

**1888 Bathgate Avenue Redevelopment Site
Bronx, New York**

**Periodic Review Report
Reporting Period
February 11, 2023 to February 11, 2024**

NYSDEC Site Number: C203088

Prepared for:
NYSDEC Region 2
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On Behalf Of:
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April 12, 2024

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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, 2022 to February 11, 2023, was submitted and approved by the NYSDEC in a letter dated May 25, 2023.

This Periodic Review Report (PRR) covers the period from February 11, 2023 to February 11, 2024. It summarizes the effort undertaken to optimize the approved remedy for the site as detailed in the Remedial System Optimization Report dated April 20, 2023 and approved May 25, 2023.

The initial ISCO remedy to treat impacted groundwater at the site has made improvements in groundwater quality but concentrations of some chlorinated volatile organic compounds (CVOCs) had remained above applicable standards in some wells. In September 2023, bioremediation was implemented by injecting nutrients into the wells to increase the concentrations of the Dehalococcoides (DHC) bacteria in the groundwater at the Site. The DHC bacteria - through anaerobic biodegradation - is an effective reductive dichlorination agent in reducing the CVOCs ultimately to ethene. The groundwater at the site was sampled on February 14, 2024 and the results demonstrated a reduction in the concentrations of all the CVOCs in all the wells.

This PRR 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 remain in place as specified in the December 2018 Site Management Plan and are protective of human health and the environment.

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 initial remedial actions in 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 Additional Remedy September 2023

Bacterial sampling was conducted on March 1, 2023 for the evaluation of the dehalococcoides (DHC) bacteria in groundwater in monitoring wells MW-11 and MW-13. The DHC bacteria - through anaerobic biodegradation - is an effective reductive dechlorination agent in reducing CVOCs ultimately to ethene. The analytical results indicated that the DHC bacteria was present in the groundwater and can be augmented to induce a faster bioremediation and degradation of the CVOCs. The concentration of the DHC bacteria in the groundwater sample collected from

MW-11 was measured at 179 cells per milliliter (cells/mL) and in the groundwater sample collected from MW-13 at 1.65 cells/mL. As a nutrient to increase the DHC concentration, 52 gallons of EOS Pro, an emulsified vegetable oil, provided by Redox Tech was mixed with 110 gallons of potable and groundwater water and was pumped into each of the four groundwater monitoring wells on September 11-12, 2023.

On February 14, 2024, groundwater was sampled from all four monitoring wells and the results indicate a substantial decrease in the CVOCs. Details of the results are 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 Bioremediation Groundwater Treatment Program

Bioremediation was approved as a Remedial System Optimization remedy to address residual concentrations in the groundwater. As a nutrient to increase the DHC concentration, 52 gallons of EOS Pro, an emulsified vegetable oil, provided by Redox Tech was mixed with 110 gallons of potable and groundwater water and was pumped into each of the four groundwater monitoring wells on September 11-12, 2023.

3.2.3 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.

3.2.3.1 Groundwater Treatment Program

The in-situ treatment program (whether ISCO or bioremediation) for groundwater will not be discontinued unless prior written approval is granted by the NYSDEC. In the event that monitoring data indicates that the 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 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 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.

3.2.3.2 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 were present in the samples collected from the monitoring wells following the initial remedy. During the reporting period (February 11, 2023 to February 11, 2024), and after the bioremediation implementation in September 2023, the concentrations of the CVOCs were dramatically reduced from the last groundwater sampling event conducted on September 28, 2022. The analytical results from the February 14, 2024 groundwater sampling event are presented in the attached **Table 1**. However, some compounds have emerged from the fermentation of the emulsified vegetable oil (EVO) used to enhance intrinsic bioremediation. The laboratory analyses reported the presence of acetone, 2-butanone, 2-hexanone and toluene at concentrations exceeding standards. Analytical laboratory data is included in the 1QT24 groundwater sampling report submitted separately. Most of the CVOCs that have been monitored since the initial groundwater sampling on March 14, 2018 were reduced to non-detectable levels, with the exception of cis-1,2 dichloroethylene and 1,2-dichloroethane which remain slightly above the TOGS 1.1.1 value of 5 µg/L in monitoring well MW-13. 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**.

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:	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> 1. Groundwater Treatment Program (In-situ chemical oxidation and bioremediation)
Monitoring:	<ol style="list-style-type: none"> 1. Post-remedial groundwater monitoring and sampling quarterly for one year.
Reporting:	<ol style="list-style-type: none"> 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.

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 most recent post-remedial groundwater sampling events (February 2024), the concentrations of the CVOCs was dramatically reduced. 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, and in situ treatment for groundwater 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” gases or wastes.

8.0 Cost Evaluation

The annual cost for the required monitoring is approximately \$40,000 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.

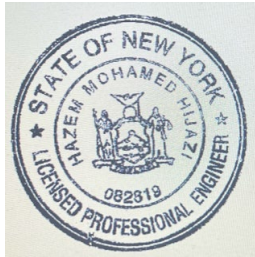
Based on the evaluation of the performance, effectiveness, and protectiveness of the remedy during the current reporting period, and as detailed in the preceding sections, the institutional and engineering controls appear to remain in place as specified in the December 2018 Site Management Plan for the Site. The in-situ remedies to treat impacted groundwater at the site have made tremendous improvements in the groundwater quality in the wells.

It is recommended that continued quarterly groundwater monitoring be implemented this year to evaluate groundwater quality. It is also recommended that site management continue per the December 2018 Site Management Plan.

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.



A handwritten signature in blue ink that reads "Hazem Hijazi".

April 12, 2024

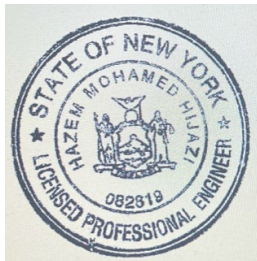
Hazem M. Hijazi, PE
NY PE #082819

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.

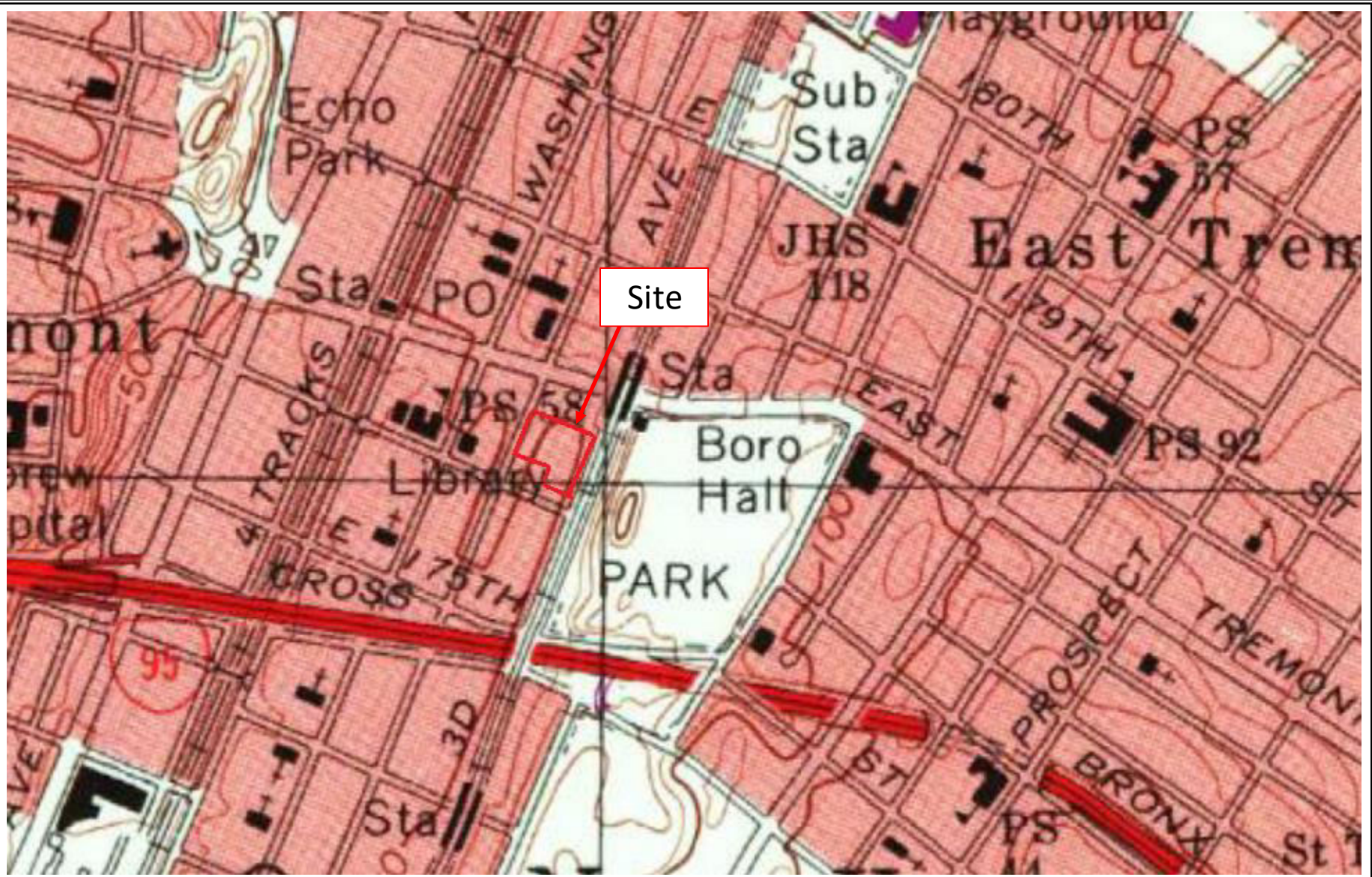


April 12, 2024



Hazem M. Hijazi, PE
NY PE #082819

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

FIGURES





-  Project Site Location
-  Groundwater Monitoring Wells (Approximate Locations)



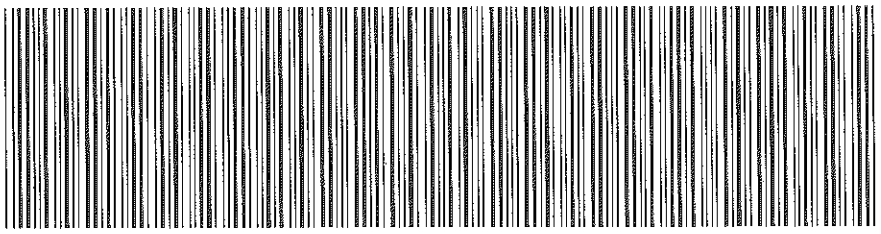
TABLES

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.



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RECORDING AND ENDORSEMENT COVER PAGE

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PRESENTER:
CHICAGO TITLE INSURANCE CO. (PICK-UP)
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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

FEEES AND TAXES

Mortgage :		Filing Fee:	
Mortgage Amount:	\$ 0.00		\$ 100.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 0.00
Exemption:		NYS Real Estate Transfer Tax:	\$ 0.00
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		

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OF THE CITY REGISTER OF THE
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Janette McHill

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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.

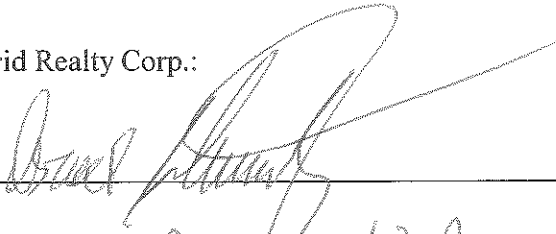
10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

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.

Remainder of Page Intentionally Left Blank

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

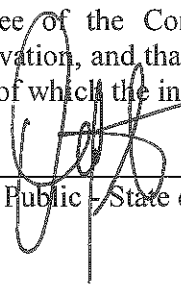
THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

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.

APPENDIX B
IC/EC Certification 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, 2023 to February 11, 2024			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.			
<hr style="width: 80%; margin: 0 auto;"/> Signature of Owner, Remedial Party or Designated Representative		<hr style="width: 80%; margin: 0 auto;"/> 4/11/24 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?

 YES NO

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)

 YES NO

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**ParcelOwnerInstitutional 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**ParcelEngineering 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.

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 complete.

YES NO

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

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

4/11/24

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 at 48-02 25th Ave, Suite 400, Astoria 11103,
print name print business address

am certifying as Designated Representative (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

4/11/24
Date

EC CERTIFICATIONS

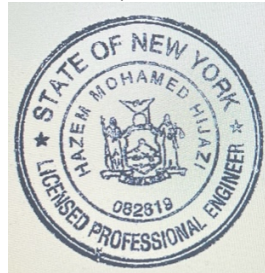
Box 7

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)



4/12/24

Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification

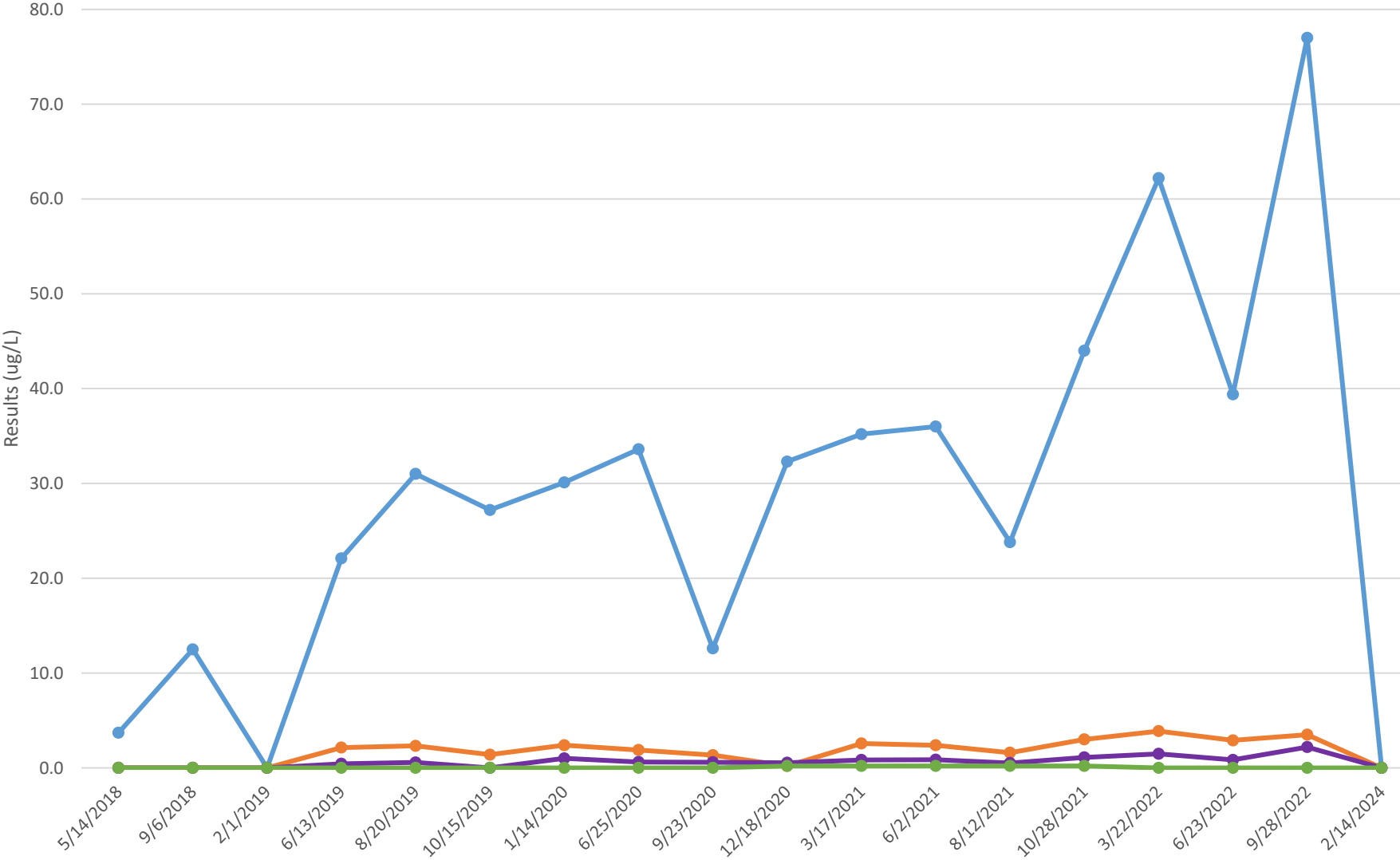
Stamp (Required for PE)

Date

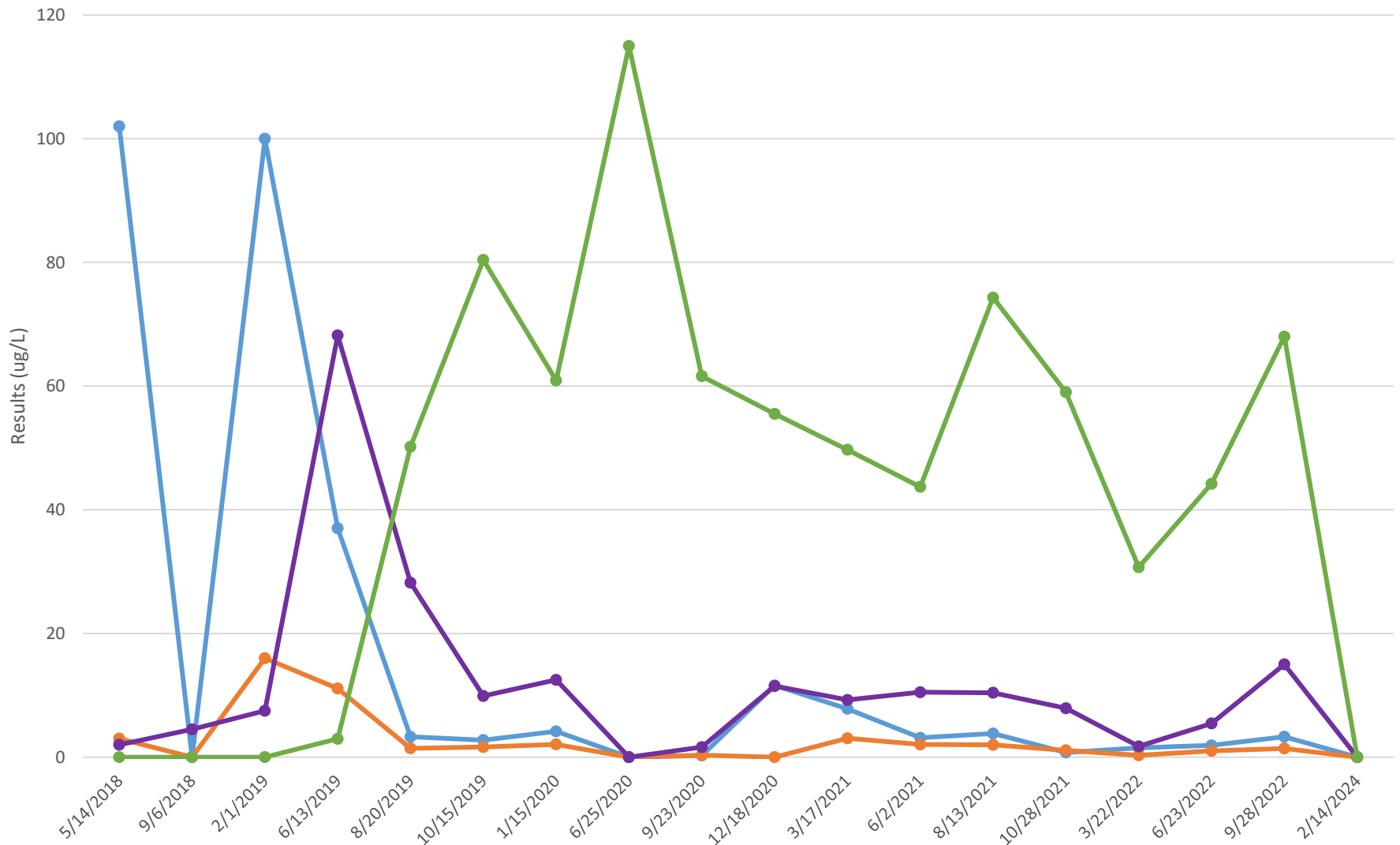
APPENDIX C

Graphical Representation of Historical Groundwater Data

MW-10



MW-11



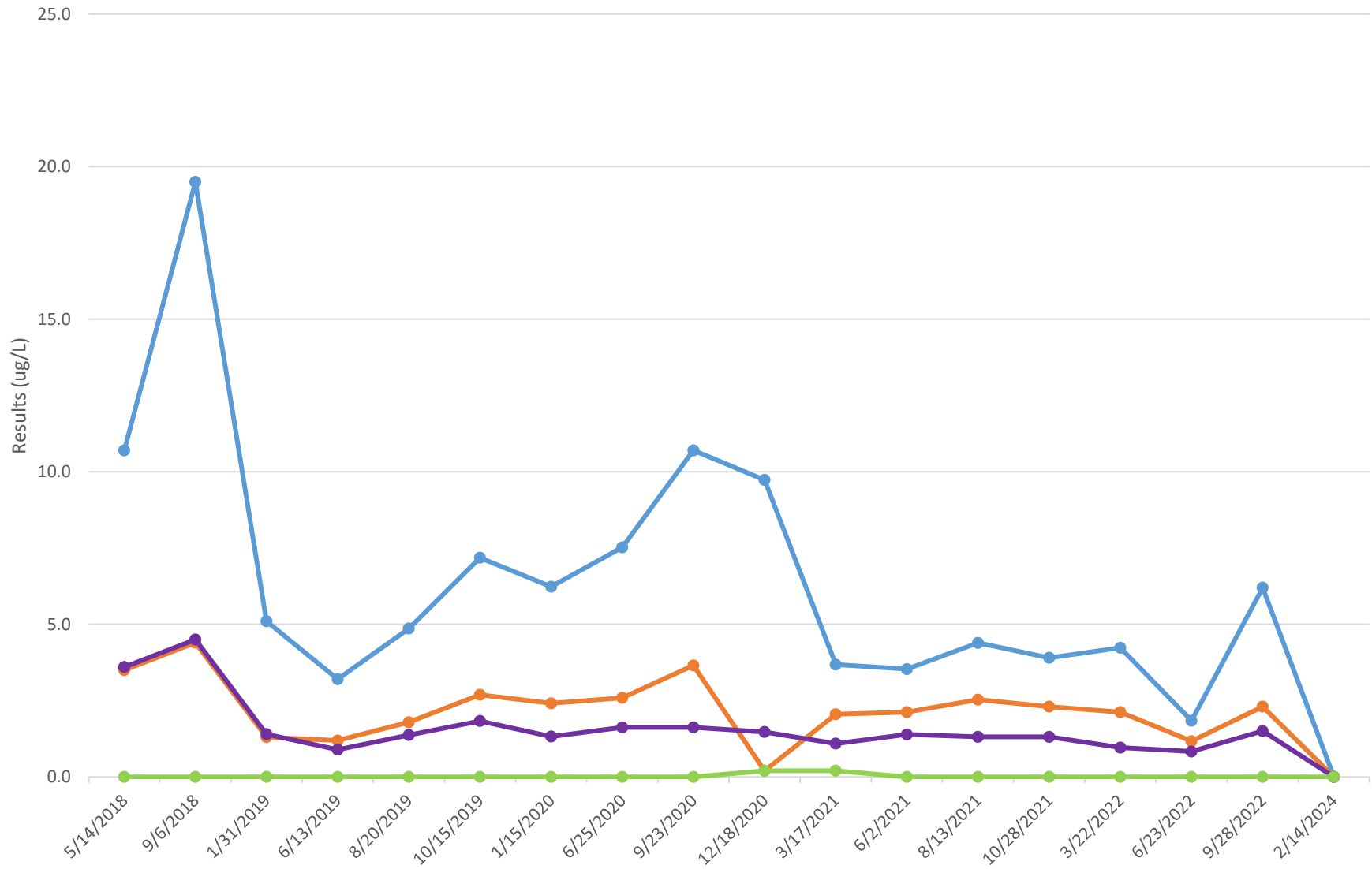
PCE

TCE

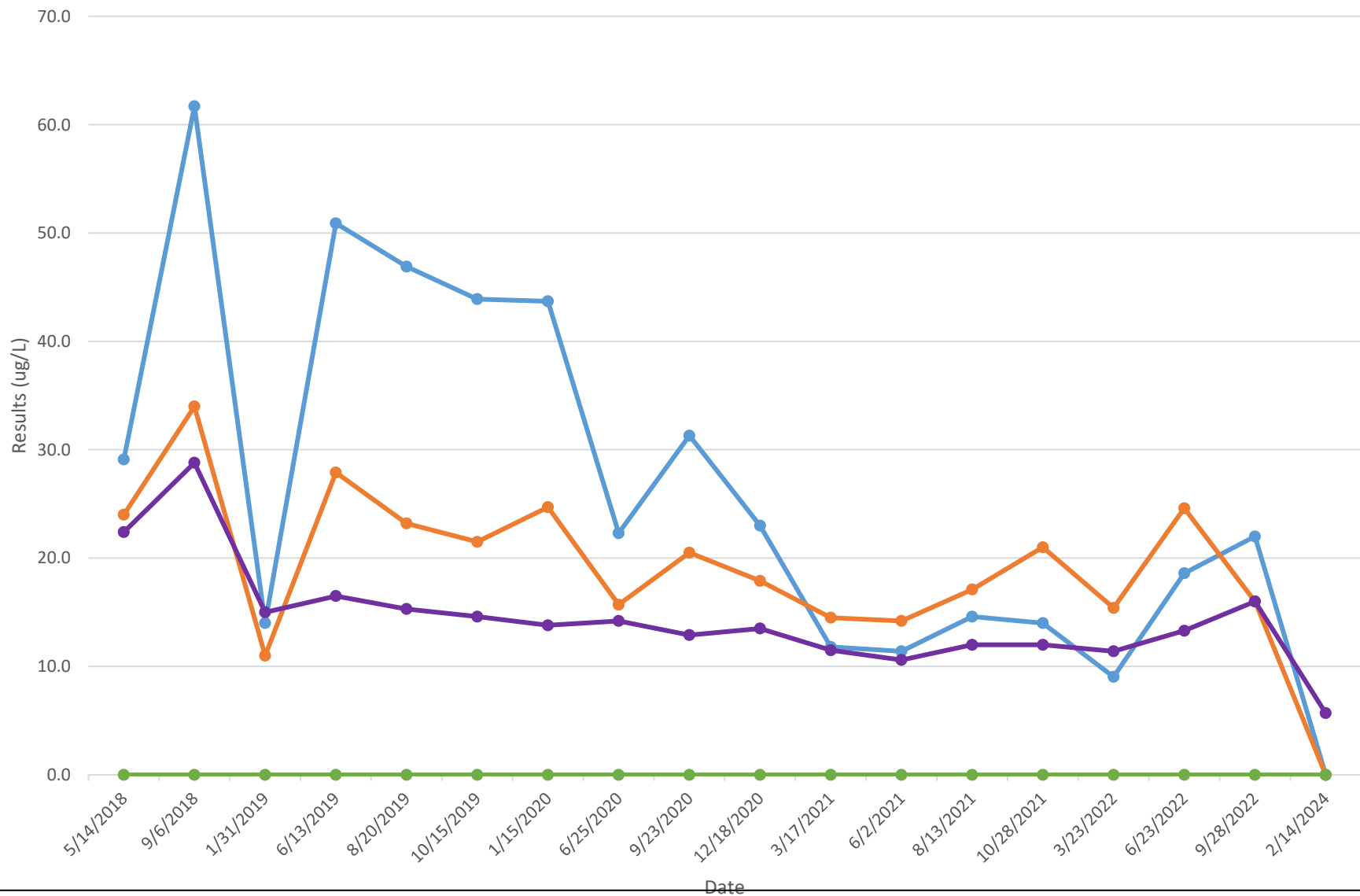
cis-1,2-DCE

Vinyl Chloride

MW-12



MW-13



—●— PCE

—●— TCE

—●— cis-1,2-DCE

—●— Vinyl Chloride