



Via Federal Express and Electronic Mail

August 20, 2025

Craig Livingston
Blondell Equities LLC
477 Madison Ave, 6th Floor
New York, NY 10022
clivingston@exactcapital.com

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GZA Geoenvironmental of New York
104 West 29th Street, 10th Floor
New York, NY 10001
Victoria.whelan@gza.com

Karen G. Tyll
Tyll Engineering & Consulting, P.C.
169 Commack Road, Suite H173
Commack, NY 11725
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NOTICE OF VIOLATION

**Re: Former Boyle Auto Wreckers, Inc.
Site No: C203089
Bronx, Bronx County**

Dear Craig Livingston, Victoria Whelan, and Karen Tyll,

As you know, Blondell Equities LLC (the “Applicant”) and the New York State Department of Environmental Conservation (“NYSDEC”) executed a Brownfield Cleanup Agreement (Index # C203089-04-17), (the “Agreement”), relative to the Former Boyle Auto Wreckers, Inc. site (the Site) on August 18, 2017.

This letter is sent to notify the Applicant, GZA Geoenvironmental of New York (GZA) and Tyll Engineering & Consulting, P.C. (environmental consultant and Engineer of Record, respectively) that the following actions and omissions at the Site constitute violations of the New York State Environmental Conservation Law (“ECL”) and the regulations promulgated thereto, potentially subjecting the Applicant to enforcement by NYSDEC. These actions and omissions were documented in the draft Final Engineering Report (FER) dated March 2025, and are detailed below:

- The draft FER submitted to NYSDEC by GZA made reference to in-situ chemical oxidation (ISCO) treatment in the western area of the site as a means of addressing petroleum-related volatile organic compounds (VOCs) in soil. This work was not included in an approved work plan.
 - A Remedial Design Work Plan (RDWP) was approved by NYSDEC on May 28, 2024, for the application of an in-situ chemical oxidation (ISCO) soil amendment to address minor residual semi-volatile organic compound (SVOC) contamination, specifically polyaromatic hydrocarbons (PAHs), in soil below the water table. Associated confirmation soil samples collected at the vertical “limits of excavation” were reported with PAH concentrations above applicable Protection of Groundwater Soil Cleanup objectives (PGW SCOs), specifically within the eastern portion of the sitewide excavation.
 - The in-situ treatment of this material rather than removal via excavation was considered a minor change in remedy as detailed in a DEC Memorandum (“Memo”) dated October 16, 2024. Both the RDWP and Memo were specific to SVOCs/PAHs in the eastern portion of the site and made no reference to the treatment of either VOCs or the western area of the site.
 - In an email dated August 14, 2024 to both GZA and Tyll Engineering & Consulting, P.C., NYSDEC indicated that a separate work plan would be required should the need arise to address any petroleum-related VOC contamination exceeding applicable PGW SCOs by means other than excavation, since this was not part of the May 2024 RDWP. Although there was no soil analytical data indicating a residual petroleum-related VOC issue at this time, petroleum-related VOCs were identified as contaminants of concern in the September 2019 Decision Document.
 - The draft FER and appended daily field reports for the remedial action are unclear on the location, timeline and rationale of the unapproved ISCO application. For example, there is no information regarding the application of ISCO soil amendment for end points EP-17, 18, 30, and 31 in the associated daily work reports, nor was a narrative provided in the draft FER.
- Confirmation soil samples presented in the draft FER show petroleum-related VOC contamination in soil exceeding applicable PGW SCOs, thereby not achieving the Remedial Action Objectives (RAOs) in the September 2019 Decision Document for both groundwater and soil. Post-remedial groundwater sampling results included in the FER indicate elevated levels of these same VOCs in groundwater. Petroleum-related VOCs remain on-site and continue to be detected in groundwater at elevated concentrations and are migrating off-site via the contaminated groundwater.

- Although not included in the body of the FER report, the daily reports appended to it indicate forms and rebar were installed in the western and northwestern portions of the site for the building foundation slab, foundation footings, and first floor slab from August 27 through October 8, 2024. On October 9, 2024, concrete was poured for the foundation slab in the western portion of the site making the remaining VOC contamination in soil inaccessible.

Violations

1. The Applicant violated 6 NYCRR 375-1.6(a)(2) by failing to submit for Department review and approval a work plan for ISCO treatment in the western area of the Site to address petroleum-related VOCs.
2. The Applicant violated 6 NYCRR 375-1.6(a)(1)(i) by conducting ISCO treatment in the western area of the Site to address petroleum-related VOCs in soil without an approved work plan.
3. The Applicant violated 6 NYCRR 375-1.11(b)(2)(i) by engaging in activities reasonably anticipated to interfere significantly with the remedial program at the site, specifically by constructing the foundation slab, preventing further excavation and/or treatment and allowing source material (VOCs) to remain on-site in soil, thereby not achieving RAOs for soil and groundwater and resulting in contaminated groundwater migrating off site.

Pursuant to ECL § 71-2705, any person who violates any of the provisions of, or who fails to perform any duty imposed by Article 27, Title 13 or any rule or regulation promulgated thereto, may be liable for penalties of up to \$37,500 per day per violation.

In addition, pursuant to 6 NYCRR 375-3.5(c) the Department may seek to terminate the Agreement for failure to comply with the terms thereof.

AN ADMINISTRATIVE SETTLEMENT CONFERENCE has been set for September 18, 2025, at 10:00 A.M. via Webex. The log in information for the settlement conference is attached hereto. If you do not attend the settlement conference, the Department's Office of General Counsel staff may institute a formal civil or administrative enforcement proceeding. You will be meeting with an attorney from the Department to discuss settlement and you may bring your own attorney to the settlement conference.

BE ON NOTICE THAT the correction of violations at the Site in no way affects the rights of NYSDEC to seek penalties and other relief in accordance the New York State Environmental Conservation Law and the rules and regulations promulgated pursuant thereto.


Enclosed is a proposed Order on Consent (Order) that you may use to resolve the above identified violations, in lieu of attending the settlement conference referenced above. Please have an authorized person sign, **in front of a notary public**, and date the

appropriate section of the enclosed Order entitled "Consent by Respondent" and return the entire Order. Payment of the penalty may be made by electronic payment at <https://customer.sfs.ny.gov> or with a check or money order in the amount of \$112,500 sent to:

Department of Environmental Conservation
Division of Management and Budget Services
625 Broadway, 10th Floor
Albany, NY 12233-4900

Please provide confirmation of your attendance at the administrative conference described above to Grace Nam, Office of General Counsel at grace.nam@dec.ny.gov within ten (10) days of the date of this letter. If you have any technical questions regarding this matter, please contact NYSDEC's project manager, Daniel Nierenberg at daniel.nierenberg@dec.ny.gov.

Sincerely,



Sarah Quandt, P.E.
Chief, Remedial Section C
Remedial Bureau B

ec: A. Guglielmi, NYSDEC
J. Brown, NYSDEC
G. Nam, NYSDEC
L. Schmidt, NYSDEC
J. O'Connell, NYSDEC Region 2
S. Deyette, NYSDEC
D. Nierenberg, NYSDEC
J. Deming, NYSDOH
S. Berninger, NYSDOH
Lawrence Schnapf, Schnapf LLC, larry@schnapflaw.com

Webex Login Information

ADMINISTRATIVE SETTLEMENT CONFERENCE - Former Boyle Auto Wreckers, Inc. (C203089)

10:00 AM - 11:00 AM Thursday, September 18, 2025

Join from the meeting link

<https://meetny-gov.webex.com/meetny-gov/j.php?MTID=m87272f76b59f78d64e5fbb57d417926a>

Meeting number:

2820 320 1348

Password:

gPP8MxH6cE3

Join by phone

+1-929-251-9612 United States Toll (New York City)

+1-415-527-5035 United States Toll

Access code: 2820 320 1348

New York State Department of Environmental Conservation

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In the Matter of Violations of Article 27 of the
Environmental Conservation Law and Part 375, et seq., of
Title 6 of the Official Compilation of Codes, Rules and
Regulations of the State of New York

**CONSENT
ORDER**

By:

**NYSDEC Case No.
R2-202XYZAB-CDE**

BLONDELL EQUITIES LLC,

Respondent.

-----X
WHEREAS:

Jurisdiction

1. The New York State Department of Environmental Conservation (the "Department") is an Executive Agency of the State of New York (the "State") with jurisdiction over the environmental policy and programs of the State pursuant to the provisions of the New York State Environmental Conservation Law ("ECL") and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR" or the "Regulations");

2. The Department is responsible for the administration of the development and implementation of remedial programs, like the Brownfield Cleanup Program, pursuant to Article 27 of the ECL, and the regulations promulgated thereunder, i.e., 6 NYCRR 375; and

3. This Order on Consent (the "Order") is issued in accordance with the Department's enforcement authority pursuant to ECL Articles 3 and 71.

Parties

4. Respondent BLONDELL EQUITIES LLC (the "Respondent") is a domestic limited liability companies that maintain a place of business at 477 Madison Avenue, 6th Floor, New York, NY 10022; has a service of process address at 641 Lexington Avenue, 13th Floor, New York, NY 10022; and is defined as a "person" pursuant to 6 NYCRR Part 375-1.2(ag).

5. Respondent is currently a Volunteer in the New York State's Brownfield Cleanup Program ("BCP"), as defined in ECL 27-1405(1)(b) and 6 NYCRR 375-3.2(c)(2).

Facts

6. On August 18, 2017, Respondent and the Department executed a Brownfield Cleanup Agreement, Index No. C203089-04-17 (the "Agreement") for the Former Boyle Auto Wreckers, Inc. site, located at 1346 Blondell Avenue, Bronx, NY 10461 (the "Site").

7. At all relevant times, under the Agreement, Respondent was responsible for investigation, remediation and site management activities at the Site.

8. In March 2025, Respondent submitted a draft Final Engineering Report ("FER") as required by the Agreement.

9. Upon review of the draft FER, Department staff determined that Respondent conducted in-situ chemical oxidation ("ISCO") treatment in the western area of the Site to address petroleum-related volatile organic compounds ("VOCs") in the soil without Department approval.

10. Upon review of the draft FER, Department staff also determined the following:

- a. The remedy is incomplete, due to source material not being fully addressed and remaining on-site. The source material is impacting groundwater, which is migrating off-site.
- b. A concrete foundation has been constructed over the source area, rendering the remaining contamination inaccessible.

11. Petroleum-related VOCs remain on-Site at concentrations above Department standards, continue to be detected in groundwater, and are migrating off-site via the contaminated groundwater.

Provisions of Law

12. Pursuant to Title 14 of Article 27, the New York State legislature found that there are thousands of abandoned and likely contaminated properties that threaten the health and vitality of the communities they burden, and that these sites, known as brownfields, are also contributing to sprawl development and loss of open space. It was therefore declared that, to advance the policy of the state of New York to conserve, improve, and protect its natural resources and environment and control water, land, and air pollution in order to enhance the health, safety, and welfare of the people of the state and their overall economic and social well-being, it was appropriate to adopt this Act to encourage persons to voluntarily remediate brownfield sites for reuse and redevelopment by establishing within the department a statutory program to encourage cleanup and redevelopment of brownfield sites. All remedies shall be fully protective of public health and the environment including, but not limited to, groundwater according to its

classification pursuant to section 17-0301 of this chapter. A remedial program that achieves a permanent cleanup of a contaminated site, including the restoration of groundwater to its classified use, is to be preferred over a remedial program that does not do so. It was the intent of the legislature that the provisions of the brownfield cleanup program shall not be construed as limiting or otherwise affecting any authority conferred upon the department by any other provision of law.

13. Pursuant to 6 NYCRR 375-1.6(a)(1)(i), promulgated pursuant to Title 13 and 14 of Article 27, all work plans shall: (i) be prepared and implemented in accordance with the requirements of all applicable laws, rules and regulations.

14. Pursuant to 6 NYCRR 375-1.6(a)(2), promulgated pursuant to Title 13 and 14 of Article 27, a proposed work plan shall be submitted for Department review and approval, as set forth in subdivision (d) of this section, and shall include, at a minimum, a schedule for performance of anticipated activities with sufficient detail to allow the department to evaluate that work plan.

15. Pursuant to 6 NYCRR 375-1.11(b)(2)(ii), promulgated pursuant to Title 13 and 14 of Article 27, it is a violation to engage in any activity that will, or that is reasonably: (i) anticipated to, prevent or interfere significantly with any proposed, ongoing, or completed remedial program at any site; or (ii) foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage at any site.

Violations

16. Respondent violated 6 NYCRR 375-1.6(a)(2) by failing to submit for Department review and approval a work plan for ISCO treatment in the western area of the Site to address petroleum-related VOCs.

17. Respondent violated 6 NYCRR 375-1.6(a)(1)(i) by engaging in an activity without the approval of a detailed work plan i.e. in-situ chemical oxidation treatment in the western area of the Site to address petroleum-related VOCs in the soil.

18. Respondent violated 6 NYCRR 375-1.11(b)(2)(i) by engaging in activities that were reasonably anticipated to interfere significantly with any proposed, ongoing or completed remedial program at the Site i.e. constructing a foundation slab at the Site that was not approved by the Department, which prevents further excavation and/or treatment of contamination source materials (VOCs) in the soil and has resulted in contaminated groundwater migrating off-Site.

19. In settlement of Respondent's liability for the aforesaid violations, Respondent admits the violation set forth herein, waives their rights to a hearing as provided by law, and consents to the issuing and entering of this Order on Consent pursuant to the provisions of ECL Articles 27 and 71, and agrees to be bound by the

provisions, terms, and conditions herein. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order and agrees not to contest the validity of this Order or its terms.

NOW, having considered this matter and being duly advised, it is **ORDERED** that:

I. Civil Penalty. In settlement of the violations set forth above, Respondent is assessed a total civil penalty in the amount of **ONE HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$112,500)**, to be paid as follows:

A. Payable Penalty: **ONE HUNDRED THOUSAND FIVE HUNDRED DOLLARS (\$112,500)** shall be paid within 30 days of the Department's execution of this Order, by electronic payment at <https://customer.sfs.ny.gov> or by check made payable to the order of the "New York State Department of Environmental Conservation," with the Case Number of this Order on Consent written in the memo section of the check, which shall be sent to the Department of Environmental Conservation, Division of Management and Budget Services, 625 Broadway, 10th Floor, Albany, NY, 12233-4900.

B. Payments under this Order on Consent, along with any applicable submissions, shall be sent to:

New York State Department of Environmental Conservation
Division of Management and Budget Services
625 Broadway, 10th Floor
Albany, NY 12233-4900.

II. Corrective Action. The Respondent must submit a work plan detailing how they will prevent on-site groundwater contamination from further migrating off-site. The proposed work will result in an Explanation of Significant Difference ("ESD") letter from the Department with a 30-day public comment period. Respondent must document the corrective action in the Final Engineering Report ("FER") as required by the Agreement.

Submissions required by this Section II of the Order shall be made by e-mail to Daniel Nierenberg (Daniel.nierenberg@dec.ny.gov), with a copy to Grace Nam at Grace.Nam@dec.ny.gov.

III. Default of Payment. The penalty assessed in this Order constitutes a debt owed to the State of New York. Failure to pay the assessed penalty, or any part thereof, in accordance with the schedule contained in the Order, may result in referral to the New York State Attorney General for collection of the entire amount owed (including the assessment of interest, and a charge to cover the cost of collecting the debt), or referral to the New York State Department of Taxation and Finance, which may offset any tax refund or other monies that may be owed to you by the State of New York by the penalty

amount. Any suspended and/or stipulated penalty provided for in this Order will constitute a debt owed to the State of New York when and if such penalty becomes due.

IV. Scope and Effect of Settlement. This Order shall be in full settlement of all claims for civil and administrative penalties that have been or could be asserted by the Department against Respondent and/or the Consultant, their respective trustees, officers, employees, agents, successors and assigns for the above-referenced violations. This Order shall not be construed as being in settlement of events regarding which the Department lacks knowledge, or which occur after the effective date of this Order. Neither the violations alleged in this Order, nor the Execution of this Order by the Volunteer, shall be used by the Department to terminate the Brownfield Cleanup Agreement referenced above in Paragraph 5 of this Order, or otherwise deny, delay, or condition the issuance to Volunteer of a Certificate of Completion.

V. Reservation of Rights. This Order on Consent does not bar, diminish, adjudicate or in any way affect the Department's rights or authorities, except as set forth in the Order on Consent, including but not limited to, exercising summary abatement powers, recovery of any Natural Resource Damages, the collection of regulatory fees, and requiring the Respondent to undertake any additional measures required for the protection of human health or the environment with respect to other unrelated alleged violations of the ECL and the Regulations.

VI. Access. To allow the Department to monitor or determine compliance with this Order, the Volunteer shall provide Department staff with reasonable access to the Site, or records owned, operated, controlled, or maintained by the Respondent relating to the Site, in order to inspect and/or perform such tests as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility.

VII. Force Majeure. If Respondent cannot comply with a deadline or requirement of this Order on Consent, because of natural disaster, war, terrorist attack, strike, riot, judicial injunction, or other, similar unforeseeable event which was not caused by the negligence or willful misconduct of Respondent and which could not have been avoided by the Respondent through the exercise of due care, Respondent shall apply in writing to the Department within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement. Respondent shall include in such application the measures taken by Respondent to prevent and/or minimize any delays. Failure to give such notice constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to a claim of non-compliance with this Order on Consent pursuant to this subparagraph.

VIII. Default. Respondent's failure to comply substantially and in a commercially reasonable fashion with any material provision, term, or condition of this Order shall

constitute a default and a failure to perform an obligation under this Order and under the ECL, and if Respondent fails to cure any such default, the default shall constitute sufficient grounds for revocation of any permit, license, certification, or approval issued to the defaulting Respondent by the Department.

IX. Communication. Except as otherwise specified in this Order, any reports, submissions, and notices herein required shall be made to:

Grace Nam
NYSDEC Region 2
47-40 21st Street
Long Island City, NY 11101.

X. Modification. No change or modification to this Order will become effective except as specifically set forth in writing and approved by the Commissioner or a duly authorized representative. All modification requests shall be submitted in writing to the Commissioner, or his/her designee. All modification requests shall include the case number, the named Respondent, and an explanation for the request. Any requests to modify a milestone date must be submitted to the Department prior to the milestone date and include a justification for the requested extended timeframe.

XI. Indemnification. Respondent will indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages, and costs of every name and description arising out of or resulting from the acts and/or omissions of Respondent, its trustees, officers, employees, servants, agents, successors, or assigns, resulting from the compliance or attempted compliance with the provisions of this Order.

XII. Binding Effect. The provisions, terms, and conditions of this Order shall be deemed to bind Respondent, their heirs, their employees, servants, agents, successors and assigns, and all persons, firms, and corporations acting subordinate thereto.

XIII. Entirety of Order. The provisions of this Order constitute the complete and entire Order issued to the Respondent, concerning resolution of the violations identified in this Order. Terms, conditions, understandings or agreements purporting to modify or vary any term hereof shall not be binding unless made in writing and subscribed by the party to be bound, pursuant to the Modification paragraph of this Order. No oral or written advice, guidance, suggestion or comment by the Department regarding any report, proposal, plan, specification, schedule, comment or statement made or submitted by the Respondent shall be construed as relieving the Respondent of their obligations to obtain such formal approvals as may be required by this Order.

XIV. Obligations. This Order is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. Unless otherwise allowed by statute

or regulation, Respondent are responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits. Respondent's compliance with this Order on Consent shall be no defense to any action commenced pursuant to any laws, regulations, or permits, except as set forth herein.

XV. Effective Date and Period of Order. The effective date of this Order shall be the date upon which it is signed on behalf of the Department. This Order shall terminate when all requirements imposed by this Order on Consent are completed to the Department's satisfaction.

Dated: ___/___/_____

New York

AMANDA LEFTON
Commissioner
New York State Department of
Environmental Conservation

By: _____

Andrew O. Guglielmi, Director
Division of Environmental Remediation
New York State Department of Environmental
Conservation

CONSENT BY RESPONDENT

Respondent BLONDELL EQUITIES LLC hereby consents to the issuance of the foregoing order, waives its right to a hearing herein, and agrees to be bound by the terms, provisions, and conditions contained herein.

BLONDELL EQUITIES LLC

By [Signature]: _____

Name [Print]: _____

Title: _____

Date: _____

ACKNOWLEDGMENT

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____ 20____, before me personally came to me known, _____, who being by me duly sworn, did depose and say that (s)he resides in _____ that (s)he is the _____ of the company described in, and who executed the foregoing instrument, and acknowledged that (s)he signed his/her name thereto by order of the board of directors of said company.

Notary Public

