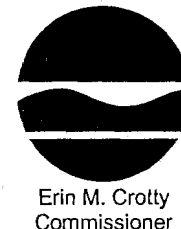


file

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • FAX: (518) 402-9577
Website: www.dec.state.ny.us



MEMORANDUM

TO: Robert Schick, NYSDEC - DER Remedial Bureau C
Joseph Moloughney, NYSDEC - DER Remedial Bureau C
Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation
Dan Walsh, NYSDEC - Region 2
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

FROM: Kelly Bologna, NYSDEC - DER Bureau of Technical Support *Kelly A Bologna*

SUBJECT: Voluntary Cleanup Program (VCP) Site Transferring to Brownfield Cleanup Program (BCP)
ConEd - Former West 42nd Street Gas Works Site, V00531 to C231012

DATE: APR - 8 2004

The attached is the applicant's request to transfer from the Voluntary Cleanup Program (VCP) to the Brownfield Cleanup Program (BCP), along with a new BCP application and attachments. Note that a new record in the DER Tracking System has been created with a site code beginning with "C". Also, please be aware that counsel has advised that a public comment period for the application may be necessary for transition sites. If you require additional copies or the complete series of the related application's attachments, please contact me at 518-402-9553.

Attachment(s)

Distribution

Original (with all attachments) to:

Joseph Moloughney, NYSDEC - DER Remedial Bureau C

Copy (with all attachments) to:

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Dan Walsh, NYSDEC - Region 2

Copy (without attachments) to:

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

Robert Schick, NYSDEC - DER Remedial Bureau C

Michael A. Wilcken
Assistant General Counsel

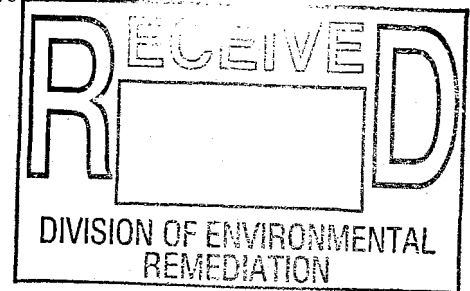
C2 3/012 = (V00 531)

Consolidated Edison Company of New York
4 Irving Place, New York, NY 10003
Telephone (212) 460-3241
Fax: (212) 260-8627

March 29, 2004

BY AIRBORNE EXPRESS

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



Re: BCP Application for Portion of the Former West 42nd Street
MGP Site in New York County, NY (DEC Site No. V00531)

Dear Sir or Madam:

Enclosed for filing with the Department are an original and two copies of a Brownfield Cleanup Program ("BCP") application by Consolidated Edison Company of New York, Inc ("Con Edison") for the properties designated as Block 1089/Lots 1 and 3 on the Tax Map of the City of New York, New York County. These two tax lots comprise a portion of the grounds of the former West 42nd Gas Works – one of 45 historic manufactured gas plants and manufactured gas storage holder locations presently covered by Voluntary Cleanup Agreement Index No. D2-0003-02-08 ("VCA") between the Department and Con Edison.

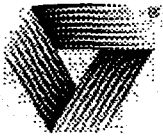
Please be advised that BCP applications are also being filed for these two tax lots by their present owners, River Place I LLC (Block 1089/Lot 1) and River Place II LLC (Block 1089/Lot 3). Con Edison and River Place I LLC wish to enter into a joint Brownfield Cleanup Agreement ("BCA") with the Department for Tax Lot 1. Con Edison and River Place II LLC wish to enter into a joint BCA with the Department for Tax Lot 3. Assuming that the Department accepts Con Edison into the BCP and allows it to enter into such BCA's, Con Edison would request the Department to terminate the VCA solely with respect to these two tax lots.

Please call me if you have any questions concerning this matter.

Very truly yours,

cc: with enclosures

Daniel Walsh – DEC Region 2



Commonwealth

Special Search No.: SS020418A

DEED CHAINS FOR WEST 42ND STREET WORKS

B. Block 1089 Lot 3:

Deeds 1 through 10 same as Block 1089 Lot 1 above, then:

11. **Grantor:** Silverstein 42nd Associates, L.P.

Grantee: River Place II LLC

Deed dated 6/14/1999 and recorded on 7/8/1999 in Reel 2909 Page 1057.

No further deeds found through March 25, 2002.



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

10/9/03

Application Information

NAME Consolidated Edison Company of New York, Inc.		
ADDRESS 4 IRVING PLACE		
CITY/TOWN NEW YORK	ZIP CODE 10003	
PHONE (212) 460-1293	FAX (212) 677-2050	E-MAIL PRICER@CONED.COM
NAME OF APPLICANT'S REPRESENTATIVE EDDY LOUIE, P.E.		
ADDRESS CON EDISON, 31-01 20 TH AVENUE, BUILDING 138		
CITY/TOWN ASTORIA	ZIP CODE 11105	
PHONE (718) 204-4262	FAX (718) 932-2687	E-MAIL LOUIE@CONED.COM

THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT
 An applicant 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
 An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the applicant 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.

Applicant Relationship to Property (check one):

Previous Owner Current Owner Potential/Future Purchaser Other _____

Current Owner/Operator Information

OWNER'S NAME (if different from applicant) RIVER PLACE I LLC (TAX LOT 1 PORTION OF SITE) / RIVER PLACE II LLC (TAX LOT 3 PORTION OF SITE)		
ADDRESS 530 FIFTH AVENUE		
CITY/TOWN NEW YORK	ZIP CODE 10036	
PHONE (212) 551-2350	FAX (212) 302-6825	E-MAIL BDACUNTO@SILVPROP.COM
OPERATOR'S NAME (if different from applicant) RIVER PLACE I LLC (TAX LOT 1 PORTION OF SITE) / RIVER PLACE II LLC (TAX LOT 3 PORTION OF SITE)		
ADDRESS 530 FIFTH AVENUE		
CITY/TOWN NEW YORK	ZIP CODE 10036	
PHONE (212) 551-2350	FAX (212) 302-6825	E-MAIL BDACUNTO@SILVPROP.COM

Site Information

SITE NAME FORMER WEST 42ND STREET GAS WORKS SITE

SITE ADDRESS 533-543 11TH AVENUE AND 640 WEST 42ND STREET

CITY/TOWN NEW YORK

ZIP CODE 10036

COUNTY NEW YORK

SITE SIZE (ACRES) APPROXIMATELY 3.623 ACRES

LATTITUDE N 40° 45' 41''

LONGTITUDE W73° 59' 58''

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED:

- 1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? (SEE ATTACHMENTS A-C) YES NO
IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.
- 2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) _____ YES NO
- 3. IS THE SITE PART OF A DESIGNATED EN-ZONE PURSUANT TO TL § 21(n)(6) IF YES, IDENTIFY AREA (NAME) _____ YES NO

Applicant Eligibility Information (Please refer to ECL § 27-1407)

- 1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE? YES NO
- 2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE? YES NO
- 3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27? YES NO
- 4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP? YES NO
- 5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM? YES NO
- 6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFINSE AGAINSTG PUBLIC ADMINISTRATION? YES NO
- 7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT? YES NO
- 8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION? (SEE ATTACHED END NOTES TO APPLICATION FORM) YES NO

Site Eligibility Information (please refer to ECL § 27-1405)

- 1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)? YES NO
- 2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST? YES NO
- 3. IS THIS SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? IF YES, PLEASE PROVIDE: SITE # _____ CLASS # _____ YES NO
- 4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY? YES NO
- 5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10? YES NO
- 6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM? YES NO

Project Description

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:

- PURPOSE AND SCOPE OF THE PROJECT (SEE ATTACHMENT D)
- ESTIMATED PROJECT SCHEDULE

Site Environmental History

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. ENVIRONMENTAL DATA

A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Material: Standard Practice for Environment Site Assessment: Phase I Environmental Site Assessment Process). AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.

IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):

YES NO (SEE ATTACHMENT E)

2. OWNERS (SEE ATTACHMENT F)

A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED, IF NO RELATIONSHIP, PUT "NONE")

3. OPERATORS (SEE ATTACHMENT F)

A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

Contact List Information (See Attachment G)

PLEASE ATTACH AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING: (SEE ATTACHMENT G)

- 1 THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED.
- 2 RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.
- 3 LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.
- 4 THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.
- 5 ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.
- 6 THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.
- 7 THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY).

Contaminant Information (See Attachment E)

INDICATE KNOWN OR SUSPECTED COMTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN EFFECTED:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs	X	X			
SVOCs	X	X			
Metals	X	X			
Pesticides					
PCBs					
Others*	X				

Please describe: Coal Tar Residuals

Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: Residential Commercial Industrial Other _____

Future Use: Residential Commercial Industrial Other _____

Please check the appropriate boxes and provide an explanation as an attachment if appropriate Yes No Unknown

1. Do current historical and/or recent development patterns support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Are there any Environmental Justice Concerns? (See § 27-1415 (3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Are there any federal or State land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Is the site accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site? (See Attachment E)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Are there floodplains proximate to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Are there any institutional controls currently applicable to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. (See Attachments G and H)			
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas. (See Attachment E)			
15. Describe on attachment the geography and geology of the site. (See Attachment E)			
(Note: the 16 th criteria relates to comments from the public, which would not be received at the time of application)			

Statement of Certification	
(By applicant who is an individual) 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 an applicant other than an individual) I certify that I am <u>Vice President, Environment, Health and Safety</u> (title) of <u>Consolidated Edison Company of New York, Inc.</u> (entity); that I am authorized by that entity to make this application, that this application was prepared by me or under my supervision and direction; and that the 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: <u>March 29, 2004</u> Signature: <u>Randolph Price</u> Print Name: <u>Randolph S. Price</u>	

SUBMITTAL INFORMATION

Four (4) complete copies, one with original signatures, are required.

- **Three (3)** of the copies, one with original signatures, must be sent to:

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

- **One (1)** copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY
BCP SITE NO.: _____

BCP SITE T&A CODE: _____

PROJECT MANAGER: _____

NOTES TO CON EDISON'S BCP APPLICATION

The two tax lots (Block 1089, Lots 1 and 3) covered by Con Edison's Brownfield Cleanup Program ("BCP") application to the Department comprise the bulk of the former grounds of the West 42nd Street Gas Works – one of 45 historic manufactured gas plant ("MGP") and manufactured gas storage holder station sites for which Con Edison has agreed to investigate and, if deemed necessary by the Department, to implement approved remedial action plans pursuant to its August 15, 2002 Voluntary Cleanup Agreement (Voluntary Cleanup Agreement Index No.D2-0003-02-08 – the "VCA") with the Department. Con Edison has conducted a Site Characterization Study for the two tax lots in accordance with a work plan approved by the Department pursuant to the terms of the VCA and, as required by the VCA, has submitted to the Department for its approval a draft Site Characterization Report setting forth the findings and conclusions of the investigative activities completed on those two tax parcels.

It is Con Edison's intention to enter into with the Department one or more Brownfield Cleanup Agreements ("BCAs") to which the current owner of each tax lot is also a party, so that Con Edison can conduct under the Department's new BCP any additional investigative activities that the Department deems necessary for the two tax lots and carry out Department-approved remedial action plans for the MGP-contamination that is present on portions of those lots. Assuming that Con Edison is accepted into the BCP and enters into such BCAs, it would request the Department to terminate the VCA solely with respect to the two tax lots covered by this BCP application.

With respect to its responses regarding its eligibility to participate in the BCP, Con Edison notes that it has in the past been charged by the Department with violations of Article 27 of the Environmental Conservation Law ("ECL") at facilities and locations other than the two tax lots covered by this BCP application. These violations have been resolved or are being resolved to the Department's satisfaction pursuant to, among other things, administrative orders on consent or settlements of claims with the Department. Moreover, the Department has not relied on these violations as a basis for denying Con Edison permits under Article 27 of the ECL or any other provision of the ECL.

Con Edison also notes that in 1995, it pleaded guilty to four counts involving the failure to report the release of asbestos from an August 1989 steam pipe explosion in the Gramercy Park section of Manhattan, making false statements in connection therewith, and conspiracy to defraud the United States in connection therewith. Con Edison paid the fine and completed the term of probation to which it was sentenced by the United States District Court for the Southern District of New York for these crimes. Con Edison has disclosed its conviction for these crimes in its past applications to the Department for Waste Transporter Permits under Article 27 of the ECL, and the Department has not relied on them as a basis for denying Con Edison such permits or barring Con Edison from participating in the Department's Voluntary Cleanup Program.

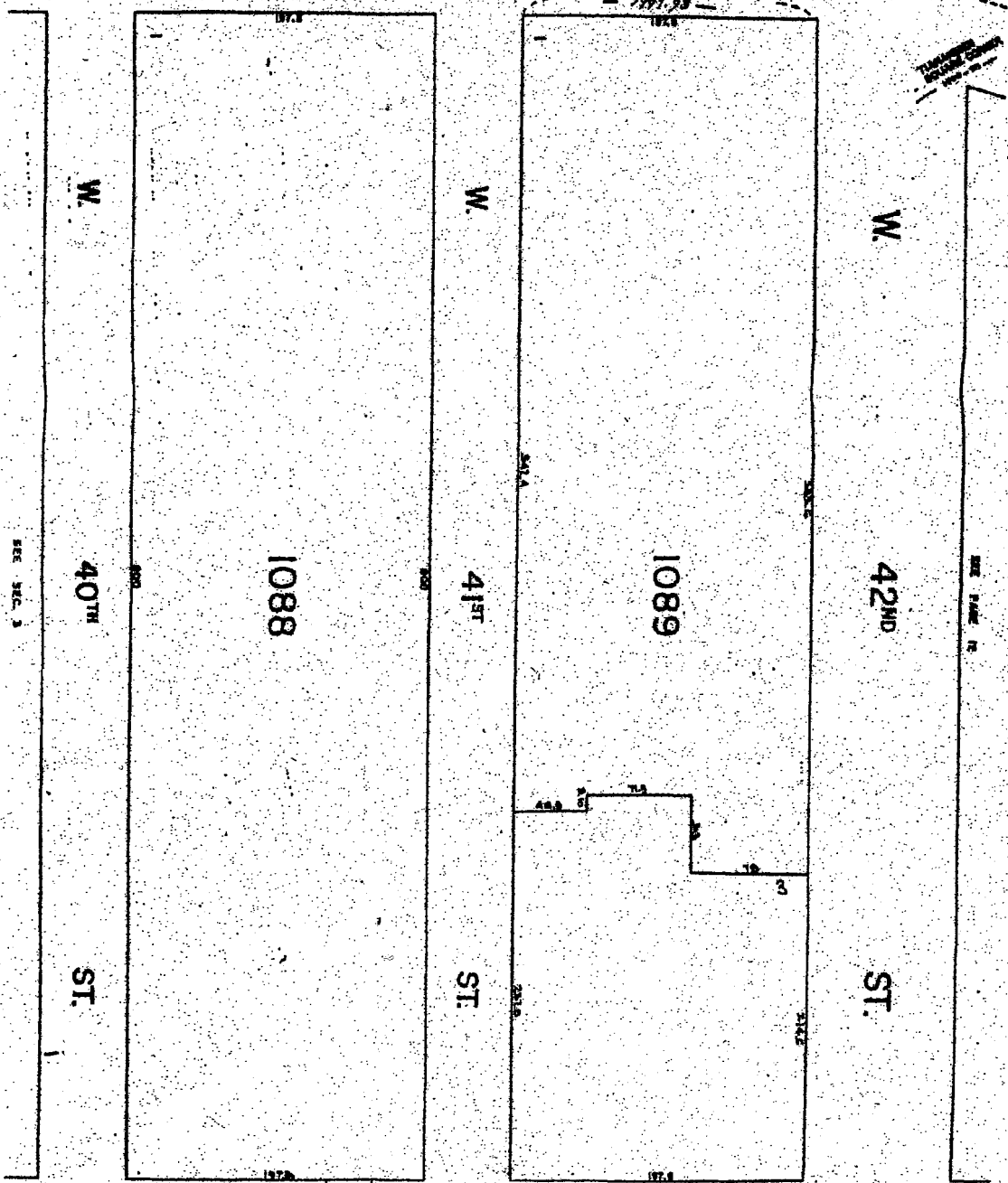
ATTACHMENT A

NEW YORK COUNTY TAX MAP

MILLER HIGHWAY
12TH AVE

11

SEE PAGE 41



SEE SEC. 3

SEE PAGE 10

11

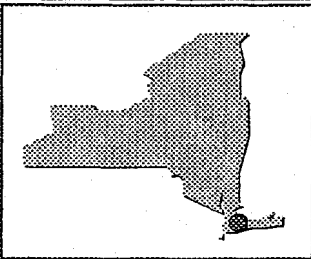
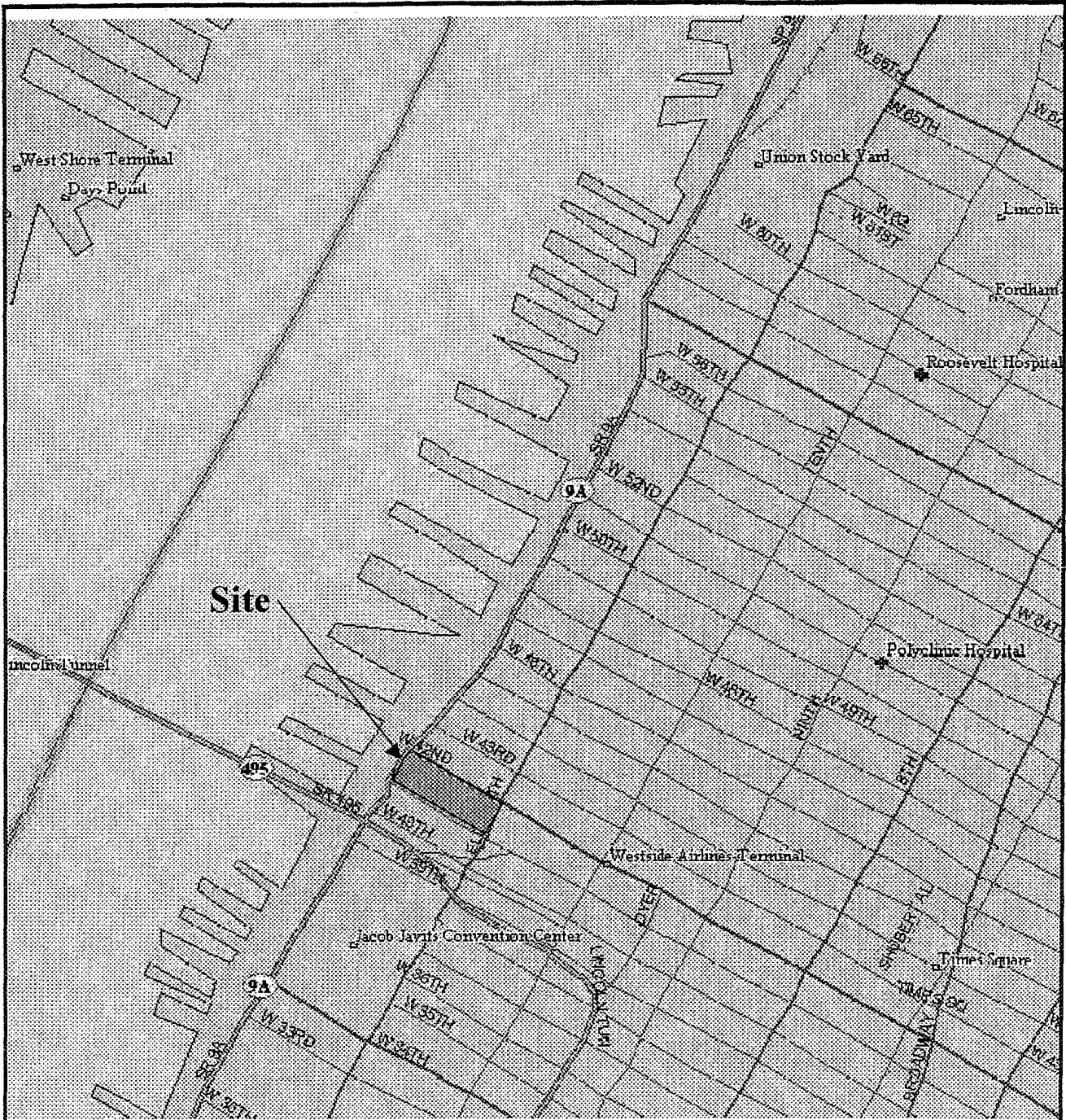
11TH

AVE.

Block 1089
PART 1
40, 41, 42

ATTACHMENT B

SITE LOCATION MAP



New York Quadrangle

LATITUDE: N40° 45' 41"
LONGITUDE: W73° 59' 58"



0.200 MI

Figure 1

CONSOLIDATED EDISON
NEW YORK, NEW YORK

SITE LOCATION MAP
FORMER WEST 42ND STREET GAS WORKS

PARSONS

DESIGN * RESEARCH * PLANNING
390 Flower Drive Road, Suite 312, Elmsford, New York 10523 * (914) 481-9500
Offices in Principal Cities

ATTACHMENT C

SITE TAX BLOCK AND LOT INFORMATION AND METES AND BOUNDS DESCRIPTIONS

For the purposes of Con Edison's Brownfield Cleanup Program application, the "Site" consists of the two parcels of real property commonly known as 640 West 42nd Street and 533-543 11th Avenue in the County, City, and State of New York, and designated as Block 1089, Lot 1 and Block 1089, Lot 3 on the Tax Map of the City of New York, County of New York. The metes and bounds description of each of those tax lots parcels is set out below.

TAX LOT I

The metes and bounds description of the parcel designated as Block 1089, Lot I on the Tax Map of the City of New York, County of New York is as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being in the County, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly line of West 41st Street with the easterly line of 12th Avenue, prior to widening;

RUNNING THENCE, northerly along the easterly line of 12th Avenue, 198 feet 10¾ inches to the corner formed by the intersection of the easterly line of 12th Avenue with the southerly line of West 42nd Street;

THENCE, easterly along the southerly line of West 42nd Street 565 feet 7½ inches;

THENCE, southerly parallel with the easterly line of 12th Avenue, prior to widening, 79 feet 0 inches;

THENCE, westerly parallel with the southerly line of West 42nd Street, 53 feet 0 inches;

THENCE, southerly parallel with the easterly line of 12th Avenue, prior to widening, 71 feet 9 inches;

THENCE, easterly parallel with the northerly line of West 41st Street, 9 feet 10 inches;

THENCE, southerly parallel with the easterly line of 12th Avenue, prior to widening, 46 feet 9 inches to a point in the northerly line of West 41st Street; and

THENCE, westerly along the northerly line of West 41st Street 542 feet 4 inches to the point or place of BEGINNING.

TOGETHER WITH the Easements contained in the Reciprocal Easement Agreement made by and between River Place I LLC and River Place II LLC, dated as of June 14,

1999, recorded July 8, 1999 in Reel 2909 page 1160 in the Office of the New York City Register, County of New York.

TAX LOT 3

The metes and bounds description of the parcel designated as Block 1089, Lot 3 on the Tax Map of the City of New York, County of New York is as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being in the County, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of West 41st Street with the westerly side of 11th Avenue in the County, City, and State of New York;

RUNNING THENCE, westerly along the northerly side of West 41st Street, 257 feet 8 inches;

THENCE, northerly parallel with the westerly side of 11th Avenue, 46 feet 9 inches;

THENCE, westerly parallel with the northerly side of West 41st Street, 9 feet 10 inches;

THENCE, northerly parallel with the westerly side of 11th Avenue, 71 feet 9 inches;

THENCE, easterly parallel with the northerly side of West 41st Street, 53 feet;

THENCE, northerly parallel with the westerly side of 11th Avenue, 79 feet to the southerly side of West 42nd Street;

THENCE, easterly along the southerly side of West 42nd Street, 214 feet 6 inches to the corner formed by the intersection of the southerly side of West 42nd Street with the westerly side of Eleventh Avenue; and

THENCE, southerly along the westerly side of 11th Avenue, 197 feet 6 inches to the point or place of **BEGINNING**.

ATTACHMENT D

PROJECT DESCRIPTION

Based on the information provided by River Place I LLC and River Place II LLC, the current owners of the two tax lots covered by Con Edison's BCP application, the projects planned for those parcels are as follows:

Tax Parcel 1 – River Place I LLC

River Place I LLC's property is located on the western portion of the block bounded by West 41st and West 42nd Streets and Eleventh and Twelfth Avenues in the Borough of Manhattan, New York County and is occupied by a high-rise apartment building which also contains retail space and a commercial parking garage. The proposed project for the property is the continued use of the existing apartment building located on it.

Tax Parcel 1 – River Place I LLC

River Place II LLC's property is located on the eastern portion of the block bounded by West 41st and West 42nd Streets and Eleventh and Twelfth Avenues in the Borough of Manhattan, New York County. River Place II LLC is scheduled to begin constructing on the property, beginning in January 2005 (or as soon thereafter as possible), a 53-story tower with a total gross building area of 854,683 square feet. The building will contain a total of 882 rental apartment units consisting of 623,689 square feet of residential rental space, in addition to 6,606 square feet of retail space and 240 parking spaces within an underground garage.

<u>Past Owner/Operator Name and Last Known Address</u>	<u>Applicant's Relationship with Past Owner or Operator</u>
Joseph. D. Keenan & Roger Deed, as Trustees under 5/31/67 Trust Agreement 27-27 29 th Street NW Washington, DC (5/1967 – 6/1969)	None
Chrysler Realty Corporation P.O. box 2236 Wichita, Kansas (6/1969 – 2/1981)	None
Ivory Forty-Two Realty Corp. c/o Silverstein Properties, Inc. 521 Fifth Avenue New York, NY (2/1981 – 7/1984)	None
Silverstein 42 nd Associates, L.P. c/o Silverstein Properties, Inc. 521 Fifth Avenue New York, NY (7/1984 – 12/1996)	None

Tax Map Block 1089/Lot 3

Manhattan Gas Light Company 4 Irving Place New York, NY (1860 – 11/1884)	Predecessor in Interest by Corporate Consolidation
Consolidated Gas Company of New York, Inc 4 Irving Place New York, NY (11/1884 – 10/1923)	Applicant
New York Edison Company 123 East 15 th Street New York, NY (10/1923 – 10/1927)	Predecessor in Interest by Corporate Merger

<u>Past Owner/Operator Name and Last Known Address</u>	<u>Applicant's Relationship with Past Owner or Operator</u>
New York State Realty and Terminal Company 450 Lexington Avenue New York, NY (10/1927 – 12/1932)	None
New York Central Railroad Co. 450 Lexington Avenue New York, NY (12/1932 – 6/1962)	None
Cola Realty Corp. Presently Unknown (6/1962 – 7/1962)	None
Railway Express Agency, Inc. 219. East 42 nd Street New York, NY (7/1962 – 5/67)	None
Joseph. D. Keenan & Roger Deed, as Trustees under 5/31/67 Trust Agreement 27-27 29 th Street NW Washington, DC (5/1967 – 6/1969)	None
Chrysler Realty Corporation P.O. box 2236 Wichita, Kansas (6/1969 – 2/1981)	None
Ivory Forty-Two Realty Corp. c/o Silverstein Properties, Inc. 521 Fifth Avenue New York, NY (2/1981 – 7/1984)	None
Silverstein 42 nd Associates, L.P. c/o Silverstein Properties, Inc. 521 Fifth Avenue New York, NY (7/1984 – 6/1999)	None

ATTACHMENT G

CONTACT LIST INFORMATION

Chief Executive Officer and Zoning Board Chairperson

The Chief Executive Officer and Zoning Board Chairperson of the County and City in which the Site is located are as follows:

Chief Executive Officer

Honorable Michael R. Bloomberg
Mayor of the City of New York
City Hall
New York, NY 10007

NYC Director of Zoning

Michael Weil
NYC Department of City Planning
22 Reade Street
New York, NY 10007

Manhattan Borough Office

Vishaan Chakrabarti
Director, Manhattan Office
NYC Department of City Planning
22 Reade Street
New York, NY 10007

Owners and Occupants of Properties Adjacent to Site

South of Site

NYC Transit Authority
525 11th Avenue
New York, NY 10018
(MTA Bus Depot)

West of Site

Pier 83 at West 42nd Street
New York City Department of Business
110 William Street
New York, NY 10038
(Sightseeing Boat Marina)

East of Site

Mercedes Benz Manhattan
514 11th Avenue
New York, NY 10018
(Auto Dealership)

Owners and Occupants of Properties Adjacent to Site (cont.)

East of Site

Federal Express Corporation
554 11th Avenue
New York, NY 10036
(Truck Garage and Offices)

Massachusetts Mutual Life Insurance Co.
555 West 42nd Street
New York, NY 10036
(High-Rise Apartment Building)

North of Site

Peoples Republic of China
520 Joe DiMaggio Highway
New York, NY 10036
(Consulate Building)

Kandila Realty Corp.
647 West 42nd Street
New York, NY 10036
(Restaurant)

627 Associates LLC
627 West 42nd Street
New York, NY 10036
(Vacant Commercially Zoned Property)

DFF 37th Street Associates
621 West 42nd Street
New York, NY 10036
(Vacant - Former NYPD Mounted Unit Horse Stable)

Verizon New York Inc.
603 West 43rd Street
New York, NY 10036
(Garage)

Mobil Oil Corp.
553 11th Avenue
New York, NY 10036
(Gas Station)

Local News Media

The following are among the local news media sources from which the community in the vicinity of the Site is believed to obtain information:

Newspapers: The New York Times, Daily News, New York Post, Our Town

Television: NY1, WCBS – Channel 2, WNBC – Channel 4, WNYM – Channel 5, WABC – Channel 7, WWOR- Channel 9, WPIX – Channel 11

Public Water Supplier

The municipal water supply system for the area in which the Site is located is operated by the New York City Department of Environmental Protection, 59-17 Junction Boulevard, Corona, New York 11368.

VCA Contacts

The Department and New York State Health Department (“DOH”) contacts specified in Voluntary Cleanup Agreement Index No. D2-0003-02-08 between Con Edison and the Department and the Department’s and DOH’s project managers for the Site under that VCA are as follows:

Robert W. Schick, P.E.
Chief, MGP Remedial Section
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dale A. Desnoyers, Esq.
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Joseph Moloughney, P.E.
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Gary Litwin
Bureau of Environmental Exposure Investigation
New York State Department of Health
Flanigan Square
547 River Street
Troy, NY 12180-2216

VCA Contacts (cont.)

Dawn Hettrick, P.E.
Environmental Investigations
New York State Department of Health
Flanigan Square
547 River Street
Troy, NY 12180-2216

Public Officials and Community Contacts

Hon. C. Virginia Fields
Manhattan Borough President
Municipal Building, 19th Floor South
One Centre Street
New York, NY 10007

Hon. Thomas Duane
New York State Senator
29th State Senatorial District
494 Eighth Avenue
New York, NY 10001

Hon. Richard N. Goffried
New York State Assembly Member
64th Assembly District
242 West 27th Street
New York, NY 10007

Hon. Christine Quinn
New York City Council Member
City Council District 3
224 West 30th Street
New York, NY 10001

Anthony Borella
District Manger
Manhattan Community Board No. 4
330 West 42nd Street
New York, NY 10036

Document Repositories

Under its VCA with the Department, Con Edison has established document repositories for the Site at the following locations:

Office of Manhattan Borough President C. Virginia Fields
Municipal Building, 19th Floor South
One Centre Street
New York, NY 10007

Mid-Manhattan Library
455 Fifth Avenue
New York, NY 10016

ATTACHMENT H

Land Use Patterns in Area in Which the Site Is Located

The attached report entitled, *West 42nd Street Manufactured Gas Plant Site History Report* (Parsons, August 2002), presents information relating to past and current land use patterns in the area in which the Site is located.

ATTACHMENT E

ENVIRONMENTAL DATA

As required under the terms of Voluntary Cleanup Agreement Index No. D2-0003-02-08 (the "VCA") between Con Edison and the Department, Con Edison has conducted a Department-approved Site Characterization Study for the two tax lots covered by Con Edison's BCP application. The results and findings of that study are presented in the attached draft report entitled, *Site Characterization Report – West 42nd Street Former Manufactured Gas Plant Site – Voluntary Cleanup Agreement Index No. D2-0003-02-08; Site ID V00531* (Dvirka and Bartilucci Consulting Engineers, January 2004). The attached draft report has been submitted to the Department pursuant to the VCA but has not yet been approved by the Department as a final report.