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**PROGRESS REPORT #37**  
**73-99 Empire Boulevard**  
**73-99 Empire Boulevard, Kings County, NY**  
**Brownfield Cleanup Program #C224343**  
**Reporting Period: March 2026**

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### **Introduction**

In accordance with the Brownfield Cleanup Agreement (BCA; Index #C224343), dated March 16, 2022, this Progress Report was prepared by Roux Environmental Engineering and Geology, D.P.C. (Roux) to describe the Brownfield Cleanup Program (BCP) activities at the 73-99 Empire Boulevard Project located at 73-99 Empire Boulevard, Brooklyn, Kings County, New York (Site) [Site #C224343-03-22] for the month of March 2026.

The BCP Application was submitted to the NYSDEC by the prior owner, Empire Boulevard Holdings LLC (EBH) on April 17, 2021, and a BCP Site number C224343 was assigned. A Brownfield Cleanup Agreement (BCA) was executed on March 16, 2022, between NYSDEC and EBH. A Citizens Participation Plan (CPP) was submitted to the NYSDEC and approved on May 10, 2022. A Remedial Investigation Work Plan (RIWP) was developed in accordance with the DER-10 Technical Guidance for Site Investigation and Remediation, dated May 2010 (DER-10), submitted to NYSDEC on January 6, 2023, and approved by NYSDEC on January 18, 2023. In anticipation of the sale of the Site by EBH to Empire McKeever Heights LLC (the Volunteer), a Change of Use Form was submitted to NYSDEC on June 17, 2025, as was a BCA Amendment (Amendment No. 1) seeking to add the Volunteer to the BCA; NYSDEC approved Amendment No. 1 on August 8, 2025. On or about September 10, 2025, a BCA Amendment (Amendment No. 2) was submitted to NYSDEC confirming that the Volunteer now owns the Site, and removing EBH from the BCA, which was approved by NYSDEC on December 5, 2025.

### **I. BCP Activities Completed during the Reporting Period**

On March 10, 2026, the NYSDEC provided the Fact Sheet announcing the proposed cleanup for the Site and public comment period, lasting from March 12 through April 26, 2026. The RIR and the RAWP were provided to the document repositories (Crown Heights library in Brooklyn and Community Board 6) on the same day. The Fact sheet was also mailed to the contact list provided by NYSDEC on March 11, 2026.

### **II. BCP Activities Planned for the Next Reporting Period (April 2026)**

The public comment period will end on April 26, 2026. A in-situ waste characterization sampling program is scheduled to be implemented by others between April 28 through May 1, 2026. Roux will be responsible for implementing the CAMP and daily reporting during this period, as requested by NYSDEC.

### **III. Schedule and Changes to Scope of Work or Schedule**

The project schedule is attached.

### **IV. Sampling and Other Data Received or Generated during the Reporting Period**

None.

### **V. Deliverables Submitted during the Reporting Period**

None.

**VI. Percentage of Work Completion and Any Delays**

See attached schedule.

**VII. Citizen's Participation Plan Actions Taken during the Reporting Period**

See above (I).

**VIII. Citizen's Participation Plan Actions Planned for the Next Reporting Period (April 2026)**

See above (II).

Figure 1. Project Schedule

