PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)

233-243 NEVINS STREET
AKA 236 BUTLER STREET
& 233-241 DOUGLASS STREET
BROOKLYN, NEW YORK 11217

PREPARED FOR

[redacted]

MECC PROJECT M14942

AUGUST 2016

MERRITT ENVIRONMENTAL CONSULTING CORP.

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PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)
ASTM E1527-13

PREPARED IN ACCORDANCE WITH THE ALL APPROPRIATE INQUIRY (AAI) RULE

Site Address	233-243 Nevins Street AKA 236 Butler Street & 233-241 Douglass Street Brooklyn, New York 11217
Prepared for	[redacted]
Prepared By	Merritt Environmental Consulting Corp. 77 Arkay Drive, Suite D Hauppauge, New York 11788 (631) 617-6200 www.merrittec.com
MECC Project No	Project M14942
Inspection Date	June 2, 2016
Summary Date	July 28, 2016
Final Report Date	August 22, 2016

1) EXECUTIVE SUMMARY

Merritt Environmental Consulting Corp. (MECC) has completed a Phase I Environmental Site Assessment (ESA) at 233-243 Nevins Street, AKA 236 Butler Street and 233-241 Douglass Street, Brooklyn, New York 11217 (the "Property") in accordance with the scope of work presented in Section 2.2. The report conforms to the ASTM E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

MECC was retained to perform this Phase ESA as an agent for the buyer [redacted] conducting a due diligence evaluation prior to purchasing site.

The on site investigation was conducted on June 2, 2016. The Property currently consists of two (2) 2-story commercial buildings. The site is located on a plot size approximately 24,000 square feet. The buildings were constructed in 1931.

Based on our site reconnaissance, database review and historical investigation, no Recognized Environmental Conditions (RECs) were noted.

A Recognized Environmental Condition is the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

In addition, no de minimis conditions were noted.

A de minimis condition is one that generally does not present a material risk of harm to public health or the environment and that generally would not be subject of an enforcement action if brought to the attention of appropriate governmental agencies (excluding local asbestos & lead situations).

No Controlled Recognized Environmental Conditions (CRECs) were noted.

A Controlled Recognized Environmental Condition (CREC) is an environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property use restrictions, AULs, institutional controls, or engineering controls).

BUSINESS ENVIRONMENTAL RISK

A risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate not necessarily limited to those environmental issues required to be investigated in this practice. Consideration of business environmental risk issues may involve addressing one or more non-scope considerations.

ITEM	
1	MECC has reviewed several reports conducted on the property. Based on the information reviewed, depth to the water table at this property is within 8 feet below ground surface (bgs) making it likely that the bottoms of the larger USTs associated with the property may be in contact with the water table aquifer. Since it is known that a shallow water table exists and because the report(s) contains no groundwater quality data or reference to prior studies that may have investigated groundwater quality, impact on the water table aquifer is possible. If the property is slated for disposition and future redevelopment consideration should be given to reviewing historical groundwater quality data. If no groundwater quality data exists then consideration to obtaining groundwater samples for laboratory analysis to determine VOC content should be given.
2	If the site is to be sold for redevelopment, additional costs will be incurred to (a) remove whatever material was used to fill the tanks that may be impacted by at least residual levels of petroleum; (b) removing the tanks to make way for construction; and (c) possibly encountering soil during excavation that may exhibit a petroleum odor, necessitating special disposal. Furthermore, the reports reviewed by MECC include a discussion of urban fill material which will need to be properly addressed during any redevelopment.
3	The site is located in an industrial area of Brooklyn and several adjacent and nearby properties were industrial /manufacturing in nature over the years. None of the prior reports reviewed by MECC make a determination on whether or not the site may be a source of impact to groundwater quality or if it may be a contributing source of possible existing and area-wide groundwater quality degradation. Should any contamination or Vapor Encroachment/Intrusion Conditions (VEC/VIC) be discovered that is traced back to the adjacent properties, they would need to remediate in accordance with applicable regulations as the responsible party.

NON-SCOPE CONSIDERATIONS

There may be environmental issues or conditions at a property that parties may wish to assess in connection with commercial real estate that are outside the scope of this practice (the non-scope considerations). Some substances may be present on a property in quantities and under conditions that may lead to contamination of the property or of nearby properties but are not included in CERCLA's definition of hazardous substances (42 U.S.C. §9601(14) or do not otherwise present potential CERCLA liability. In any case, they are beyond the scope of this practice. There may be standards or protocols for assessment of potential hazards and conditions associated with non-scope conditions developed by governmental entities, professional organizations, or other private entities. Asbestos-Containing Building Materials, Lead-Based Paint, and Radon are several non-scope considerations that persons may want to assess in connection with commercial real estate.

MECC has not conducted an asbestos, lead based paint or mold evaluation as these items are considered beyond the scope of the ASTM E1527-13 standard. Should the purchaser of the property need these issues addressed, they should retain reputable firms to provide this additional service.

The following Historical Recognized Environmental Conditions (HRECs) were identified in our database search:

A Historical Recognized Environmental Condition (HREC) is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority, or meets unrestricted use criteria established by a regulatory authority without subjecting the property to any required controls.

NYSDEC SPILL EVENTS

- **Six (6) NYSDEC Spill events occurred on site:**

1) Business
236 Butler Street
Spill # 1403412
Spill date: 06/30/14
Close date: 07/11/14
Remarks: Spilled product throughout the facility

2) Business
236 Butler Street
Spill # 1216856
Spill date: 03/30/13
Close date: 07/17/13
Remarks: Equipment failure on tank truck

3) Petroleum Tank Cleaners
236 Butler Street
Spill # 1403303
Spill date: 05/21/14
Close date: 07/11/14
Remarks: petroleum product was found discharged to soil at several areas of the site

4) Petroleum Tank Cleaners
236 Butler Street
Spill # 1204042
Spill date: 07/24/12
Close date: 07/25/12
Remarks: Housekeeping

5) Petroleum Tank Cleaners
236 Butler Street
Spill # 1112454
Spill date: 11/01/11
Close date: 08/10/16
Remarks: petroleum staining was found on the ground around various UST's

6) Petroleum Tank Cleaners
236 Butler Street
Spill # 0806428
Spill date: 09/08/08
Close date: 09/16/08
Remarks: Drum spill

The spills have been closed by the New York State Department of Environmental Conservation (NYSDEC). On June 6, 2016, MECC submitted a Freedom of Information request to the NYSDEC for additional information on the above spill events.

In response to our request, MECC was provided with NYSDEC Spill Report forms for the above spills along with an order of consent for Spill No. 1112454 and a report authored by Petroleum Tank Cleaners dated July 2, 2013 (See Appendix A). In addition, MECC has been provided with several additional reports associated with the subject site.

Spill No. 1112454, was issued by NYSDEC for the presence of an oil sheen in several locations in the yard and at 241 Douglas Street in November 2011. The sheen had been the result of housekeeping issues surrounding the handling of petroleum at the site and vehicles which had leaked small quantities of oil during their operation.

To achieve closure of this spill, Petroleum Tank Cleaners was required to submit a subsurface investigation plan to NYSDEC to confirm that these observations did not in fact result in subsurface contamination at the site. A plan was submitted and approved for implementation. A subsurface investigation was conducted in June 2016 and a report was submitted to DEC. The investigation consisted of taking eight (8) soil borings in the yard at 236 Butler Street and four (4) soil borings at 241 Douglas Street. The eight (8) borings in the yard did not indicate the presence of the presence of petroleum below the surface. Of the four (4) borings taken in 241 Douglas Street all but one did not indicate any subsurface contamination.

A supplemental investigation was conducted in the yard with four (4) additional soil borings in a section that had not been addressed in the original sampling. Results of this supplemental investigation were the same. No odors or staining were observed and analytical results did not indicate the presence of petroleum.

The NYSDEC also required that the one location in the corner of 241 Douglas Street be delineated. Four (4) soil borings were taken 6 feet around the original boring and analyzed. The sample analyses showed that the contamination did not extend beyond the localized area. This localized area will be addressed by removal of a small quantity of soil and replacement with clean fill. Based on the work performed, the NYSDEC granted closure to Spill No. 1112454 on August 10, 2016.

<u>Gasoline Tanks</u>

During our reconnaissance, a gasoline vent line was observed on the roof (See Photo Section).

The Sanborn Map for the year 1938 shows one (1) gasoline tank present at 225-233 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Map for the year 1950 shows one (1) gasoline tank present at 235 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Maps for the years 1969-1987 shows two (2) gasoline tanks present at the 235-243 Nevins Street portion of the property.

MECC has been informed that the site had four (4) gasoline USTS (550 gallons each) - one (1) at 241 Douglas Street, two (2) at 235-243 Nevins Street (in the same one story building identified as 241 Douglas Street) and one (1) at 236 Butler Street. The gasoline tanks at 241 Douglas Street and 235-243 Nevins Street were previously removed and all that remains is the concrete that surrounded the tanks.

Soil samples were taken at the location of 235-243 Nevins Street and showed no evidence of any release of gasoline.

MECC has been provided with an Addendum Closure Report for Underground Storage Tanks prepared by Nathan Edeson, PE. According to the report, a 3,000-gallon previously closed in place diesel fuel UST was identified to be associated with 241 Douglass Street. Locations of two (2) 550-gallon gasoline USTs that had been removed prior to NYS bulk storage tank regulations went into effect were also identified.

The results indicated all samples were below the soil cleanup objectives with the exception of Benzene in a sample taken from the area of the 3,000-gallon previously closed in place diesel fuel UST. The CP-51 Soil Cleanup Level (SCL) for benzene is 0.06 ppm. The report indicates that benzene was detected in one of the samples 0.0833 ppm, which is slightly above the cleanup level.

MECC has been informed that the location of the one tank at 236 Butler Street was identified and was scheduled to be investigated to confirm that the tank was closed in place and did not result in any subsurface contamination. MECC was informed that a report regarding the 550-gallon tank at this location was going to be forwarded to our office. It is has not yet been received.

<u>Tanks Registered to 241 Douglass Street</u>

Our database review indicated two (2) Underground Storage Tanks (USTs) registered to L.C.R. Trucking LLC (241 Douglass Street).

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 001
Tank Status: In Service
Expiration Date: 03/01/15

5,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 002
Tank Status: In Service
Expiration Date: 03/01/15

The tank registration should be updated and amended to reflect “closed-removed” status.

MECC has been informed that these two (2) tanks were emptied, cleaned and certified gas freed. In order to close these two (2) USTs it was necessary to sample the soil beneath the tanks. Three (3) soil samples were taken beneath the 10,000 gallon UST and two (2) soil samples were taken the 5,000 gallon UST tank. Results of the sample analyses showed there was no evidence of a petroleum release. Petroleum Tank was given permission by the NYSDEC to close the tanks in place and fill with sand which was done in 2015. An application to change the status of the tanks to "closed in place" was submitted to DEC and awaiting action.

Tanks Registered to 236 Butler Street

Our database review also indicated four (4) Underground Storage Tanks (USTs) registered to Petroleum Tank Cleaners (236 Butler Street).

3,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 001
Tank Status: Closed-Removed
Date Tank Closed: 07/01/13

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 002
Tank Status: Closed-Removed
Date Tank Closed: 01/08/14

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 003
Tank Status: Closed-Removed
Date Tank Closed: 01/09/14

20,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 004
Tank Status: Administratively Closed

The Petroleum Bulk Storage database on the DEC website indicates that (3) USTs were closed and (1) was administratively closed. In order for DEC to "close" a tank, documentation must be submitted to DEC and approved to show that tanks were either removed or closed in place and soil sample submitted showing no releases from the tanks occurred. MECC has been informed that the owner submitted documentation showing the (3) USTs were removed and soil sample analyses indicated that no releases had occurred. In response to the submission the agency changed the status of these tanks to "closed." As far as the administratively closed tank, a tank had been registered with DEC in anticipation of its installation. The tank was never installed yet remained as active on the database. The owner has submitted a request that the tank be removed from the database explaining the circumstances and DEC officials accepted the explanation and administratively closed the tank. Without submission of accepted documentation, the DEC will not change the status of tanks from active to closed on its database.

Aboveground Storage Tanks (ASTs)

Our database review indicated five (5) Aboveground Storage Tanks (ASTs) registered to Petroleum Tank Cleaners (236 Butler Street).

7,000-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 005
Tank Status: In Service
Expiration Date: 10/06/17

1,080-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 006
Tank Status: Closed-Removed
Date Tank Closed: 05/10/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 007
Tank Status: Closed-Removed
Date Tank Closed: 02/12/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 008
Tank Status: In Service
Expiration Date: 10/06/17

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 009
Tank Status: In Service
Expiration Date: 10/06/17

MECC has been informed that a 1,080 gallon aboveground storage tank previously located in the basement and a 275-gallon used oil tank aboveground tank were removed from the site and documentation was submitted and accepted by NYSDEC. DEC officials will not indicated a tank as "closed" without receipt of documentation to this effect. The 7,000 gallon aboveground tank was also closed and removed and an application to change the registration to close this tank was submitted to DEC and is awaiting action.

DATA GAPS

A data gap is a lack of or inability to obtain information required by the ASTM E 1527 standard, despite good faith efforts. Data gaps may result from incompleteness in any of the activities required in this practice, including, but not limited to site reconnaissance and interviews.

No significant data gaps were noted within the historical research conducted by Merritt Environmental Consulting Corp (MECC).

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2) INTRODUCTION

2.1 PURPOSE

The report was prepared by Merritt Environmental Consulting Corp., whose purpose is to provide comprehensive Phase I Environmental Site Assessments (ESA) in accordance with ASTM E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

2.2 SCOPE OF WORK

For the Phase I Environmental Site Assessment (ESA), Merritt Environmental Consulting Corp. performed the following primary tasks:

1. Physical site inspection by Environmental Professionals (EPs) *who traversed the interior and exterior areas of the site by foot, in addition to conducting a review of adjacent areas and their exteriors.*
2. Investigations of historical usage of site based upon:
- *a. Interview of persons knowledgeable about the sites current and past usage.*
- *b. Review of historical Sanborn fire insurance maps*
- *c. Review of USGS geologic and 7.5 Minute Topographical Maps.*
- *d. Review of aerial photographs*
- *e. Review of city directories*

3. Review of the federal and state environmental databases as per ASTM E1527-13 guidelines, as well as a review of pertinent information provided by local government records.
4. Visual inspection of site for the presence of electrical transformers that may contain polychlorinated biphenyl (PCBs).
5. Visual inspection of water supply, gas supply, garbage disposal practices, storm and sanitary discharge methods.
6. Visual inspection for petroleum storage tanks, above and below grade, stored on site.
7. Unless provided with a Client/Lender Scope of Work (SOW) prior to inspection, no other items have been included.

2.3 SIGNIFICANT ASSUMPTIONS

Information and records provided by the client and outside vendors retained by Merritt Environmental Consulting Corp. are assumed to be correct and complete.

2.4 LIMITATIONS AND EXCEPTIONS

The contents of this report are correct to our knowledge and belief. This report and conclusions stated herein are, however, limited to actual knowledge based upon a visual inspection of the Property, the examination of readily available public records concerning the current and prior use of the Property, and interviews with individuals knowledgeable about present and past property uses.

Merritt Environmental Consulting Corp. has performed this Phase I Environmental Site Assessment (ESA) of the Property in accordance with the detailed scope of work in section 2.2.

Merritt Environmental Consulting Corp. cannot guarantee that the "Property" is completely free of hazardous substances or other materials or conditions that could subject the Client to potential liability. The presence or absence of any such condition can only be confirmed through the collection and analysis of soil and groundwater samples, as well as through testing building materials that may contain asbestos or lead paint. This is beyond the scope of the investigation.

Merritt Environmental Consulting Corp. has no interest other than professional in this Assessment and neither its performance, nor compensation for same, is contingent upon the findings and recommendations that are represented herein.

Transfer Property Acts

Many states have enacted property transfer laws that require notification of environmental conditions to a buyer. This ESA is not designed to meet those parameters or determine if a transfer act applies to the subject site

2.5 SPECIAL TERMS AND CONDITIONS

There are no special terms or conditions to the content of the report that are in addition to the scope outlined in Section 2.2.

2.6 RELIANCE

This Phase I Assessment was performed at the client's request utilizing methods and procedures that are consistent with acceptable professional standards ASTM-E1527-13.

The report has been prepared for the sole use of MECC's client. No other party may use the report without the written authority of MECC.

3) SITE DESCRIPTION

3.1 LOCATION AND LEGAL DESCRIPTION

The Property address is 233-243 Nevins Street, AKA 236 Butler Street & 233-241 Douglass Street. The legal site address is Block 412, Lots 6 & 1. The site is located in the Boerum Hills section of Brooklyn, New York.

3.2 SITE AND VICINITY GENERAL CHARACTERISTICS

The current site is situated on a plot size 24,000 square feet.

The current structure was built circa 1931.

The weather conditions during our on-site inspection consisted of clear skies. The temperature was approximately 81°.

3.3 CURRENT USE OF THE PROPERTIES

The current use of the Property consists of one (1) commercial unit.

3.4 DESCRIPTIONS OF STRUCTURES, ROADS AND OTHER IMPROVEMENTS

A. The Property consists of two (2) 2-story commercial buildings. The site is located on a plot size approximately 24,000 square feet. There is a basement at 236 Butler Street which houses the boiler room as well as other utilities. The basement for 235-243 Nevins Street, AKA 233-241 Douglass Street has been abandoned and filled with concrete.

B. The Property is located on the east side of Nevins Street between the corners of Douglass Street and Butler Street.

C. The heating system for the Property is located in the basement and is supplied by gas & oil fired boiler and gas fired ceiling hung heating units.

D. STORM AND SANITARY DISCHARGE

On-site sanitary systems such as cesspools /septic tanks are not designed to carry liquids and solids away from the property like municipal sewer systems. They are designed to hold liquids and solids in a constricted structure (septic tank) or leach out into subsurface soils (cesspools). In addition, many on-site sanitary designs include overfill pools to handle the additional liquid /solids when the primary pool reaches capacity. Contaminants have a greater ability to collect in these structures and adversely impact their soils than a municipal sewer system.

FINDINGS

There are no on-site sanitary services such as cesspools or septic tanks located on the Property. The sanitary discharge for these buildings empties into the New York City sewer system located under Nevins Street.

E. WATER SUPPLY

The domestic water is supplied by New York City through aqueducts from upstate reservoirs. There are no private groundwater wells servicing this property.

No testing of the water was conducted under this scope.

F. GARBAGE DISPOSAL

There are currently no active incinerators located on the Property. The garbage to be disposed of is placed in portable cans with covers. These containers are picked up several times per week by private sanitation.

3.5 CURRENT USES OF THE ADJOINING PROPERTIES

ASTM defines adjoining properties as any real property or properties the border of which is contiguous or partially contiguous with that of the Property but for a street, road, or other public thoroughfare separating them.

Contamination originating at adjacent sites has the potential to impact the Property via groundwater flow and vapor encroachment. The current uses of the adjacent properties are as follows:

North	Butler Street /Vacant lot
South	Douglass Street /Thomas Green Playground
East	2-story commercial building (266 Butler Street)
West	Nevins Street /Recycling Center & Sanitation Repair (234 Butler Street)

The site is located in an industrial area of Brooklyn and several adjacent and nearby properties were industrial /manufacturing in nature over the years.

Should any contamination or Vapor Encroachment/Intrusion Conditions (VEC/VIC) be discovered that is traced back to the adjacent properties, they would need to remediate in accordance with applicable regulations as the responsible party.

4) USER PROVIDED INFORMATION

The “user” is the party seeking to use Practice E1527 to complete an environmental site assessment, a potential purchaser of the property, a potential tenant of property, an owner of property, a lender or property manager. The user has specific obligations for completing a successful application of this practice.

According to the ASTM E1527-13 Standard, in order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the “Brownfields Amendments”), the user must provide the following information (if available) to the Environmental Professional. Failure to provide this information could result in a determination that “all appropriate inquiry” is not complete.

A user questionnaire was forwarded to Ms. Arlene Waye on June 1, 2016. The completed questionnaire has been included in Appendix A.

Reasonably ascertainable recorded land title records and lien records that are filed under federal, tribal, state, or local law should be reviewed to identify environmental liens or activity and use limitations, if any, that are currently recorded against the property. Environmental liens and activity and use limitations that are imposed by judicial authorities may be recorded or filed in judicial records, and, where applicable, such records should be reviewed.

4.1 TITLE RECORDS

Recorded land title records are records of historical fee ownership which may include leases, land contracts and Activity and Use Limitations (AULs) on or of the Property recorded in a place where land title records are, by law or custom, recorded for the local jurisdiction in which the Property is located.

No title records were provided.

4.2 ENVIRONMENTAL LIENS

No information regarding environmental liens and/or Activity and Use Limitations (AULs) has been provided to MECC by the user.

MECC has retained Environmental Data Resources (EDR) to conduct an Environmental Lien Search on the site. No environmental liens were indicated (See Appendix A).

4.3 SPECIALIZED KNOWLEDGE

Users must take into account their specialized knowledge to identify conditions indicative of releases or threatened releases. If the user has any specialized knowledge or experience that is material to Recognized Environmental Conditions (RECs) in connection with the property, the user should communicate any information based on such knowledge or experience.

No information regarding specialized knowledge was provided.

4.4 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION

As per the ASTM E1527-13 standard, commonly known or reasonably ascertainable information within the local community about the Property must be taken into account by the user. If the user is aware of any such information about the Property, that is material to recognized environmental conditions in connection with the Property, the user should communicate this information to the Environmental Professional (MECC).

No commonly known or reasonably ascertainable information regarding the Property has been provided to MECC.

4.5 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

In a transaction involving the purchase of commercial real estate the user shall consider the relationship of the purchase price of the property to the fair market value of the property if the property was not affected by hazardous substances or petroleum products. This practice does not require that a real estate appraisal be obtained in order to ascertain fair market value of the property. The user must gather such information to the extent necessary to identify conditions indicative of releases or threatened releases of hazardous substances or petroleum products.

No information regarding the valuation reduction for environmental issues was provided by the user.

4.6 OWNER, PROPERTY MANAGER AND OCCUPANT INFORMATION

The current owner of the site is 236 Butler St Corp.

The current property manager is Mr. Ray Lara.

The current occupant is commercial.

4.8 OTHER/ADDITIONAL INFORMATION PROVIDED

The following additional information was provided:

- Letter regarding order on consent September 25, 2012
- UST Tank Closure Report February 25, 2014
- Closure Report for Underground Storage Tanks October 2014
- Remediation Investigation Report July 6, 2016
- Addendum to PTC Remediation Investigation Report July 20 2016
- Addendum Closure Report for Underground Storage Tanks July 2016
- 236 Butler Street Petroleum Bulk Storage Application
- 241 Douglass Street Petroleum Bulk Storage Application
- 1,080 gallon Tank Closure Petroleum Bulk Storage Application
- Photographs of interior
- 7,000-gallon AST Closure Petroleum Bulk Storage Application
- UST Closure Petroleum Bulk Storage Application
- Used Oil Tank Closure Petroleum Bulk Storage Application
- Tank Closure Petroleum Bulk Storage Application
- NYSDEC Spill Incidents Database Search Details for Spill No. 1112454
- Addendum Closure Report for Underground Storage Tanks prepared by Nathan Edeson, PE

5) RECORDS REVIEW

5.1 STANDARD ENVIRONMENTAL RECORD SOURCES

The federal government and New York State have compiled database lists of contaminated, potentially hazardous and regulated sites that may impact the subject property. Environmental Data Resources (EDR) has provided this information to Merritt Environmental Consulting Corp. (MECC).

5.1A DATABASE SEARCHES

The following Federal and State databases were provided to Merritt Environmental Consulting Corp. (MECC) on June 13, 2016. MECC has reviewed the following databases, with the corresponding distance.

FINDINGS

The closest 15 sites have been included in Appendix A.

Due to the density of the area, several of the site printouts have been omitted from the report.

FEDERAL

	Database	Radius Searched	Last Updated
1.	Federal National Priority List	1 Mile	03/07/16
2.	Federal Delisted National Priority List	½ Mile	03/07/16
3.	Superfund Enterprise Management System	½ Mile	03/07/16
4.	Federal SEMS-ARCHIVE	½ Mile	03/07/16
5.	Federal RCRA CORRACTS facilities list	½ Mile	12/09/15
6.	Federal RCRA TSD facilities list	½ Mile	12/09/15
7.	Federal RCRA generators list	Property & Adjacent Sites	12/09/15
8.	Federal Institutional/ Engineering Control list	Property	09/10/15
9.	Federal ERNS list	Property	03/28/16

National Priority List (NPL) - list compiled by EPA pursuant to CERCLA 42 USC 9605(a)(8)(B) of properties with the highest priority for cleanup pursuant to EPA's Hazard Ranking System.

Findings: 1 site located within a 1-mile radius.

Delisted National Priority List (NPL): National Priority List Deletions: The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Findings: No sites located within a ½ -mile radius.

Superfund Enterprise Management System (SEMS): Hazardous waste sites, potentially hazardous waste sites, and remedial activities performed in support of EPA's Superfund Program across the United States. The list was formerly known as CERCLIS, renamed to SEMS by the EPA in 2015. The list contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This dataset also contains sites which are either proposed to or on the National Priorities List (NPL) and the sites which are in the screening and assessment phase for possible inclusion on the NPL.

Findings: 2 sites located within a ½-mile radius.

SEMS-ARCHIVE: SEMS-ARCHIVE (Superfund Enterprise Management System Archive) tracks sites that have no further interest under the Federal Superfund Program based on available information. The list was formerly known as the CERCLIS-NFRAP, renamed to SEMS ARCHIVE by the EPA in 2015. EPA may perform a minimal level of assessment work at a site while it is archived if site conditions change and/or new information becomes available. Archived sites have been removed and archived from the inventory of SEMS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list the site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. The decision does not necessarily mean that there is no hazard associated with a given site; it only means that. Based upon available information, the location is not judged to be potential NPL site.

Findings: 1 site located within a ½-mile radius.

Federal RCRA CORRACTS facilities list-CORRACTS: Corrective Action Report. CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Findings: 1 site located within a ½-mile radius.

Resource Conservation Recovery Act (RCRA) Treatment Storage Disposal (TSD) facilities - those facilities on which treatment, storage, and/or disposal of hazardous wastes takes place, as defined and regulated by RCRA. Inclusion on the RCRA TSD list does not imply contamination has occurred at the site.

Findings: No sites located within a ½-mile radius.

Resource Conservation Recovery Act (RCRA) generators list - list kept by EPA of those persons or entities that generate hazardous wastes as defined and regulated by RCRA. Inclusion on the RCRA list does not imply contamination has occurred at the site.

Findings: **2 generators listed at property.**

Petroleum Tank Cleaners Ltd
1) 236 Butler Street
Brooklyn, New York 11217

RCRA Non Generator, EPA ID: NYD020585733
Description: Non-Generators do not presently generate hazardous waste

- **Facility is listed in EPA's index system-Facility Index System (FINDS)**
- **Facility is listed in EPA's Enforcement Compliance History Online (ECHO)**

In addition, there are NY Manifest designations for the year 1988 indicating that waste generated on site was transported to an offsite facility for disposal.

Tanks to U
2) 233 Nevins Street
Brooklyn, New York 11217

RCRA Non Generator, EPA ID: NYR000114371
Description: Non-Generators do not presently generate hazardous waste

- **Facility is listed in EPA's index system-Facility Index System (FINDS)**
- **Facility is listed in EPA's Enforcement Compliance History Online (ECHO)**

13 generators listed within a ¼-mile radius.

Federal Engineering and Institutional Controls – properties where engineering controls have been placed to mitigate contaminant migration/and or to reduce the potential of human exposure to contaminants; institutional controls typically consist of property use restrictions as recorded on deed notices.

Findings: Site not listed.

Emergency Response Notification System (ERNS) list - list of reported CERCLA hazardous substance releases or spills in quantities greater than the reportable quantity, as maintained at the National Response Center. Notification requirements for such releases or spills are codified in 40 CFR Parts 302 & 355.

Findings: Site not listed.

STATE, TRIBAL, AND LOCAL RECORDS

	Database	Radius Searched	Last Updated
1.	State lists of Hazardous Waste Sites	1 Mile	02/17/16
2.	State landfill/solid waste site lists	½ Mile	01/05/16
3.	State leaking tank lists (LTANKS) /State Spills	½ Mile ⅛ Mile	02/17/16 02/17/16
4.	State Voluntary Cleanup Sites	½ Mile	02/17/16
5.	State Brownfield Sites	½ Mile	02/17/16
6.	State registered tanks	¼ Mile	03/29/16
7.	State Institutional/ Engineering control lists	Property & Adjacent Sites	02/17/16
8.	Indian Reservation	1 Mile	12/31/05
9.	Indian LUST	½ Mile	N/A
10.	Indian UST	¼ Mile	N/A
11.	Indian VCP	½ Mile	N/A

State Hazardous Waste Sites (SHWS) - the New York State Department of Environmental Conservation (NYSDEC) lists the contaminated sites throughout the State. This is the state equivalent to the federal National Priority List.

Findings: 3 sites located within a 1-mile radius.

Solid Waste Disposal Site - any place, location, tract of land, area, or premises used for the disposal of solid wastes as defined by state solid waste regulations. The term is synonymous with the term landfill and is also known as a garbage dump, trash dump or by similar terms.

Findings: 8 sites located within a ½-mile radius.

Spill Logs/LTANKS list – New York State Department of Environmental Conservation (NYSDEC) has a computerized list of spills that have occurred as of 1986, including the present status of the sites. In addition, the leaking tank (LTANKS) database was also reviewed for reported incidents in the area.

Findings: 43 LTANKS located within a ½-mile radius.

46 NY Spills located within a 1/8-mile radius.

- **Six (6) NYSDEC Spill events occurred on site:**

1) Business
236 Butler Street
Spill # 1403412
Spill date: 06/30/14
Close date: 07/11/14
Remarks: Spilled product throughout the facility

2) Business
236 Butler Street
Spill # 1216856
Spill date: 03/30/13
Close date: 07/17/13
Remarks: Equipment failure on tank truck

3) Petroleum Tank Cleaners
236 Butler Street
Spill # 1403303
Spill date: 05/21/14
Close date: 07/11/14
Remarks: petroleum product was found discharged to soil at several areas of the site

4) Petroleum Tank Cleaners
236 Butler Street
Spill # 1204042
Spill date: 07/24/12
Close date: 07/25/12
Remarks: Housekeeping

5) **Petroleum Tank Cleaners**
236 Butler Street
Spill # 1112454
Spill date: 11/01/11
Close date: 08/10/16
Remarks: petroleum staining was found on the ground around various UST's

6) **Petroleum Tank Cleaners**
236 Butler Street
Spill # 0806428
Spill date: 09/08/08
Close date: 09/16/08
Remarks: Drum spill

The spills have been closed by the New York State Department of Environmental Conservation (NYSDEC). On June 6, 2016, MECC submitted a Freedom of Information request to the NYSDEC for additional information on the above spill events.

In response to our request, MECC was provided with NYSDEC Spill Report forms for the above spills along with an order of consent for Spill No. 1112454 and a report authored by Petroleum Tank Cleaners dated July 2, 2013 (See Appendix A). In addition, MECC has been provided with several additional reports associated with the subject site.

Spill No. 1112454, was issued by NYSDEC for the presence of an oil sheen in several locations in the yard and at 241 Douglas Street in November 2011. The sheen had been the result of housekeeping issues surrounding the handling of petroleum at the site and vehicles which had leaked small quantities of oil during their operation.

To achieve closure of this spill, Petroleum Tank Cleaners was required to submit a subsurface investigation plan to NYSDEC to confirm that these observations did not in fact result in subsurface contamination at the site. A plan was submitted and approved for implementation. A subsurface investigation was conducted in June 2016 and a report was submitted to DEC. The investigation consisted of taking eight (8) soil borings in the yard at 236 Butler Street and four (4) soil borings at 241 Douglas Street. The eight (8) borings in the yard did not indicate the presence of the presence of petroleum below the surface. Of the four (4) borings taken in 241 Douglas Street all but one did not indicate any subsurface contamination.

A supplemental investigation was conducted in the yard with four (4) additional soil borings in a section that had not been addressed in the original sampling. Results of this supplemental investigation were the same. No odors or staining were observed and analytical results did not indicate the presence of petroleum.

The NYSDEC also required that the one location in the corner of 241 Douglas Street be delineated. Four (4) soil borings were taken 6 feet around the original boring and analyzed. The sample analyses showed that the contamination did not extend beyond the localized area. This localized area will be addressed by removal of a small quantity of soil and replacement with clean fill. Based on the work performed, the NYSDEC granted closure to Spill No. 1112454 on August 10, 2016.

VCP: Voluntary Cleanup Agreements New York established its Voluntary Cleanup Program (VCP) to address the environmental, legal and financial barriers that often hinder the redevelopment and reuse of contaminated properties. The Voluntary Cleanup Program was developed to enhance private sector cleanup of brownfields by enabling parties to remediate sites using private rather than public funds and to reduce the development pressures on "greenfield" sites.

Findings: 1 site located within a ½-mile radius.

Brownfields: Brownfields Site List A Brownfield is any real property where redevelopment or re-use may be complicated by the presence or potential presence of a hazardous waste, petroleum, pollutant, or contaminant.

Findings: 10 sites located within a ½-mile radius.

State registered tanks - state lists of storage tanks required to be registered under Subtitle I. Section 9002 of RCRA.

Findings: **11 tanks registered to the site.**

L.C.R. Trucking LLC
241 Douglass Street
Brooklyn, New York

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 001
Tank Status: In Service
Expiration Date: 03/01/15

5,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 002
Tank Status: In Service
Expiration Date: 03/01/15

Petroleum Tank Cleaners
236 Butler Street
Brooklyn, New York

3,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 001
Tank Status: Closed-Removed
Date Tank Closed: 07/01/13

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 002
Tank Status: Closed-Removed
Date Tank Closed: 01/08/14

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 003
Tank Status: Closed-Removed
Date Tank Closed: 01/09/14

20,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 004
Tank Status: Administratively Closed

7,000-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 005
Tank Status: In Service
Expiration Date: 10/06/17

1,080-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 006
Tank Status: Closed-Removed
Date Tank Closed: 05/10/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 007
Tank Status: Closed-Removed
Date Tank Closed: 02/12/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 008
Tank Status: In Service
Expiration Date: 10/06/17

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 009
Tank Status: In Service
Expiration Date: 10/06/17

49 registered tank sites located within a 1/4-mile radius.

State Engineering and Institutional Controls: Registry of Engineering Controls Environmental Remediation sites that have engineering controls in place. Registry of Institutional Controls Environmental Remediation sites that have institutional controls in place.

Findings: Neither the site nor any property adjoining the site are listed.

Indian Reservation: Indian Reservations This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Findings: No sites located within a 1-mile radius.

Indian LUST: Leaking Underground Storage Tanks on Indian Land. A listing of leaking underground storage tank locations on Indian Land. MECC has been informed that records regarding this database were not made available to EDR for all EPA Regions, including 2 and 3.

Findings: No sites located within a ½-mile radius.

Indian UST: Underground Storage Tanks on Indian Land. A listing of underground storage tank locations on Indian Land. MECC has been informed that records regarding this database were not made available to EDR for all EPA Regions, including 2 and 3.

Findings: No sites located within a ¼-mile radius.

Indian VCP: Voluntary Cleanup Program on Indian Land. A listing of voluntary cleanup priority sites located on Indian Land. MECC has been informed that records regarding this database were not made available to EDR for all EPA Regions, including 2 and 3.

Findings: No sites located within a ½-mile radius.

ADDITIONAL DATABASE RECORDS SEARCHED

	Database	Radius Searched	Last Updated
1.	EDR Manufactured Gas Plants	1 Mile	N/A
2.	EDR US Hist Auto Stations	¼ Mile	N/A
3.	EDR US Hist Cleaners	¼ Mile	N/A

EDR MGP: EDR Proprietary Manufactured Gas Plants The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Findings: 5 sites located within a 1-mile radius.

EDR Historical Auto Stations- EDR has searched selected national collections of business directories and has collected listings of potential gas station /filling station /service station sites that were available to EDR researchers. EDR's review was limited to those categories that might, in EDR's opinion, include gas station /filling station /service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filing station, auto, automobile repair, auto service station, etc.

Findings: 11 sites located within a ¼-mile radius.

EDR US Hist Cleaners-EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR Researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion include dry cleaning establishments. The categories reviewed, included, but were not limited to dry cleaners, cleaners, laundry, Laundromat, cleaning /laundry, wash & dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Findings: 1 site located within a ¼-mile radius.

ORPHAN SITES

Our database review indicated several sites that cannot be positively plotted (orphan sites). A total of 12 sites were classified as orphans. MECC reviewed the orphan summary and identified no property or incident that may be located in close proximity of the site, or which could adversely affect the environmental integrity of the site. In addition, the site is not identified in the orphan summary.

5.2 ADDITIONAL RESOURCES SEARCHED

MECC has used the following websites to research information on the subject property:

- NYC Housing and Preservation
- NYC Department of Finance
- NYC Department of Buildings
- NYCityMap City-Wide GIS

5.3 PHYSICAL SETTING SOURCES

A. BODIES OF WATER

The nearest body of water to the subject site is the Gowanus Canal, which is approximately 0.2 miles west of the site.

B. GROUND WATER FLOW

Through information provided by EDR, hydrological data involving ground water flow has been obtained. Based on our findings, the hydrological groundwater flows in a westerly direction eventually emptying into the Gowanus Canal.

Groundwater in this area is at a depth of approximately 649 feet.

Drinking water for the five boroughs has been supplied by the New York reservoir system for many years (See Map in Appendix A). Groundwater is not a primary source of drinking water for Brooklyn.

C. ECOLOGICALLY SENSITIVE AREA

Based on information provided by Environmental Data Resources (EDR), no designated wetlands are located in the immediate vicinity of the property.

D. SITE GEOLOGY AND TOPOGRAPHY

Information pertaining to the hydrogeologic setting in the vicinity of the Property was obtained from a review of selected published documents and maps. United States Geological Survey (USGS) 7.5-minute Topographic Maps were used to characterize surface topography, water table elevation and drainage. Subsurface characteristics were obtained from USGS Surficial and Bedrock Geology Maps.

The Property elevation is approximately 649 feet above mean sea level.

Surface topography is hilly with a slight downward slope to the southeast.

The geologic conditions in this area of Brooklyn generally consist of urban soils.

5.4 HISTORICAL USE INFORMATION ON THE PROPERTY

MECC has consulted the following historical sources to develop a history of the previous uses of the Property and surrounding area, in order to help identify the likelihood of past uses having led to Recognized Environmental Conditions (RECs).

In accordance with the ASTM standard, MECC has made an attempt to identify all obvious uses of the property from the present, back to the Property's first developed use, or back to 1940, whichever is earlier. Standard historical sources were available dating back to the year 1886, and the Property's first developed use was as dwellings in the year 1886.

A. Sanborn Fire Insurance maps

Sanborn Fire Insurance maps of the site and immediate area were available for the years 1886, 1904, 1915, 1922, 1928, 1938, 1950, 1969, 1977, 1979, 1980, 1981, 1982, 1986, 1987, 1988, 1991, 1992, 1993, 1995, 1996, 2001, 2002, 2003, 2004, 2005 and 2006. The maps indicate the following information:

1886 Vacant lots /Dwellings
1904 Stone Cutting
1915 Scranton & Lehigh Coal Co.
1922-1928 Site not depicted
1938 Coal Co. Garage /Condensed Milk Co.
1950 Motor Freight Station Commercial building
1969-1987 Commercial /Private Garage /Auto Repair
1988-2006 Similar to current conditions (Commercial /Warehouse)

The Sanborn Map for the year 1938 shows one (1) gasoline tank present at 225-233 Nevins Street and one (1) gasoline tank present at 241 Douglass Street.

The Sanborn Map for the year 1950 shows one (1) gasoline tank present at 235 Nevins Street and one (1) gasoline tank present at 241 Douglass Street.

The Sanborn Maps for the years 1969-1987 shows two (2) gasoline tanks present at the 235-243 Nevins Street portion of the property.

MECC has been informed that the site had four (4) gasoline USTS (550 gallons each), one (1) at 241 Douglas Street, two (2) at 235-243 Nevins Street (in the same one story building identified as 241 Douglas Street) and one (1) at 236 Butler Street. The gasoline tanks at 241 Douglas Street and 235-243 Nevins Street were previously removed and all that remains is the concrete that surrounded the tanks.

Soil samples were taken at the location of 235-243 Nevins Street and showed no evidence of any release of gasoline.

MECC has been provided with an Addendum Closure Report for Underground Storage Tanks prepared by Nathan Edeson, PE. According to the report, a 3,000-gallon previously closed in place diesel fuel UST was identified to be associated with 241 Douglass Street. Locations of two (2) 550-gallon gasoline USTs that had been removed prior to NYS bulk storage tank regulations went into effect were also identified.

The results indicated all samples were below the soil cleanup objectives with the exception of Benzene in a sample taken from the area of the 3,000-gallon previously closed in place diesel fuel UST. The CP-51 Soil Cleanup Level (SCL) for benzene is 0.06 ppm. The report indicates that benzene was detected in one of the samples 0.0833 ppm, which is slightly above the cleanup level.

MECC has been informed that the location of the one tank at 236 Butler Street was identified and was scheduled to be investigated to confirm that the tank was closed in place and did not result in any subsurface contamination. MECC was informed that a report regarding the 550-gallon tank at this location was going to be forwarded to our office. It is has not yet been received.

B. Aerial Photographs

Aerial Photographs of the site and immediate area were available for the years 1924, 1943, 1951, 1954, 1961, 1966, 1971, 1974, 1980, 1984, 1991, 1995, 2006, 2009 and 2011. The photos indicate the following information:

This section of Brooklyn has been developed with residential and commercial buildings from 1924 through the latest aerial photo available (2011).

C. City Directories

City Directories were ordered for the site (See Appendix A). The search indicated the following:

1934 Commonwealth Color & Chemical Co.
1940 Van Name Howard dairy prods/ Weissglass Gold Seal Dairy Corp
1949-1970 Hydraulic Elevator & Mach Co Inc. /General Elevator Corp.
1985-2013 Nassau Tank Cleaners /Petroleum Tank Cleaners /LCR Trucking Corp.

D. Topographic Maps

A topographic map (topo) is a color coded line-and-symbol representation of natural and selected artificial features plotted to a scale. Topos show the shape, elevation, and development of the terrain in precise detail by using contour lines and color coded symbols. The colors of the lines usually indicate similar classes of information. For example, topographic contours (brown); lakes, streams, irrigation ditches, etc. (blue); land grids and important roads (red); secondary roads and trails, railroads, boundaries, etc. (black).

Historical topographic maps are a valuable historical resource for documenting the prior use of a property and its surrounding area.

Topographic Maps of the site and immediate area were available for the years 1897, 1898, 1900, 1947, 1955, 1956, 1967, 1979, 1981, 1995, 2013 and 2014. The maps reveal that the Property is situated in a densely developed urban area.

E. Building Permit Report

MECC has reviewed EDR's Building Permit Report for the subject site (See Appendix A). The report indicated the following:

10/20/14

INSTALL (2) REPLACEMENT 275 GALLON FUEL STORAGE TANKS AS PER PLANS. REMOVE EXISTING FUEL STORAGE TANK. NO CHANGE IN USE, EGRESS OR OCCUPANCY

02/14/11

INSTALL (2) HIGH PRESSURE OIL FIRED BOILERS IN NEW ENCLOSURE AND (2) 275 GALLON FUEL OIL TANKS IN NEW ENCLOSURE.

04/28/06

INSTALL NEW TANK ENCLOSURE (REPLACEMENT) AS SHOWN ON DWGS S-2
INSTALL NEW UNDERPINNING IN EXISTING STORAGE ROOM AS SHOWN ON DWG S-3

11/12/02

INSTALLATION OF PUMP ENCLOSURE AND WASTE OIL TRANSFER PUMP

07/20/00

TWO 5,000 WASTEWATER STORAGE/OILY WATER SEPARATORS, ONE 20 G.P WASTEWATER PUMP, ONE 250 G.P.M. PROCESS PUMP AND PIPING OIL DETECTION IN CONDENSATE SYSTEM, & ALL APPURTENANT PIPING & FIRE SAFETY SYSTEMS.

07/16/99

TWO 5,000 WASTEWATER STORAGE/OILY WATER SEPARATORS, ONE 20 G.P.M. WASTEWATER PUMP, ONE 250 G.P.M. PROCESS PUMP AND PIPING OIL DETECTION IN CONDENSATE SYSTEM & ALL APPURTENANT PIPING & FIRE SAFETY SYSTEMS.

DATA FAILURES

A data failure is a failure to achieve the historical research objectives. Even after reviewing standard historical sources. Data failure is one type of data gap.

No significant data failures were noted within the historical research conducted by Merritt Environmental Consulting Corp (MECC).

5.5 HISTORICAL USE INFORMATION ON ADJOINING PROPERTIES

The above historical sources were reviewed by Merritt Environmental Consulting Corp. (MECC) for the adjoining properties on the north, south, east & west.

The adjoining properties have historically been commercial /industrial in nature. The site is located in an industrial area of Brooklyn and several adjacent and nearby properties were industrial /manufacturing in nature over the years.

Should any contamination or Vapor Encroachment/Intrusion Conditions (VEC/VIC) be discovered that is traced back to the adjacent properties, they would need to remediate in accordance with applicable regulations as the responsible party.

6) SITE RECONNAISSANCE

6.1 METHODOLOGY AND LIMITING CONDITIONS

On June 2, 2016 a physical site inspection was performed by an Environmental Professional (EP) who traversed the interior and exterior areas of the site by foot, in addition to conducting a review of adjacent areas and their exteriors.

At the time of our inspection, the following areas were accessed by Mr. Donald DiMisa, of our staff: basement areas, boiler room, ground floor, roof top, utilities areas, garage and all accessible exterior areas of the site.

6.2 GENERAL SITE SETTING

East side of Nevins Street
Topography is hilly

6.3 EXTERIOR OBSERVATIONS

No on-site wells, drinking water wells, odors, pools of liquid, sumps, pits, ponds or lagoons, were observed during the site reconnaissance.

During our reconnaissance, a monitoring well was observed on the sidewalk along Butler Street (See Photo Section). The well appears to have been installed as part of remedial investigations conducted at the property. These are discussed in other sections of the report where applicable.

A gasoline vent line was observed on the roof (See Photo Section). The Sanborn Map for the year 1938 shows one (1) gasoline tank present at 225-233 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Map for the year 1950 shows one (1) gasoline tank present at 235 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Maps for the years 1969-1987 shows two (2) gasoline tanks present at the 235-243 Nevins Street portion of the property.

MECC has been informed that the site had four (4) gasoline USTS (550 gallons each), one (1) at 241 Douglas Street, two (2) at 235-243 Nevins Street (in the same one story building identified as 241 Douglas Street) and one (1) at 236 Butler Street. The gasoline tanks at 241 Douglas Street and 235-243 Nevins Street were previously removed and all that remains is the concrete that surrounded the tanks.

Soil samples were taken at the location of 235-243 Nevins Street and showed no evidence of any release of gasoline.

MECC has been provided with an Addendum Closure Report for Underground Storage Tanks prepared by Nathan Edeson, PE. According to the report, a 3,000-gallon previously closed in place diesel fuel UST was identified to be associated with 241 Douglass Street. Locations of two (2) 550-gallon gasoline USTs that had been removed prior to NYS bulk storage tank regulations went into effect were also identified.

The results indicated all samples were below the soil cleanup objectives with the exception of Benzene in a sample taken from the area of the 3,000-gallon previously closed in place diesel fuel UST. The CP-51 Soil Cleanup Level (SCL) for benzene is 0.06 ppm. The report indicates that benzene was detected in one of the samples 0.0833 ppm, which is slightly above the cleanup level.

MECC has been informed that the location of the one tank at 236 Butler Street was identified and was scheduled to be investigated to confirm that the tank was closed in place and did not result in any subsurface contamination. MECC was informed that a report regarding the 550-gallon tank at this location was going to be forwarded to our office. It is has not yet been received.

6.4 INTERIOR OBSERVATIONS

No on-site wells, drinking water wells, odors, pools of liquid, sumps, pits, ponds or lagoons, were observed during the site reconnaissance.

During our reconnaissance, three (3) 55-gallon drums of anti-freeze and oil were observed on containment pods in the garage. The drums are used in the course of daily business. No staining in the area of the drums was observed.

Floor drains were noted at the time of our inspection of the garage area. No petroleum products, chemicals or other hazardous materials were noted in or around the drain areas.

During our reconnaissance, surface oil staining was observed in the garage in the area of the work trucks. MECC has been informed that the trucks were removed and surface staining addressed. MECC has been provided with photograph of this area showing the staining is no longer present.

6.5 UNDERGROUND STORAGE TANKS (UST) AND DRUMS

Each year, thousands of petroleum leaks and spills are reported nationwide. Thousands of others may go unreported mainly because they have not yet been discovered. These leaks can enter the ground, seep into an aquifer and contaminate a water supply. In some places, water wells have been closed down and people have had to vacate their homes. Even small amounts of petroleum in soil or groundwater can be tasted or smelled and can subsequently affect health.

Leaking petroleum storage tanks are a major source of groundwater contamination. Many older tanks are bare steel and were installed underground in the 1950s and 1960s. These tanks have weakened by rust and have a fifty percent chance of developing leaks.

FINDINGS

Gasoline Tanks

During our reconnaissance, a gasoline vent line was observed on the roof (See Photo Section).

The Sanborn Map for the year 1938 shows one (1) gasoline tank present at 225-233 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Map for the year 1950 shows one (1) gasoline tank present at 235 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Maps for the years 1969-1987 shows two (2) gasoline tanks present at the 235-243 Nevins Street portion of the property.

MECC has been informed that the site had four (4) gasoline USTS (550 gallons each) - one (1) at 241 Douglas Street, two (2) at 235-243 Nevins Street (in the same one story building identified as 241 Douglas Street) and one (1) at 236 Butler Street. The gasoline tanks at 241 Douglas Street and 235-243 Nevins Street were previously removed and all that remains is the concrete that surrounded the tanks. Soil samples were taken at the location of 235-243 Nevins Street and showed no evidence of any release of gasoline.

MECC has been provided with an Addendum Closure Report for Underground Storage Tanks prepared by Nathan Edeson, PE. According to the report, a 3,000-gallon previously closed in place diesel fuel UST was identified to be associated with 241 Douglass Street. Locations of two (2) 550-gallon gasoline USTs that had been removed prior to NYS bulk storage tank regulations went into effect were also identified.

The results indicated all samples were below the soil cleanup objectives with the exception of Benzene in a sample taken from the area of the 3,000-gallon previously closed in place diesel fuel UST. The CP-51 Soil Cleanup Level (SCL) for benzene is 0.06 ppm. The report indicates that benzene was detected in one of the samples 0.0833 ppm, which is slightly above the cleanup level.

MECC has been informed that the location of the one tank at 236 Butler Street was identified and was scheduled to be investigated to confirm that the tank was closed in place and did not result in any subsurface contamination. MECC was informed that a report regarding the 550-gallon tank at this location was going to be forwarded to our office. It is has not yet been received.

Tanks Registered to 241 Douglass Street

Our database review indicated two (2) Underground Storage Tanks (USTs) registered to L.C.R. Trucking LLC (241 Douglass Street).

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 001
Tank Status: In Service
Expiration Date: 03/01/15

5,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 002
Tank Status: In Service
Expiration Date: 03/01/15

The tank registration should be updated and amended to reflect "closed-removed" status.

MECC has been informed that these two (2) tanks were emptied, cleaned and certified gas freed. In order to close these two (2) USTs it was necessary to sample the soil beneath the tanks. Three (3) soil samples were taken beneath the 10,000 gallon UST and two (2) soil samples were taken the 5,000 gallon UST tank. Results of the sample analyses showed there was no evidence of a petroleum release. Petroleum Tank was given permission by the NYSDEC to close the tanks in place and fill with sand which was done in 2015. An application to change the status of the tanks to "closed in place" was submitted to DEC and awaiting action.

Tanks Registered to 236 Butler Street

Our database review also indicated four (4) Underground Storage Tanks (USTs) registered to Petroleum Tank Cleaners (236 Butler Street).

3,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 001
Tank Status: Closed-Removed
Date Tank Closed: 07/01/13

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 002
Tank Status: Closed-Removed
Date Tank Closed: 01/08/14

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 003
Tank Status: Closed-Removed
Date Tank Closed: 01/09/14

20,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 004
Tank Status: Administratively Closed

The Petroleum Bulk Storage database on the DEC website indicates that (3) USTs were closed and (1) was administratively closed. In order for DEC to "close" a tank, documentation must be submitted to DEC and approved to show that tanks were either removed or closed in place and soil sample submitted showing no releases from the tanks occurred. MECC has been informed that the owner submitted documentation showing the (3) USTs were removed and soil sample analyses indicated that no releases had occurred. In response to the submission the agency changed the status of these tanks to "closed." As far as the administratively closed tank, a tank had been registered with DEC in anticipation of its installation. The tank was never installed yet remained as active on the database. The owner has submitted a request that the tank be removed from the database explaining the circumstances and DEC officials accepted the explanation and administratively closed the tank. Without submission of accepted documentation, the DEC will not change the status of tanks from active to closed on its database.

6.6 ABOVEGROUND STORAGE TANKS (AST)

Aboveground Storage Tanks (ASTs) are less susceptible to leaking mainly because they are typically located in basement areas and protected from weather related elements that cause premature failure. In addition, since ASTs are usually visible and accessible they are easier to inspect than buried tank vessels. According to the Part 613 of Title 6 of the New York State Code of Rules and Regulations (NYCRR) tanks in subterranean vaults or basements which cannot be visually inspected are considered underground tanks and must be tested.

FINDINGS

There are two (2) 275-gallon aboveground storage tanks (ASTs) housing number 2 oil located on the building exterior. The integrity of the tanks does not appear compromised and no on site leaks or oil stains were present. It is recommended that the tanks be scraped and coated with a good rust inhibitor paint every 2-3 years to retard corrosion from occurring.

Our database review indicated five (5) Aboveground Storage Tanks (ASTs) registered to Petroleum Tank Cleaners (236 Butler Street).

7,000-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 005
Tank Status: In Service
Expiration Date: 10/06/17

1,080-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 006
Tank Status: Closed-Removed
Date Tank Closed: 05/10/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 007
Tank Status: Closed-Removed
Date Tank Closed: 02/12/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 008
Tank Status: In Service
Expiration Date: 10/06/17

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 009
Tank Status: In Service
Expiration Date: 10/06/17

MECC has been informed that a 1,080 gallon aboveground storage tank previously located in the basement and a 275-gallon used oil tank aboveground tank were removed from the site and documentation was submitted and accepted by NYSDEC. DEC officials will not indicated a tank as "closed" without receipt of documentation to this effect. The 7,000 gallon aboveground tank was also closed and removed and an application to change the registration to close this tank was submitted to DEC and is awaiting action.

6.7 ELECTRICAL TRANSFORMERS (PCBs)

Transformers often contain polychlorinated biphenyl (PCB) Askarel coolant liquid and are generally used in hazardous locations where flammability is of concern. PCB transformers are no longer produced because of EPA's ban on the manufacture of new equipment containing PCBs. However, older equipment does remain in certain areas and may contain PCBs.

As of January, 1979, polychlorinated biphenyls (PCB) and other toxic materials used in fluorescent ballasts were phased out. Any building constructed prior to 1979 may contain PCB in minor quantities and is not considered a major health threat.

Further evaluation goes beyond the scope of a Phase I Environmental Report. Should you need any additional information, a technical engineer may be contacted for assistance.

FINDINGS

No electrical transformers were observed on the property.

As per the Toxic Substance Control Act (TSCA), the transformer owner, i.e. the utility company, is responsible for all transformer maintenance and all spills of PCBs from their transformers.

Fluorescent light fixtures were not inspected for PCB content under the scope of this assessment.

6.8 NATURAL GAS

There is one underground gas main entering the building from Nevins Street. The main is connected to a series of meters. The gas is then distributed throughout the building by branch lines of black iron pipe.

Gas service is provided by Con Edison.

6.9 VAPOR ENCROACHMENT

A Vapor Encroachment Condition (VEC) is defined by ASTM E2600-10 as the presence or likely presence of contaminant of concern (COC) vapors in the subsurface of the Target Property (TP) caused by contaminated soil or groundwater. This can occur at the TP or adjoining properties.

MECC conducted a review of historical resources and regulatory database listings to identify any potential sources of contamination at the subject site that may result in Vapor Encroachment. In addition, MECC has reviewed available information for surrounding properties within the appropriate search distances to identify potential sources of a VEC at the subject site.

This is not intended to meet the criteria of a Vapor Encroachment Screen (VES) as outlined by ASTM E2600-10 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transaction. This is beyond the scope of a Phase I ESA.

FINDINGS:

Based on the Business Environmental Risks discussed in the report, consideration should be given to the potential for a Vapor Encroachment (VEC). A Focused Sub-surface Investigation (FSSI) including groundwater sampling will aide in determining if any sub-surface impacts are present and can better define whether a VEC exists at the site.

Should any contamination or Vapor Encroachment/Intrusion Conditions (VEC/VIC) be discovered that is traced back to the adjacent properties, they would need to remediate in accordance with applicable regulations as the responsible party.

6.10 NON-SCOPE ASTM CONSIDERATIONS

There may be environmental issues or conditions at a property that parties may wish to assess in connection with commercial real estate that are outside the scope of this practice (the non-scope considerations).Some substances may be present on a property in quantities and under conditions that may lead to contamination of the property or of nearby properties but are not included in CERCLA's definition of hazardous substances (42 U.S.C. §9601(14) or do not otherwise present potential CERCLA liability. In any case, they are beyond the scope of this practice. There may be standards or protocols for assessment of potential hazards and conditions associated with non-scope conditions developed by governmental entities, professional organizations, or other private entities. Asbestos-Containing Building Materials, Lead-Based Paint, and Radon are several non-scope considerations that persons may want to assess in connection with commercial real estate.

A. ASBESTOS

Asbestos is the name given to several types of fire resistant mineral fiber found in rocks. These minerals are not easily destroyed or degraded by natural processes. Those minerals that have been used most commonly by the construction industry include chrysotile, actinolite, amosite, anthrophyllite, crocidolite and tremolite.

Because of its superior insulating and tensile ability, asbestos has traditionally been used by the building industry in varied forms. Between 1920 and 1980, blanket-type pipe insulation of ACM was prevalent in commercial and residential dwellings. Furthermore, buildings built or remodeled between 1945 and 1978 were often completed with a friable ACM sprayed or trowelled onto the ceiling or walls.

The EPA has identified over 3,000 products containing asbestos that have been used in building construction since World War II.

Friable asbestos, as defined by the Federal Environmental Protection Agency as any material, which may be pulverized with hand pressure. This material has the potential to release asbestos fibers into the atmosphere and in turn may be hazardous to the building occupants' health.

Non-friable asbestos can be found in materials such as vinyl asbestos floor tiles, exterior asbestos shingles, asbestos roofing felts, etc. Many of these materials are still manufactured today and not considered hazardous unless the material is cut, sawed, or grounded in a manner that might release asbestos fibers into the atmosphere.

ASBESTOS FINDINGS

MECC has not conducted an asbestos evaluation as this item is considered beyond the scope of the ASTM E1527-13 standard. Should the purchaser of the property need this item addressed, they should retain reputable firms to provide this additional service.

B. LEAD BASED PAINT

Lead-based paint (LBP) was used extensively in buildings and structures that were constructed prior to 1978 and can be hazardous when damaged (i.e., chipped, broken, crumbling, pulverized); lead is toxic to humans particularly to children, if ingested, inhaled, or otherwise absorbed. Exposure to lead can cause health problems in children ranging from damage to the brain and nervous system, behavioral and learning problems (such as hyperactivity), slowed growth, hearing problems and headaches. In adults the health problems can range from difficulties during pregnancy, other reproductive problems, high blood pressure, digestive problems, nerve disorders, memory and concentration problems and muscle and joint pain.

Our research indicates the buildings were constructed **prior to 1978**, and lead based paint may be present throughout the buildings.

FINDINGS

MECC has not conducted a lead based paint evaluation as this item is considered beyond the scope of the ASTM E1527-13 standard. Should the purchaser of the property need this issue addressed, they should retain reputable firms to provide this additional service.

Research of the Housing Preservation and Development (HPD) Department records did not reveal any lead based paint violations against the subject site (See Appendix A).

New York City Local Law 101A was enacted on August 1, 2004 and focuses on dwelling units and common areas in buildings built before 1960. Owner occupied cooperatives and condominiums are exempt – but common areas in these buildings are covered under the law. An owner has the obligation to investigate in any apartment in a pre-1960 building occupied by a child seven years of age or under and in common areas for all of the conditions that might create a lead paint hazard. These investigations are required at least once a year.

The owner is required to correct a lead based paint hazard which is defined as “any condition in a dwelling or dwelling unit that causes exposure to lead from lead-contaminated dust, or from lead based paint that is peeling, or from lead based paint that is present on chewable surfaces, deteriorated sub-surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects”.

This Phase I Environmental Site Assessment (ESA) is not designed to make a determination of a building owners compliance with local law 101A.

A lead based paint survey in accordance with The Housing & Urban Development (HUD) guidelines was not conducted under the scope of this assessment.

C. MOLD

Mold contamination has become the cause of rising public concern. Mold not only creates a serious health hazard with a variety of on-going illnesses, infections, and disease- its presence can lower the value of the real estate in question.

Mold is often encountered after flooding, catastrophic damage, or as a result of construction defects or damage to building components which allow moisture to be trapped within a building. Since mold can often be contained beyond visible areas it is difficult to control these potential risks from underneath floors, inside walls, and in HVAC systems without the help of professionals.

FINDINGS

MECC has not conducted a comprehensive Indoor Air Quality (IAQ) or mold evaluation as these items are considered beyond the scope of the ASTM E1527-13 standard. Should the purchaser of the property need these issues addressed, they should retain reputable firms to provide this additional service.

D. RADON

Radon first gained national attention in early 1984, when extremely high levels of indoor radon were found in areas of Connecticut, Pennsylvania, New Jersey, and New York. Radon is a colorless, odorless radioactive gas. Nearly one out of every 15 homes in the U.S. is estimated to have elevated annual average levels of indoor radon. EPA established a Radon Program in 1985 to assist States and homeowners in reducing their risk of lung cancer from indoor radon.

FINDINGS

The New York State Department of Health indicates the average radon level for this area of Brooklyn to be 1.4 picocuries per liter (pCi/L), which is below the EPA action level of 4 pCi/L.

A radon canister was not initiated at the time of our inspection since this is beyond the scope of this assessment.

E. LEAD IN WATER

The U.S. Environmental Protection Agency estimates that drinking water can comprise 20% or more of a person's total exposure to lead. Although lead in drinking water is rarely the single cause of lead poisoning, it can significantly increase a person's total lead exposure. Infants who are fed baby formula or drinks mixed with hot water from the tap are the most vulnerable to lead in drinking water. Lead solder can leach into the water supply. Standing water in the piping system can aid in the leaching process.

The EPA action level for lead in drinking water is 15 parts per billion, (PPB).

A sample with lead levels that equal or exceed 15 PPB is considered to have elevated levels of lead, and it is recommended that response action be taken. This response action may include additional testing, replacement of plumbing components, or an operations and maintenance program.

FINDINGS

No lead water mains were observed in the accessible areas of the Property at the time of our inspection.

7) INTERVIEWS

7.1 INTERVIEW WITH OWNER

During our on-site visit, we interviewed Mr. Ray Lana, who is the building owner.

Copies of the above records of communications are included in Appendices, Section 10.6 (Owners Questionnaire).

7.2 INTERVIEW WITH SITE REPRESENTATIVE

No site representative other than the owner was interviewed.

7.3 INTERVIEWS WITH OCCUPANTS (TENANTS)

No other individuals were interviewed regarding the facility.

7.4 INTERVIEWS WITH LOCAL GOVERNMENT OFFICIALS

Government Agency

We are researching the following state and local agency records for any information of hazardous operations including, past spills, leaks or violations:

- New York State Health Department
- New York City Fire Department

The information received indicated there are no violations or records associated with the subject site (See Appendix A).

"E" Designation

According to a NYCDOB memorandum (12/23/03), "E" designated lots are amendments to the New York City Zoning Maps that may include environmental designations of certain tax lots that have physical or historical evidence of uses related to hazardous materials. Zoning Resolution 11-15 provides that the Department of Buildings may not issue a building permit for work on a tax lot labeled "E", until the Department of Buildings is provided with a report from the Department of Environmental Protection stating that the environmental requirements for the lot have been met.

On May 26, 2016, MECC researched the NYC Building Department and found that there are no "E" designations associated with the property.

7.5 INTERVIEWS WITH OTHERS

No additional interviews were conducted as part of this assessment.

8) REPORT FINDINGS

Based on our site reconnaissance, database review and historical investigation, no Recognized Environmental Conditions (RECs) were noted.

A Recognized Environmental Condition is the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

In addition, no de minimis conditions were noted.

A de minimis condition is one that generally does not present a material risk of harm to public health or the environment and that generally would not be subject of an enforcement action if brought to the attention of appropriate governmental agencies (excluding local asbestos & lead situations).

No Controlled Recognized Environmental Conditions (CRECs) were noted.

A Controlled Recognized Environmental Condition (CREC) is an environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property use restrictions, AULs, institutional controls, or engineering controls).

BUSINESS ENVIRONMENTAL RISK

A risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate not necessarily limited to those environmental issues required to be investigated in this practice. Consideration of business environmental risk issues may involve addressing one or more non-scope considerations.

ITEM	
1	MECC has reviewed several reports conducted on the property. Based on the information reviewed, depth to the water table at this property is within 8 feet below ground surface (bgs) making it likely that the bottoms of the larger USTs associated with the property may be in contact with the water table aquifer. Since it is known that a shallow water table exists and because the report(s) contains no groundwater quality data or reference to prior studies that may have investigated groundwater quality, impact on the water table aquifer is possible. If the property is slated for disposition and future redevelopment consideration should be given to reviewing historical groundwater quality data. If no groundwater quality data exists then consideration to obtaining groundwater samples for laboratory analysis to determine VOC content should be given.
2	If the site is to be sold for redevelopment, additional costs will be incurred to (a) remove whatever material was used to fill the tanks that may be impacted by at least residual levels of petroleum; (b) removing the tanks to make way for construction; and (c) possibly encountering soil during excavation that may exhibit a petroleum odor, necessitating special disposal. Furthermore, the reports reviewed by MECC include a discussion of urban fill material which will need to be properly addressed during any redevelopment.
3	The site is located in an industrial area of Brooklyn and several adjacent and nearby properties were industrial /manufacturing in nature over the years. None of the prior reports reviewed by MECC make a determination on whether or not the site may be a source of impact to groundwater quality or if it may be a contributing source of possible existing and area-wide groundwater quality degradation. Should any contamination or Vapor Encroachment/Intrusion Conditions (VEC/VIC) be discovered that is traced back to the adjacent properties, they would need to remediate in accordance with applicable regulations as the responsible party.

NON-SCOPE CONSIDERATIONS

There may be environmental issues or conditions at a property that parties may wish to assess in connection with commercial real estate that are outside the scope of this practice (the non-scope considerations). Some substances may be present on a property in quantities and under conditions that may lead to contamination of the property or of nearby properties but are not included in CERCLA's definition of hazardous substances (42 U.S.C. §9601(14) or do not otherwise present potential CERCLA liability. In any case, they are beyond the scope of this practice. There may be standards or protocols for assessment of potential hazards and conditions associated with non-scope conditions developed by governmental entities, professional organizations, or other private entities. Asbestos-Containing Building Materials, Lead-Based Paint, and Radon are several non-scope considerations that persons may want to assess in connection with commercial real estate.

MECC has not conducted an asbestos, lead based paint or mold evaluation as these items are considered beyond the scope of the ASTM E1527-13 standard. Should the purchaser of the property need these issues addressed, they should retain reputable firms to provide this additional service.

The following Historical Recognized Environmental Conditions (HRECs) were identified in our database search:

A Historical Recognized Environmental Condition (HREC) is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority, or meets unrestricted use criteria established by a regulatory authority without subjecting the property to any required controls.

NYSDEC SPILL EVENTS

- **Six (6) NYSDEC Spill events occurred on site:**

1) Business
236 Butler Street
Spill # 1403412
Spill date: 06/30/14
Close date: 07/11/14
Remarks: Spilled product throughout the facility

2) Business
236 Butler Street
Spill # 1216856
Spill date: 03/30/13
Close date: 07/17/13
Remarks: Equipment failure on tank truck

3) Petroleum Tank Cleaners
236 Butler Street
Spill # 1403303
Spill date: 05/21/14
Close date: 07/11/14
Remarks: petroleum product was found discharged to soil at several areas of the site

4) Petroleum Tank Cleaners
236 Butler Street
Spill # 1204042
Spill date: 07/24/12
Close date: 07/25/12
Remarks: Housekeeping

5) Petroleum Tank Cleaners
236 Butler Street
Spill # 1112454
Spill date: 11/01/11
Close date: 08/10/16
Remarks: petroleum staining was found on the ground around various UST's

6) Petroleum Tank Cleaners
236 Butler Street
Spill # 0806428
Spill date: 09/08/08
Close date: 09/16/08
Remarks: Drum spill

The spills have been closed by the New York State Department of Environmental Conservation (NYSDEC). On June 6, 2016, MECC submitted a Freedom of Information request to the NYSDEC for additional information on the above spill events.

In response to our request, MECC was provided with NYSDEC Spill Report forms for the above spills along with an order of consent for Spill No. 1112454 and a report authored by Petroleum Tank Cleaners dated July 2, 2013 (See Appendix A). In addition, MECC has been provided with several additional reports associated with the subject site.

Spill No. 1112454, was issued by NYSDEC for the presence of an oil sheen in several locations in the yard and at 241 Douglas Street in November 2011. The sheen had been the result of housekeeping issues surrounding the handling of petroleum at the site and vehicles which had leaked small quantities of oil during their operation.

To achieve closure of this spill, Petroleum Tank Cleaners was required to submit a subsurface investigation plan to NYSDEC to confirm that these observations did not in fact result in subsurface contamination at the site. A plan was submitted and approved for implementation. A subsurface investigation was conducted in June 2016 and a report was submitted to DEC. The investigation consisted of taking eight (8) soil borings in the yard at 236 Butler Street and four (4) soil borings at 241 Douglas Street. The eight (8) borings in the yard did not indicate the presence of the presence of petroleum below the surface. Of the four (4) borings taken in 241 Douglas Street all but one did not indicate any subsurface contamination.

A supplemental investigation was conducted in the yard with four (4) additional soil borings in a section that had not been addressed in the original sampling. Results of this supplemental investigation were the same. No odors or staining were observed and analytical results did not indicate the presence of petroleum.

The NYSDEC also required that the one location in the corner of 241 Douglas Street be delineated. Four (4) soil borings were taken 6 feet around the original boring and analyzed. The sample analyses showed that the contamination did not extend beyond the localized area. This localized area will be addressed by removal of a small quantity of soil and replacement with clean fill. Based on the work performed, the NYSDEC granted closure to Spill No. 1112454 on August 10, 2016.

<u>Gasoline Tanks</u>

During our reconnaissance, a gasoline vent line was observed on the roof (See Photo Section).

The Sanborn Map for the year 1938 shows one (1) gasoline tank present at 225-233 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Map for the year 1950 shows one (1) gasoline tank present at 235 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Maps for the years 1969-1987 shows two (2) gasoline tanks present at the 235-243 Nevins Street portion of the property.

MECC has been informed that the site had four (4) gasoline USTS (550 gallons each) - one (1) at 241 Douglas Street, two (2) at 235-243 Nevins Street (in the same one story building identified as 241 Douglas Street) and one (1) at 236 Butler Street. The gasoline tanks at 241 Douglas Street and 235-243 Nevins Street were previously removed and all that remains is the concrete that surrounded the tanks.

Soil samples were taken at the location of 235-243 Nevins Street and showed no evidence of any release of gasoline.

MECC has been provided with an Addendum Closure Report for Underground Storage Tanks prepared by Nathan Edeson, PE. According to the report, a 3,000-gallon previously closed in place diesel fuel UST was identified to be associated with 241 Douglass Street. Locations of two (2) 550-gallon gasoline USTs that had been removed prior to NYS bulk storage tank regulations went into effect were also identified.

The results indicated all samples were below the soil cleanup objectives with the exception of Benzene in a sample taken from the area of the 3,000-gallon previously closed in place diesel fuel UST. The CP-51 Soil Cleanup Level (SCL) for benzene is 0.06 ppm. The report indicates that benzene was detected in one of the samples 0.0833 ppm, which is slightly above the cleanup level.

MECC has been informed that the location of the one tank at 236 Butler Street was identified and was scheduled to be investigated to confirm that the tank was closed in place and did not result in any subsurface contamination. MECC was informed that a report regarding the 550-gallon tank at this location was going to be forwarded to our office. It is has not yet been received.

<u>Tanks Registered to 241 Douglass Street</u>

Our database review indicated two (2) Underground Storage Tanks (USTs) registered to L.C.R. Trucking LLC (241 Douglass Street).

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 001
Tank Status: In Service
Expiration Date: 03/01/15

5,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 002
Tank Status: In Service
Expiration Date: 03/01/15

The tank registration should be updated and amended to reflect “closed-removed” status.

MECC has been informed that these two (2) tanks were emptied, cleaned and certified gas freed. In order to close these two (2) USTs it was necessary to sample the soil beneath the tanks. Three (3) soil samples were taken beneath the 10,000 gallon UST and two (2) soil samples were taken the 5,000 gallon UST tank. Results of the sample analyses showed there was no evidence of a petroleum release. Petroleum Tank was given permission by the NYSDEC to close the tanks in place and fill with sand which was done in 2015. An application to change the status of the tanks to "closed in place" was submitted to DEC and awaiting action.

Tanks Registered to 236 Butler Street

Our database review also indicated four (4) Underground Storage Tanks (USTs) registered to Petroleum Tank Cleaners (236 Butler Street).

3,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 001
Tank Status: Closed-Removed
Date Tank Closed: 07/01/13

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 002
Tank Status: Closed-Removed
Date Tank Closed: 01/08/14

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 003
Tank Status: Closed-Removed
Date Tank Closed: 01/09/14

20,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 004
Tank Status: Administratively Closed

The Petroleum Bulk Storage database on the DEC website indicates that (3) USTs were closed and (1) was administratively closed. In order for DEC to "close" a tank, documentation must be submitted to DEC and approved to show that tanks were either removed or closed in place and soil sample submitted showing no releases from the tanks occurred. MECC has been informed that the owner submitted documentation showing the (3) USTs were removed and soil sample analyses indicated that no releases had occurred. In response to the submission the agency changed the status of these tanks to "closed." As far as the administratively closed tank, a tank had been registered with DEC in anticipation of its installation. The tank was never installed yet remained as active on the database. The owner has submitted a request that the tank be removed from the database explaining the circumstances and DEC officials accepted the explanation and administratively closed the tank. Without submission of accepted documentation, the DEC will not change the status of tanks from active to closed on its database.

Aboveground Storage Tanks (ASTs)

Our database review indicated five (5) Aboveground Storage Tanks (ASTs) registered to Petroleum Tank Cleaners (236 Butler Street).

7,000-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 005
Tank Status: In Service
Expiration Date: 10/06/17

1,080-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 006
Tank Status: Closed-Removed
Date Tank Closed: 05/10/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 007
Tank Status: Closed-Removed
Date Tank Closed: 02/12/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 008
Tank Status: In Service
Expiration Date: 10/06/17

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 009
Tank Status: In Service
Expiration Date: 10/06/17

MECC has been informed that a 1,080 gallon aboveground storage tank previously located in the basement and a 275-gallon used oil tank aboveground tank were removed from the site and documentation was submitted and accepted by NYSDEC. DEC officials will not indicated a tank as "closed" without receipt of documentation to this effect. The 7,000 gallon aboveground tank was also closed and removed and an application to change the registration to close this tank was submitted to DEC and is awaiting action.

9) OPINIONS

Based on our site reconnaissance, database review, historical review and interviews with persons familiar with the subject site and adjacent properties, no Recognized Environmental Conditions (RECs), de minimis conditions or Controlled Recognized Environmental Conditions (CRECs) were identified under the scope of services outlined in Section 2.2.

Based on our site reconnaissance, database review, historical review and interviews with persons familiar with the subject site and adjacent properties, the above Business Environmental Risks were identified under the scope of services outlined in Section 2.2.

The following Historical Recognized Environmental Conditions (HRECs) were identified in our database search:

NYSDEC SPILL EVENTS

- **Six (6) NYSDEC Spill events occurred on site:**

Business
1) 236 Butler Street
Spill # 1403412
Spill date: 06/30/14
Close date: 07/11/14
Remarks: Spilled product throughout the facility

Business
2) 236 Butler Street
Spill # 1216856
Spill date: 03/30/13
Close date: 07/17/13
Remarks: Equipment failure on tank truck

Petroleum Tank Cleaners
3) 236 Butler Street
Spill # 1403303
Spill date: 05/21/14
Close date: 07/11/14
Remarks: petroleum product was found discharged to soil at several areas of the site

Petroleum Tank Cleaners
4) 236 Butler Street
Spill # 1204042
Spill date: 07/24/12
Close date: 07/25/12
Remarks: Housekeeping

Petroleum Tank Cleaners
5) 236 Butler Street
Spill # 1112454
Spill date: 11/01/11
Close date: 08/10/16
Remarks: petroleum staining was found on the ground around various UST's

Petroleum Tank Cleaners
6) 236 Butler Street
Spill # 0806428
Spill date: 09/08/08
Close date: 09/16/08
Remarks: Drum spill

The spills have been closed by the New York State Department of Environmental Conservation (NYSDEC). On June 6, 2016, MECC submitted a Freedom of Information request to the NYSDEC for additional information on the above spill events.

In response to our request, MECC was provided with NYSDEC Spill Report forms for the above spills along with an order of consent for Spill No. 1112454 and a report authored by Petroleum Tank Cleaners dated July 2, 2013 (See Appendix A). In addition, MECC has been provided with several additional reports associated with the subject site.

Spill No. 1112454, was issued by NYSDEC for the presence of an oil sheen in several locations in the yard and at 241 Douglas Street in November 2011. The sheen had been the result of housekeeping issues surrounding the handling of petroleum at the site and vehicles which had leaked small quantities of oil during their operation.

To achieve closure of this spill, Petroleum Tank Cleaners was required to submit a subsurface investigation plan to NYSDEC to confirm that these observations did not in fact result in subsurface contamination at the site. A plan was submitted and approved for implementation. A subsurface investigation was conducted in June 2016 and a report was submitted to DEC. The investigation consisted of taking eight (8) soil borings in the yard at 236 Butler Street and four (4) soil borings at 241 Douglas Street. The eight (8) borings in the yard did not indicate the presence of the presence of petroleum below the surface. Of the four (4) borings taken in 241 Douglas Street all but one did not indicate any subsurface contamination.

A supplemental investigation was conducted in the yard with four (4) additional soil borings in a section that had not been addressed in the original sampling. Results of this supplemental investigation were the same. No odors or staining were observed and analytical results did not indicate the presence of petroleum.

The NYSDEC also required that the one location in the corner of 241 Douglas Street be delineated. Four (4) soil borings were taken 6 feet around the original boring and analyzed. The sample analyses showed that the contamination did not extend beyond the localized area. This localized area will be addressed by removal of a small quantity of soil and replacement with clean fill. Based on the work performed, the NYSDEC granted closure to Spill No. 1112454 on August 10, 2016.

<u>Gasoline Tanks</u>

During our reconnaissance, a gasoline vent line was observed on the roof (See Photo Section).

The Sanborn Map for the year 1938 shows one (1) gasoline tank present at 225-233 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Map for the year 1950 shows one (1) gasoline tank present at 235 Nevins Street and one (1) gasoline tank present at 241 Douglass Street. The Sanborn Maps for the years 1969-1987 shows two (2) gasoline tanks present at the 235-243 Nevins Street portion of the property.

MECC has been informed that the site had four (4) gasoline USTS (550 gallons each) - one (1) at 241 Douglas Street, two (2) at 235-243 Nevins Street (in the same one story building identified as 241 Douglas Street) and one (1) at 236 Butler Street. The gasoline tanks at 241 Douglas Street and 235-243 Nevins Street were previously removed and all that remains is the concrete that surrounded the tanks.

Soil samples were taken at the location of 235-243 Nevins Street and showed no evidence of any release of gasoline.

MECC has been provided with an Addendum Closure Report for Underground Storage Tanks prepared by Nathan Edeson, PE. According to the report, a 3,000-gallon previously closed in place diesel fuel UST was identified to be associated with 241 Douglass Street. Locations of two (2) 550-gallon gasoline USTs that had been removed prior to NYS bulk storage tank regulations went into effect were also identified.

The results indicated all samples were below the soil cleanup objectives with the exception of Benzene in a sample taken from the area of the 3,000-gallon previously closed in place diesel fuel UST. The CP-51 Soil Cleanup Level (SCL) for benzene is 0.06 ppm. The report indicates that benzene was detected in one of the samples 0.0833 ppm, which is slightly above the cleanup level.

MECC has been informed that the location of the one tank at 236 Butler Street was identified and was scheduled to be investigated to confirm that the tank was closed in place and did not result in any subsurface contamination. MECC was informed that a report regarding the 550-gallon tank at this location was going to be forwarded to our office. It is has not yet been received.

<u>Tanks Registered to 241 Douglass Street</u>

Our database review indicated two (2) Underground Storage Tanks (USTs) registered to L.C.R. Trucking LLC (241 Douglass Street).

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 001
Tank Status: In Service
Expiration Date: 03/01/15

5,000-gallon Underground Storage Tank (UST)
Permit No. 2-612275, Tank No. 002
Tank Status: In Service
Expiration Date: 03/01/15

The tank registration should be updated and amended to reflect "closed-removed" status.

MECC has been informed that these two (2) tanks were emptied, cleaned and certified gas freed. In order to close these two (2) USTs it was necessary to sample the soil beneath the tanks. Three (3) soil samples were taken beneath the 10,000 gallon UST and two (2) soil samples were taken the 5,000 gallon UST tank. Results of the sample analyses showed there was no evidence of a petroleum release. Petroleum Tank was given permission by the NYSDEC to close the tanks in place and fill with sand which was done in 2015. An application to change the status of the tanks to "closed in place" was submitted to DEC and awaiting action.

<u>Tanks Registered to 236 Butler Street</u>

Our database review also indicated four (4) Underground Storage Tanks (USTs) registered to Petroleum Tank Cleaners (236 Butler Street).

3,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 001
Tank Status: Closed-Removed
Date Tank Closed: 07/01/13

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 002
Tank Status: Closed-Removed
Date Tank Closed: 01/08/14

10,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 003
Tank Status: Closed-Removed
Date Tank Closed: 01/09/14

20,000-gallon Underground Storage Tank (UST)
Permit No. 2-399760, Tank No. 004
Tank Status: Administratively Closed

The Petroleum Bulk Storage database on the DEC website indicates that (3) USTs were closed and (1) was administratively closed. In order for DEC to "close" a tank, documentation must be submitted to DEC and approved to show that tanks were either removed or closed in place and soil sample submitted showing no releases from the tanks occurred. MECC has been informed that the owner submitted documentation showing the (3) USTs were removed and soil sample analyses indicated that no releases had occurred. In response to the submission the agency changed the status of these tanks to "closed." As far as the administratively closed tank, a tank had been registered with DEC in anticipation of its installation. The tank was never installed yet remained as active on the database. The owner has submitted a request that the tank be removed from the database explaining the circumstances and DEC officials accepted the explanation and administratively closed the tank. Without submission of accepted documentation, the DEC will not change the status of tanks from active to closed on its database.

Aboveground Storage Tanks (ASTs)

Our database review indicated five (5) Aboveground Storage Tanks (ASTs) registered to Petroleum Tank Cleaners (236 Butler Street).

7,000-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 005
Tank Status: In Service
Expiration Date: 10/06/17

1,080-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 006
Tank Status: Closed-Removed
Date Tank Closed: 05/10/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 007
Tank Status: Closed-Removed
Date Tank Closed: 02/12/15

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 008
Tank Status: In Service
Expiration Date: 10/06/17

275-gallon Aboveground Storage Tank (AST)
Permit No. 2-399760, Tank No. 009
Tank Status: In Service
Expiration Date: 10/06/17

MECC has been informed that a 1,080 gallon aboveground storage tank previously located in the basement and a 275-gallon used oil tank aboveground tank were removed from the site and documentation was submitted and accepted by NYSDEC. DEC officials will not indicated a tank as "closed" without receipt of documentation to this effect. The 7,000 gallon aboveground tank was also closed and removed and an application to change the registration to close this tank was submitted to DEC and is awaiting action.

10) CONCLUSION

Merritt Environmental Consulting Corp has performed a Phase I Environmental Site Assessment (ESA) in conformance with the scope and limitations of ASTM Practice E1527 of 233-243 Nevins Street, AKA 236 Butler Street & 233-241 Douglass Street, Brooklyn, New York 11217, the property. Any exceptions to, or deletions from, this practice are described in Section [2.2] of this report.

11) DEVIATIONS

The assessment was performed in accordance with the ASTM 1527-13 Standards as well as the detailed scope of services outlined in section 2.2 of this report.

12) ADDITIONAL SERVICES

No additional services were performed beyond the detailed scope of services in section 2.2.

13) REFERENCES

All references relied upon are located in Appendix A.

14) SIGNATURE OF ENVIRONMENTAL PROFESSIONAL

We thank you for allowing Merritt Environmental Consulting Corp., to serve as your Environmental Consultant for this project. We declare that, to the best our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312, and

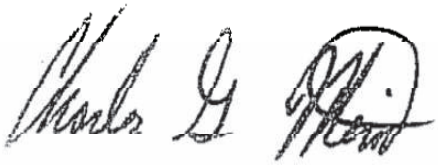
We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the "All Appropriate Inquiries" in conformance with the standards and practices set forth in 40 CFR Part 312.

Should you have any questions regarding the contents of this report, please feel free to contact us to discuss the report in further detail.

Site Inspector:

Donald DiMisa
Environmental Professional

Reviewed by:



Charles G. Merritt
Environmental Professional /LEED AP

15) QUALIFICATIONS

See Appendix A

APPENDICES

- Site Photography
- Site Vicinity Map
- Regulatory Records Documentation
- Historical Research Documentation
- Interview Documentation
- Qualifications
- Special Contractual Conditions between User & Environmental Professional (If Applicable)
- Additional Information obtained

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