

**2455 Third Avenue  
Bronx County, Bronx, New York**

**Periodic Review Report  
December 2022 to April 2024**

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**NYSDEC BCP Site No. C203125**

**Prepared for:**  
E 135 and 3<sup>rd</sup> Avenue Owner, LLC  
c/o Artimus  
316 West 118<sup>th</sup> Street  
New York, New York 10026

**Prepared by:**  
Touchstone Environmental Geology, PC  
1919 Middle Country Road, Suite 205  
Centereach, New York 11720

**DATE:**

April 2024

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## 1.0 INTRODUCTION

On behalf of E 135 and 3<sup>rd</sup> Avenue Owner, LLC, Touchstone Environmental Geology, PC. (Touchstone) has prepared this Period Review Report (PRR) to document the post-remediation activities performed at the 2455 Third Avenue in Bronx, New York (the Site). In preparation of this document, Touchstone. relied on other engineering firms for inspection reports. The Site is managed under the New York State (NYS) Brownfield Cleanup Program (BCP) administered by the New York State Department of Environmental Conservation (NYSDEC) as Site No. C203125, which consists of Block 2319, Lots 38 and 39. A Site location map is attached as **Figure 1**.

The Site contains residual contamination of volatile organic compounds (VOCs), semi volatile organic compounds (SVOCs), Pesticides, and metals left in the soil after completion of the Remedial Action performed under the BCP. Engineering Controls and Institutional Controls (ECs and ICs) have been incorporated into the Site remedy to provide proper management of residual contamination in the future to ensure the protection of public health and the environment. ECs and ICs and site monitoring and inspection requirements are defined in the Site Management Plan (SMP) prepared for the Site.

Site management activities, reporting, and EC/IC certification are scheduled on a certification period basis. The certification period for this PRR is December 2022 to April 2024. The annual inspection was conducted on March 5, 2024.

## 2.0 SITE OVERVIEW

This section includes a brief description of the site and its history. A complete description of the Site's history, Remedial Investigation findings, and Remedial Action is presented in the following documents:

- Phase I Environmental Site Assessment (ESA), dated June 2019 prepared for 225 East Realty Partners LLC by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan);
- Limited Phase II Environmental Site Investigation, dated June 2019 prepared for 225 East Realty Partners LLC by Langan;
- Remedial Investigation Work Plan, dated March 2020, prepared for E 135 and 3<sup>rd</sup> Ave Owner LLC by Langan;
- Remedial Investigation Report, dated May 2020, prepared for E 135 and 3<sup>rd</sup> Ave Owner LLC by Langan;
- Remedial Action Work Plan, dated July 2020, prepared for E 135 and 3<sup>rd</sup> Ave Owner LLC by Langan;
- Environmental Soil Pre-Characterization Results Letter, dated September 2021, prepared for E 135 and 3<sup>rd</sup> Ave Owner LLC by Langan; and,
- Pre-Excavation Documentation Endpoint Sampling Analytical Results, dated October 2021, prepared for E 135 and 3<sup>rd</sup> Ave Owner LLC by Langan.

### 2.1 Site Description

The Site is located in the Mott Haven neighborhood, Bronx County, New York and is identified as Block 2319 and Lots 38 and 39 on the Bronx Borough Tax Map. The Site encompasses an area of approximately 0.45-acres and is bounded by 135<sup>th</sup> Street/The Major Deegan Expressway, followed by a hotel to the northeast (2477 3<sup>rd</sup> Avenue, BCP Site C203047), Third Avenue/Third Avenue Bridge ramp followed by mixed-use commercial and residential buildings to the southeast, a mixed-use commercial/office building followed by commercial and light industrial buildings to the southwest, a residential tower (228 East 135<sup>th</sup> Street, BCP Site C203084) followed by a self-storage facility to the northwest. The boundaries of the Site are more fully described in Appendix A –Environmental Easement.

A Site Layout Map is provided in **Figure 2**.

### 2.2 Site History

The Site was operated as a rail yard (1935 to 1951). Activities associated with treated rail ties from the rail yard and petroleum releases may have results in the releases of polychlorinated biphenyls (PCBs), metals, or hazardous materials that impacted soil, soil vapor and/or groundwater at the site.

### **2.3 Site Remedial History**

The Remedial Action (RA) was described in the NYSDEC-approved Remedial Action Work Plan (RAWP) dated July 20220. A summary of the remedy is provided below:

1. Abatement and demolition of on-Site structures and surface cover to allow for invasive Site remediation pursuant to the NYSDEC-approved RAWP.
2. Development and implementation of a CHASP and CAMP for the protection of on-Site workers, community/residents, and the environment during remediation and construction activities.
3. Excavation, stockpiling, off-Site transport, and disposal of soil exceeding Restricted Residential RUSCOs to achieve a Track 4 remedy. Additional soil sampling analytical results and post-excavation soil sample analytical results revealed that a combined Track 2/4 Restricted Residential Restricted Use remedy was achieved.
4. Collection and analysis of documentation soil samples in accordance with DER-10 to document post-excavation conditions in relation to the Restricted Residential Restricted RUSCOs.
5. Import of materials for backfill in compliance with the Restricted Residential RUSCOs and PGW SCO, Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 360 regulations; and federal, state, and local rules and regulations for handling and transport of material.
6. Construction of a cover system consisting of concrete foundation slab as an Engineering Control in portions of the Site where a Track 4 cleanup was achieved.
7. Establishment of use restrictions (i.e., institutional controls [IC]) including restricting Site use to restricted-residential use or lower, prohibitions on the use of Site groundwater, and prohibitions on sensitive Site uses, such as farming or vegetable gardening in residual Site soil.
8. Establishment of an approved Site Management Plan (SMP) for the long-term management of EC and ICs, including the performance of periodic inspections and certification that the controls are performing as intended;
9. Recording of an Environmental Easement (EE) to provide for the maintenance of ECs and ICs as required.

## 2.4 Engineering and Institutional Controls

Since contaminated soil remains beneath the Site after completion of the RA, Institutional and Engineering Controls (ECs/ICs) are required to protect human health and the environment. The ECs/ICs for the Site are described in the following sections:

### 2.4.A Engineering Controls

Exposure to remaining contamination in the soil at the Site (both Lot 38 and 39) is prevented by the Site-wide composite cover system that covers the remaining contamination as described in **Section 3.3.1** of the Site Management Plan. The location of the various elements of the Site-wide composite cover system are depicted in **Figure 3**.

- Cover System

### 2.4.B Institutional Controls

A series of Institutional Controls (ICs) are in place to implement, maintain, and monitor the Engineering Controls. The ICs are further defined in the SMP and include the following:

- Require the remedial party or Site owner to complete and submit to the NYSDEC a periodic certification of IC/ECs in accordance with Part 375-1.9(h)(3);
- Allow for the use and development of the controlled property for restricted residential restricted use as defined in Part 375-1.8(g), although land use is subject to local zoning laws;
- Prohibits vegetable gardening and farming on the controlled property;
- Restrict the use of groundwater as a source of potable or process water, without the necessary water quality treatment as determined by the NYSDOH and/or the New York City Department of Health and Mental Hygiene (NYCDOHMH); and,
- Require compliance with the NYSDEC-approved SMP, including the following:
- All ECs must be inspected at a frequency and in a manner defined in the 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 Environmental Easement; and,

- An evaluation shall be performed to determine the need for further investigation and remediation should large-scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible.

### 3.0 REMEDY PERFORMANCE AND EFFECTIVENESS

This section details the Monitoring Plan Activities currently implemented to evaluate the performance and effectiveness of the ECs in reducing or mitigating contamination at the Site:

#### 3.1 Monitoring Plan Requirements

The requirements of the Monitoring Plan for the Site are detailed in the SMP and are summarized in **Table 1** below. The Monitoring Plan describes the methods to be used for:

- Evaluating Site information periodically to confirm that the remedy continues to be effective in protecting public health and the environment;

Elements of the Monitoring Plan include the following:

- Site-Wide Inspection;
- Cover System Monitoring.

**Table 1 Post Remediation Monitoring Schedule**

Inspection/Monitoring Task	Frequency	Parameter/Analyses
<i>Composite Cover System Monitoring Requirements</i>		
Site-Wide Inspection and Periodic Review Report	Annual	Inspection for cracks, holes or other openings

##### 3.1.1 Composite Cover System Monitoring

The composite cover system is a 1- to 4-foot-thick concrete slab. These covers limit exposure to residual contaminated soil/fill. The cover system is a permanent control, and the existence, quality, and integrity of the system is inspected annually in accordance with the Monitoring Plan outlined in **Table 1**.

The composite cover system was inspected by Touchstone personnel on **March 5, 2024**. Photographs from the inspection are provided in **Appendix A**.

#### 3.2 Monitoring Plan Results

Touchstone conducted a periodic inspection of the Site on **March 5, 2024**. The inspection was conducted in accordance with the inspection schedule as presented in Section 3.1 and the Monitoring and Inspection forms for the Site are included in **Appendix B**.

The Site cover system provides a physical barrier in the area of the Site that achieved a Track 4 restricted residential restricted use cleanup to prevent exposure of contaminated Site material to sensitive receptors.

During the 2020 RI, three co-located vapor and indoor air samples and one ambient air sample were collected and submitted for laboratory analysis for USEPA TO-15 VOCs. Samples were

evaluated using the NYSDOH Guidance for Evaluating Soil Vapor Intrusion. The matrices address eight VOCs (TCE, PCE, 1,1,1-TCA, 1,1-dichloroethene, cis-1,2-DCE, carbon tetrachloride, methylene chloride, and vinyl chloride) using three matrices that evaluate the relationship between sub-slab vapor and indoor air concentrations and provide recommendations for actions such as monitoring or mitigation. Three of the eight NYSDOH matrix VOCs (1,1,1-TCA, methylene chloride, and PCE) were detected in sub-slab vapor; however, when sub-slab vapor concentrations were applied with its co-located indoor air samples to the NYSDOH decision matrices, the recommendation for each VOC stated “no further action”.

Chlorinated VOCs were also not detected above the SGVs in groundwater or soil at the Site. Based on the RI soil vapor and groundwater results, there does not appear to be a source of contamination that would result in a soil vapor intrusion condition into a new building from on-Site sources. Soil vapor intrusion is not expected to be a concern for the new development due to the RI results.

### **3.3 IC/EC Certification**

The institutional and Engineering Controls (ICs/ECs) established for the Site in accordance with the SMP are comprised of a composite cover system, which includes the concrete building slab. These controls are currently in place and protect the health and the environment of all occupied buildings. An IC/EC Certification Form for the engineering controls has been certified under the current conditions and is completed as applicable in **Appendix B**.

## 4.0 CERTIFICATION OF INSTITUTIONAL AND ENGINEERING CONTROLS

**Certification Statement**  
**2455 Third Avenue**  
**Bronx, New York**  
**Block 2319, Lot 38 and 39**

**Periodic Review Report**  
**December 2022 to April 2024**

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

- 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;
- 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;
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- Nothing has occurred that would constitute a violation or failure to comply with any Site management plan for this control;
- 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;
- 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;
- Use of the Site is compliant with the environmental easement;
- The engineering control systems are performing as designed and are effective;
- 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 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, Rachel Ataman, of Touchstone Environmental Geology, PC located at 1919 Middle Country Road, Suite 205, Centereach, New York 11720, am certifying as Owner's/Remedial Party's Designated Site Representative: [I have been authorized and designated by all Site owners/remedial parties to sign this certification] for the Site."

Additionally, I certify the following:

- No new information has come to my attention, including groundwater monitoring data from wells located at the Site boundary, if any, to indicate that the assumptions made in the qualitative exposure assessment of off-site contamination are no longer valid; and
- The assumptions made in the qualitative exposure assessment remain valid.



Rachel Ataman

Date: 4/30/2024



## **5.0 CONCLUSIONS AND RECOMMENDATIONS**

The following sections present conclusions and recommendations from the inspection and monitoring activities completed during this certification period.

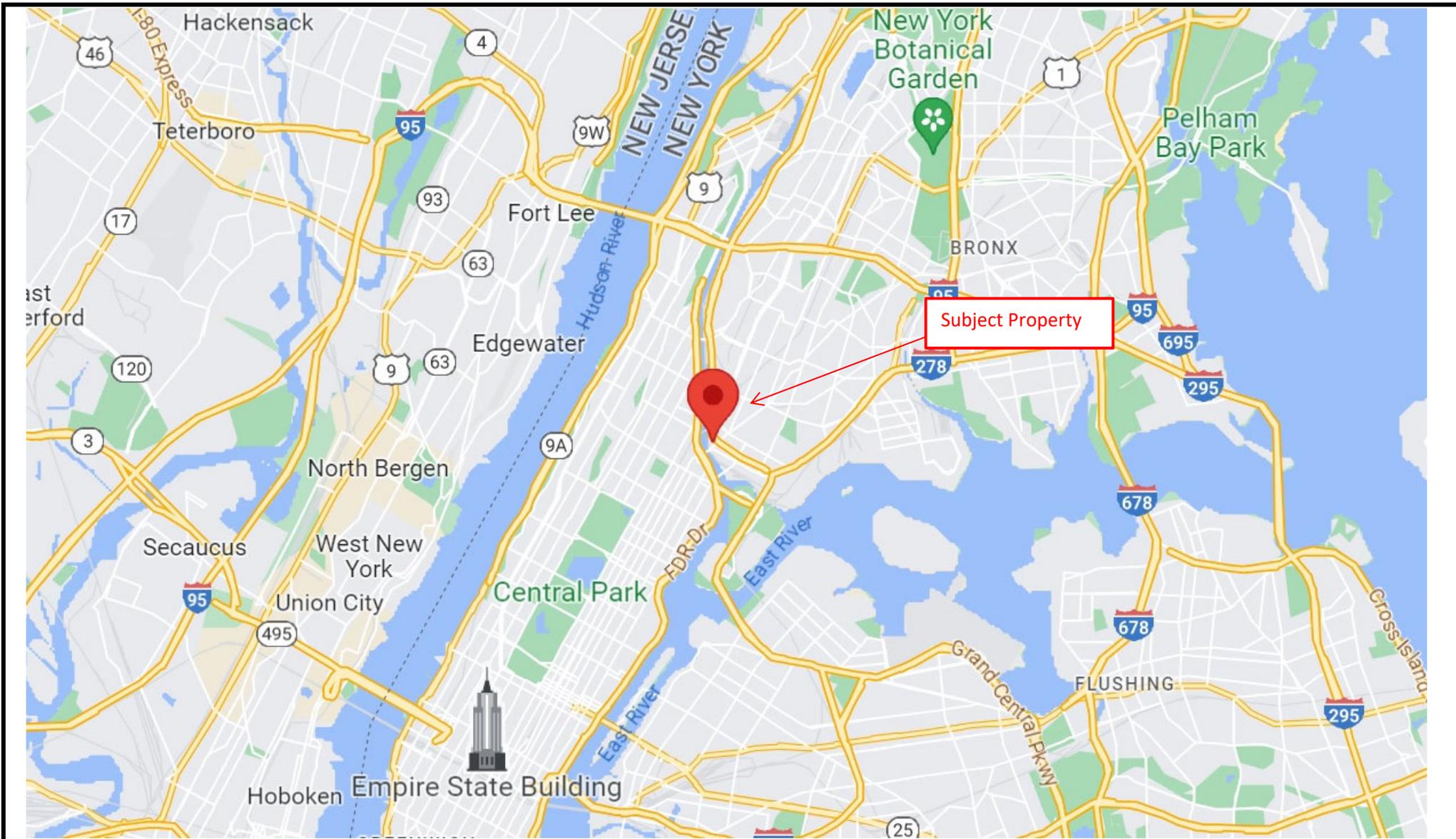
### **5.1 Conclusions**

The engineering controls are in place at the Site and are functioning properly.

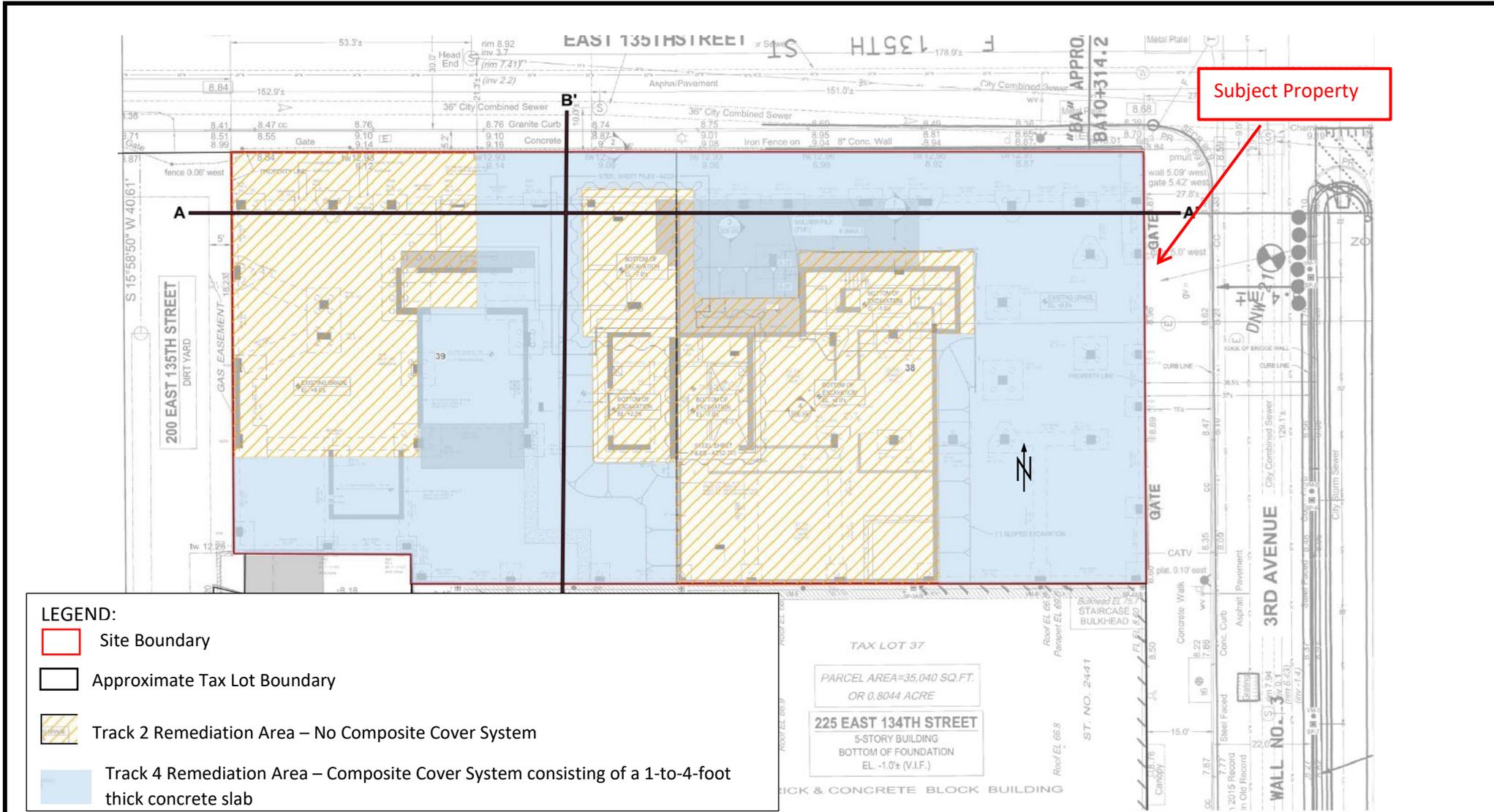
### **5.2 Recommendations**

Continued annual inspection of the Site Cover System at the Site.

## Figures







**TOUCHSTONE**  
 ENVIRONMENTAL GEOLOGY P.C.

2455 Third Avenue  
 Bronx, NY

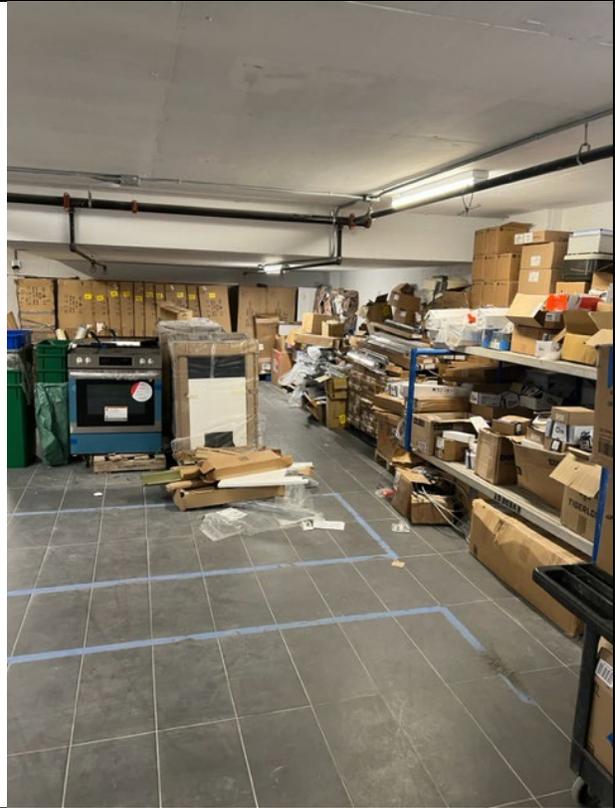
FIGURE 3: Composite Cover Map

## Appendices

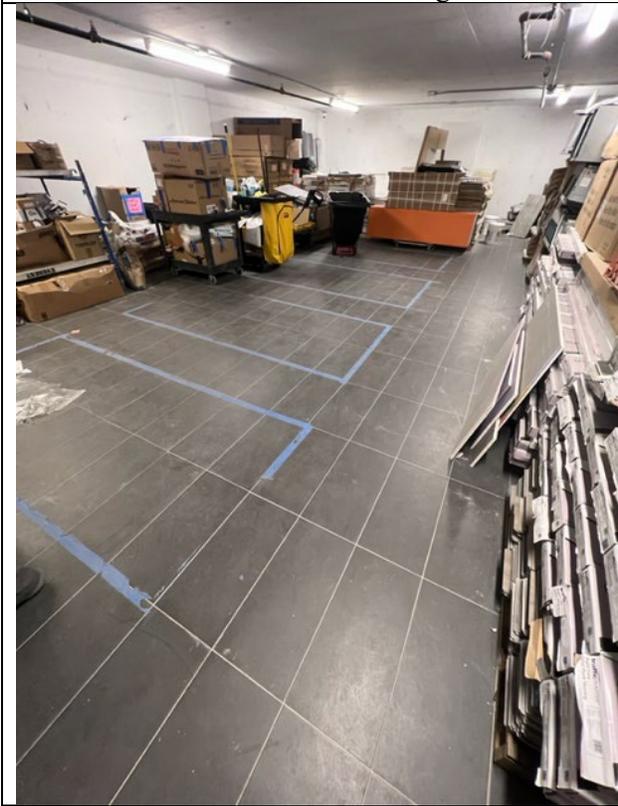
Appendix A  
Photographs



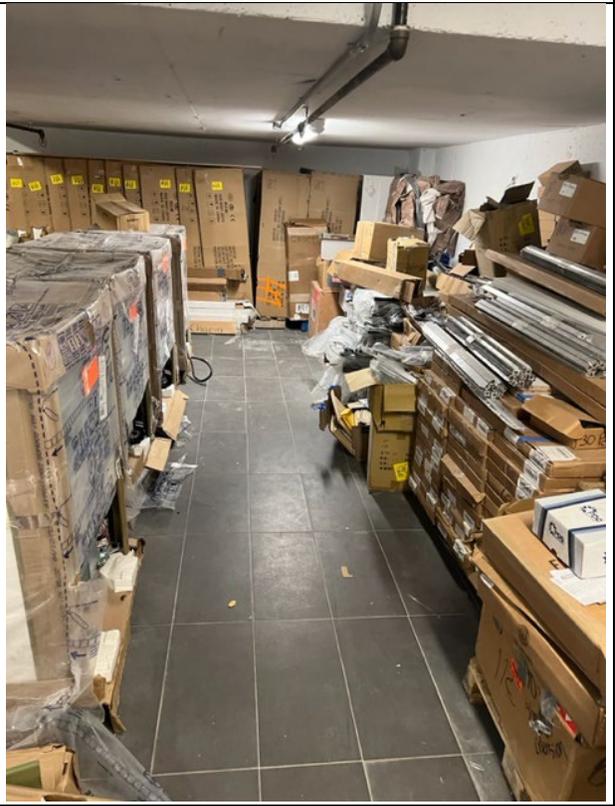
Exterior of the Building



Basement



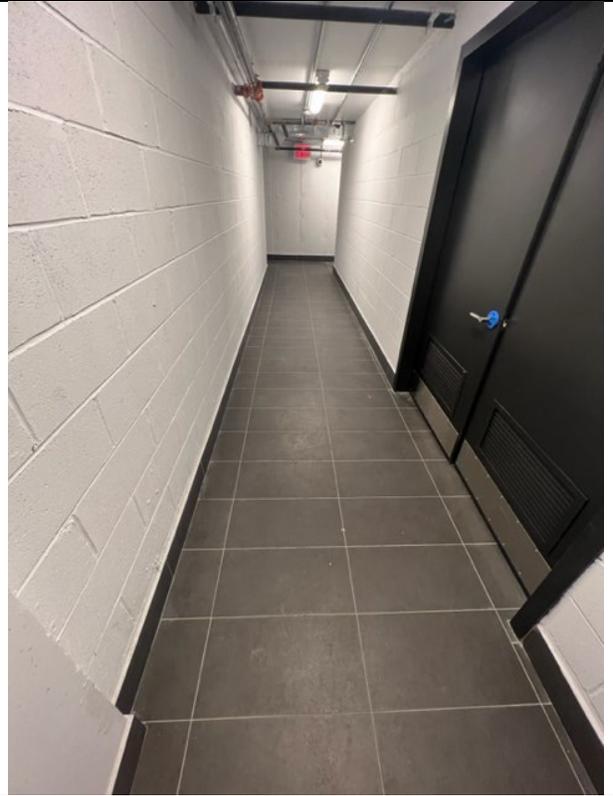
Basement



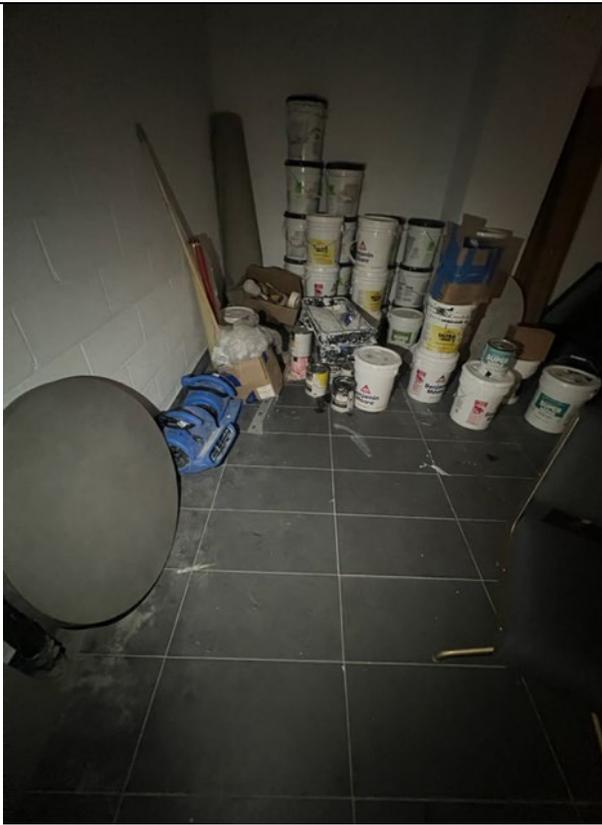
Basement



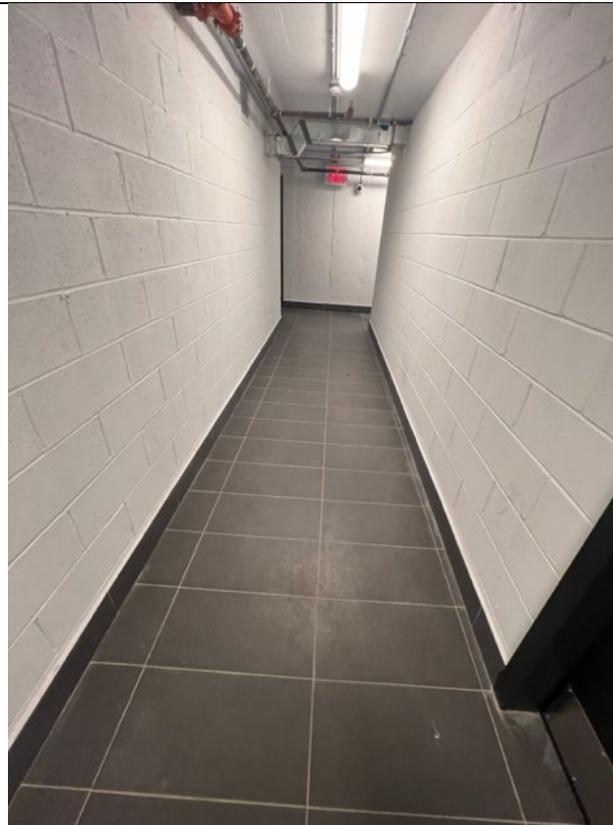
Basement



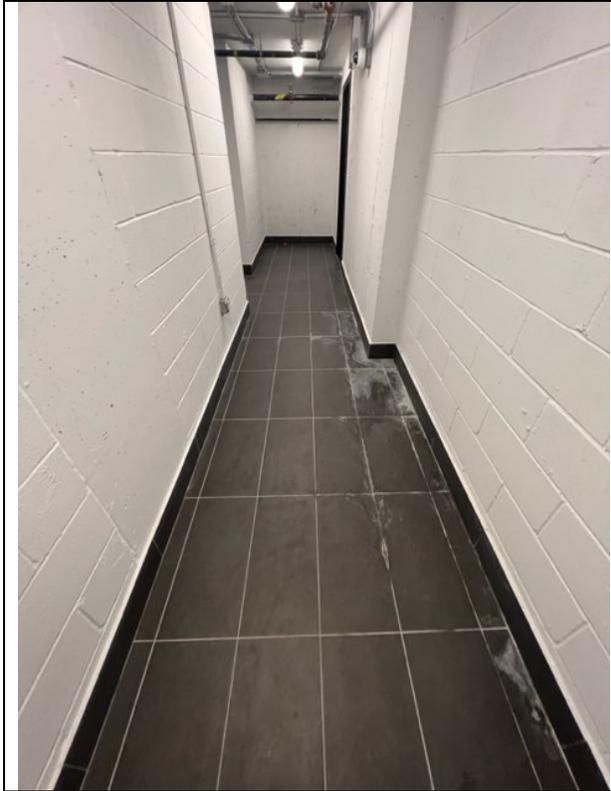
Basement



Basement



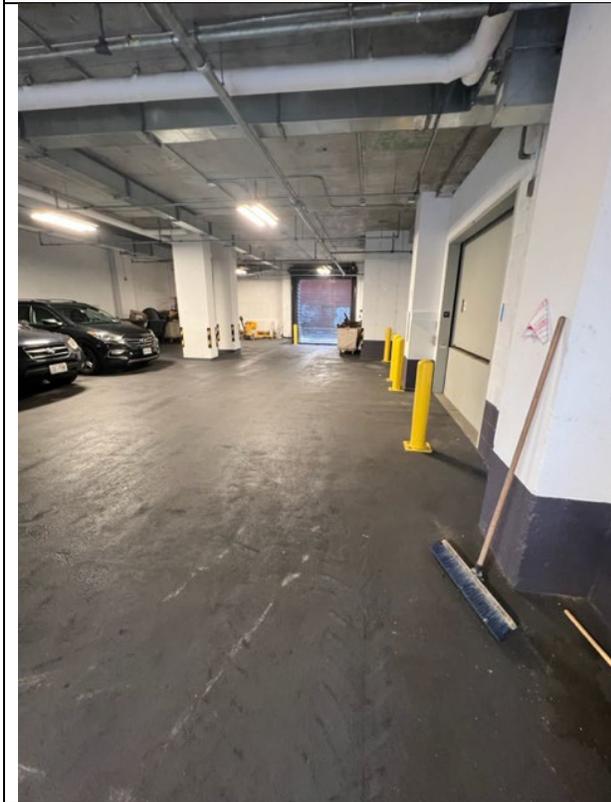
Basement



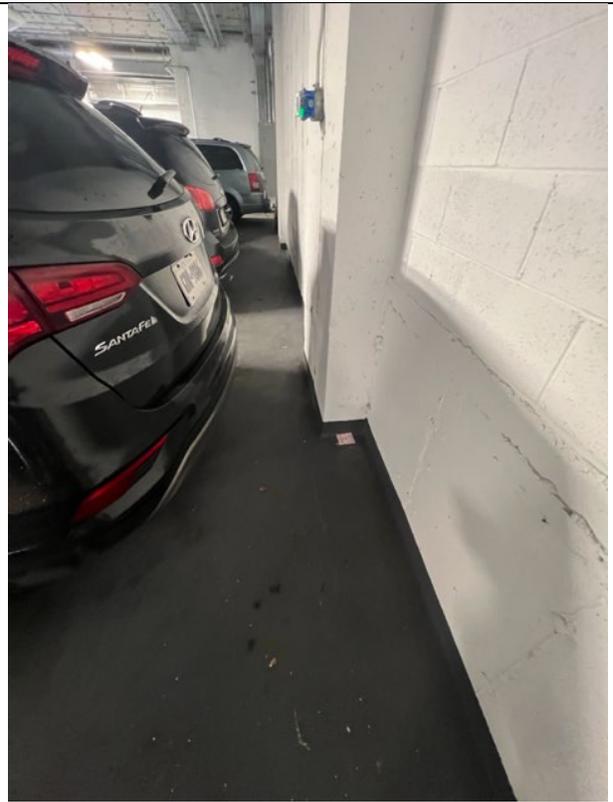
Basement



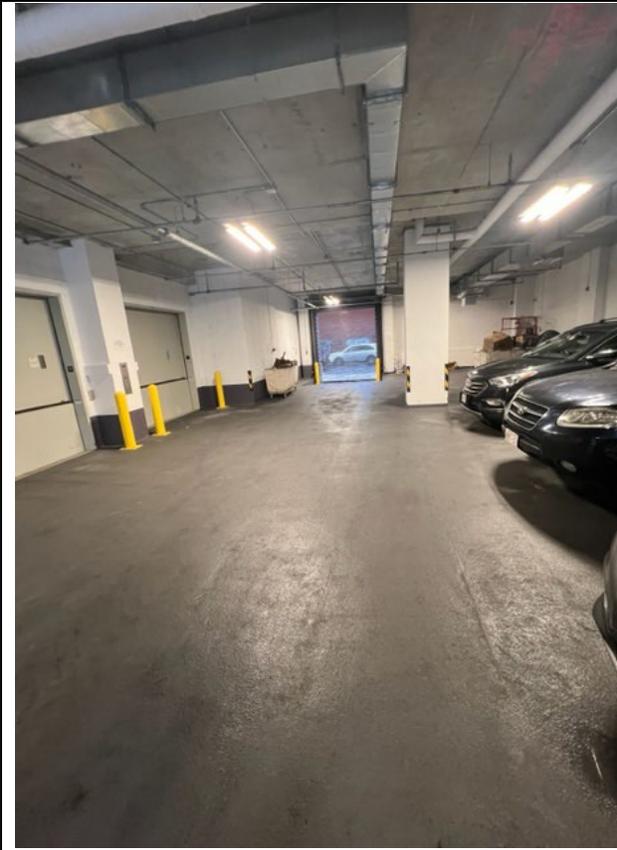
Basement



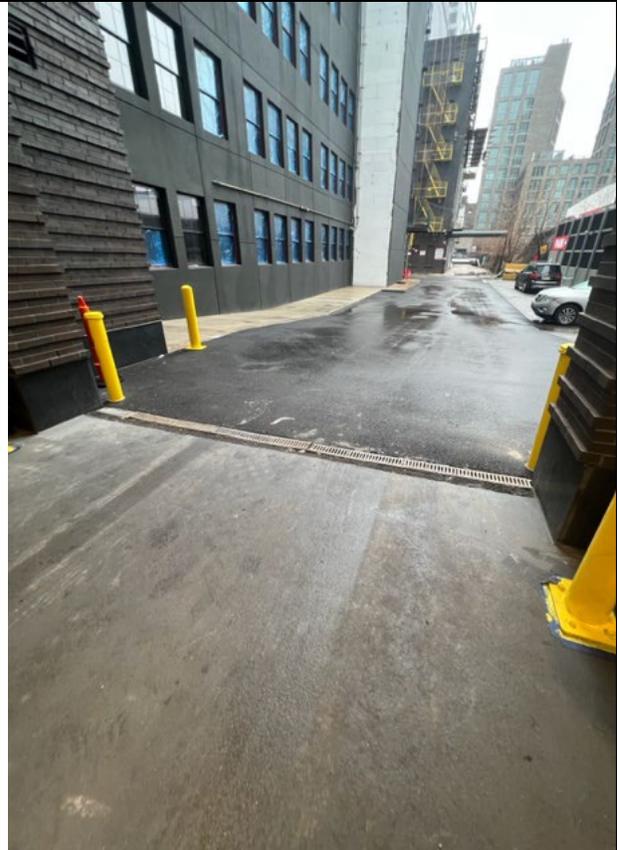
Parking Garage



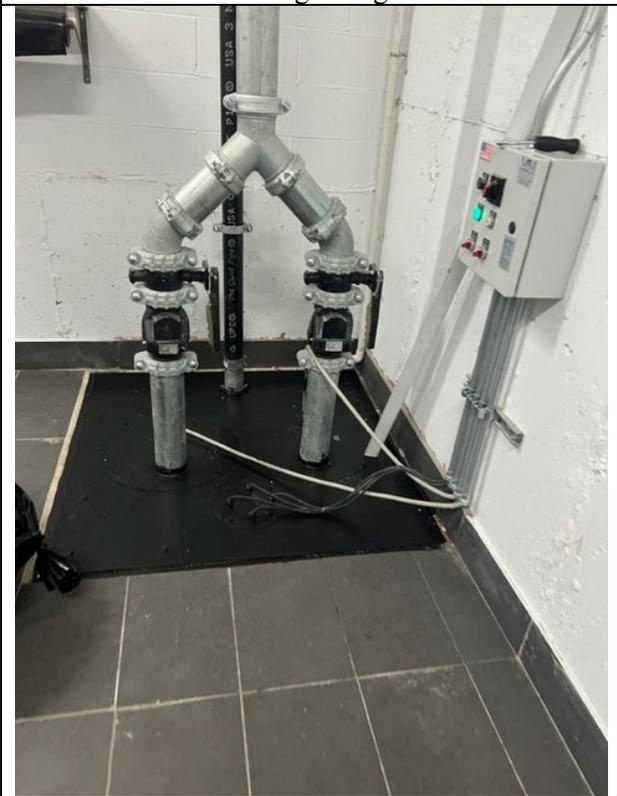
Parking Garage



Parking Garage



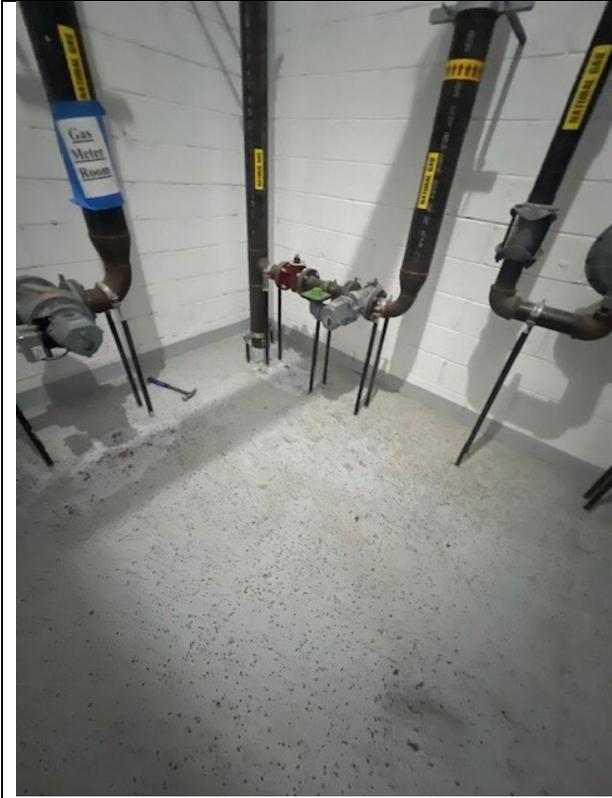
Exterior Area



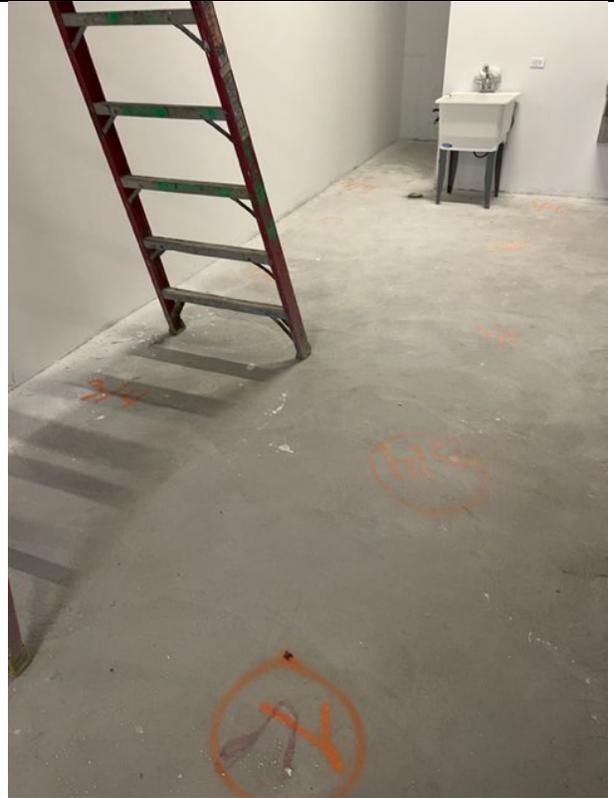
Sump Pump



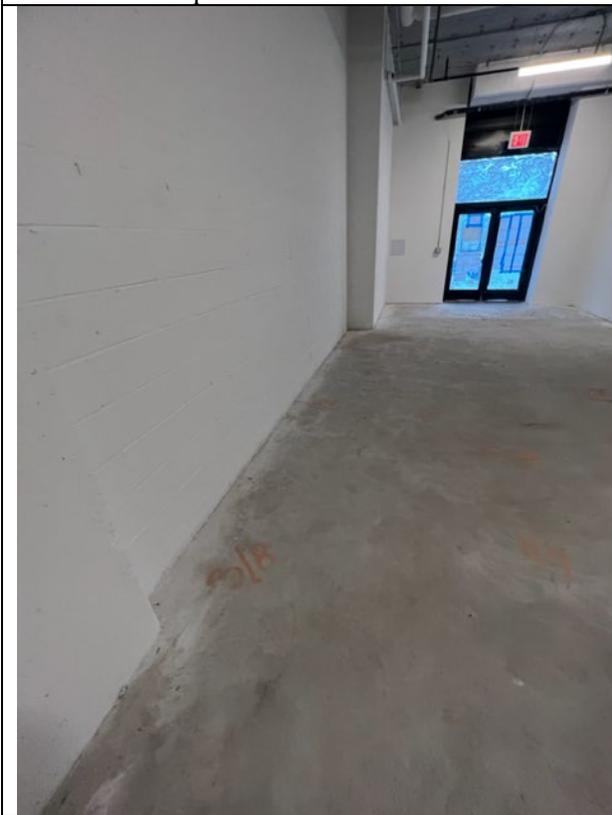
Sump Pump



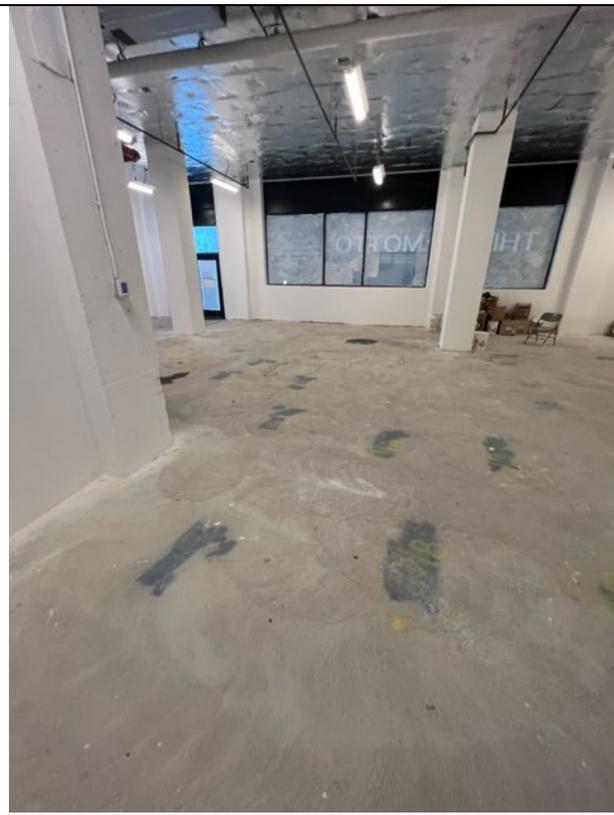
Pump Room in the Basement



Basement



Commercial Unit on Main Floor



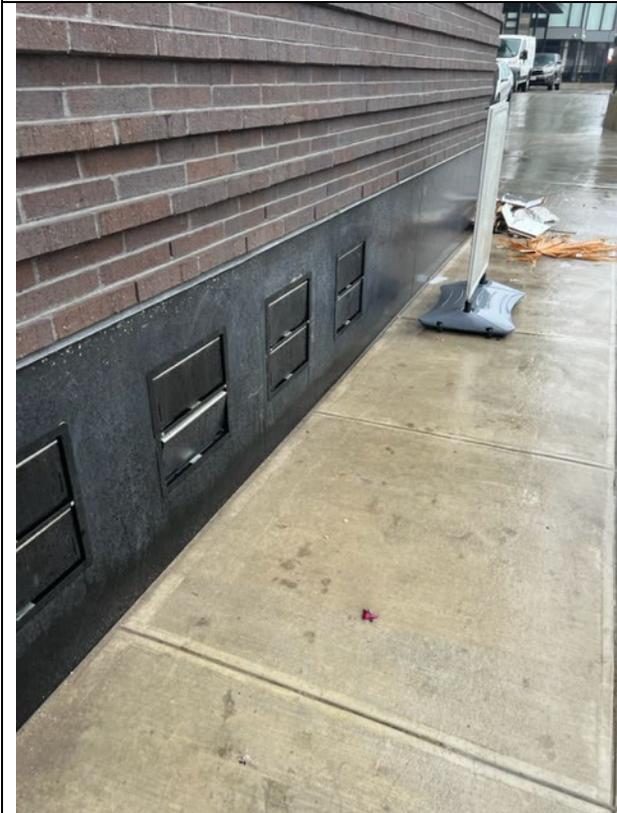
Basement



Sidewalk



Sidewalk



Sidewalk



Sidewalk

Appendix B  
Monitoring and Inspection Forms

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation

625 Broadway, 11<sup>th</sup> Floor, Albany, NY 12233-7020

P: (518)402-9543 | F: (518)402-9547

[www.dec.ny.gov](http://www.dec.ny.gov)

3/18/2024

Evan Kashanian  
E 135 and 3rd Ave Owner LLC  
316 West 118th Street  
New York, NY 10026  
[evan@artimusnyc.com](mailto:evan@artimusnyc.com)

## Re: Reminder Notice: Site Management Periodic Review Report and IC/EC Certification Submittal

**Site Name:** 2455 Third Avenue

**Site No.:** C203125

**Site Address:** 2455 Third Avenue  
Bronx, NY 10451

Dear Evan Kashanian:

This letter serves as a reminder that sites in active Site Management (SM) require the submittal of a periodic progress report. This report, referred to as the Periodic Review Report (PRR), must document the implementation of, and compliance with, site-specific SM requirements. Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* (available online at <http://www.dec.ny.gov/regulations/67386.html>) provides guidance regarding the information that must be included in the PRR. Further, if the site is comprised of multiple parcels, then you as the Certifying Party must arrange to submit one PRR for all parcels that comprise the site. The PRR must be received by the Department no later than **May 30, 2024**. Guidance on the content of a PRR is enclosed.

Site Management is defined in regulation (6 NYCRR 375-1.2(at)) and in Chapter 6 of DER-10. Depending on when the remedial program for your site was completed, SM may be governed by multiple documents (e.g., Operation, Maintenance, and Monitoring Plan; Soil Management Plan) or one comprehensive Site Management Plan.

A Site Management Plan (SMP) may contain one or all of the following elements, as applicable to the site: a plan to maintain institutional controls and/or engineering controls (“IC/EC Plan”); a plan for monitoring the performance and effectiveness of the selected remedy (“Monitoring Plan”); and/or a plan for the operation and maintenance of the selected remedy (“O&M Plan”). Additionally, the technical requirements for SM are stated in the decision document (e.g., Record of Decision) and, in some cases, the legal agreement directing the remediation of the site (e.g., order on consent, voluntary agreement, etc.).

When you submit the PRR (by the due date above), include the enclosed forms documenting that all SM requirements are being met. The Institutional Controls (ICs) portion of the form (Box 6) must be signed by you or your designated representative. The Engineering Controls (ECs) portion of the form (Box 7) must be signed by a Qualified Environmental Professional (QEP). If you cannot certify that all SM requirements are being met, you must submit a Corrective Measures Work Plan that identifies the actions to be taken to restore compliance. The work plan must include a schedule to be approved by the Department. The Periodic Review process will not be considered complete until all necessary corrective measures are completed and all required controls are certified. Instructions for completing the certifications are enclosed.



All site-related documents and data, including the PRR, must be submitted in electronic format to the Department of Environmental Conservation. The required format for documents is an Adobe PDF file with optical character recognition and no password protection. Data must be submitted as an electronic data deliverable (EDD) according to the instructions on the following webpage:

<https://www.dec.ny.gov/chemical/62440.html>

Documents may be submitted to the project manager either through electronic mail or by using the Department's file transfer service at the following webpage:

<https://fts.dec.state.ny.us/fts/>

The Department will not approve the PRR unless all documents and data generated in support of the PRR have been submitted using the required formats and protocols.

You may contact Hasan Ahmed, the Project Manager, at 718-482-6405 or [hasan.ahmed@dec.ny.gov](mailto:hasan.ahmed@dec.ny.gov) with any questions or concerns about the site. Please notify the project manager before conducting inspections or field work. You may also write to the project manager at the following address:

New York State Department of Environmental Conservation  
One Hunters Point Plaza  
47-40 21st Street  
Long Island City, NY 11101

Enclosures

PRR General Guidance  
Certification Form Instructions  
Certification Forms

ec: w/ enclosures

ec: w/ enclosures

Hasan Ahmed, Project Manager  
Jane O'Connell, Hazardous Waste Remediation Supervisor, Region 2

Langan Engineering - Steven Ciambuschini - [sciambuschini@langan.com](mailto:sciambuschini@langan.com)

The following parcel owner did not receive an ec:

E 135 And 3Rd Ave Owner Llc - Parcel Owner

## 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
<b>Site No.</b>	<b>C203125</b>		
<b>Site Name 2455 Third Avenue</b>			
Site Address: 2455 Third Avenue    Zip Code: 10451			
City/Town: Bronx			
County: Bronx			
Site Acreage: 0.451			
Reporting Period: December 30, 2022 to April 30, 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"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>			
5. Is the site currently undergoing development?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<b>Box 2</b>
			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"/>
<b>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.</b>			
<b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>			
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date	

**Box 2A**

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)

**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. C203125**

**Box 3**

**Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
<b>2319-38</b>	E 135 and 3rd Ave Owner LLC	Ground Water Use Restriction Landuse Restriction Site Management Plan IC/EC Plan

A series of Institutional Controls (ICs) are required by the Decision Document to: (a) implement, maintain and monitor Engineering Control systems; (b) prevent future exposure to remaining contamination; and (c) limit the use and development of the Site to restricted-residential restricted uses only. Adherence to these ICs on the Site is required by the Environmental Easement (EE) and will be implemented under the Site Management Plan (SMP). ICs identified in the EE may not be discontinued without an amendment to or extinguishment of the EE. These ICs are:

- (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), although land use is subject to local zoning laws;
- (2) All Engineering Controls (ECs) must be operated and maintained as specified in the SMP;
- (3) All ECs 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) 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;
- (6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- (7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- (8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;
- (9) 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.

<b>2319-39</b>	E 135 and 3rd Ave Owner LLC	Ground Water Use Restriction Landuse Restriction Site Management Plan IC/EC Plan
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A series of Institutional Controls (ICs) are required by the Decision Document to: (a) implement, maintain and monitor Engineering Control systems; (b) prevent future exposure to remaining contamination; and (c) limit the use and development of the Site to restricted-residential restricted uses only. Adherence to these ICs on the Site is required by the Environmental Easement (EE) and will be implemented under the Site Management Plan (SMP). ICs identified in the EE may not be discontinued without an amendment to or extinguishment of the EE. These ICs are:

- (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), although land use is subject to local zoning laws;
- (2) All Engineering Controls (ECs) must be operated and maintained as specified in the SMP;
- (3) All ECs 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) 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;
- (6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- (7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- (8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;
- (9) 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.

**Box 4**

**Description of Engineering Controls**

Parcel

Engineering Control

**2319-38**

Cover System

Engineering controls include a site cover system to prevent exposure to remaining contamination in soil. The cover system will be inspected and maintained per the SMP.

**2319-39**

Cover System

Engineering controls include a site cover system to prevent exposure to remaining contamination in soil. The cover system will be inspected and maintained per the SMP.

**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

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. C203125

Box 6

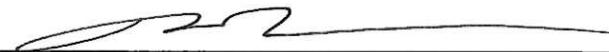
**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

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 Dan Haron at 316 West 118<sup>th</sup> Street  
print name print business address

am certifying as Manager of E135 and 3<sup>rd</sup> Ave Owner LLC <sup>(owner)</sup> (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

12/18/24  
Date

**EC CERTIFICATIONS**

**Box 7**

**Qualified Environmental Professional 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.

1919 Middle Country Road, Suite 205, Centereach, NY 11720

I Rachel Ataman at 1919 Middle Country Road, Suite 205, Centereach, NY 11720,  
print name print business address

am certifying as a Qualified Environmental Professional for the E 135 and 3rd Avenue Owner, LLC  
(Owner or Remedial Party)

*Rachel Ataman*

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



Stamp  
(Required for PE)

04/30/2024  
Date

**Enclosure 3**  
**Periodic Review Report (PRR) General Guidance**

- I. Executive Summary: (1/2-page or less)
  - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
  - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
    1. progress made during the reporting period toward meeting the remedial objectives for the site
    2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
  - C. Compliance
    1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
    2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
  - D. Recommendations
    1. recommend whether any changes to the SMP are needed
    2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
    3. recommend whether the requirements for discontinuing site management have been met.
  
- II. Site Overview (one page or less)
  - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
  - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.
  
- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness  
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.
  
- IV. IC/EC Plan Compliance Report (if applicable)
  - A. IC/EC Requirements and Compliance
    1. Describe each control, its objective, and how performance of the control is evaluated.
    2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
    3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
    4. Conclusions and recommendations for changes.
  - B. IC/EC Certification
    1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
  
- V. Monitoring Plan Compliance Report (if applicable)
  - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
  - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
  - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
  - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
  - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
  
- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
  - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
  - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
  - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated

the ability of each component of the remedy subject to O&M requirements to perform as designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

#### VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
  - 1. whether all requirements of each plan were met during the reporting period
  - 2. any requirements not met
  - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
  - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
  - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

#### VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.