

401 Hunts Point LLC Brownfield Application

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Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application? If

yes, provide existing site number: **C203162**_____

☒

Yes

☐

No

BCP App Rev 14 – January 2023

SECTION I: Property Information

PROPOSED SITE NAME: 401 Hunts Point

ADDRESS/LOCATION: 401 Hunts Point Avenue and 1360 Drake Park South

CITY/TOWN: Bronx

ZIP CODE 10474

MUNICIPALITY (LIST ALL IF MORE THAN ONE): New York City

COUNTY: Bronx

SITE SIZE (ACRES) 1.142

LATITUDE:

LONGITUDE:

40 ° 48 ' 34.36 " 73 ° 52 ' 55.79 "

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
1360 Drake Park South		2772	245	0.783
401 Hunts Point Avenue		2772	219	0.359

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)	<input checked="" type="radio"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>	<input type="radio"/> Y	<input checked="" type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/> Y	<input type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/> Y	<input checked="" type="radio"/> N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/> Y	<input checked="" type="radio"/> N
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.	<input type="radio"/> Y	<input checked="" type="radio"/> N

SECTION I: Property Information (CONTINUED)		
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	Y <input type="radio"/>	N <input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: <u>P-203162</u> Class: _____	<input checked="" type="radio"/>	<input type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <u>Easement/Right-of-Way Holder</u> <u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <u>Type</u> <u>Issuing Agency</u> <u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?	<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.		
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 10-12 of this form.	Y <input type="radio"/>	N <input checked="" type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="radio"/>	<input checked="" type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?	<input type="radio"/>	<input checked="" type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.		
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: _____		

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☒ RIWP ☐ RAWP ☐ IRM ☐ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? M1-2

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☐ Commercial ☒ Industrial ☒

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☒ Recreational ☐ Vacant ☐

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☐ Commercial ☒ Industrial ☒

If residential, does it qualify as single-family housing? ☐ N/A

☐ ☐

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

☐ ☒

8. Do current and/or recent development patterns support the proposed use?

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation and additional documentation if necessary.

☒ ☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation and additional documentation if necessary.

☒ ☐

SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit information requested in this section in electronic format ONLY***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
PFAS			
1,4-dioxane			
Other – indicated below			

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:
 - Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? YES NO

4. Indicate Past Land Uses (check all that apply):

Coal Gas Manufacturing	Manufacturing	Agricultural Co-Op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other:

SECTION V: Requestor Information

NAME: 401 Hunts Point LLC, c/o Darlene Rebak

ADDRESS: 16298 Vintage Oaks Lane

CITY/TOWN: Delray Beach, FL

ZIP CODE 33484

PHONE: (914) 450-6293

EMAIL: drebak@optonline.net

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that that requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)			
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?		Y <input type="radio"/>	N <input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
PARTICIPANT <input type="checkbox"/> A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.		VOLUNTEER <input checked="" type="checkbox"/> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>			
14. Requestor relationship to the property (check one; if multiple applicants, check all that apply): <input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____ If the requestor is not the current owner, proof of site access sufficient to complete remediation must be provided. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site. Is this proof attached? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Note: A purchase contract or lease agreement does not suffice as proof of site access.			

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE: 401 Hunts Point LLC, c/o Darlene Rebak

ADDRESS: 16298 Vintage Oaks Lane

CITY: Delray Beach, FL

ZIP CODE: 33484

PHONE: (914) 450-6293

EMAIL: drebak@optonline.net

REQUESTOR'S CONSULTANT (CONTACT NAME): Al Nesheiwat

COMPANY: Sustainable Development, Inc.

ADDRESS: 166 Woodside Avenue

CITY: Harrison, NY

ZIP CODE: 10528

PHONE: (914) 220-2404

EMAIL: alnesheiwat@sustainable-development-inc.com

REQUESTOR'S ATTORNEY (CONTACT NAME): George C. D. Duke

COMPANY: Connell Foley LLP

ADDRESS: 875 Third Avenue | 21st Floor

CITY: New York, NY

ZIP CODE: 10022

PHONE: (212) 307-3700

EMAIL: gduke@connellfoley.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A	<input type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER: 401 Hunts Point LLC

CONTACT NAME: Darlene Rebak

ADDRESS: 16298 Vintage Oaks Lane

CITY: Delray Beach, FL

ZIP CODE: 33484

PHONE: (914) 450-6293

EMAIL: drebak@optonline.net

OWNERSHIP START DATE: 7/24/2000

CURRENT OPERATOR: Center Sheet Metal, Inc.

CONTACT NAME: Victor Gany

ADDRESS: 1371 East Bay Avenue

CITY: Bronx, NY

ZIP CODE: 10474

PHONE: (718) 893-6700

EMAIL: vgany@bellatlantic.net

OPERATION START DATE: 1994

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of Penal Law.

Date: _____

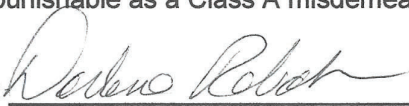
Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 401 Hunts Point LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 1/24/2023

Signature: 

Print Name: Darlene Rebak

SUBMITTAL INFORMATION

- Two (2) copies, one unbound paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

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Please respond to the questions below and provide additional information and/or documentation as required.	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input checked="" type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input checked="" type="radio"/>
Underutilized	<input type="radio"/>	<input checked="" type="radio"/>

From ECL 27-1405(31):

"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(l) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (l) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
- (1) the proposed use is at least 75 percent for industrial uses; or
- (2) at which:
- (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

Check appropriate box below:

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☐ Project is planned as Affordable Housing, but agreement is not yet available*
*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- ☒ This is not an Affordable Housing Project

From 6 NYCRR 375-3.2(a) as of August 12, 2016:

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☒ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☒ No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

Please submit **one unbound paper copy of ONLY the application form and a table of contents** to the address below:

Chief, Site Control Section
New York State Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, NY 12233-7020

Additionally, please submit an electronic (Portable Document Format [PDF]) version of the application as follows, provided on an external storage device (e.g., flash drive, CD, etc.):

- One file containing the application form, table of contents, and supporting documentation, excluding historical environmental reports and draft work plans
- One file for each historical environmental report (not merged with each other or with the application file)
- One file for each draft work plan, if applicable

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of **ONLY** the application form and table of contents.

SECTION I: Property Information

PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

SECTION I: Property Information (continued)	
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see DEC's website . Note that new En-zone boundaries are effective January 1, 2023.
Disadvantaged Communities	For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .
Brownfield Opportunity Area (BOA)	For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.

SECTION I: Property Information (continued)	
Registry Listing and P-site Status	<p>If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites, or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.</p>
Property Description Narrative	<p>Provide a property description in the format provided below. Each section should be no more than one paragraph long.</p> <p><u>Location:</u></p> <p>Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}</p> <p><u>Site Features:</u></p> <p>Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."</p> <p><u>Current Zoning and Land Use:</u> (Ensure the current zoning is identified)</p> <p>Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."</p> <p><u>Past Use of the Site:</u> include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).</p> <p>Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."</p> <p>When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.</p> <p><u>Site Geology and Hydrogeology:</u></p> <p>As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.</p>

SECTION I: Property Information (continued)

Environmental Assessment	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.</p> <p>The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
Questions 15-17: New York City Sites	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.

SECTION III: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A "renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. Section 66-p of the Public Service Law: "Renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide additional explanation and/or documentation as necessary to support the responses to these items.

SECTION IV: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section IV, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION V: Requestor Information

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners need to be provided on a separate attachment.
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

Volunteer Statement	If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer. Be specific as to the appropriate care taken.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

Requestor's Representative	Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.
Requestor's Consultant and Requestor's Attorney	Provide all requested information.

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

SECTION IX: Current Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
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SECTION IX: Current Property Owner and Operator Information (continued)	
Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information	
As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.	
CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (continued)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m3) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

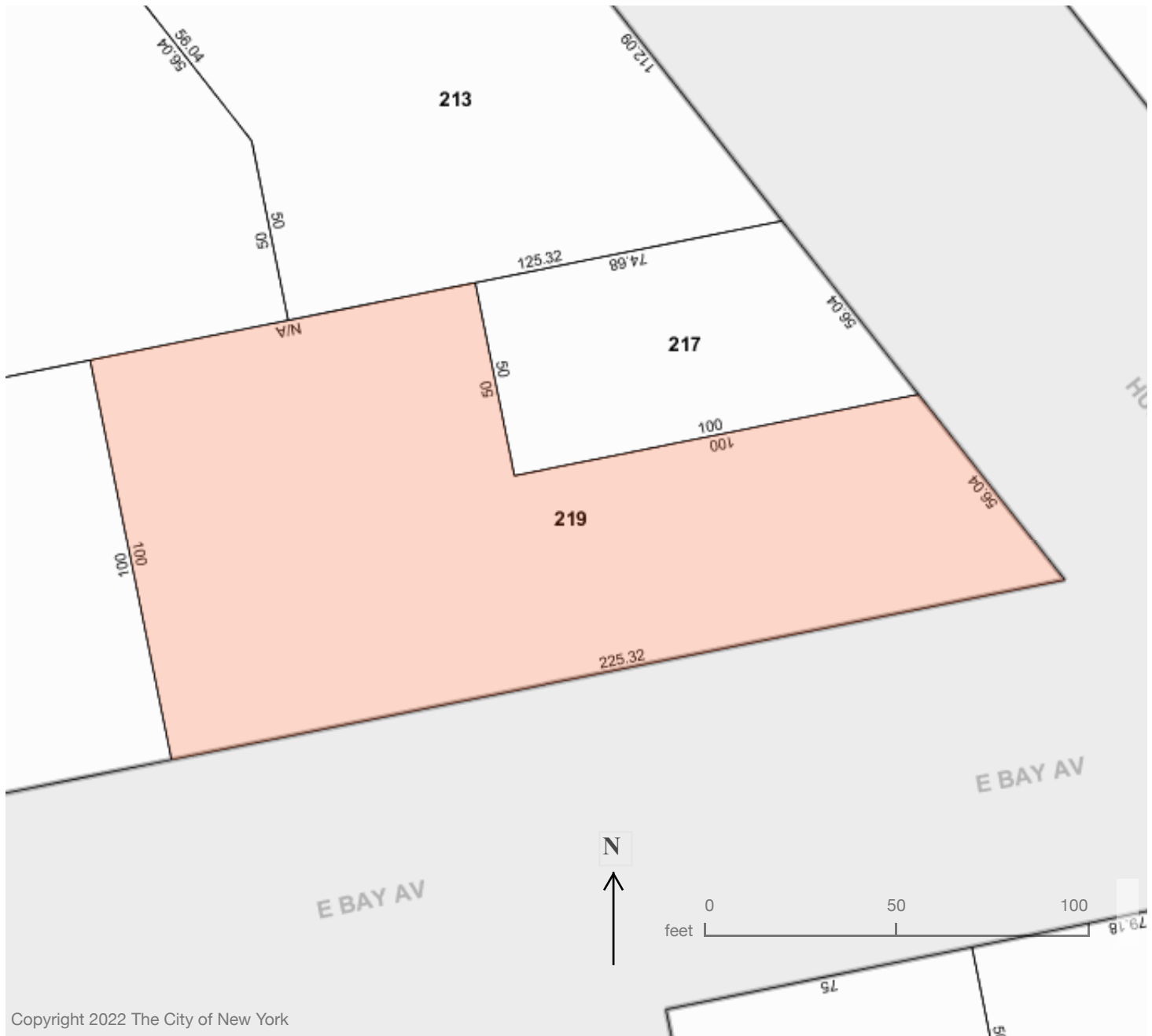
1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section IV, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

Section I. Property Tax Maps

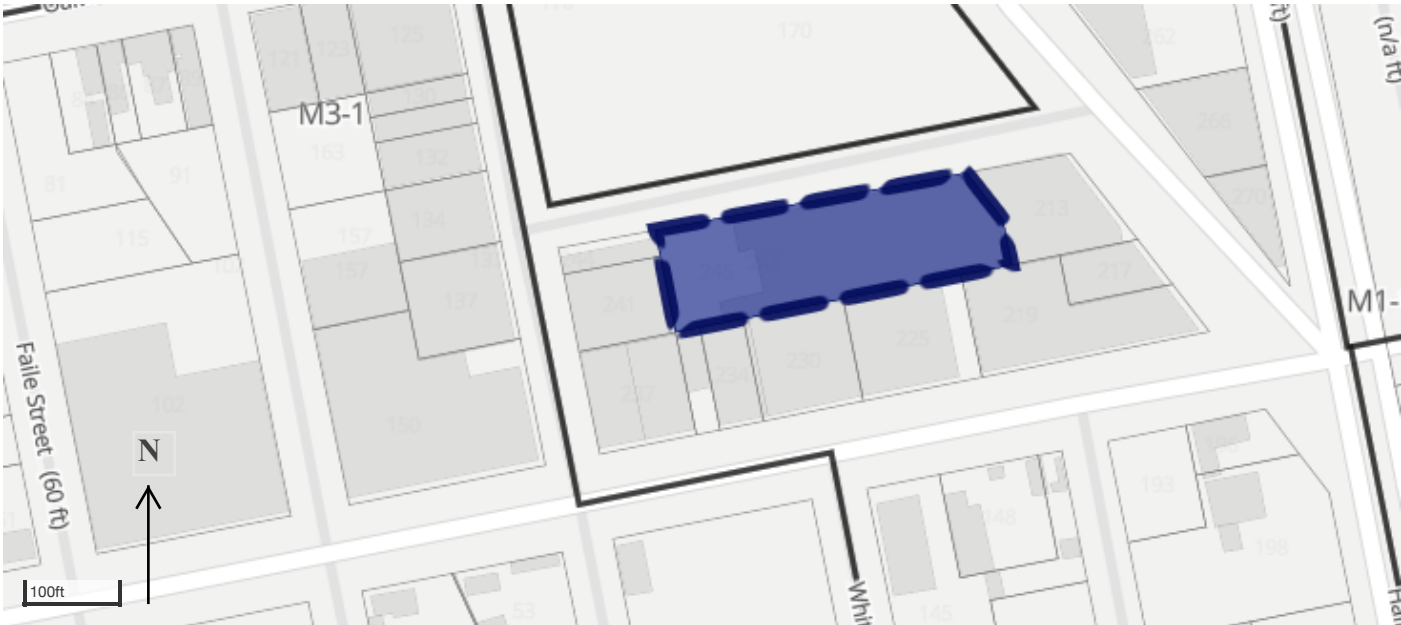
Block 2772 Lot 219 - Digital Tax Map - New York City Dept. of Finance (12/22/2022)

--- Borough Boundary	C50 Condo Flag/Condo Number
--- Tax Block Boundary	A50 Air Right Flag/Lot Number
50 Tax Block Number	S50 Subterranean Right Flag/Lot Number
--- Tax Lot Boundary	R REUC Flag
50 Tax Lot Number	---- Under Water Tax Lot Boundary
-50- Condo FKA Tax Lot Number	----- Other Boundary
50.5 Tax Lot Dimension	↓ Possession Hook
+/-5.5 Approximate Tax Lot Dimension	Misc Miscellaneous Text

2772
1702772
170

- 2772
-
- 170

Section I. Zoning and Land Use Maps



Zoning and Land Use

- Tax Lots ☐
- Zoning Districts
 - Commercial Districts ■
 - Manufacturing Districts ■
 - Residence Districts ■
 - Parks ■
 - Battery Park City ■
- Commercial Overlays ☐
 - C1-1 through C1-5
 - C2-1 through C2-5

Basemaps

- Subways —
- Building Footprints ☐

1360 DRAKE PARK SOUTH, 10474

TAX LOT | BBL 2027720245

Bronx (Borough 2) | Block 2772 | Lot 245

Zoning Districts: M1-2 HP

INTERSECTING MAP LAYERS :

- [Transit Zone](#)
- [FRESH Zone](#)
- [Coastal Zone](#)
- [Appendix J Designated M District](#)

ZONING DETAILS:

- [Digital Tax Map](#)
- [Zoning Map: 6c \(PDF\)](#)
- [Historical Zoning Maps \(PDF\)](#)

Owner	401 HUNTS POINT	Community District	Bronx Community District 2
Land Use	Industrial & Manufacturing	City Council District	Council District 17
Lot Area	34,129 sq ft	School District	08
Lot Frontage	322.3 ft	Police Precinct	41
Lot Depth	100 ft	Fire Company	L048
Year Built	1954	Sanitation Borough	2
Building Class	Factory and Industrial Buildings - Semi-Fireproof (F4)	Sanitation District	02
Number of Buildings	1	Sanitation Subsection	1A
Number of Floors	1		
Gross Floor Area	24,794 sq ft		
Total # of Units	1		
Building Info	BISWEB		
Property Records	View ACRIS		



Zoning and Land Use

- Tax Lots ☐
- Zoning Districts
 - Commercial Districts ■
 - Manufacturing Districts ■
 - Residence Districts ■
 - Parks ■
 - Battery Park City ■
- Commercial Overlays ☐
 - C1-1 through C1-5
 - C2-1 through C2-5

Basemaps

- Subways —
- Building Footprints ☐

401 HUNTS POINT AVENUE, 10474

TAX LOT | BBL 2027720219

Bronx (Borough 2) | Block 2772 | Lot 219

Zoning Districts: M1-2 HP

INTERSECTING MAP LAYERS :

- [Transit Zone](#)
- [FRESH Zone](#)
- [Coastal Zone](#)
- [Appendix J Designated M District](#)

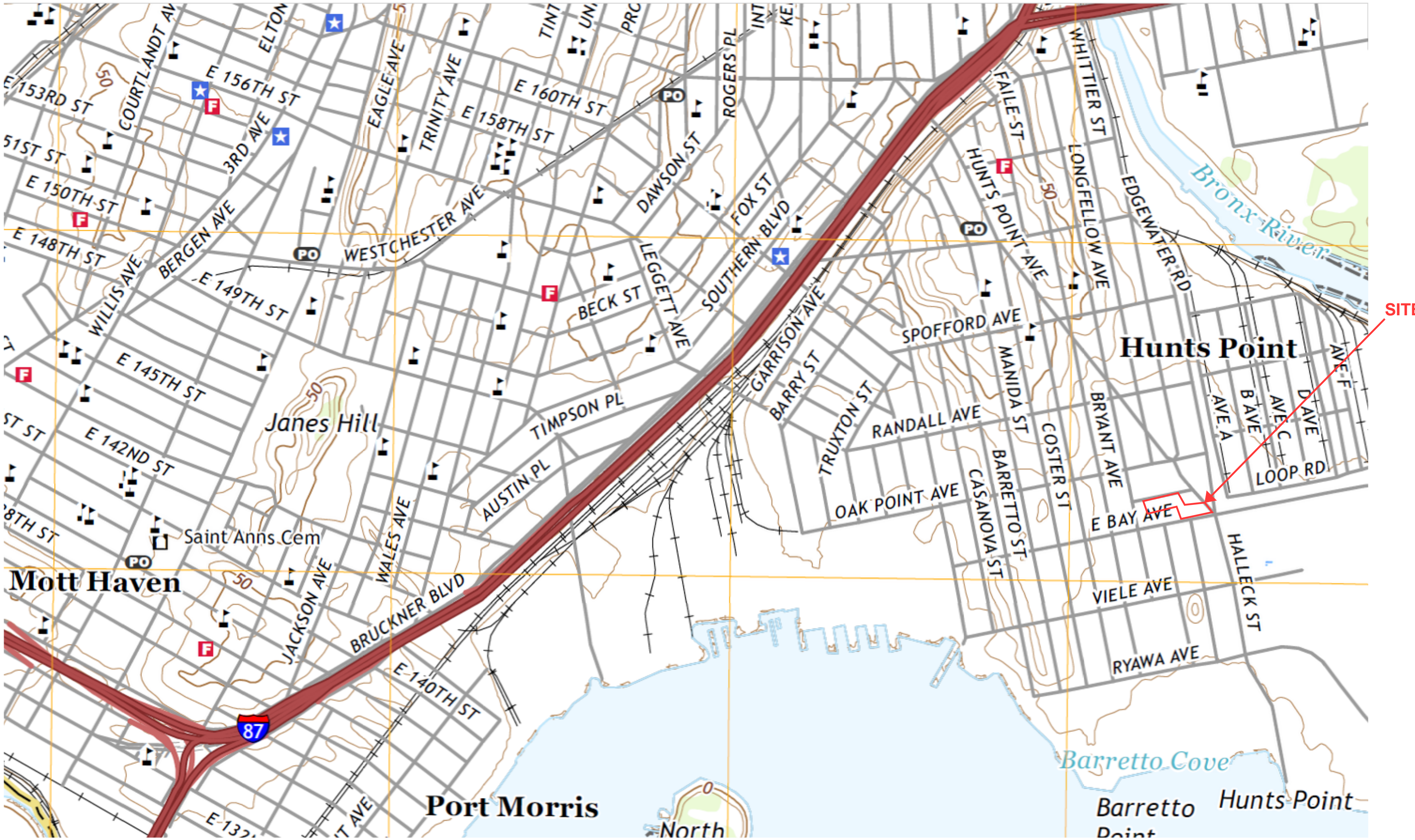
ZONING DETAILS:

- [Digital Tax Map](#)
- [Zoning Map: 6c \(PDF\)](#)
- [Historical Zoning Maps \(PDF\)](#)

Owner	Show Owner
Land Use	Industrial & Manufacturing
Lot Area	15,635 sq ft
Lot Frontage	56.04 ft
Lot Depth	225.32 ft
Year Built	1943
Building Class	Factory and Industrial Buildings - Semi-Fireproof (F4)
Number of Buildings	1
Number of Floors	1
Gross Floor Area	15,635 sq ft
Total # of Units	3
Building Info	BISWEB
Property Records	View ACRIS

Community District	Bronx Community District 2
City Council District	Council District 17
School District	08
Police Precinct	41
Fire Company	L048
Sanitation Borough	2
Sanitation District	02
Sanitation Subsection	1A

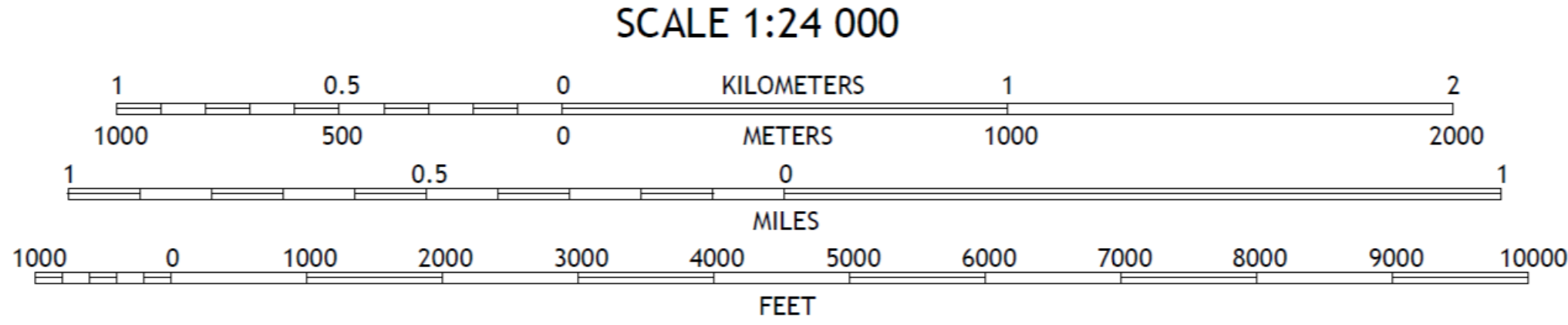
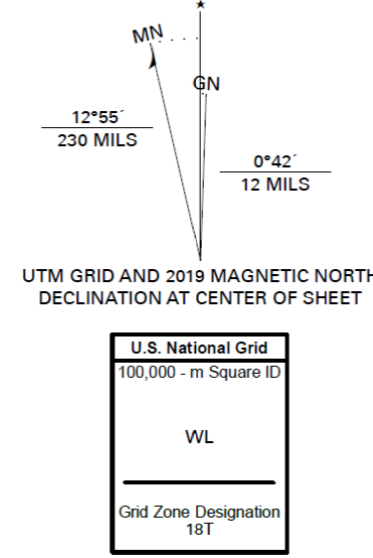
Section I. Topographical Map



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 18T
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, July 2015 - December 2017
Roads.....U.S. Census Bureau, 2016
Names.....GNIS, 1979 - 2019
Hydrography.....National Hydrography Dataset, 2002 - 2015
Contours.....National Elevation Dataset, 2013 - 2015
Boundaries.....Multiple sources; see metadata file 2017 - 2018

Wetlands.....FWS National Wetlands Inventory 2008 - 2011



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.18



1	2	3
4	5	6
7	8	9

ADJOINING QUADRANGLES

1 Hackensack
2 Yonkers
3 Mount Vernon
4 Weehawken
5 Flushing
6 Jersey City
7 Brooklyn
8 Jamaica

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

CENTRAL PARK, NY, NJ
2019



1360 Drake Park South
and
401 Hunts Point Ave

BRONX		NEW YORK	
DRN	AN	DATE	10/27/2022
DES		DATE	
CHK	NK	DATE	
SCALE	AS SHOWN	PROJECT NO.	401 HUNTS POINT

SITE LOCATION
TOPOGRAPHIC MAP

FIGURE

1

Section I. Property Description
401 Hunts Point Avenue and 1360 Drake Park South
Bronx, New York

Location

The 401 Hunts Point Site (the “Site”) consists of two tax parcels. The southern parcel (Block 2772, Lot 245) is located at 401 Hunts Point Avenue and the northern parcel (Block 2772, Lot 219) is located at 1360 Drake Park South, Bronx, New York.

Site Features

The southern parcel features include a 15,635-square-foot building at 401 Hunts Point Avenue and the northern parcel features a 24,794-square-foot building at 1360 Drake Park South. Areas surrounding the buildings are asphalt paved parking areas or concrete walkways.

Current Zoning and Land Use

The Site is currently active and is zoned, M1-2, for light manufacturing use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The Site is currently used as a sheet metal fabrication shop. The nearest residential area is 0.8 mile northwest on the north side of Bruckner Road.

Past Use of the Site

The Site has historically been used as a sheet metal fabrication shop, fruits and vegetable distributor, door manufacturer, and elevator service company. The Site had three aboveground storage tanks (ASTs) with sizes of 1,080, 5,000, and 275 gallons; however, only the 275-gallon tank, which is used to fuel a boiler, and the 1,080-gallon tank, which is out of service, remain on-site. There are weepholes in the concrete encasement of the 1,080-gallon AST.

The site has an out of service 5,000-gallon underground storage tank (UST). A 1,000-gallon UST was identified; however, no further information on the tank was available.

The southern portion of the Site (410 Hunts Point Avenue) has also historically been used as a sheet metal fabrication shop. This portion of the Site had a 5,000-gallon underground storage tank (UST). A spill notification was made when the tank failed an integrity test in September 2006 and the tank was subsequently closed in-place in January 2007; however, no contamination was found and the New York State Department of Environmental Conservation (NYSDEC) issued a site closure in 2007.

Based on the history of the Site and surrounding area, as well as subsurface materials encountered during site investigations, there industrial fill is present at the site.

Site Geology and Hydrogeology

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS) website (<http://websoilsurvey.nrcs.usda.gov/app/>), the dominant soil composition in the vicinity of the Site is classified as Urban Land, tidal marsh substratum, with 0 to 3 percent slopes (UmA) and

Urban Land, till substratum, with 0 to 3 percent slopes (UtA). Urban land is characterized by a non-homogeneous distribution of soil and fill types.

The depth to groundwater at the Site is 18 to 20 feet. The presumed groundwater flow direction is to the southeast toward the nearest surface water body, the Bronx River.

Environmental Assessment

Based on a Phase II investigation conducted in August 2022, the primary contaminants of concern for the Site include volatile petroleum constituents, methyl ethyl ketone (MEK), trichloroethene (TCE), tetrachloroethene (PCE), carbon tetrachloride, and polycyclic aromatic hydrocarbons (PAHs).

Soil: Three volatile petroleum constituents were detected above the Unrestricted Use Soil Cleanup Objectives (UUSCOs) in soil samples near the 5,000-gallon UST on the northern portion of the Site (1360 Drake Park South), as follows: MEK at a maximum concentration of 1.1 mg/kg (UUSCO is 0.12 mg/kg), n-propylbenzene at a maximum concentration of 7.2 mg/kg (UUSCO is 3.9 mg/kg), and total xylenes at a maximum concentration of 5.9 mg/kg (UUSCO is 0.26 mg/kg). Several SVOCs, mainly PAHs, were detected in shallow soil samples at concentrations exceeding the UUSCOs, including benzo(a)pyrene at a maximum concentration of 5.4 mg/kg (UUSCO is 1.0 mg/kg), benzo(b)fluoranthene at a maximum concentration of 2.9 mg/kg (UUSCO is 1.0 mg/kg), benzo(k)fluoranthene at a maximum concentration of 2.7 mg/kg (UUSCO is 0.8 mg/kg), dibenzo(a,h)anthracene at a maximum concentration of 1.5 mg/kg (UUSCO is 0.33 mg/kg), and indeno(1,2,3-cd)pyrene at a maximum concentration of 8.1 mg/kg (UUSCO is 0.5 mg/kg). In addition, lead was detected in deep soil at a maximum concentration of 118 mg/kg (UUSCO is 63 mg/kg).

No analytes were detected above the UUSCOs in soil samples from the southern portion of the site (401 Hunts Point Avenue). In addition, no analytes were detected above the Commercial Soil Cleanup Objectives for Protection of Public Health on either parcel.

Groundwater: Several volatile petroleum constituents were detected in groundwater samples at concentrations above the Class GA Ambient Water Quality Standards (AWQSs), including 1,2,4-trimethylbenzene at a maximum concentration of 1,500 µg/l (AWQS of 5 µg/l), 1,3,5-trimethylbenzene at a maximum concentration of 380 µg/l (AWQS of 5 µg/l), ethylbenzene at a maximum concentration of 12,000 µg/l (AWQS of 5 µg/l), isopropylbenzene at a maximum concentration of 190 µg/l (AWQS of 5 µg/l), naphthalene at a maximum concentration of 890 µg/l (AWQS of 10 µg/l), b-butylbenzene at a maximum concentration of 7.7 µg/l (AWQS of 5 µg/l), n-propylbenzene at a maximum concentration of 180 µg/l (AWQS of 5 µg/l), o-xylene at a maximum concentration of 17,000 µg/l (AWQS of 5 µg/l), toluene at a maximum concentration of 130 µg/l (AWQS of 5 µg/l), and total xylenes at a maximum concentration of 65,000 µg/l (AWQS of 5 µg/l). One chlorinated VOC, trichloroethene, was detected in groundwater samples at a maximum concentration of 25 µg/l (AWQS of 5 µg/l).

SVOCs, primarily PAHs and also two phenolic compounds, were detected in groundwater samples at concentrations above the AWQSs, as follows: benzo(a)anthracene at a maximum concentration of 1.3 µg/l (AWQS is 0.002 µg/l), benzo(b)fluoranthene at a maximum concentration of 0.62 µg/l (AWQS is 0.002 µg/l), benzo(k)fluoranthene at a maximum concentration of 0.35 µg/l (AWQS is 0.002 µg/l), chrysene at a maximum concentration 2.3 µg/l (AWQS is 0.002 µg/l), indeno(1,2,3-cd)pyrene at a maximum concentration of 0.29 µg/l (AWQS is 0.002 µg/l), 2,4-dimethylphenol at a

maximum concentration of 95 µg/l (AWQS is 1.0 µg/l), and 2-methylphenol at a maximum concentration of 10 µg/l (AWQS is 1.0 µg/l).

Vapors: The following VOCs were detected in sub-slab soil vapor, indoor air, and outdoor air samples.

Sub-slab Vapor: The following compounds were detected in the sub-slab vapor samples: 1,2,4-trimethylbenzene (maximum 53.6 µg/m³), 1,3,5-trimethylbenzene (maximum 13.5 µg/m³), 2-hexanone (maximum 186 µg/m³), 4-ethyltoluene (maximum 45.1 µg/m³), 4-methyl-2-pentanone (maximum 5.2 µg/m³), acetone (maximum 3,730 µg/m³), benzene (maximum 19.7 µg/m³), bromodichloromethane (maximum 40.5 µg/m³), carbon disulfide (maximum 46.4 µg/m³), carbon tetrachloride (9.81 µg/m³), chloroform (maximum 108 µg/m³), cis-1,2-dichloroethene (maximum 2.1 µg/m³), dichlorodifluoromethane (maximum 36.6 µg/m³), ethanol (maximum 228 µg/m³), ethylbenzene (maximum 41 µg/m³), heptane (maximum 28.5 µg/m³), hexane (maximum 20.2 µg/m³), isopropyl alcohol (maximum 115 µg/m³), m,p-xylenes (maximum 149 µg/m³ [total]), methyl ethyl ketone (maximum 486 µg/m³), methylene chloride (maximum 57.6 µg/m³), o-xylene (maximum 54.7 µg/m³), propylene (maximum 66.6 µg/m³), tetrachloroethene (maximum 1,680 µg/m³), toluene (maximum 162 µg/m³), and trichloroethene (maximum 3,330 µg/m³).

Indoor Air: The following VOCs were detected in the indoor air sample: 1,2,4-trimethylbenzene (maximum 11.6 µg/m³), 1,3,5-trimethylbenzene (maximum 4.96 µg/m³), 4-ethyltoluene (maximum 11.2 µg/m³), 4-isopropyltoluene (maximum 1.15 µg/m³), 4-methyl-2-pentanone (maximum 2.32 µg/m³), acetone (maximum 38.7 µg/m³), benzene (maximum 1.06 µg/m³), carbon tetrachloride (maximum 0.44 µg/m³), chloromethane (maximum 1.34 µg/m³), dichlorofluoromethane (maximum 2.33 µg/m³), ethanol (maximum 46.1 µg/m³), ethyl acetate (maximum 1.24 µg/m³), ethylbenzene (maximum 1.14 µg/m³), heptane (maximum 1.24 µg/m³), hexane (maximum 39.1 µg/m³), isopropyl alcohol (maximum 3.24 µg/m³), m,p-xylenes (maximum 3.65 µg/m³ [total]), methyl ethyl ketone (maximum 2.76 µg/m³), o-xylene (maximum 1.72 µg/m³), tetrachloroethene (maximum 1.05 µg/m³), toluene (maximum 25 µg/m³), and trichlorofluoromethane (maximum 1.27 µg/m³).

Outdoor Air: The following VOCs were detected in the outdoor air sample: 1,2,4-trimethylbenzene (maximum 2.15 µg/m³), 4-ethyltoluene (maximum 1.91 µg/m³), 4-methyl-2-pentanone (maximum 1.1 µg/m³), benzene (maximum 1.93 µg/m³), carbon tetrachloride (maximum 0.45 µg/m³), chloromethane (maximum 1.1 µg/m³), dichlorodifluoromethane (maximum 2.39 µg/m³), ethanol (maximum 59.9 µg/m³), ethyl acetate (maximum 1.31 µg/m³), ethylbenzene (maximum 1.87 µg/m³), heptane (maximum 2.36 µg/m³), hexane (maximum 4.65 µg/m³), isopropyl alcohol (maximum 3.54 µg/m³), m,p-xylenes (maximum 6.03 µg/m³ [total]), methyl ethyl ketone (maximum 1.53 µg/m³), o-xylene (maximum 2.19 µg/m³), tetrachloroethene (maximum 3.09 µg/m³), toluene (maximum 13.6 µg/m³), trichloroethene (maximum 0.2 µg/m³), and trichlorofluoromethane (maximum 1.31 µg/m³).

NYSDEC Spill Notification: Based on the results of the Phase II investigation, the NYSDEC was notified of a spill (solvents) on August 16, 2022, and assigned spill number 2204315.

Section II. Project Description
401 Hunts Point Avenue and 1360 Drake Park South
Bronx, New York

The Requester intends to conduct a supplemental environmental investigation to further delineate the extent of contaminants of concern in soil and groundwater and to collect data to inform the design of a remedial program. The remedial program will likely consist of a combination of tank removals (both ASTs and USTs), if technically practicable, a cover system, and institutional and engineering controls in accordance with a site management plan and an environmental easement. In addition, the need for soil removal or treatment and groundwater treatment will be evaluated based on the investigation data.

The investigation will start within 60 days of the execution of the Brownfield Cleanup Agreement and will be completed by December 31, 2023 and, if deemed necessary, remediation is anticipated to be complete before December 31, 2024 with a Certificate of Completion received in 2025.

Section III. Land Use Factors

4. The current business operations is Center Sheet Metal, who fabricates sheet metal to customers' specifications. This involves cutting, bending, welding, and coating sheet metal. Based on a Phase I Environmental Site Assessment conducted by Touchstone Environmental Geology, PC (Touchstone), dated June 27, 2022, the current operations do not pose any RECs.

6. The Requester is the current owner and plans to sell the property. The prospective purchaser's development plans are unknown at this time.

The remedial program will likely consist of a combination of tank removals (both ASTs and USTs), if technically practicable, a cover system, and institutional and engineering controls in accordance with a site management plan and an environmental easement (Track 4). In addition, the need for soil removal or treatment and groundwater treatment will be evaluated based on the investigation data.

9. The future land use will be limited by the environmental easement to commercial and industrial uses and, by law, will need to be consistent with current and future zoning laws and maps.

10. The Requester is unaware of any comprehensive community master plans or other land use plans.

Section IV. Property's Environmental History

Phase I Environmental Site Assessment Summary

Touchstone conducted a Phase I Environmental Site Assessment (ESA), dated June 27, 2022, in accordance with ASTM Standard Practice E-1527-21. Touchstone identified the following recognized environmental conditions (REC):

- The presence of a 1,000-gallon AST encased in concrete at 1360 Drake Park South is considered a REC.
- The presence of the 5,000-gallon UST at 1360 Drake Park South that is listed with a status of closed in place on the NYSDEC PBS registration is considered a REC.
- The presence of a 1,000-gallon UST at 401 Hunts Point Avenue is considered a REC.
- The Historical Records and Environmental Database Review Report conducted by CBRE in June 202 identified Regional Groundwater Contamination at the Site and in the surrounding area, and is considered a REC.
- Historic industrial uses may have contributed to site contamination, which Touchstone identified as a REC.
- A paint manufacturing factory was present on the adjacent property to the east from at least 1950 through 1992 as indicated on the historic Sanborn maps. The former presence of the paint factory is considered a potential vapor encroachment condition (PVEC) and a REC.
- Touchstone notes that a tires and auto parts and iron works was depicted at the adjacent properties to the south from 1977 through 1998 and an auto junk yard was depicted at the adjacent property to the south from 1981 through 2007 on the historic Sanborn maps. No known spills or releases are associated with these adjacent properties to the south. However, based on the historical use, Touchstone identified these sites as a potential PVEC and a REC relative to the Site.
- A review of the regulatory databases identified the site to the southeast on the Manufactured Gas Plants database under the names Hunts Point Food Distribution Ctr – ConEd and Consolidated Edison Compressor Station. Touchstone additionally reviewed the NYSDEC Info Locator Online Map. The map indicates the adjacent property to the southeast, the former MGP site, is identified with multiple Brownfield Cleanup Program (BCP), Voluntary Cleanup Programs (VCP), and State Superfund database listings. Based upon the known soil and groundwater contamination, the active BCP site codes and the unknown potential soil vapor intrusion, the adjacent BCP sites to the southeast are considered a REC.
- The Site was identified as containing marshland from at least 1898 to at least 1946 in a review historic topographic maps. Given the history of the Site and surrounding area, it is likely that fill materials were used to facilitate development of the original marshland. The nature and quantity of fill material used is unknown. Touchstone did not specifically identify the presence of the historic fill as a REC, however, the discussion appears to characterize it as such.

The following historical recognized environmental conditions (HRECs) were identified in connection with the Subject Property:

Touchstone identified Spill No. 0607462 which occurred at the Center Sheet Metal facility at the 401 Hunts Point Avenue parcel on September 29, 2006. A UST failed a tightness test. The UST was closed-in-place, but no closure report was submitted to the NYSDEC. According to the previous historical database review conducted by CBRE in June 2022, correspondence with a representative of the Center Sheet Metal indicated no contamination was present at the time of closure. The Spill was closed on September 12, 2007. Based upon the closure of the spill it is considered unlikely to be impacting upon the current environmental quality of the Subject Property; however, Touchstone considered the closed spill to be a HREC.

Phase II Environmental Site Assessment Summary

Touchstone conducted a Phase II ESA based on the results of the March 2022 Phase I ESA which identified RECS, PVECs, and an HREC at the Site. Figures showing the sample locations and UUSCO exceedances are presented in Section IV(3).

Petroleum Summary

The results of the Phase II ESA confirmed the presence of the 5,000-gallon suspect abandoned in place UST located in the northwest paved parking/storage area of the Site at 1360 Drake Park South and the active 1,000-gallon UST located at 401 Hunts Point Avenue. Additionally, during the investigation, it was determined that the active 1,000-gallon UST at 1360 Drake Park South contained oil.

One soil probe, SP-2, was installed to the west of the active 1,000-gallon AST encased in concrete. The soil probe identified evidence of petroleum in the form of organic vapor readings from 12 to 20 feet below grade in SP-2 and petroleum staining and petroleum odors from 14 to 15 feet below grade in SP-2. The analytical results of the soil sample from SP-2 (16 to 18 feet) indicated low levels of petroleum compounds (less than the UUSCO) are present in this area. Based upon these results, the aboveground storage tank may have impacted the soil quality of the site; however, this cannot be fully determined until the AST is removed from the Site.

Three soil probes, SP-3, SP-4, and SP-5, were installed to the north (SP-3), west (SP-4), and south (SP-5) of the abandoned in place 5,000-gallon UST. The soil probes identified evidence of petroleum in the form of elevated organic vapor readings from 0 to 8 feet below grade and 14 to 20 feet below grade in SP-3, from 0 to 12 feet below grade in SP-4, and from 14 to 20 feet below grade in SP-5, and petroleum staining and petroleum odors from 14 to 16 feet below grade in SP-3 and from 14 to 16 feet below grade in SP-5. The analysis of the soil samples from SP-3 (2 to 4-feet) and SP-4 (4 to 6-feet) detected concentrations of petroleum compounds above the UUSCO extending to the western portion of the parking lot as evidenced by the analytical results of SP-5.

The elevated levels of VOCs in the soil around the abandoned UST have impacted groundwater (present at 18 feet below grade), as shown by the results of GP-1 which was installed to the west of the 5,000-gallon suspect abandoned UST in the central portion of the parking lot. The analysis of

the groundwater sample from probe GP-1 detected petroleum VOCs at concentrations exceeding the AWQs. The extent of the groundwater plume in this area is currently unknown.

Elevated levels of petroleum constituents were also detected in the groundwater sample collected from GP-3 located in the central portion of the Site at concentrations above the UUSCOs.

Two soil probes, SP-10 and SP-11, were installed to the north (SP-11) and south (SP-10) of the active 1,000-gallon UST at 401 Hunts Point Avenue. Samples from these soil probes exhibited evidence of petroleum in SP-11 in the form of grey clay in SP-11 from 14 to 16 feet below grade. No additional odors or staining or elevated organic vapor readings were observed in SP-10 or SP-11. The analytical results of the soil sample from SP-10 (14 to 16 feet) and SP-11 (14 to 16 feet) did not indicate petroleum compounds are present in this area at concentrations exceeding their respective UUSCOs.

PAHs were detected in the groundwater samples collected in the central portion of the Site at 1360 Drake Park South (GP-2, GP-3, and GP4) and in groundwater next to the 5,000-gallon UST at 401 Hunts Point Avenue (GP-5) at concentrations exceeding the AWQs. In addition, two phenolic compounds, 2,4-dimethylphenol and 2-methylphenol, were detected in the groundwater sample from GP-1 at concentrations exceeding the AWQs. The source of the PAHs and the phenolic compounds in the groundwater is currently unknown.

As discussed above in Section I (Environmental Assessment) and as shown in the attached figures, various petroleum-related VOCs were detected in the soil vapor, indoor air, and outdoor air samples. The source of the petroleum VOCs at the Site is believed to be from the use and storage of petroleum during Site operations.

Chlorinated Solvents Summary

The concentration of TCE at 14 to 16 feet in the soil sample from SP-8 in the northeast portion of the site is 6.3 ug/kg which is significantly less than the UUSCO of 470 ug/kg. The 14 to 16-foot depth is directly above the water table within the vadose zone so it is possible that this soil was impacted by the groundwater table rather than being from an on-site release. TCE was also detected near SP-8 in groundwater probe GP-4 at a concentration of 25 ug/L which exceeds its AWQS of 5 ug/L.

Furthermore, TCE was detected in the southeast portion of the site (GP-5, 5.9 ug/L [above the AWQS]) and the northwest portion of the site (GP-3, 4.1 ug/L [below the AWQS]).

PCE was detected in the groundwater beneath the central portion of the Site (GP-3) at a concentration of 2.3 ug/L which is less than the AWQS of 5 ug/L. The source and extent of the solvent impacts at the Site are currently unknown.

As discussed above in Section I (Environmental Assessment) and as shown in the attached figures and tables, various chlorinated VOCs were detected in the soil vapor, indoor air, and outdoor air samples. The source of the chlorinated VOCs at the Site has not been identified.

Section IV(2). Data Summary Tables

Soil Table

Analytes > UUSCOs	Detections > UUSCOs	Max. Detection (mg/kg)	UUSCO (mg/kg)	Depth (ft bgs)
Methyl Ethyl Ketone	1	1.1	0.12	16-18
Total Xylenes	2	5.9	0.26	16-18
n-Propylbenzene	1	7.2	3.9	4-6
Benzo(a)pyrene	2	5.4	1.0	2-4
Benzo(b)fluoranthene	1	2.9	1.0	2-4
Benzo(k)fluoroanthene	2	2.7	0.8	2-4
Dibenzo(a,h)anthracene	2	0.83	0.33	1.5
Indeno(1,2,3-cd)pyrene	2	8.1	0.5	2-4
Lead	1	118	63	14-16

UUSCO = Unrestricted Use Soil Cleanup Objective

Number of samples: volatile organic compounds = 11, semi-volatile organic compounds = 11, and metals = 6

Groundwater Table

Analytes > AWQSs	Detections > UUSCOs	Max. Detection (µg/l)	AWQS (µg/l)
1,2,4-Trimethylbenzene	1	1,500	5
1,3,5-Trimethylbenzene	1	380	5
Ethylbenzene	1	12,000	5
Isopropylbenzene	1	190	5
Naphthalene	1	890	10
n-Butylbenzene	1	7.7	5
n-Propylbenzene	1	180	5
o-Xylene	2	17,000	5
Toluene	1	130	5
Total Xylenes	2	65,000	5
2,4-Dimethylphenol	1	95	1
2-Methylphenol	1	10	1
Benzo(a)anthracene	4	1.3	0.002
Benzo(b)fluoranthene	4	0.62	0.002
Benzo(k)fluoroanthene	2	0.35	0.002
Chrysene	4	2.3	0.002
Indeno(1,2,3-cd)pyrene	2	0.29	0.002

AWQS = Class GA Ambient Water Quality Standard

Number of samples: 5

Soil Gas Table

Volatile Compounds	Sub-Slab		Indoor Air		Outdoor Air	
	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)
1,2,4-Trimethylbenzene	5	53.6	1	11.6	1	2.15
1,3,5-Trimethylbenzene	5	13.5	1	4.96	0	NA
2-Hexanone	4	186	0	NA	0	NA
4-Ethyltoluene	5	45.1	1	11.2	1	1.91
4-Isopropyltoluene	0	NA	1	1.15	0	NA
4-Methyl-2-pentanone	1	5.2	1	2.32	1	1.1
Acetone	5	3,730	1	38.7	1	NA
Benzene	5	19.7	1	1.06	1	1.93
Bromodichloromethane	1	40.5	0	NA	0	NA
Carbon disulfide	1	46.4	0	NA	0	NA
Carbon Tetrachloride	1	9.81	1	0.44	0	0.45
Chloromethane	0	NA	1	1.34	1	1.1
Chloroform	3	108	0	NA	0	NA
cis-1,2-Dichloroethene	1	2.1	0	NA	0	NA
Dichlorodifluoromethane	1	36.6	1	2.33	1	2.39
Ethanol	5	228	1	46.1	1	59.9
Ethyl acetate	0	NA	1	1.24	1	1.31
Ethylbenzene	5	41	1	1.14	1	1.87
Heptane	5	28.5	1	1.24	1	2.36
Hexane	5	20.2	1	39.1	1	4.65
Isopropyl alcohol	4	115	1	3.24	1	3.54
Methylene Chloride	5	57.6	0	NA	0	NA
m,p-Xylenes	5	149	1	2.65	1	6.03
Methyl ethyl ketone	5	486	1	2.76	1	1.53
o-Xylene	5	54.7	1	1.72	1	2.19
Propylene	5	66.6	0	NA	0	NA
Tetrachloroethene	5	1,680	1	1.05	1	3.09
Toluene	5	162	1	25	1	13.6
Trichloroethene	4	3,330	1	1.05	1	0.2
Trichlorofluoromethane	0	NA	1	1.27	0	NA

Number of samples: outdoor = 1, indoor = 1, and sub-slab = 5

Section IV(3). Sampling Data Maps



Image Source: Google Maps

LEGEND

- [Red outline] SITE AND PROPERTY BOUNDARY
- [Orange square] ABANDONED 5,000-GALLON UST
- [Red square] ACTIVE 1,000-GALLON AST ENCASED IN CONCRETE
- [Blue square] ACTIVE 1,000-GALLON UST
- [Purple circle] PHASE II SOIL SAMPLE LOCATION (TOUCHSTONE ENV.)

[Green crosshair symbol] PROPOSED SOIL SAMPLE LOCATION (PETROLEUM INVESTIGATION)

	RESC	CP-51
VOC		
n-Propylbenzene	500	3.9
Total Xylenes	500	0.26
SVOC		
Benzo(a)pyrene	1	1
Benzo(b)fluoranthene	5.6	1
Benzo(k)fluoranthene	56	0.8
Dibenzo(a,h)anthracene	0.56	0.33
Indeno(1,2,3-cd)pyrene	5.6	0.5

NOTES:
ANALYTICAL RESULTS PRESENTED IN MILLIGRAMS PER KILOGRAM (mg/kg)
RESC: NYCRR PART 375 RESTRICTED COMMERCIAL USE SOIL CLEANUP OBJECTIVES
CP-51: SOIL CLEANUP LEVELS FOR FUEL OIL CONTAMINATED SOIL
ONLY COMPOUNDS WHICH EXCEED RESR OR CP-51 ARE SHOWN.

Scale 1 : 300
25 0 25 50 feet



APP	DESCRIPTION	DATE	REV

1 EMERY AVE, UNIT 2
RANDOLPH, NJ 07869

1360 Drake Park South
and
401 Hunts Point Ave

BRONX		NEW YORK	
DRN	AN	DATE	10/27/2022
DES		DATE	
CHK	NK	DATE	11/1/2022
SCALE	AS SHOWN	PROJECT NO.	401 HUNTS POINT

PROPOSED SOIL
SAMPLE LOCATIONS

FIGURE

Section V. Requestor Information

Members of 401 Hunts Point LLC

Darlene Rebak, Manager
16298 Vintage Oaks Lane
Delray Beach, FL 33484
(914) 450-6293
drebak@optonline.net

Joan Stelzer Beinart
326 Del Pond Drive
Canton, MA 02021

Leonard Stein
2745 Point Circle
West Palm Beach, FL 33413

Revocable Trust Agreement dated May 13, 1997 (Daniel Stein, Grantor)
125 South 56th Avenue
St. Petersburg, FL 33705

The Charles Stein Trust Fund Under Declaration Dated March 30, 2005
8608 La Sala Del Sur NE
Albuquerque, NM 87111

Section V(2). New York Department of State Business Corporate Entity Information



[Services](#) [News](#) [Government](#) [COVID-19](#)

Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details

ENTITY NAME: 401 HUNTS POINT LLC

FOREIGN LEGAL NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW

DATE OF INITIAL DOS FILING: 07/24/2000

EFFECTIVE DATE INITIAL FILING: 07/24/2000

FOREIGN FORMATION DATE:

COUNTY: WESTCHESTER

JURISDICTION: NEW YORK, UNITED STATES

DOS ID: 2534722

FICTITIOUS NAME:

DURATION DATE/LATEST DATE OF DISSOLUTION: 12/31/2050

ENTITY STATUS: ACTIVE

REASON FOR STATUS:

INACTIVE DATE:

STATEMENT STATUS: CURRENT

NEXT STATEMENT DUE DATE: 07/31/2022

NFP CATEGORY:

ENTITY DISPLAY

[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O GROSS & GROSS, LLP

Address: 371 MERRICK ROAD, ROCKVILLE CENTRE, NY, UNITED STATES, 11570

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

Section VI. Requestor Eligibility – Supplemental Information

Section VI(12) – the Requestor qualifies as a Volunteer since its liability arises solely from its ownership of the Site. As a non-operating landlord the Requester has exercised due care with respect to the Site by compelling its tenants to operate in accordance with all applicable laws and regulations and to report and address any issues to the applicable agencies in a timely manner. The sole historic release detected was due to operations of the tenant(s) that were unrelated to any operations of the Requestor. The current tenant, Center Sheet Metal, made a spill notification on September 29, 2006 due to a tank integrity test failure. The spill was properly addressed and the tank spill number was administratively closed and the spill designated as NFA in November 2006 (see pdf P. 145 of Phase I ESA, dated June 27, 2022). The Requester has timely notified NYSDEC during subsequent investigations and is undertaking appropriate measures by applying to the New York State Brownfield Cleanup Program to address recently identified chlorinated solvents on the Site. The Requestor has never operated businesses on the Site (only leased the property to third parties with an affirmative obligation for any third parties to exercise due care in their operations).

Therefore, the Requestor qualifies as a Volunteer because the Requestor had no involvement with the release of hazardous substances and is taking the appropriate steps to address identified contamination at the Site through the timely submittal of the instant application.

Section IX: Current Property Owner and Operator Information

Current Ownership: The property is currently owned by 401 Hunts Point LLC and used as a sheet metal parts fabrication shop by a tenant, Center Sheet Metal Inc.

Members of 401 Hunts Point LLC (established 2001)

Owner Name	Dates	Contact Information	Relationship to Requestors Members
Darlene Rebak (LLC manager)	2001 to present	Darlene Rebak, Manager 16298 Vintage Oaks Lane Delray Beach, FL 33484 (914) 450-6293 drebak@optonline.net	LLC member
Joan Stelzer Beinart Trust	2001 to present	Peter Stelzer 5432 25th Avenue South Minneapolis, MN 55417 (857) 242-8700	LLC member
The Charles Stein Trust Fund Under Declaration Dated March 30, 2005	2001 to present	Leonard Stein 2745 Point Circle West Palm Beach, FL 33413 (561) 966-6110	LLC member

Historic Ownership:

The historic property owners, William Leskin, Martin Kapp & Sidney Stein (all deceased), passed on to family members, who are listed in the table above.

Owner Name	Dates	Contact Information	Relationship to Requestors Members
William Leskin	Before 1950 to 2001	Deceased	Father/Grantor to Darlene Rebak
Martin Kapp	Before 1950 to 2001	Deceased	Father/Grantor to Joan Stelzer Beinart Trust
Sidney Stein	Before 1950 to 2001	Deceased	Father/Grantor to Charles Stein Trust

Historical Operators and Use: Based on information provided in the Touchstone Phase I ESA, dated June 27, 2022, the Site history is provided in the following table. The current owner has limited records due to a loss of records due to a fire and a pipe burst; however, through internet research the following operator contact information was identified as listed in the table below.

Operator Name	Dates	Use (if known)	Contact Information	Relationship to Requestors Members
Peerless Mayer (owner)	Before 1950 to Circa 1994	Cabinet manufacturer	Darlene Rebak, Manager 16298 Vintage Oaks Lane Delray Beach, FL 33484 (914) 450-6293 drebak@optonline.net Darlene Rebak, Manager 16298 Vintage Oaks Lane Delray Beach, FL 33484 (914) 450-6293 drebak@optonline.net	Father/Grantor
Center Sheet Metal (tenant)	1994 to present	Sheet metal parts fabricator	Victor Gany President 1371 East Bay Avenue Bronx, NY 10474 (718) 893-6700 vgany@bellatlantic.net	No relation
International Vegetable & Fruits Specialty, Inc. (tenant)	Circa 1994	Food distribution	Unknown	No relation
Stern's Quality Fruits & Vegetables (tenant)	Circa 1994	Food distribution	Unknown	No relation
Top Lift Truck (tenant)	Circa 2000	Trucking company	Unknown	No relation
Josue Ruiz (tenant)	Circa 2004	Trucking company	9540 112th St South Richmond Hill, NY, 11419-1106 (347) 738-2428	No relation
Executive Elevator Cab Co	2004 to 2005	Elevator services	Charles Marino 142 Winchester Dr Yonkers, NY 10710 (914) 771-7950	No relation
Twin Donut	2005 to 2009	Donut company	Unknown	No relation
Preferred Elevator Service	2005 to 2014	Elevator services	Charles Marino 142 Winchester Dr Yonkers, NY 10710 (914) 771-7950	No relation

There is no additional information on the Site ownership or operators.

Section XI: Site Contact List

1. Local and State Officials

Bronx Borough President Borough President: Vanessa L. Gibson
851 Grand Concourse, 3rd Floor Bronx, NY 10451

New York City Department of City Planning – Bronx Borough Office: Borough Director
Position Vacant
1775 Grand Concourse, Suite 503
Bronx, NY 10458

New York City Mayor's Office Eric Adams, Mayor
City Hall
New York, NY 10007

NYC City Planning Commission, Commissioner: Dan Garodnick
Commissioner; NYC Dept. Of Planning
120 Broadway, 31st Floor
New York, NY 10271

Council Member, District 17: Rafael Salammanca, Jr.
1070 Southern Blvd, Bronx, NY 10459

Bronx Community Board 2, District Manager: Ralph Acevedo
1029 E. 163rd Street, #202
Bronx, NY 10459

NYC Office of Environmental Coordination, Director: Hilary Semel
100 Gold Street, 2nd Floor
New York, NY 10038.

NYC Dept. of Environmental Protection, Environmental Assessment & Review Division,
Director: Stephanie Shellooe
120 Broadway, 31st Floor
New York, NY 10271

Assembly District 84, NYS Assembly member: Amanda Septimo
384 E. 149th Street, Suite 202
Bronx, NY 10455

Hon. Charles Schumer
U.S. Senator
780 Third Avenue, Suite 2301
New York, NY 10017

Hon. Kirsten Gillibrand
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017

2. Residents, Owners, Occupants

Residents: None (industrial property)

Owner:

401 Hunts Point LLC
Owner Contact: Darlene Rebak, 401 Hunts Point LLC Manager
16298 Vintage Oaks Lane
Delray Beach, FL 33484
(914) 450-6293
drebak@optonline.net

Occupant

Center Sheet Metal, Inc.
Victor Gany
President
1371 East Bay Avenue
Bronx, NY 10474
(718) 893-6700
vgany@bellatlantic.net

Adjacent Properties:

North

Joseph Rodman Drake Park & Enslaved African Burial Ground
Drake Park South and Hunts Point Avenue
Bronx, NY 10474
(212) 639-9675

East

Albert's Coffee Shop
405 Hunts Point Avenue
Bronx, NY 10474
(718) 328-6500

Nao Medical
421 Hunts Point Avenue
Bronx, NY 10474
(917) 310-3371

Vacant
407 Hunts Point Avenue
Bronx, NY 10474
Realtor Number: (718) 231-5700
Vacant
405 Hunts Point Avenue
Bronx, NY 10474
Realtor Number: (718) 683-2165

Fratilli's Pizza (across Hunts Point Avenue)
404 Hunts Point Avenue
Bronx, NY 10474
(718) 542-7340

South

Franco Remodeling Corp.
1361 E. Bay Avenue
Bronx, NY 10474
(718) 387-9399

P&G Beverages
1351 E. Bay Avenue
Bronx, NY 10474
(718) 588-8880

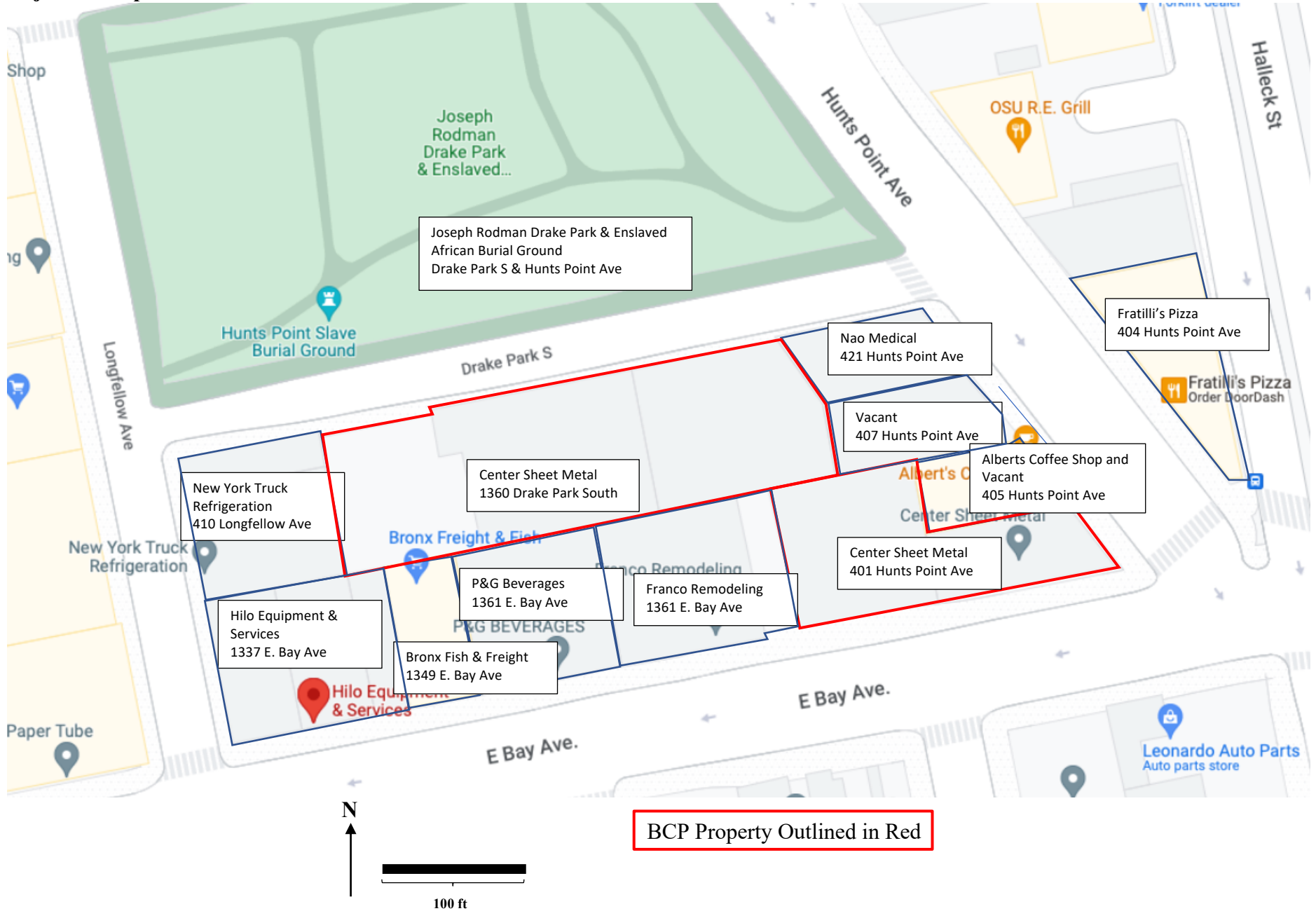
Bronx Freight & Fish
1349 E. Bay Avenue
Bronx, NY 10474
(718) 861-7944

Hilo Equipment & Services
1337 E. Bay Avenue
Bronx, NY 10474
(718) 842-4456

West

New York Truck Refrigeration
410 Longfellow Avenue
Bronx, NY 10474
(718) 893-3400

Adjacent Properties



3. Local News Media

The Hunts Point Express
Hunter College
695 Park Avenue
New York, NY 10065
(212) 772-4000

Bronx Times Reporter
1111 Calhoun Ave Front 2
Bronx, NY 10465
(718) 597-1116

4. Persons Requesting to be Placed on Contact List

None

5. Public Water Supplier

New York City Department of Environmental Protection
Customer Service Center
1932 Arthur Avenue, 6th Floor
(718) 595-7000

6. Administrators of Schools or Day Care Facilities Located on or Near Property:

No schools within 1.5 miles of the Site

7. Location of Document Repository and Community Board:

Soundview Library
660 Soundview Avenue
Bronx, NY 10459
(718) 589-0880

Bronx Community Board 2, District Manager: Ralph Acevedo
1029 E. 163rd Street, #202
Bronx, NY 10459
(718) 328-9125



March 13, 2023

Ms. Tanya Bradley
Library Manager
Soundview Library
660 Soundview Avenue
Bronx, NY 10473

Re: Document Repository Acknowledgement
Site: 401 Hunts Point Avenue, Bronx, New York

Dear Ms. Bradley:

We would like to request that the Soundview Branch of the New York Public Library serve as a document repository for the Brownfield Cleanup Program being planned for the site located at 401 Hunts Point Avenue in the Bronx. A Dropbox link is provided below. We anticipate that the project will be completed by 2025.

Dropbox Link

https://www.dropbox.com/sh/vppno2ongfb28y1/AADT-NOKDKDXILy_jo3s2MQ8a?dl=0

We would appreciate it if you can acknowledge that the New York Public Library will establish the digital repository.

Thank you for serving as the digital repository for our project. Should you have any questions or need for additional information, please contact our office at your convenience.

Very truly yours,
Sustainable Development, Inc.

A handwritten signature in dark ink, appearing to read "Al Nesheiwat", is written over a horizontal line.

Al Nesheiwat, Managing Principal

Soundview Library Acknowledgement of Digital Repository

A handwritten signature in dark ink, appearing to read "Tanya Bradley", is written over a horizontal line.

Tanya Bradley, Library Manager

RE: 401 Hunts Point Document Repository

Bronx Community Board 2 <brxcb2@optonline.net>

Fri 3/17/2023 1:07 PM

To: John Simon <jsimon@GnarusLLC.com>

Bronx Community Board 2 agrees to act as a document repository for the Brownfield Cleanup Program for the 401 Hunts Point Avenue site in Hunts Point, Bronx, New York.

Thank you
Cynthia Baez

From: John Simon [mailto:jsimon@GnarusLLC.com]

Sent: Friday, March 17, 2023 11:37 AM

To: Bronx Community Board 2 <brxcb2@optonline.net>

Cc: alnesheiwat sustainable-development-inc.com <alnesheiwat@sustainable-development-inc.com>

Subject: Re: 401 Hunts Point Document Repository

Cynthia - did you get a chance to respond to the email below? Thank you, John S.



*This communication may contain privileged and confidential information and is intended only for the addressee(s).
Any other use is prohibited. If you have received this message erroneously, please destroy it and notify sender.*

From: John Simon <jsimon@GnarusLLC.com>

Sent: Tuesday, March 14, 2023 3:08 PM

To: Bronx Community Board 2 <brxcb2@optonline.net>

Cc: alnesheiwat sustainable-development-inc.com <alnesheiwat@sustainable-development-inc.com>

Subject: Re: 401 Hunts Point Document Repository

Cynthia – thank you for the response that you received our request. The New York State Department of Environmental Conservation needs an affirmative acknowledgement. Can you send an email that says?

Bronx Community Board 2 agrees to act as a document repository for the Brownfield Cleanup Program for the 401 Hunts Point Avenue site in Hunts Point, Bronx, New York.

Thank you very much, John S.



This communication may contain privileged and confidential information and is intended only for the addressee(s).

Any other use is prohibited. If you have received this message erroneously, please destroy it and notify sender.

From: Bronx Community Board 2 <brxcb2@optonline.net>
Sent: Tuesday, March 14, 2023 12:28 PM
To: John Simon <jsimon@GnarusLLC.com>
Subject: RE: 401 Hunts Point Document Repository

Good Afternoon

This Is Cynthia Baez Of community Board 2. Received

Thank you

From: John Simon [<mailto:jsimon@GnarusLLC.com>]
Sent: Monday, March 13, 2023 10:03 AM
To: brxcb2@optonline.net
Cc: alnesheiwat sustainable-development-inc.com <alnesheiwat@sustainable-development-inc.com>
Subject: 401 Hunts Point Document Repository

Mr. Acevedo - please find attached a letter requesting that the Bronx Community Board 2 establish a document repository for a Brownfield Cleanup Program project. We represent the brownfield applicant and acknowledgement from the Library is a requirement for our client's brownfield cleanup application with the NYSDEC (i.e., the NYSDEC will not process the application without the acknowledgement).

We would appreciate it if someone from the Bronx Community Board 2 can acknowledge that the repository will be established by responding to this email.

Regards, John S.



John Simon
PRINCIPAL

(202) 505-1906 Office
(703) 298-3603 Mobile
www.gnarusllc.com

*This communication may contain privileged and confidential information and is intended only for the addressee(s).
Any other use is prohibited. If you have received this message erroneously, please destroy it and notify sender.*



March 13, 2023

Ralph Acevedo
Bronx Community Board 2, District Manager
1029 E. 163rd Street, #202
Bronx, NY 10459

Re: Document Repository Acknowledgement
Site: 401 Hunts Point Avenue, Bronx, New York

Dear Mr. Acevedo:

We would like to request that the Bronx Community Board 2 serve as a document repository for the Brownfield Cleanup Program being planned for the site located at 401 Hunts Point Avenue in the Bronx.

We represent the brownfield applicant and acknowledgement from the Library is a requirement for our client's brownfield cleanup application with the NYSDEC (i.e., the NYSDEC will not process the application without the acknowledgement).

We would appreciate it if you can acknowledge that the Bronx Community Board 2 will establish the repository either electronically or by allowing us to place physical hard copies of documents at your office for the public to review.

Should you have any questions or need for additional information, please contact our office at your convenience.

Very truly yours,
Sustainable Development, Inc.

A handwritten signature in dark ink, appearing to read "Al Nesheiwat", is written over a horizontal line.

Al Nesheiwat
Managing Principal