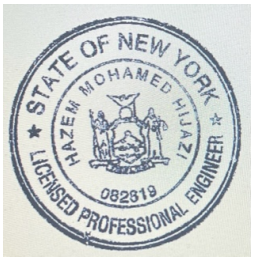
Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 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 __Hazem Hijazi_____ at ___RESNY ENGINEERING _____,
print name print business address

am certifying as a Professional Engineer for the ___Owner_____
(Owner or Remedial Party)



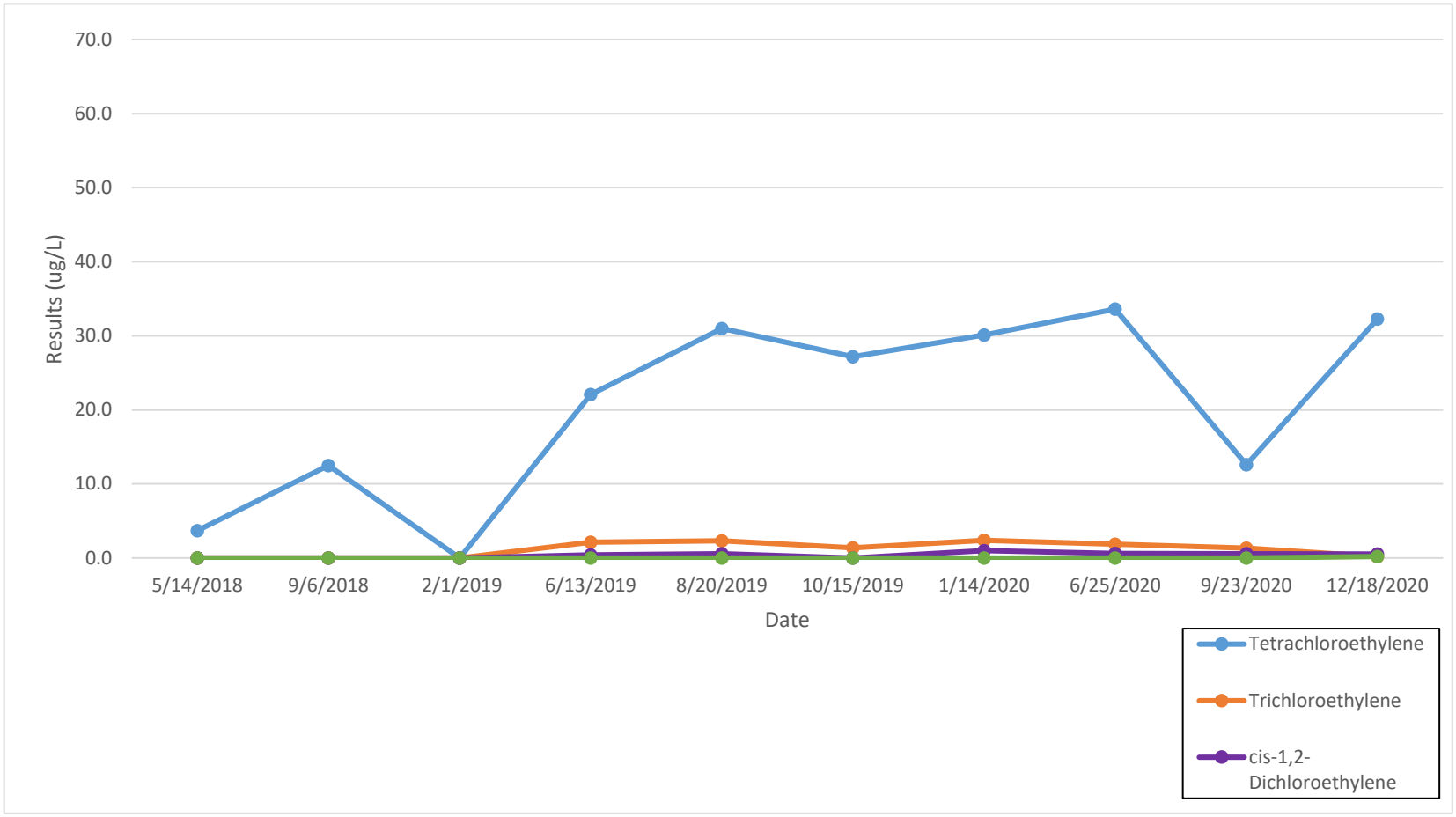
March 23, 2023

_____	_____	_____
Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification	Stamp (Required for PE)	Date

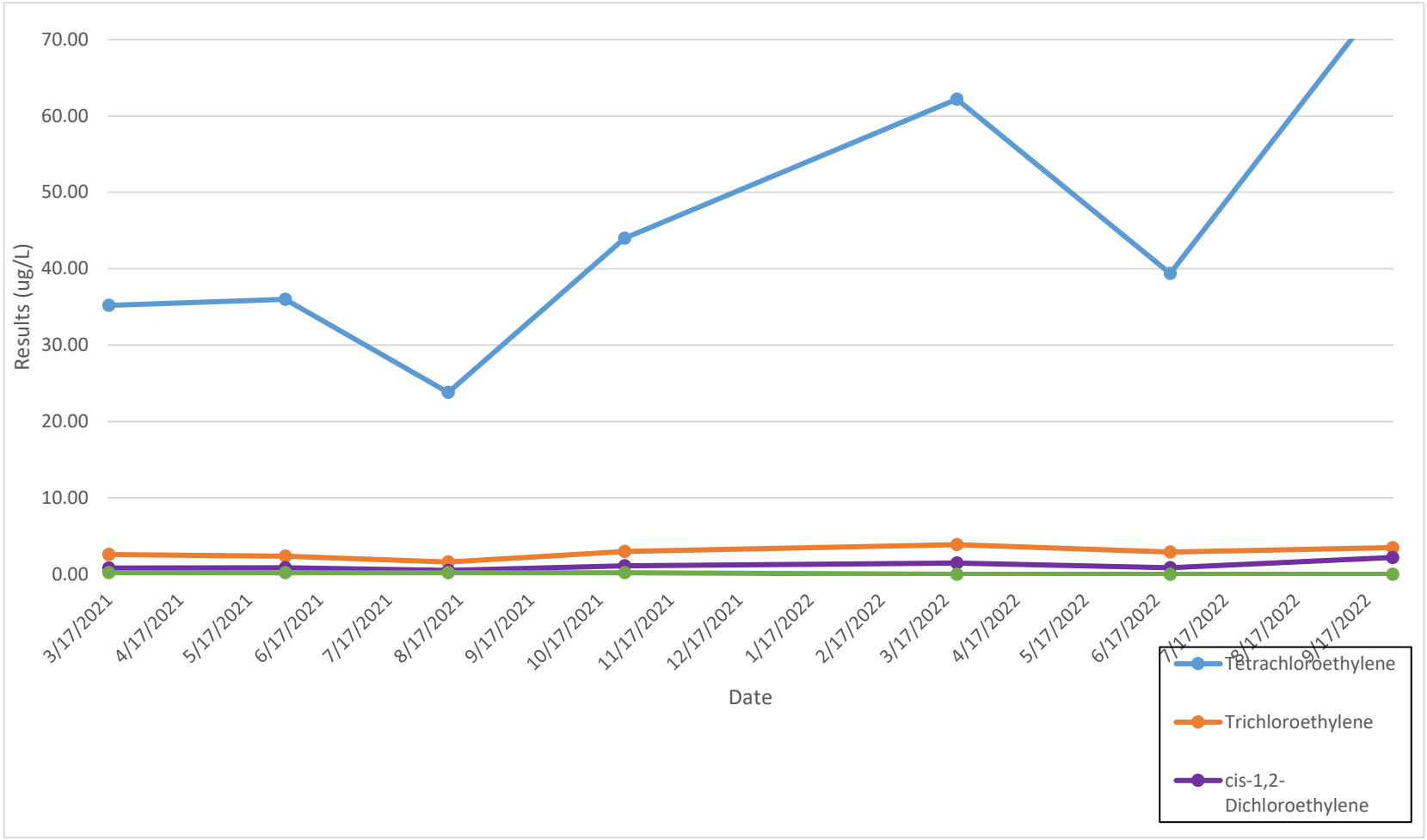
APPENDIX C

Graphical Representation of Historical Groundwater Data

MW-10
Graphical Representation of
Historical Groundwater Data for
1888 Bathgate Avenue, Bronx, NY 10457
May, 2018 - December 2020

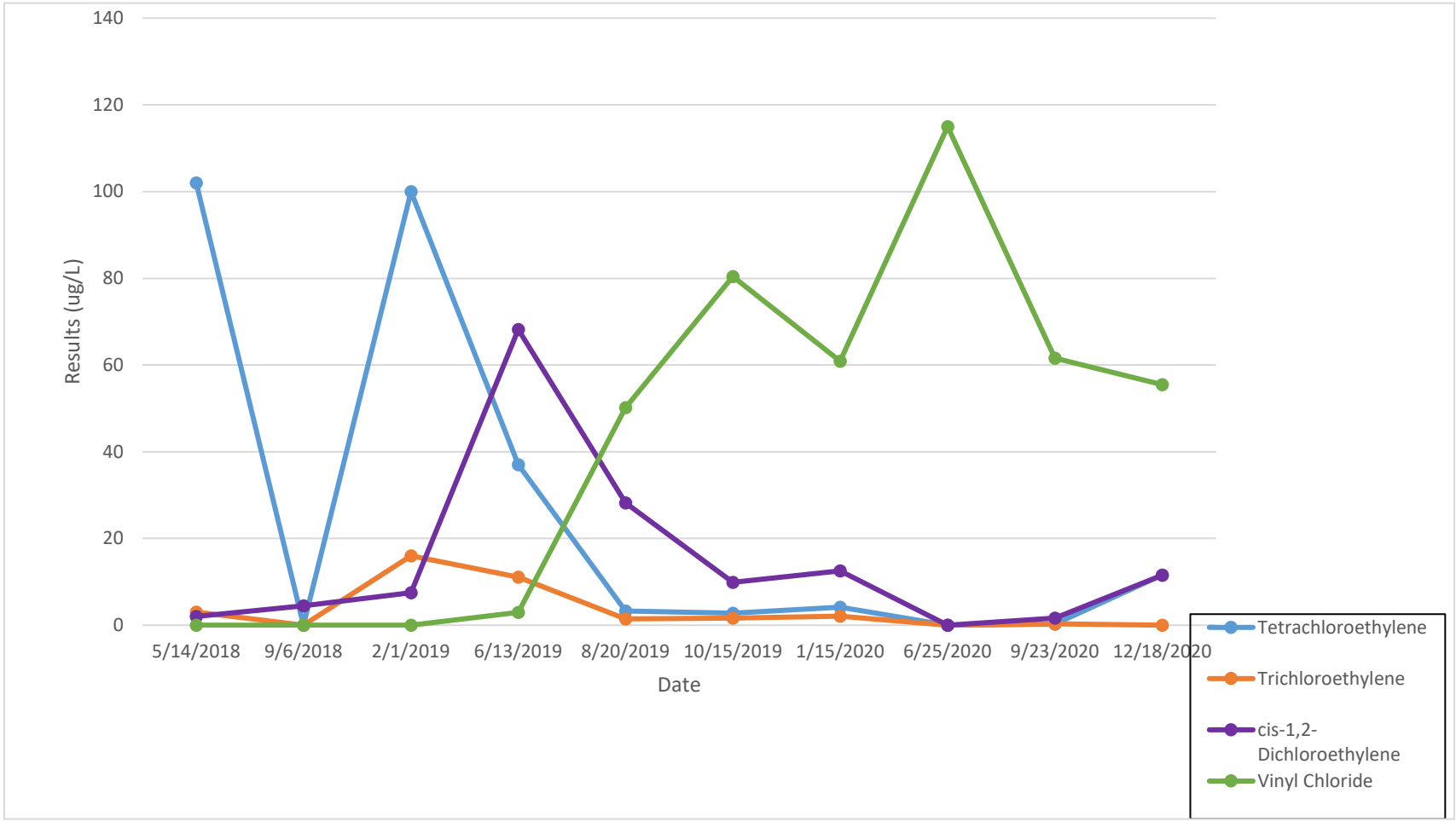


MW-10
Graphical Representation of
Historical Groundwater Data for
1888 Bathgate Avenue Bronx, NY 10457
March 2021- Present



MW-11

Graphical Representation of
Historical Groundwater Data for
1888 Bathgate Avenue Bronx, NY 10457
May, 2018 - December, 2020



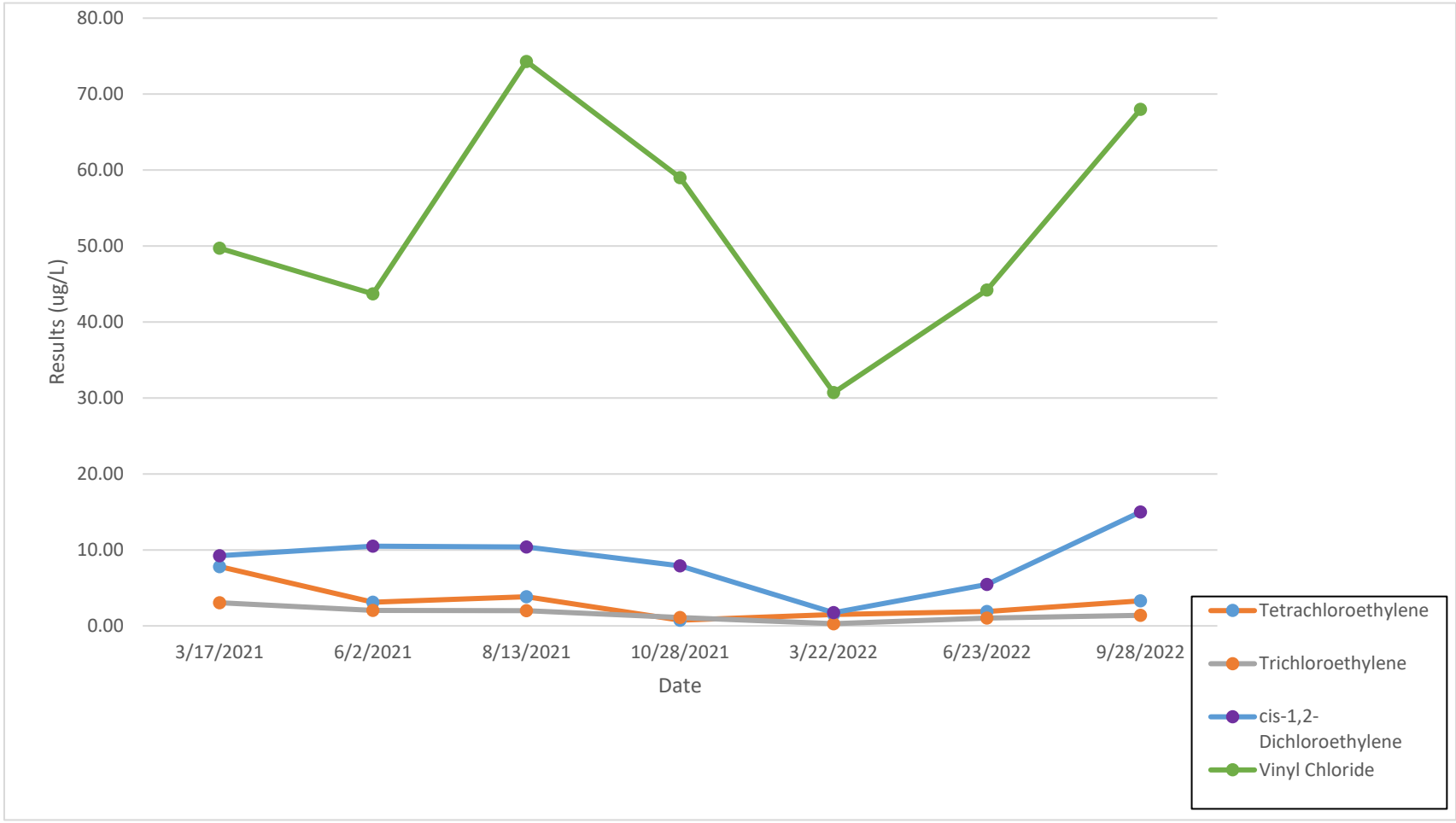
NYSDEC TOGS
Standards and Guidence Values

Tetrachloroethylene-5 ug/L
Trichlorothylene- 5 ug/L
Cis-1,2-Dichloroethylene- 5 ug/L
Vinyl Chloride- 2 ug/L

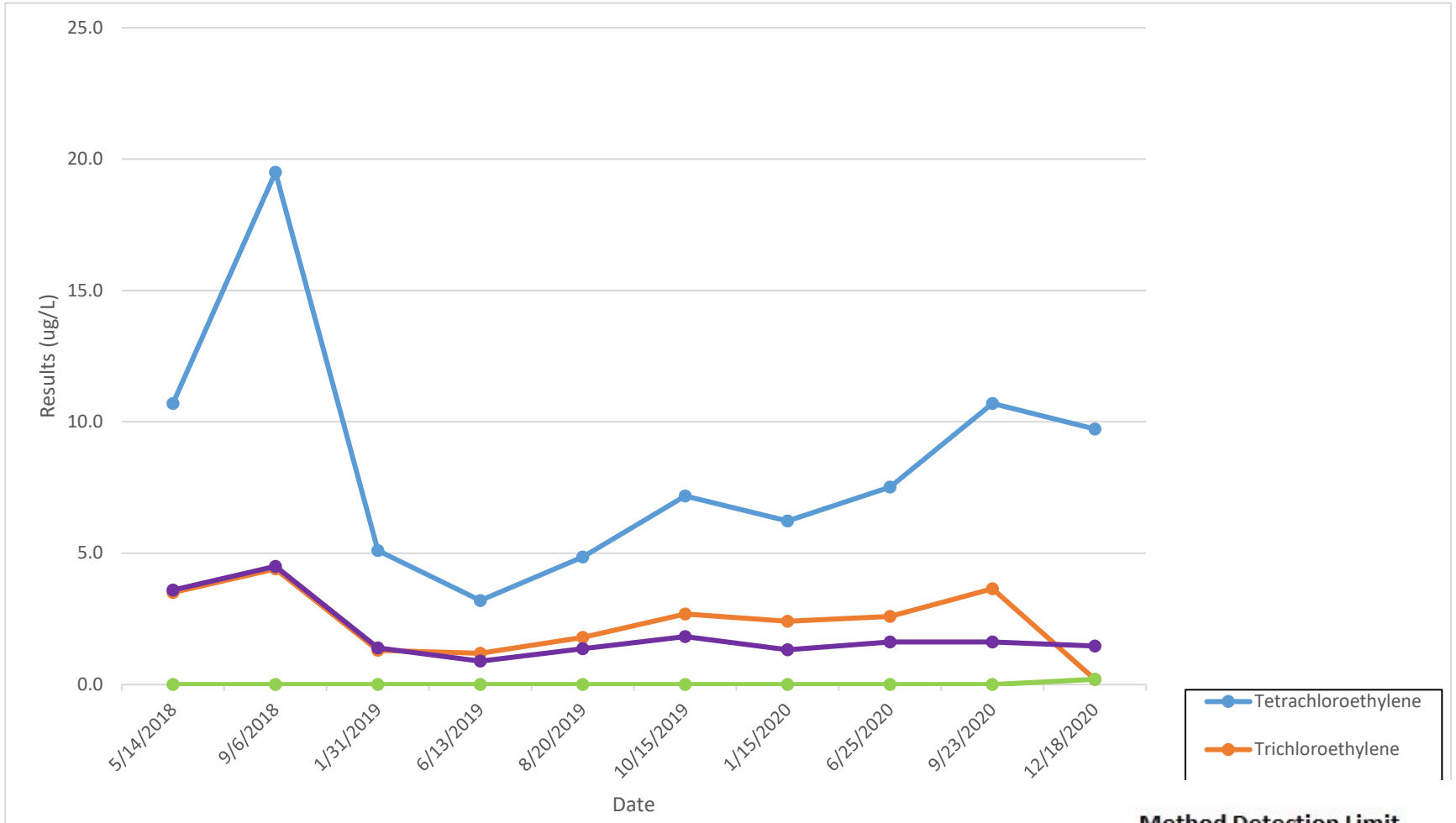
Method Detection Limit

Tetrachloroethylene-0.200 ug/L
Trichlorothylene- 0.200 ug/L
Cis-1,2-Dichloroethylene- 0.200 ug/L
Vinyl Chloride- 0.200 ug/L

MW-11
Graphical Representation of
Groundwater Data for
1888 Bathgate Avenue Bronx, NY 10457
March, 2021 - Present



MW-12
Graphical Representation of
Historical Groundwater Data for
1888 Bathgate Avenue Bronx, NY 10457
May, 2018- December 2020



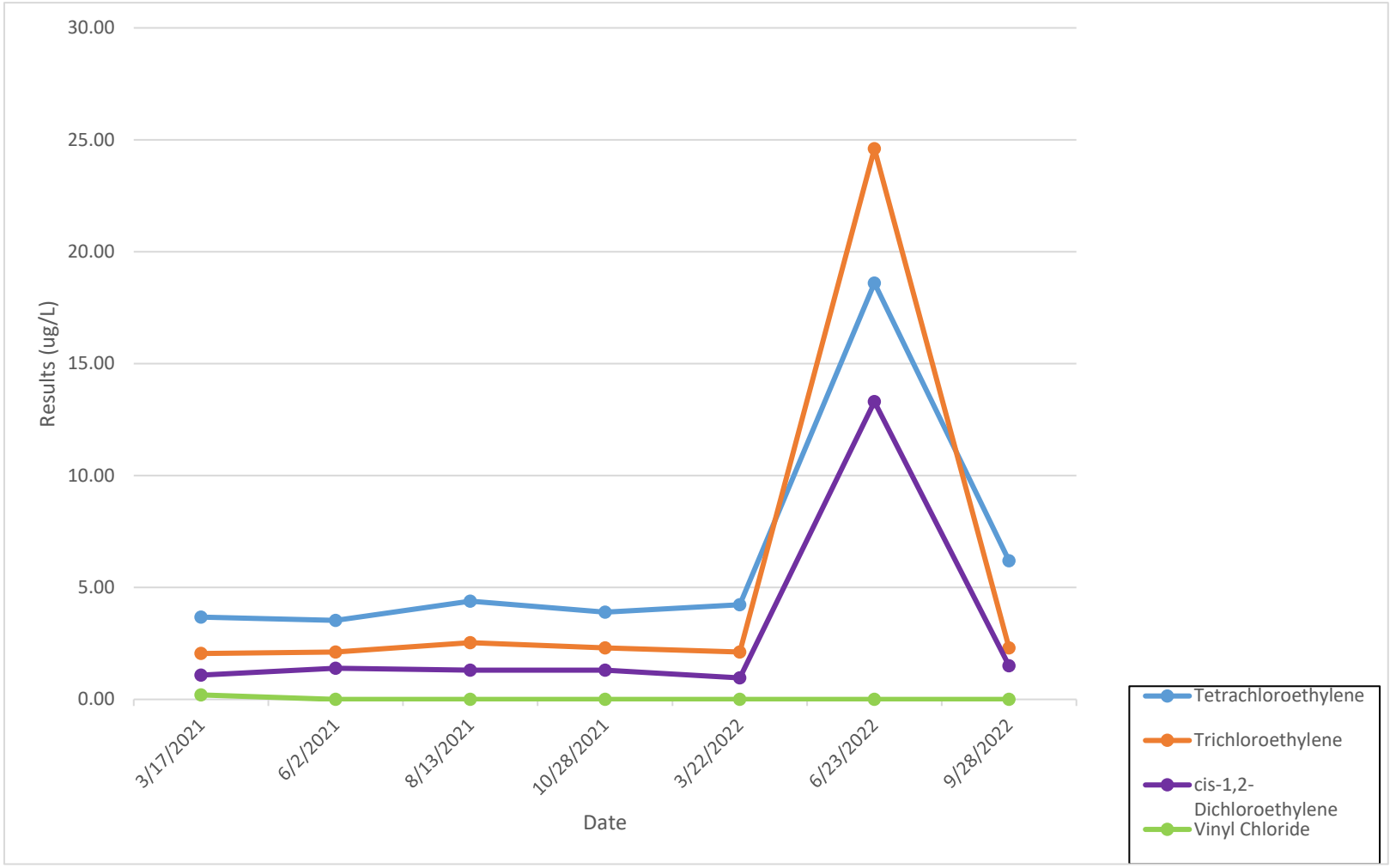
NYSDEC TOGS
Standards and Guidence Values

Tetrachloroethylene-5 ug/L
Trichlorothylene- 5 ug/L
Cis-1,2-Dichloroethylene- 5 ug/L
Vinyl Chloride- 2 ug/L

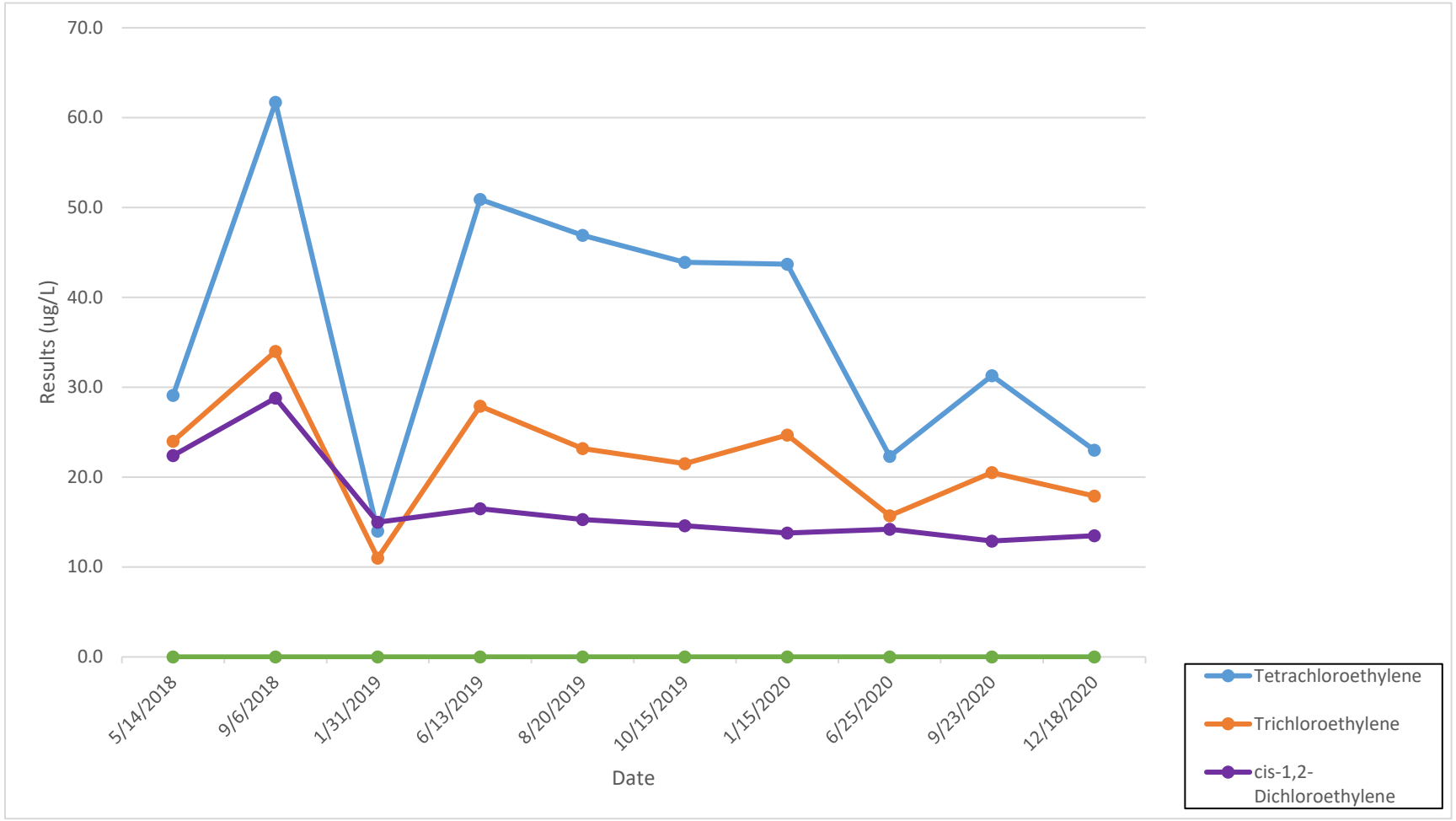
Method Detection Limit

Tetrachloroethylene-0.200 ug/L
Trichlorothylene- 0.200 ug/L
Cis-1,2-Dichloroethylene- 0.200 ug/L
Vinyl Chloride- 0.200 ug/L

MW-12
Graphical Representation of
Historical Groundwater Data for
1888 Bathgate Avenue Bronx, NY 10457
March, 2021 - Present



MW-13
Graphical Representation of
Historical Groundwater Data for
1888 Bathgate Avenue Bronx, NY 10457
May, 2018 - December 2020



NYSDEC TOGS
Standards and Guidence Values

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Trichlorothylene- 5 ug/L
Cis-1,2-Dichloroethylene- 5 ug/L
Vinyl Chloride- 2 ug/L

Method Detection Limit

Tetrachloroethylene-0.200 ug/L
Trichlorothylene- 0.200 ug/L
Cis-1,2-Dichloroethylene- 0.200 ug/L
Vinyl Chloride- 0.200 ug/L

MW-13
Graphical Representation of
Historical Groundwater Data for
1888 Bathgate Avenue Bronx, NY 10457
March, 2021- Present