

**127 12TH STREET
BROOKLYN, NEW YORK**

Brownfield Cleanup Program Application

Submitted to:

New York State Department of Environmental Conservation

Division of Environmental Remediation

Site Control Section

625 Broadway, 11th Floor

Albany, NY 12233-7020

Prepared for:

Di Maio Enterprises Inc.

127 12th Street

Brooklyn, NY 11215

Prepared by:



121 West 27th Street, Suite 702

New York, NY 10001

REVISED

June 2024



SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - b. one individual file (PDF) of each previous environmental report; and,
 - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: “*BCP Application NEW - *Proposed Site Name**”
- Email your submission to DESiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: 127 12th Street

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

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C224411

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **127 12th Street**

ADDRESS/LOCATION **127 12th Street**

CITY/TOWN **Brooklyn**

ZIP CODE **11215**

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

COUNTY **Kings**

SITE SIZE (ACRES) **0.40**

LATITUDE

LONGITUDE

40° 40' 13" 73° 59' 36"

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

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
127 12th Street	3	1020	52	0.40

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>	<input type="radio"/> Y	<input checked="" type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/> Y	<input checked="" type="radio"/> N

SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div> See supplemental and supporting information attached.		<input checked="" type="radio"/>	<input type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input type="radio"/>	<input checked="" type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input checked="" type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.			
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.			
Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

SECTION II: Project Description

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

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

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

☐ Yes ☐ No ☐ N/A

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

☐ RIWP ☐ RAWP ☐ IRM ☒ No

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

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? M2-1

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

Residential ☐ Commercial ☒ Industrial ☒

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☒ Recreational ☐ Vacant ☐

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

Y ☒ N ☐

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

Residential ☐ Commercial ☒ Industrial ☒

If residential, does it qualify as single-family housing?

N/A ☒ ☐ ☐

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

☒ ☐

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

☐ ☒

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

☒ ☐

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

☒ ☐

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

☒ ☐

SECTION IV: Property's Environmental History

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

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

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

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

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

Are the required drawings included with this application? ☒ YES ☐ NO

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

<input type="checkbox"/> Coal Gas Manufacturing	<input checked="" type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Residential, chemical works, laundry, spray booth painting and lacquering

SECTION V: Requestor Information

NAME Di Maio Enterprises Inc.

ADDRESS 127 12th Street

CITY/TOWN Brooklyn

STATE NY

ZIP CODE 11215

PHONE (718) 788-1106

EMAIL lv@cameometal.com

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

SECTION VI: Requestor Eligibility

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

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/> Y	<input checked="" type="radio"/> N
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
PARTICIPANT <input checked="" type="checkbox"/> A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	VOLUNTEER <input type="checkbox"/> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input type="radio"/> No <input type="radio"/> N/A <input checked="" type="radio"/>		

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

☐ Previous Owner ☒ Current Owner ☐ Potential/Future Purchaser ☐ Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

Is this proof attached?



Yes



No



N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Vito Di Maio

ADDRESS 127 12th Street

CITY Brooklyn

STATE NY

ZIP CODE 11215

PHONE (718) 788-1106

EMAIL lv@cameometal.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Matthew Carroll, PE

COMPANY Tenen Environmental, LLC

ADDRESS 121 West 27th Street, Suite 702

CITY New York

STATE NY

ZIP CODE 10001

PHONE (646) 606-2332

EMAIL mcarroll@tenen-env.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Karen L. Mintzer

COMPANY Mintzer Mauch PLLC

ADDRESS 290 Madison Avenue, 4th Floor

CITY New York

STATE NY

ZIP CODE 10017

PHONE (212) 380-6170

EMAIL karen@mintzernauch.com

SECTION VIII: Program Fee

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

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

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER Di Maio Enterprises Inc.

CONTACT NAME Vito Di Maio

ADDRESS 127 12th Street

CITY Brooklyn

STATE NY

ZIP CODE 11215

PHONE (718) 788-1106

EMAIL lv@cameometal.com

OWNERSHIP START DATE 11/29/2978

CURRENT OPERATOR Cameo Metal Products, Inc.

CONTACT NAME Vito Di Maio

ADDRESS 127 12th Street

CITY Brooklyn

STATE NY

ZIP CODE 11215

PHONE (718) 788-1106

EMAIL lv@cameometal.com

OPERATION START DATE 12/29/1971

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

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

SECTION XI: Site Contact List

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

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

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

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

Date: 5/28/24

Signature: 

Print Name: **Vito Di Maio**

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

New York State Department of Environmental Conservation
BROWNFIELD CLEANUP PROGRAM

BROWNFIELD CLEANUP PROGRAM APPLICATION
SUPPLEMENTAL AND SUPPORTING INFORMATION

For

127 12th STREET
BROOKLYN, NY

BCP SITE NO. C224411

DI MAIO ENTERPRISES INC.

REVISED
JUNE 2024

Section I – Property Information

The following maps have been attached as Exhibit A.

- USGS 7.5-minute quadrangle map, indicating the site's location
- Tax Map
- Surrounding Property Owner Map
- Land Use Map

I.13 - List of Permits issued by the DEC or USEPA relating to the Proposed Site

All permits are associated with Cameo Metals Products, Inc., a related entity that is the operator at the Site.

- DEC Air Facility Permit 2-6103-00462/00001

Date Permit Issued: 12/19/2012

Permit Expiration Date: No expiration

There are also several registrations as follows:

- Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG)/handler designation NYD987029535
- Petroleum Bulk Storage (PBS) registration Site No. 2-608425
- Toxic Release Inventory (TRI) Facility ID 11215CMMTL12712

The LQG designation is associated with earlier operations and the Site has operated as a Small Quantity Generator (SQG) or non-generator for several years, with the exception of a clean-out event in 2018.

The PBS registration is for a 4,000 gallon above-ground storage tank (AST) used for storage of #2 fuel oil for heating purposes.

I.14 – Property Description and Environmental Assessment Narrative

Location: The Site, located at 127 12th Street, Brooklyn, New York (Tax Block 1020, Lot 52), is a rectangular shaped parcel located midblock on the eastern side 12th Street. The Site is bound by 3rd Avenue to the south, 2nd Avenue to the east and 11th Street to the north. The Site is approximately 17,900 square feet (SF) and has approximately 179 feet of frontage along 12th Street.

Site Features: The Site is currently improved with a two-story masonry building built in 1931. The Site building houses one industrial space with an area of approximately 25,334 SF. The building is currently utilized for metal finishing, predominantly through spray booth painting and lacquering operations, and operates consistent with Resource Conservation and Recovery Act (RCRA) requirements. The building footprint comprises approximately 85% of the total Site area with 158 feet of frontage along 12th Street and a depth of 96 feet.

Current Zoning and Land Use: The Site lot is zoned M2-1, light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. M2-1 districts are often characterized by one- or two-story warehouses with loading bays and are often buffers between M2 or M3 districts and adjacent residential or commercial districts. Offices, hotels and most retail uses are also permitted under this zoning designation.

Past Uses of the Site: According to our review of the available Sanborn Fire Insurance Maps, the Site was developed sometime prior to 1886 with multiple dwellings and a chemical works. By 1904, the chemical works had become “city laundry” and the multiple dwellings remained. By 1915, “city laundry” had become “domestic steam laundry” and had expanded its footprint, leaving three of four dwellings remaining. A coat and apron supply company also occupied the Site lot in 1915. By 1938, only one dwelling remained and the majority of the lot was utilized as “domestic steam laundry” with the exception of a small carpenter shop abutting the laundry. By 1950, the remaining dwelling abutting the laundry to the east is no longer depicted and the former carpenter space has been replaced with a dwelling. Between 1950 and 1969 the laundry ceased operations and the space is used for unspecified manufacture and contains a truck loading area; the dwelling abutting the commercial space to the west is still depicted. By 1977, it appears that the entire Site lot is occupied the current use. The Site lot remains unchanged from this time. City directory listings document historic use of the Site as a metal manufacturer from circa 1960 to 2014; however, the current Site use as a metal finishing facility with spray booth painting and lacquering operations has been present since approximately 1971. Additional listings reviewed include plastics manufacturing, enamel spraying, commercial supermarket and a coffee shop.

Site Geology and Hydrogeology: The subject property is located at an average elevation of approximately 23 feet above mean sea level (ft-amsl) and is relatively flat. Based on our review of the geology surrounding the area of the Site, four geologic units (in order of increasing depth and age) lie beneath the Gowanus area of Brooklyn: 1) fill, 2) alluvial/marsh deposits, 3) glacial sands and silts, and 4) bedrock. Fill materials are associated with nearby canal construction and subsequent industrialization and regrading of the area, much of which was originally marshland. The fill consists of silts, sands and gravels mixed with ash and fragments of brick, metal, glass, concrete, wood and other debris. The alluvial/marsh deposits lie below the fill and are composed of sands (alluvial deposits from flowing water bodies), peat organic silts and clays (marsh deposits). These alluvial/marsh deposits are associated with the original wetlands complex (i.e., native sediment) that was present when the area was settled. A thick sequence of glacial deposits occurs below the alluvial/marsh deposits. These glacial sands, silts and gravel were deposited as glacial ice melted during the retreat of the last ice age. At the base of the glacial sequence lies a layer of dense clay, deposited by the glacier or prior to glaciation. Weathered and competent bedrock underlies the glacial deposits. The bedrock consists of a medium- to coarse grained metamorphic rock known as the Fordham Gneiss (EPA, 2012). Groundwater at the Site was measured between 5.28 and 10.33 feet below basement grade (ft-bbg). Groundwater flow has been measured to the west-southwest, toward the Gowanus Canal.

Prior Investigations: A Phase II Investigation was completed by Tenen in May 2023 to identify if impacts existed onsite due to historical and current Site operations. Once the due diligence results were available, Tenen consulted with RCRA program staff who recommended reaching out to the NYSDEC Department of Environmental Remediation (DER) for a pre-application meeting. Subsequently, a supplemental investigation was completed by Tenen in January 2024. Based on the previous investigation conducted at the Site, the primary contaminants of concern for the Site are chlorinated volatile organic compounds (cVOCs). Some polyaromatic hydrocarbons (PAHs) and metals (arsenic) are also present above the use-based soil cleanup objectives (SCOs), but are not considered remedy drivers. The subsurface investigations conducted at the Site by Tenen in May 2023 and January 2024 are described below. Both investigations were designed so that the results could also be used as part of a RCRA-regulated facility Closure Plan.

The May 2023 Phase II Investigation consisted of the installation of 13 soil borings, the collection of 13 soil samples, the installation of seven groundwater monitoring wells, the collection of seven groundwater samples, the installation of five sub-slab soil vapor points, the collection of five sub-slab soil vapor samples, the collection of one indoor air sample, and the collection of one ambient air sample. In addition, two wood samples and four concrete samples were collected from the onsite building. All soil, groundwater, wood, and concrete samples collected during the Phase II Investigation were analyzed for VOCs, semivolatile organic compounds (SVOCs), target analyte list (TAL) metals (total and dissolved metals for groundwater),

pesticides, and polychlorinated biphenyls (PCBs) and all sub-slab soil vapor, indoor air, and ambient air samples collected during the Phase II Investigation were analyzed for TO-15 VOCs.

Following the 2023 Phase II Investigation, Tenen returned to the Site in January 2024 to delineate cVOC impacts to soil detected during the May 2023 Phase II Investigation and to assess groundwater conditions in areas of the Site not previously investigated. The January 2024 sampling event consisted of the installation of 13 soil borings, the collection and analysis of 13 soil samples, the installation of three groundwater monitoring wells, and the collection of four groundwater samples from previously- and newly-installed groundwater monitoring wells. Summary tables of sampling data for all media are included in Exhibit B. Sampling location plans and data diagrams are included in Exhibit C. A Phase II Report documenting both investigations, including laboratory deliverables for the data, is included in Exhibit D.

Environmental Assessment

Soil:

One SVOC, the PAH benzo(a)pyrene, was detected in one soil sample collected from 3-5 ft-bg at a concentration exceeding the Restricted Commercial Use Soil Cleanup Objective (RCSCO) of 1 part-per-million (ppm). Benzo(a)pyrene was detected at a concentration of 3.2 ppm. No other SVOCs were detected in exceedance of RCSCOs in any soil samples.

One metal, arsenic, was detected in one soil sample collected from 0-2 ft-bg at a concentration exceeding the RCSCO of 16 ppm. Arsenic was detected at a concentration of 39 ppm. No other metals were detected in exceedance of RCSCOs in any soil samples.

VOCs, pesticides, and PCBs were not detected in exceedance of RCSCOs in any soil samples.

Although not detected in exceedance of RCSCOs, the cVOC tetrachloroethene (PCE) was detected in exceedance of its Protection of Groundwater SCO (PGWSCO) of 1.3 ppm in five soil samples, collected from 1-3 ft-bg and 3-5 ft-bg. Additionally, cis-1,2-dichloroethene (cis-1,2-DCE) and vinyl chloride, breakdown products of PCE, were each detected in one soil sample collected from 3-5 ft-bg exceeding their PGWSCOs of 0.25 ppm and 0.02 ppm, respectively. PCE was detected at a max. concentration of 47 ppm; cis-1,2-DCE was detected at a concentration of 2.5 ppm; and, vinyl chloride was detected at a concentration of 0.3 ppm. In general, the highest concentrations of cVOCs in soil were detected in the northern portion of the Site.

Groundwater:

The cVOC PCE and its breakdown products trichloroethene (TCE), cis-1,2-DCE, and vinyl chloride were detected in one or more groundwater samples in exceedance of their respective NYSDEC TOGS 1.1.1 Ambient Water Quality Standards (AWQSs). PCE was detected in ten groundwater samples exceeding the AWQS of 5 parts-per-billion (ppb) [max. 320 ppb]; TCE was detected in three groundwater samples exceeding the AWQS of 5 ppb [max. 15 ppb]; cis-1,2-DCE was detected in four groundwater samples exceeding the AWQS of 5 ppb [max. 39 ppb]; and, vinyl chloride was detected in one groundwater sample exceeding the AWQS of 2 ppb [concentration of 2.2 ppb]. In general, the highest concentrations of cVOCs in groundwater were detected in the eastern portion of the Site.

One petroleum-related VOC, 1,2,4,5-tetramethylbenzene, was detected in exceedance of its AWQS in 5 ppb in one groundwater sample collected from the northwestern portion of the Site. 1,2,4,5-tetramethylbenzene was detected at a concentration of 15 ppb.

A variety of SVOCs, specifically PAHs, were detected slightly in exceedance of their respective Class GA Standards in groundwater samples across the Site, including benzo(a)anthracene [max. 0.34 ppb], benzo(b)fluoranthene [max. 0.38 ppb], benzo(k)fluoranthene [max. 0.14 ppb], chrysene [max. 0.31 ppb],

and indeno(1,2,3-cd)pyrene [max. 0.19 ppb]. All of the aforementioned analytes have an AWQS of 0.002 ppb. No other SVOCs were detected in exceedance of the AWQS in any groundwater samples.

A variety of metals were detected in exceedance of the AWQS in unfiltered groundwater samples across the Site. Arsenic [concentration of 31.37 ppb with an AWQS of 25 ppb], iron [max. 4,380 ppb with an AWQS of 300 ppb], lead [concentration of 81.82 ppb with an AWQS of 25 ppb], manganese [max. 926.9 ppb with an AWQS of 300 ppb], selenium [concentration of 10.1 ppb with an AWQS of 10 ppb], and sodium [max. 70,900 ppb with an AWQS of 20,000 ppb] were each detected in exceedance of the AWQS in all one or more groundwater samples at the Site. Of these, the naturally-occurring earth metals manganese and sodium were detected in exceedance of the AWQS in filtered groundwater samples across the Site. Filtered manganese was detected at a max. concentration of 1,235 ppb with an AWQS of 300 ppb and sodium was detected at a max. concentration of 89,600 ppb with an AWQS of 20,000 ppb. No other metals were detected in exceedance of the AWQS in any unfiltered or filtered groundwater samples.

Pesticides and PCBs were not detected above the AWQS in any groundwater samples.

Soil Vapor/Indoor Air:

A variety of cVOCs were detected in sub-slab soil vapor across the Site, including PCE [max. 16,100 micrograms per cubic meter (ug/m³)], TCE [max. 537 ug/m³], cis-1,2-DCE [max. 377 ug/m³], methylene chloride [concentration of 23 ug/m³], and chloroform [max. 752 ug/m³]. In general, the highest concentrations of cVOCs were detected in the soil vapor sample collected from the southern portion of the Site basement.

A variety of cVOCs were detected in the indoor air sample collected from the Site basement, including PCE [concentration of 1,270 ug/m³], TCE [concentration of 4.82 ug/m³], cis-1,2-DCE [concentration of 0.349 ug/m³], methylene chloride [concentration of 21.4 ug/m³], and carbon tetrachloride [concentration of 0.459 ug/m³]. Of these, PCE and TCE were detected in the indoor air sample in exceedance of the NYSDOH Air Guideline Values (AGVs) of 30 ug/m³ and 2 ug/m³, respectively.

Co-located sub-slab soil vapor and indoor air samples were not collected as part of the May 2023 Due Diligence investigation. However, based on a comparison of cVOC concentrations in sub-slab soil vapor and indoor air to the applicable NYSDOH Decision Matrices (Matrix B for PCE and methylene chloride, and Matrix A for TCE, cis-1,2-DCE, and carbon tetrachloride), mitigation would be required at all five sub-slab soil vapor sample locations and the indoor air sample location for PCE; mitigation would be required at two sub-slab soil vapor sample locations and the indoor air sample location for TCE; mitigation would be required at one sub-slab soil vapor sample location for cis-1,2-DCE; and, mitigation would be required at the indoor air sample location for methylene chloride regardless of the potential co-located sub-slab soil vapor or co-located indoor air concentrations at these locations.

A variety of petroleum-related VOCs were detected at low concentrations in sub-slab soil vapor and indoor air across the Site, including benzene [concentration of 0.68 ug/m³ in indoor air], toluene [max. 32.3 ug/m³ in sub-slab soil vapor and concentration of 8.55 ug/m³ in indoor air], ethylbenzene [concentration of 1.55 ug/m³ in indoor air], p/m-xylene [concentration of 22.5 ug/m³ in sub-slab soil vapor and 5.34 ug/m³ in indoor air], o-xylene [concentration of 1.52 ug/m³ in indoor air], 1,2,4-trimethylbenzene [concentration of 1.62 ug/m³ in indoor air], and 4-methyl-2-pentanone [concentration of 12.5 ug/m³ in indoor air]. None of these compounds require mitigation based on NYSDOH Decision Matrix D.

Section II - Project Description

II.4 - Narrative Description

Proposed Redevelopment

The interior of the Site building will be demolished and renovated for commercial uses such as retail and office, as well as light industrial. The proposed renovation and end use is consistent with the existing zoning and the recent development in this area of Brooklyn.

Schedule

As part of the project, the property will be remediated and renovated to accommodate commercial and industrial tenant spaces. A Remedial Investigation Work Plan (RIWP), an Interim Remedial Measures (IRM) Work Plan and a RCRA Closure Plan will be submitted to the NYSDEC subsequent to this BCP Application. Subsequent to the implementation of the aforementioned Work Plans and associated reporting, a Remedial Action Work Plan (RAWP) will be submitted to the NYSDEC and NYSDOH. A Final Engineering Report (FER) and Site Management Plan (SMP) will be prepared following completion of the remedial action (RA) outlined in the approved RAWP. The Certificate of Completion is anticipated by the end of 2025. Below is a detailed estimated project schedule:

Estimated Project Schedule
(Reasonable BCP dates)

Task / Month	June 2024	June 2024 - July 2024	July 2024 - August 2024	September 2024 - October 2024	November 2024 - September 2025	End of 2025
BCP Application Review and Completeness						
BCP App Public Comment and Approvals						
RCRA Closure, RIWP and IRMWP Review and Completeness						
RIWP and IRMWP Public Comment and Approvals						
RCRA Closure Approval						
Implement RI and IRM						
RIR and IRM Report Approvals						
RCRA Closure Implementation / Site Redevelopment						
RAWP Public Comment and Approvals						
Prepare FER/SMP, NYSDEC Review and Approval						
Certificate of Completion						

Section III – Land Use Factors

III.4 – Summary of Current Business Operations or Uses: The Site is currently improved with a two-story building that currently operates as a spray booth painting and lacquering facility.

III.6 – Reasonably Anticipated Use Post-Remediation: The anticipated post-remedial uses are commercial and light industrial.

III.9 – Is the Proposed Use Consistent with Applicable Zoning Laws/Maps: The Site is zoned M2-1, denoting light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. M2-1 districts are often characterized by one- or two-story warehouses with loading bays and are often buffers between M2 or M3 districts and adjacent residential or commercial districts. Offices, hotels and most retail uses are also permitted under this zoning designation. The proposed end use of the Site includes the interior renovation of the existing one-story warehouse building for commercial uses, such as retail and office, as well as light industrial. The proposed renovation and end use is consistent with the existing zoning and the recent development in this area of Brooklyn.

III.10 – Is the Proposed Use Consistent with Applicable Comprehensive Community Master Plans, Local Waterfront Revitalization Plans, or other Adopted Land Use Plans: The property use is not inconsistent with any applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans or other adopted land use plans.

Section IV – Property’s Environmental History

IV.1 – Environmental Reports

The environmental reports and/or data deliverables prepared for the Site include the following, which are included in Exhibit D.

1. Environmental Site Investigation for 127 12th Street, Brooklyn, New York, conducted in May 2023 and January 2024, prepared by Tenen Environmental, dated March 2024.

IV.2 – Sampling Data

The laboratory reports and summary tables for all sampling data collected as part of the investigation referenced above and are included as Exhibit D and B, respectively.

IV.3 – Site Drawings

The site drawings for soil, groundwater, and soil vapor are included as Exhibit C. The data for these drawings are in the laboratory deliverables referenced above.

Section V – Requestor Information

Di Maio Enterprises Inc. is a NYS corporation. The New York State Department of State's Corporation & Business Entity Database printout is included in Exhibit E. The corporation's address, telephone number and email address are:

127 12th Street
Brooklyn, NY 11215
(718) 788-1106
lv@cameometal.com

Section VIII: Program Fee

VIII.2 – Financial Hardship Documentation

The applicant is seeking a waiver of the \$50,000 application fee for the BCP due to extreme financial hardship. Per NYSDEC instructions, Di Maio Enterprises Inc.'s federal tax returns for tax years 2020, 2021, and 2022 have been provided to Cheryl Salem under separate cover to preserve confidentiality. These tax returns show negative net income for each of these years and a decline in assets over this period. The corporation's federal tax return for 2023 is not yet available but will show no improvement to the corporation's financial situation, which reflects a steady, years long decline in demand for metal components historically manufactured at the site.

Tenen's estimate of costs necessary to obtain a certificate of completion at the site ranges from \$1 million to \$1.2 million (including investigation, remediation and required report preparation).

Given the applicant's financial position and the estimated remediation costs, the BCP application fee of \$50,000 would be cost-prohibitive and should be waived. The applicant is waiving its right to seek any BCP tangible property tax credits.

Section IX – Previous Owners and Operators

The current owner of the property is the Applicant and the current operator is a related entity, Cameo Metal Products, Inc.; both located at the Site address. The Applicant took ownership of the Site on November 29, 1978.

The information below includes the known owners and operators of the Site.

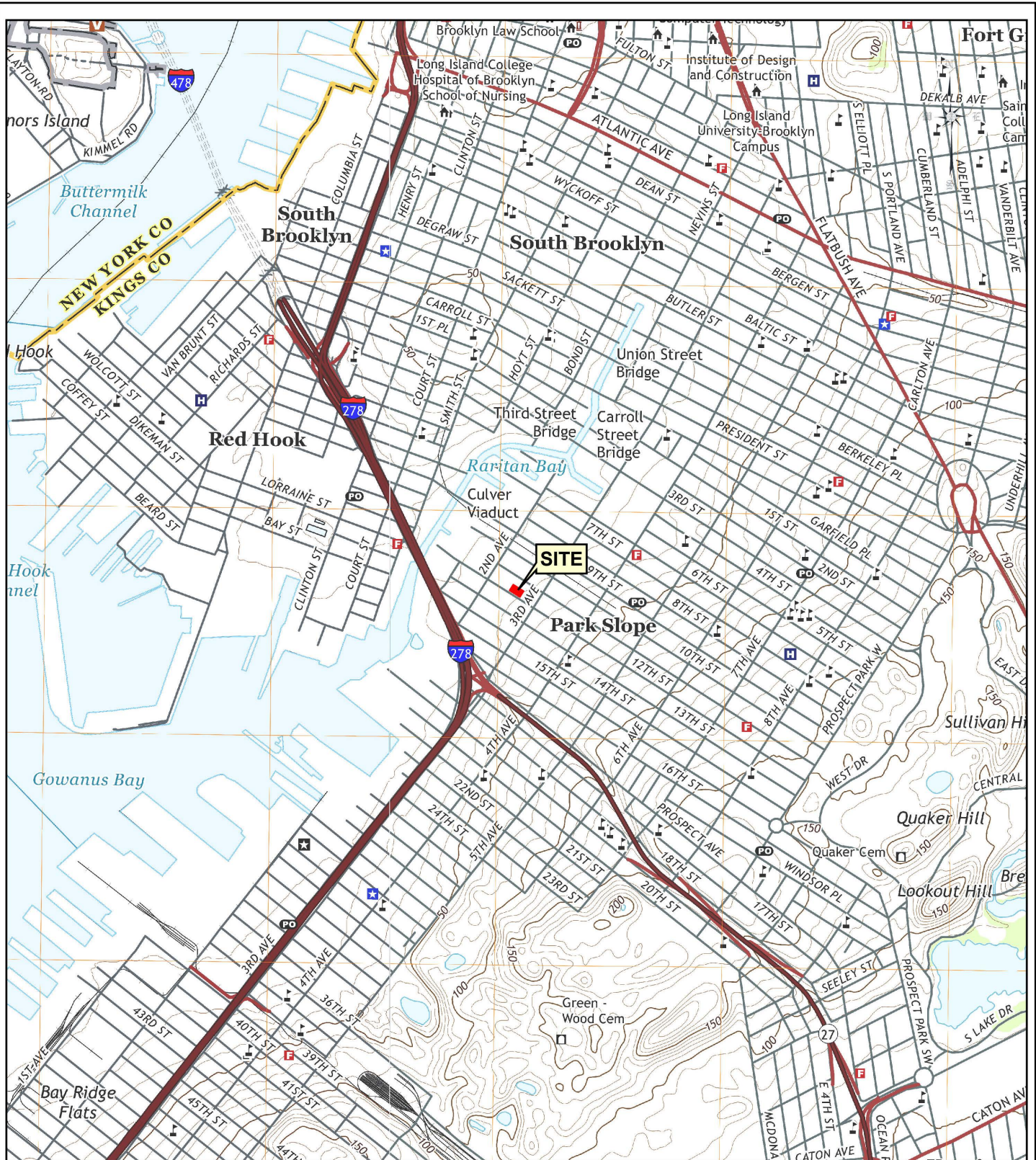
Previous Owners			
Name	Last Known Contact Information	Relationship to Applicant	Ownership
Di Maio Enterprises, Inc.	127 12 th Street Brooklyn, NY 11215	Applicant	1978 to current
Jasal Realty Corp	32 Gateway Drive Great Neck, NY	None	Unknown to 1978

Previous Operators			
Name	Last Known Contact Information	Relationship to Applicant	Ownership
Cameo Metal Products, Inc.	127 12 th Street Brooklyn, NY 11215	Related Entity	1971 to current
Flushing Spraying and Enameling Company	127 12 th Street Brooklyn, NY 11215	None	1960
Pamco Inc.	127 12 th Street Brooklyn, NY 11215	None	1960
Product Arts Manufacturing Co. Inc.	127 12 th Street Brooklyn, NY 11215	None	1960
W. J. Matheson Chemical Works	127 12 th Street Brooklyn, NY 11215	None	1886

Section XI – Contact List Information

See contact list in Exhibit F.

Exhibit A
Site Drawings (Property Information)



Basemap: USGS Topographic Map, 7.5 Minute Quadrangles: Brooklyn, NY; Jersey City, NJ

0 1,000 2,000 4,000 Feet

Drawing No. Figure 1	Drawn By LM	 Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332; F: (646) 606-2379	BCP Application 127 12th Street Brooklyn, New York Block 1020, Lot 52
	Checked By AC		
Drawing Title Site Location Map	Date March 2024		
	Scale As Noted		

Figure 1

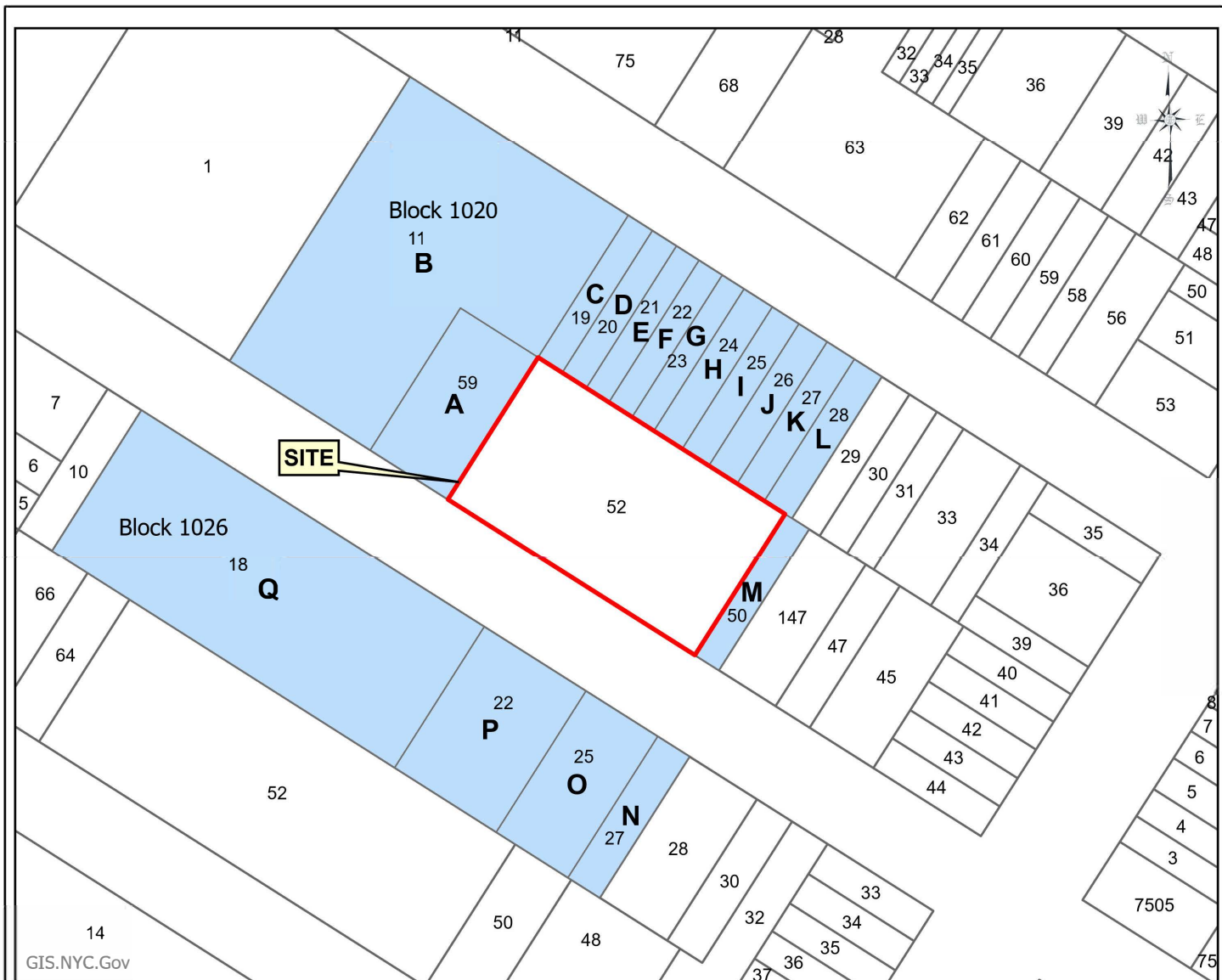
Site Location Map



GIS.NYC.Gov

0 75 150 300 Feet

<p>Drawing No.</p> <p>Figure 2</p>	<p>Drawn By</p> <p>LM</p> <p>Checked By</p> <p>AC</p>	 <p>Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332; F: (646) 606-2379</p>	<p>BCP Application 127 12th Street Brooklyn, New York Block 1020, Lot 52</p>
<p>Drawing Title</p> <p>Tax Map</p>	<p>Date</p> <p>March 2024</p> <p>Scale</p> <p>As Noted</p>		



Adjacent Property Owners - 127 12th Street

ID	OWNER	ADDRESS
A	SPB Holdings LLC	121 12th Street
B	NYC Parks Department	124 11th Street
C	Jose L. Ramirez	126 11th Street
D	Maria Querol	128 11th Street
E	Carlos M. Rodriguez	130 11th Street
F	Christopher K. Hayes	132 11th Street
G	Ezekiel Shore	134 11th Street
H	Lindsay Powers	136 11th Street
I	Hazel Greco	138 11th Street

Adjacent Property Owners - 127 12th Street

ID	OWNER	ADDRESS
J	Jeffrey Saunders	140 11th Street
K	Erik S. Lieber	142 11th Street
L	Eric J. Miller	144 11th Street
M	Obsolete Machinery LLC	139A 12th Street
N	SB 12th Street LLC	130 12th Street
O	SB 12th Street LLC	126 12th Street
P	SB 12th Street LLC	120 12th Street
Q	SPB Realty LLC	112 12th Street

0 50 100 200 Feet

Drawing No.

Figure 3

Drawn By

LM

Checked By

AC

Drawing Title

**Surrounding Property
Owner Map**

Date

March 2024

Scale

As Noted



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New York, NY 10001
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**BCP Application
127 12th Street
Brooklyn, New York
Block 1020, Lot 52**



Note: the west adjoining property does not have a land use designation in the NYC database; based on observations, this is a surface parking lot.

NYC OpenData, State of New Jersey, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

0 100 200 400 Feet


Drawing No.	Drawn By	LM	 <p>Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332; F: (646) 606-2379</p>	<p>BCP Application 127 12th Street Brooklyn, New York Block 1020, Lot 52</p>
	Checked By	AC		
Drawing Title	Date	March 2024		
	Scale	As Noted		

Exhibit B

Data Summary Tables

Soil Analytical Summary Table
127 12th Street - Brooklyn, NY
Brownfield Cleanup Program Application

Analytes in Exceedance of RCSCOs	Number of Detections in Exceedance of RCSCOs	Maximum Detection (ppm)	RCSCO (ppm)	Depth (ft-bg)*
Benzo(a)pyrene	1	3.2	1	3-5
Arsenic	1	39	16	0-2

Notes:

RCSCOs = 6 NYCRR Part 375 Restricted Commercial Use Soil Cleanup Objectives

* = All depths with exceedances of RCSCOs for the specified analyte are listed

ppm = parts per million

ft-bg = feet below grade

Groundwater Analytical Summary Table
127 12th Street - Brooklyn, NY
Brownfield Cleanup Program Application

Analytes in Exceedance of AWQS	Number of Detections in Exceedance of AWQS	Maximum Detection (ppb)	AWQS (ppb)
Tetrachloroethene	10	320	5
Trichloroethene	3	15	5
cis-1,2-Dichloroethene	4	39	5
Vinyl chloride	1	2.2	2
1,2,4,5-Tetramethylbenzene	1	15	5
Benzo(a)anthracene	6	0.34	0.002
Benzo(b)fluoranthene	3	0.38	0.002
Benzo(k)fluoranthene	3	0.14	0.002
Chrysene	6	0.31	0.002
Indeno(1,2,3-cd)pyrene	2	0.19	0.002
Arsenic, Total	1	31.37	25
Iron, Total	8	4,380	300
Lead, Total	1	81.82	25
Manganese, Total	4	926.9	300
Selenium, Total	1	10.1	10
Sodium, Total	3	70,900	20,000
Manganese, Dissolved	4	1,235	300
Sodium, Dissolved	5	89,600	20000

Notes:

AWQS = NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Class GA Ambient Water Quality Standards

ppb = parts per billion

Sub-Slab Soil Vapor and Indoor Air Analytical Summary Table
127 12th Street - Brooklyn, NY
Brownfield Cleanup Program Application

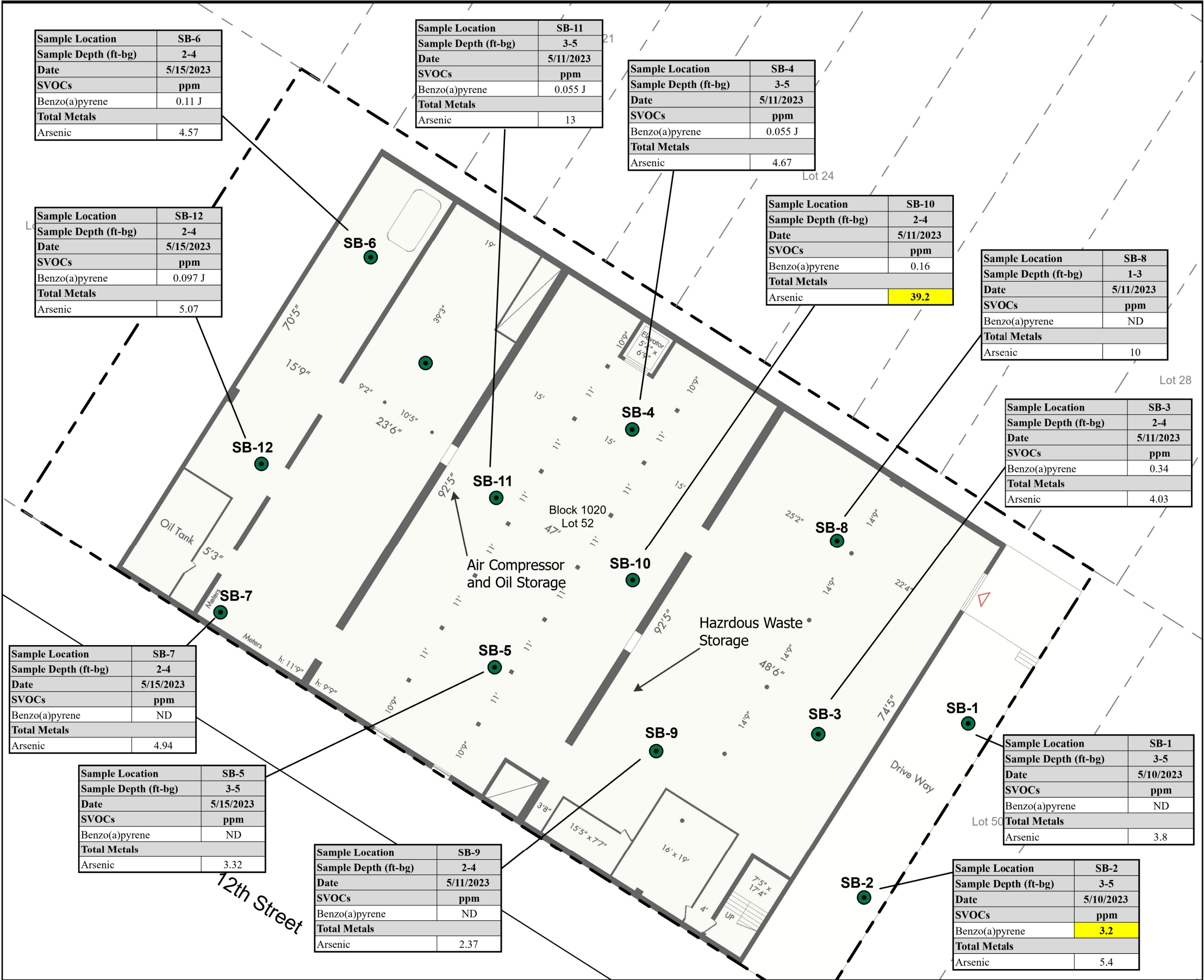
Analytes	Number of Detections	Maximum Detection (ug/m ³)	Sample Type
Tetrachloroethene	5	16,100	Sub-Slab Soil Vapor
	1	1,270	Indoor Air
Trichloroethene	5	537	Sub-Slab Soil Vapor
	1	4.82	Indoor Air
cis-1,2-Dichloroethene	2	377	Sub-Slab Soil Vapor
	1	0.349	Indoor Air
Methylene chloride	1	23	Sub-Slab Soil Vapor
	1	21.4	Indoor Air
Carbon tetrachloride	1	0.459	Indoor Air
Chloroform	2	752	Sub-Slab Soil Vapor

Notes:

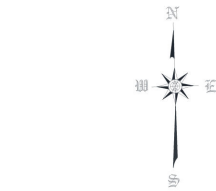
ug/m³ = micrograms per cubic meter

Exhibit C

Data Drawings (Sample Summaries)



Reference:
Floor Plan: TERRACRG Commercial Realty Group
Parcel Boundaries: Contributing counties, NYS Office of Information Technology Services GIS Program Office (GPO) and NYS Department of Taxation and Finance's Office of Real Property Tax Services (ORPTS).

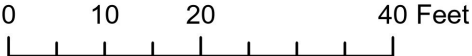


Analyte	NY-RESC
SVOCs	ppm
Benzo(a)pyrene	1
Total Metals	
Lead	16

- Notes:
- 1. Bold and shaded yellow value indicates concentration exceeds NY-RESC SCOs
 - 2. NY-RESC = 6 NYCRR Part 375 Restricted-Residential Use Soil Cleanup Objectives
 - 3. J = Estimated value
 - 4. ND = Not detected
 - 5. ppm = parts per million
 - 6. Soil samples collected during Tenen's January 2024 sampling event were not analyzed for SVOCs or TAL metals

Legend

- Soil Sample Location
- NYC Tax Lots
- Site Boundary



BCP Application
127 12th Street
Brooklyn, New York
Block 1020, Lot 52



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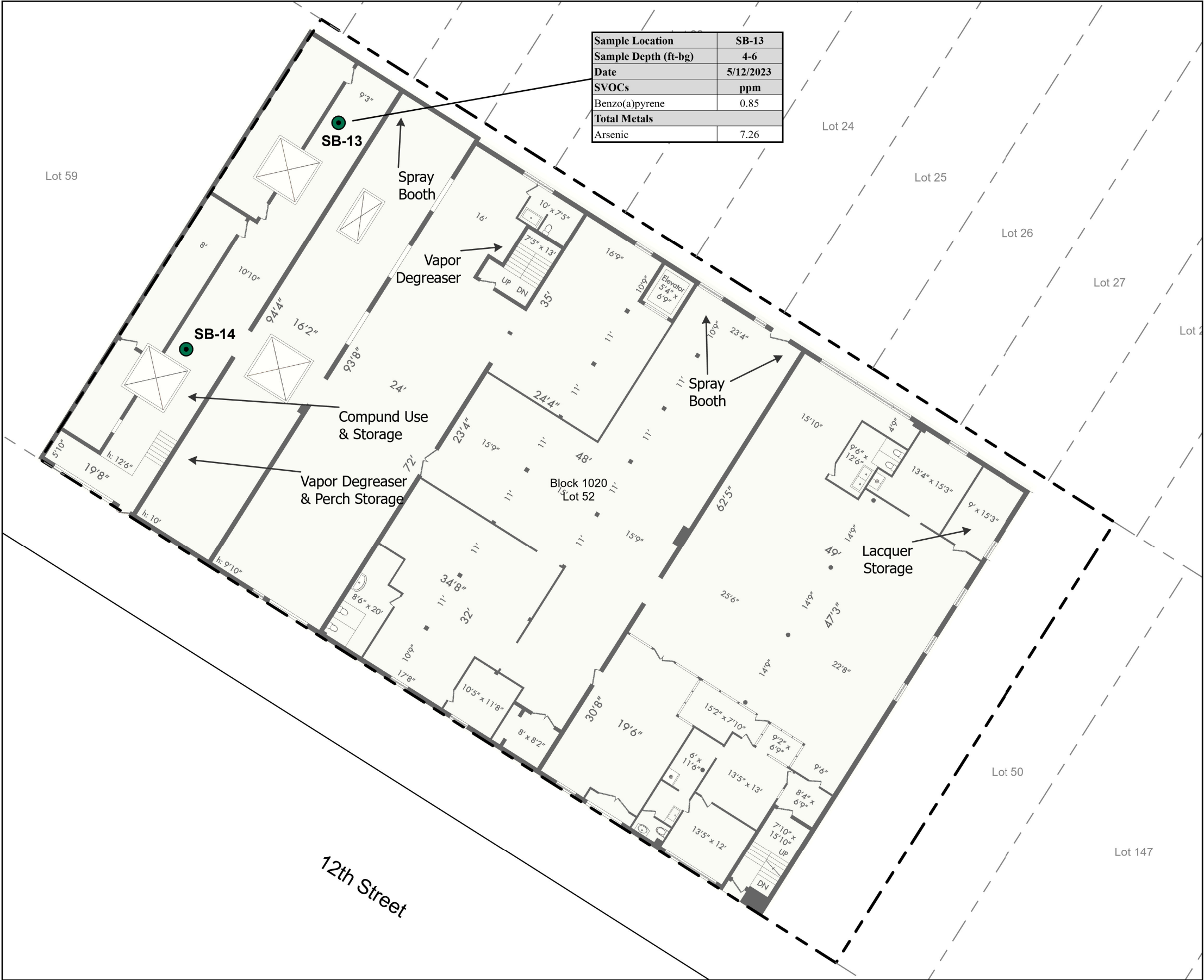
Drawn By	LM
Checked By	AC
Date	May 2024
Scale	As Noted

Soil Analytical Results
(Basement)

Figure 5A

Drawing Title

Drawing No.



Sample Location	SB-13
Sample Depth (ft-bg)	4-6
Date	5/12/2023
SVOCs	ppm
Benzo(a)pyrene	0.85
Total Metals	
Arsenic	7.26

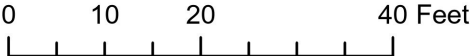


Analyte	NY-RESC
SVOCs	ppm
Benzo(a)pyrene	1
Total Metals	
Lead	16

- Notes:
- 1. Bold and shaded yellow value indicates concentration exceeds NY-RESC SCOs
 - 2. NY-RESC = 6 NYCRR Part 375 Restricted-Residential Use Soil Cleanup Objectives
 - 3. J = Estimated value
 - 4. ND = Not detected
 - 5. ppm = parts per million
 - 6. Soil samples collected during Tenen's January 2024 sampling event were not analyzed for SVOCs or TAL metals

Legend

- Soil Sample Location
- NYC Tax Lots
- Site Boundary



Reference:
Floor Plan: TERRACRG Commercial Realty Group
Parcel Boundaries: Contributing counties, NYS Office of Information Technology Services GIS Program Office (GPO) and NYS Department of Taxation and Finance's Office of Real Property Tax Services (ORPTS).

BCP Application
127 12th Street
Brooklyn, New York
Block 1020, Lot 52

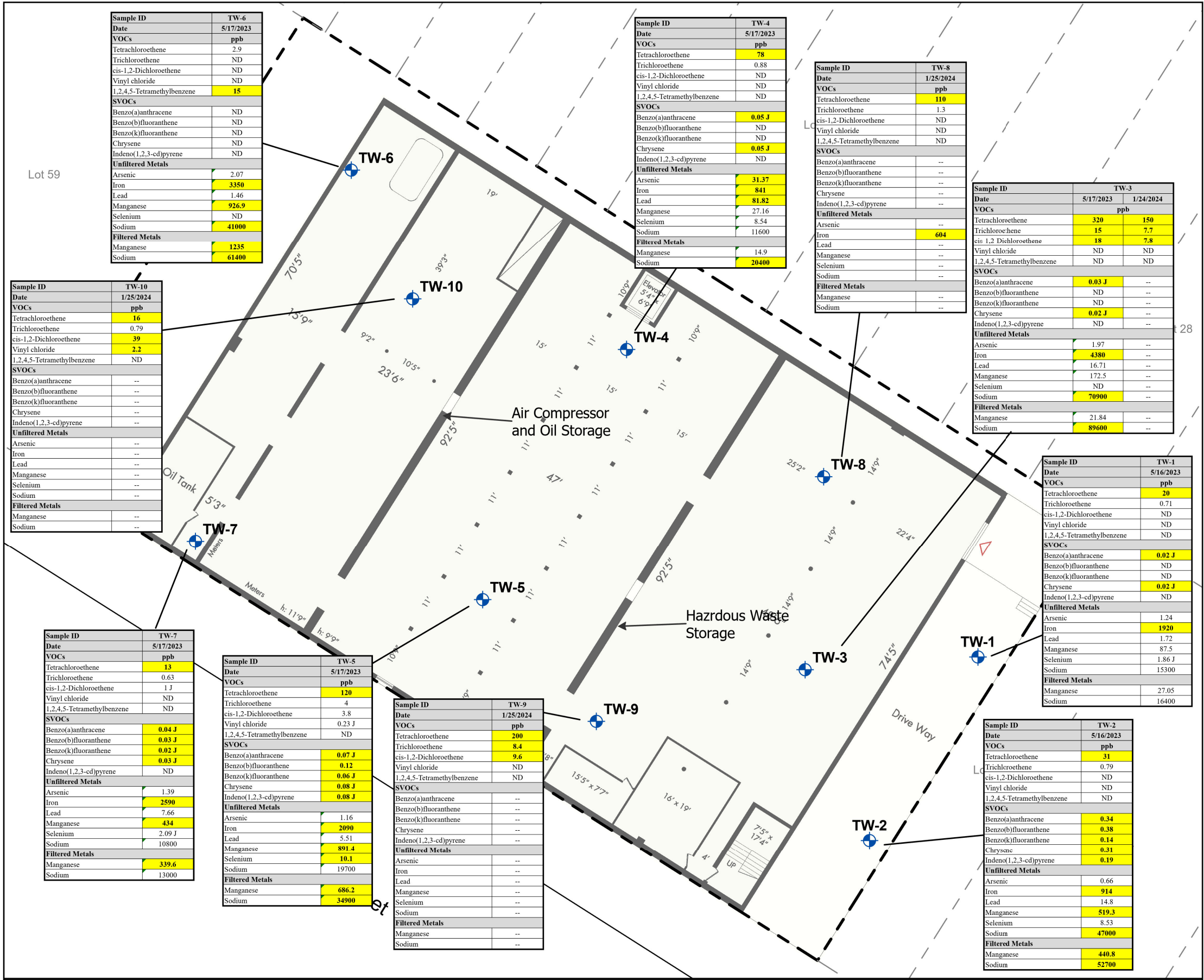


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121 West 27th Street, Suite 702
New York, NY 10001
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Drawn By	LM
Checked By	AC
Date	May 2024
Scale	As Noted

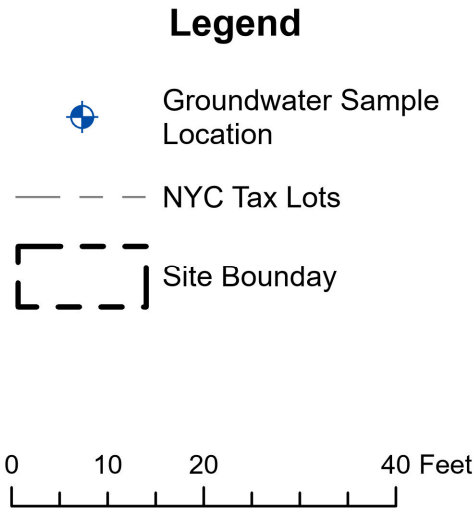
Soil Analytical Results
(First Floor)

Figure 5B



Analyte	NY-AWQS
VOCs	ppb
Tetrachloroethene	5
Trichloroethene	5
cis-1,2-Dichloroethene	5
Vinyl chloride	2
1,2,4,5-Tetramethylbenzene	5
SVOCs	
Benzo(a)anthracene	0.002
Benzo(b)fluoranthene	0.002
Benzo(k)fluoranthene	0.002
Chrysene	0.002
Indeno(1,2,3-cd)pyrene	0.002
Unfiltered Metals	
Arsenic	25
Iron	300
Lead	25
Manganese	300
Selenium	10
Sodium	20000
Filtered Metals	
Manganese	300
Sodium	20000

Notes:
1. Bold and shaded yellow value indicates concentration exceeds NY-AWQS
2. NY-AWQS = NYSDEC Division of Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS)
3. ND = Not detected
4. ppb = parts per billion
5. -- = Not analyzed



BCP Application
127 12th Street
Brooklyn, New York
Block 1020, Lot 52



Tenen Environmental, LLC
121 West 27th Street, Suite 702
New York, NY 10001
O: (646) 606-2332; F: (646) 606-2379

Drawn By	LM
Checked By	AC
Date	May 2024
Scale	As Noted

Groundwater Analytical Results

Figure 6

Reference:
Floor Plan: TERRACRG Commercial Realty Group
Parcel Boundaries: Contributing counties, NYS Office of Information Technology Services GIS Program Office (GPO) and NYS Department of Taxation and Finance's Office of Real Property Tax Services (ORPTS).

Sample ID:	SV-5
Date:	5/22/2023
VOCs	µg/m ³
Tetrachloroethene	3720
Trichloroethene	20.9
cis-1,2-Dichloroethene	ND
Methylene chloride	23
Carbon tetrachloride	ND
Chloroform	ND

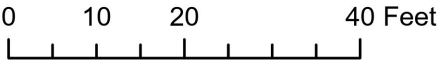


Analyte	NYSDOH AGV
VOCs	µg/m ³
Tetrachloroethene	30
Trichloroethene	2
cis-1,2-Dichloroethene	NS
Methylene chloride	60
Carbon tetrachloride	NS
Chloroform	NS

- Notes:**
- 1. Bold value indicates concentration exceeds NYSDOH AGVs.**
 2. NYSDOH AGVs = New York State Department of Health Air Guideline Values, Table 3.1 in NYSDOH Soil Vapor Guidance, October 2006 with May 2017 and February 2024 updates
 3. Only indoor air concentrations are compared to NYSDOH AGVs
 4. ND = Not Detected
 5. µg/m³ = micrograms per cubic meter

Legend

- ▲ Soil Vapor Sample
- NYC Tax Lots
- Site Boundary



Reference:
Floor Plan: TERRACRG Commercial Realty Group
Parcel Boundaries: Contributing counties, NYS Office of Information Technology Services GIS Program Office (GPO) and NYS Department of Taxation and Finance's Office of Real Property Tax Services (ORPTS).

BCP Application
127 12th Street
Brooklyn, New York
Block 1020, Lot 52



Tenen Environmental, LLC
121 West 27th Street, Suite 702
New York, NY 10001
O: (646) 606-2332; F: (646) 606-2379

Drawn By LM

Checked By AC

Date May 2024

Scale As Noted

Drawing Title Sub-Slab Soil Vapor and
Indoor Air Analytical Results
(First Floor)

Drawing No.
Figure 7B

Exhibit D
Environmental Reports

Exhibit E
NYS Department of State Registration

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details

ENTITY NAME: DI MAIO ENTERPRISES INC.

DOS ID: 520640

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC BUSINESS CORPORATION

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTIONOF LAW: -

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 11/10/1978

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 11/10/1978

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: PAST DUE DATE

COUNTY: KINGS

NEXT STATEMENT DUE DATE: 11/30/2014

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

ENTITY DISPLAY

NAME HISTORY

FILING HISTORY

MERGER HISTORY

ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

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

Name: THE CORPORATION

Address: 127 12TH ST, BROOKLYN, NY, UNITED STATES, 11215

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

Chief Executive Officer's Name and Address

Name: VITO DIMAIO

Address: 127 12TH ST, BROOKLYN, NY, UNITED STATES, 11215

Principal Executive Office Address

Address: 127 12TH ST, BROOKLYN, NY, UNITED STATES, 11215

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share
NO PAR VALUE	200	\$0.00000

Exhibit F
Site Contact List and Repository Confirmation

Contact List Information

1. The Chief Executive Officer And Planning Board Chairperson Of Each County, City, Town And Village In Which The Property Is Located.

Mayor Eric Adams
City Hall
260 Broadway Avenue
New York, New York 10007

Daniel Garodnick, Commissioner
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Rohit Aggarwala, Commissioner
New York City Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Mark McIntyre, Esq., Acting Director
Mayor's Office of Environmental Remediation
100 Gold Street, 2nd Floor
New York, NY 10038

Julie Stein
Office of Environmental Assessment & Planning
New York City Department of Environmental Protection
96-05 Horace Harding Expressway
Flushing, NY 11373

Antonio Reynoso
Brooklyn Borough President
209 Joralemon Street, Ste 140
Brooklyn, NY 11201

NYC Department of City Planning
Brooklyn Borough Hall
16 Court Street, 7th Floor
Brooklyn, NY 11241

Winston Von Engel
Director Brooklyn Borough Office of the NYC Department of Planning
16 Court Street, 7th Floor
Brooklyn, NY 11241

Alexa Aviles
Council Member, District 6
4417 4th Avenue, Ground Floor
Brooklyn, NY 11220

Robert C. Carroll
Assembly Member, District 44
416 Seventh Avenue
Brooklyn, NY 11215

Andrew Gounardes
State Senator, District 26
497 Carroll Street, Ste 31
Brooklyn, NY 11215

Dan Goldman
U.S. House of Representatives
Brooklyn District Office
340A 9th Street
Brooklyn, NY 11215

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

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

Craig Schatzman
Deputy County Clerk
Kings County Clerk's Office
360 Adams Street
Brooklyn, NY 11201

2. Residents, Owners And Occupants Of The Property And Properties Adjacent To The Property.

Site Owner
Di Maio Enterprises Inc.
Attn: Vito Di Maio
127 12th Street
Brooklyn, NY 11215

121 12th Street
Outdoor automotive parking lot owned by: SPB 12 Holdings LLC
Owner Address: 135 13th Street, Brooklyn, NY 11215

124 11th Street
Open space and outdoor recreation owned by: NYC Parks Department
Owner Address: 850 5th Avenue, Ste 3, New York, NY 10065

126 11th Street

Residential building owned by: Jose L. Ramirez
Owner Address: 126 11th Street, Brooklyn, NY 11215

128 11th Street

Residential building owned by: Maria Querol
Owner Address: 128 11th Street, Brooklyn, NY 11215

130 11th Street

Residential building owned by: Carlos M. Rodriguez
Owner Address: 130 11th Street, Brooklyn, NY 11215

132 11th Street

Residential building owned by: Christopher K. Hayes
Owner Address: 132 11th Street, Brooklyn, NY 11215

134 11th Street

Residential building owned by: Ezekiel Shore
Owner Address: 134 11th Street, Brooklyn, NY 11215

136 11th Street

Residential building owned by: Lindsay Powers
Owner Address: 136 11th Street, Brooklyn, NY 11215

138 11th Street

Residential building owned by: Hazel Greco
Owner Address: 136 11th Street, Brooklyn, NY 11215

140 11th Street

Residential building owned by: Jeffrey Saunders
Owner Address: 136 11th Street, Brooklyn, NY 11215

142 11th Street

Residential building owned by: Erik S. Lieber
Owner Address: 136 11th Street, Brooklyn, NY 11215

144 11th Street

Residential building owned by: Eric J. Miller
Owner Address: 136 11th Street, Brooklyn, NY 11215

139 A 12th Street

Industrial and Manufacturing space owned by: Obsolete Machinery LLC
Owner Address: 295 Madison Avenue, 2nd Floor, New York, NY 10017

130 12th Street

Warehouse owned by: SB 12th Street LLC
Owner Address: 8302 11th Avenue, Brooklyn, NY 11228

126 12th Street

Warehouse owned by: SB 12th Street LLC
Owner Address: 8302 11th Avenue, Brooklyn, NY 11228

120 12th Street

Warehouse owned by: SB 12th Street LLC

Owner Address: 8302 11th Avenue, Brooklyn, NY 11228

112 12th Street

Commercial building owned by: SPB Realty LLC

Owner Address: 8301 12th Avenue, Brooklyn, NY 11228

Occupied by: Dependable Glass & Mirror

3. Local News Media From Which The Community Typically Obtains Information.

Brooklyn Daily Eagle
16 Court Street, Ste 300
Brooklyn, NY 11241

Villager Newspaper
1 Metrotech Center N, 10th Floor
Brooklyn, NY 11201

New York Daily News
270C Duffy Avenue
Hicksville, NY 11801

New York Post
1211 Avenue of the Americas
New York, NY 10036

Hoy Nueva York
15 Metrotech Center 7th Floor
Brooklyn, NY 11201

El Diario NY
15 Metrotech Center 7th Floor
Brooklyn, NY 11201

4. The Public Water Supplier Which Services The Area In Which The Property Is Located

Public water is provided from upstate New York reservoirs by the City of New York, Department of Environmental Protection (Consumer Service Center: 59-17 Junction Boulevard, 10th Floor, Flushing, NY 11373).

Rohit Aggarwala
Commissioner, NYC Dept. of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

5. Any Person Who Has Requested To Be Placed On The Contact List.

We are unaware of any requests for inclusion on the contact list.

6. The Administrator Of Any School Or Day Care Facility Located On Or Near The Property.

No schools or day care facilities are within 1,000 feet of the site.

7. Locations of the Document Repositories

Brooklyn Community Board #6
Attn: Michael Racioppo, District Manager
250 Baltic Street
Brooklyn, NY 11201

Brooklyn Public Library – Park Slope Branch
Attn: Stephanie Brueckel, Managing Librarian
341 6th Avenue
Brooklyn, NY 11215

8. In Cities With A Population of One Million or More, The Local Community Board If The Proposed Site Is Located Within Such Community Board's Boundaries

Brooklyn Community Board #6
250 Baltic Street
Brooklyn, NY 11201

----- Forwarded message -----

From: **Gellmann, Jennifer** <jgellmann@bklynlibrary.org>

Date: Thu, May 23, 2024 at 12:50 PM

Subject: Re: 127 12th Street, Brooklyn: document repository

To: Matthew Carroll <mcarroll@tenen-env.com>

Cc: Alana Carroll <acarroll@tenen-env.com>

We can accept your documents sent via postal mail. There is no need to send CDs as none of the computers at the Central Library have CD players anymore.

Take care,

Jennifer

Jennifer Gellmann | Assistant Division Manager, Society, Sciences, & Technology
Brooklyn Public Library

bklynlibrary.org

From: Matthew Carroll <mcarroll@tenen-env.com>

Sent: Wednesday, May 22, 2024 12:08 PM

To: Gellmann, Jennifer

<jgellmann@bklynlibrary.org>; cshonhart@bklynlibrary.org <cshonhart@bklynlibrary.org>

Cc: Alana Carroll <acarroll@tenen-env.com>

Subject: 127 12th Street, Brooklyn: document repository

Good afternoon.

We are requesting permission to use the Brooklyn Public Library - Central Library as a document repository for a property proposed for enrollment in the NYS Brownfield Cleanup Program (BCP). The property is located at 127 12th Street in Brooklyn. The BCP process requires the designation of a document repository for reports so they can be reviewed by the public.

We will require space for the reports for approximately 12-18 months. The total shelf space would likely be less than twelve inches. The documents will be reports on 8-1/2" high paper. An electronic copy can also be provided on CD or by dropbox link.

If acceptable, please respond in writing that the Central Library will act as the document repository, as noted above, or contact me if you need any additional information. Thank you.

Sincerely,
Matthew Carroll, PE
Tenen Environmental
Main: 646.606.2332 x103
Direct: 347.391.2585



BROOKLYN COMMUNITY BOARD SIX

Eric McClure

Chairperson

Mike Racioppo

District Manager

June 7, 2024

Brian J. Lockner
Co-Managing Member and Principal
DL Development Partners, LLC
95-25 149th Street
Jamaica, NY 11435

To Whom It May Concern:

We, Brooklyn Community Board 6, are willing and able to act as the public repository for the documents related to the cleanup of 127 12th Street, Brooklyn, NY 11215, under the Brownfield Cleanup Program.

Sincerely

A handwritten signature in black ink, appearing to read "Michael Racioppo".

Michael Racioppo,
District Manager
Brooklyn Community Board 6

Community Board 6 • 250 Baltic Street • Brooklyn, New York 11201