

APPENDIX N

NYSDEC SPILL CLOSURE LETTERS / UST REMOVAL DOCUMENTATION

1. Figure showing UST locations for spill nos. 0505659 and 0510066
2. Hydraulic Oil Spill Closure Report (Spill No. 0505792) dated 09/14/05 (includes 08/11/05 daily report)
3. NYSDEC 09/22/05 letter to Silverstein RE: NFA determination for Spill No. 0505792
4. UST and Spill Closure Report (Spill No. 0505659) dated 11/10/05 (includes lab report, PBS application and registration, report photo log, affidavit, non-hazardous disposal manifest, scrap metal disposal ticket)
5. NYSDEC 12/21/05 letter to Silverstein RE: NFA determination for Spill No. 0505659
6. UST and Spill Closure Report, Tank No. 6 (Spill No. 0510066) dated 01/24/06 (includes PBS application and registration, report photo log, affidavit, scrap metal disposal ticket)
7. NYSDEC 02/06/05 letter to Silverstein RE: NFA determination for Spill No. 0510066

WEST 42ND STREET

PROPERTY LINE

APPROXIMATE LIMITS OF SHEETING

A B C D E F G H



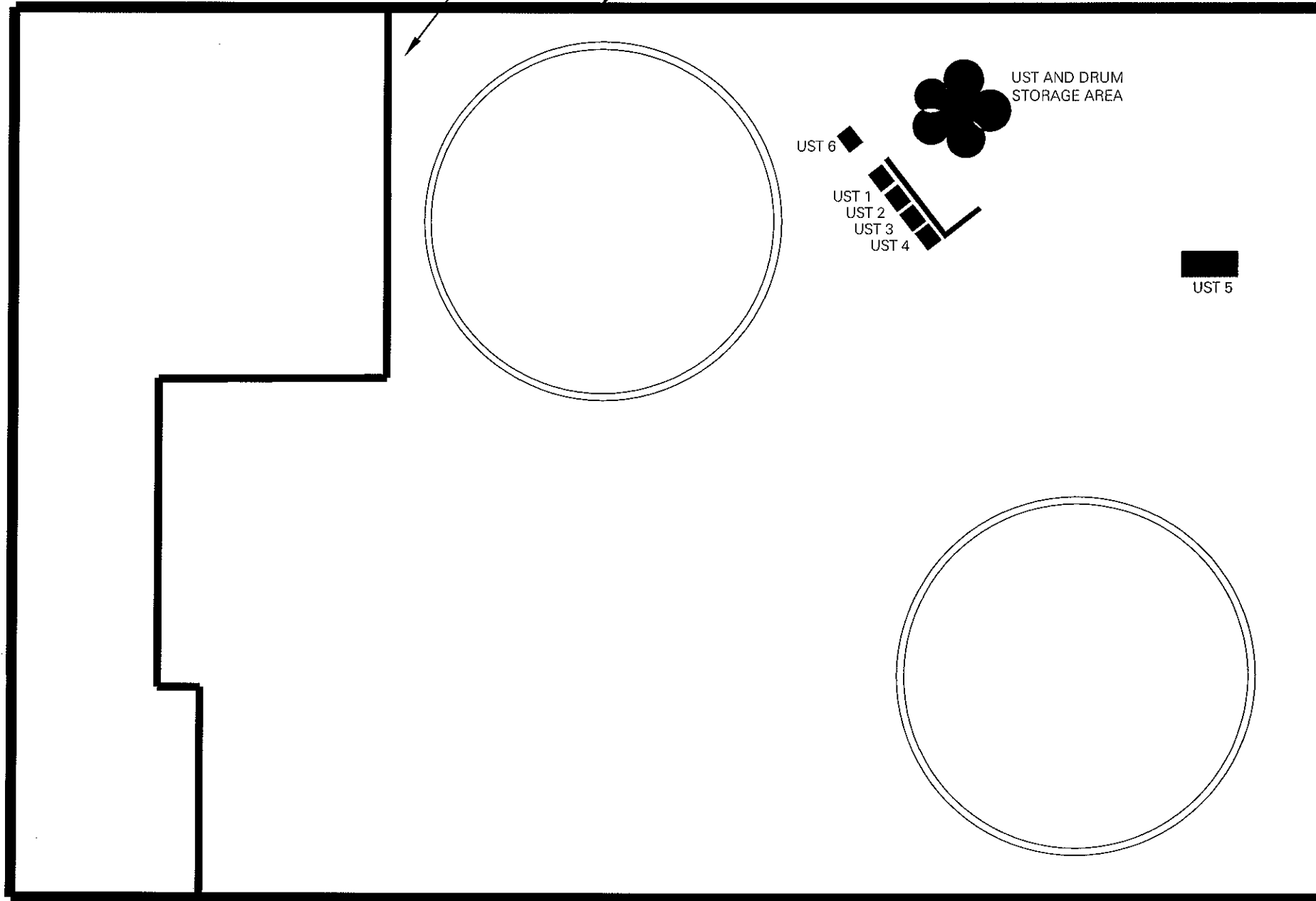
1

2

3

4

RIVER PLACE 1



207 FT

ELEVENTH AVENUE

306 FT

WEST 41ST STREET



21 Penn Plaza, 8th Floor New York, NY 10001
P: 212.479.5400 F: 212.479.5444
www.langan.com

NEW JERSEY PENNSYLVANIA **NEW YORK** CONNECTICUT FLORIDA
NJ Certificate of Authorization No: 24GA27996400

Project		RIVER PLACE II		
		UST LOCATIONS		
MANHATTAN		NEW YORK		
Project No.	Date	Scale	Dwg. No.	
5582403	11.02.2005	NTS	1	

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14 September 2005

Mr. Joseph Moloughney
NYSDEC
625 Broadway
Albany, New York 12233-7017

Re: Hydraulic Oil Spill Closure Report
NYSDEC Spill No. 0505792
West 42nd Street MGP
BCP Site Nos. C231024 and C231012
Langan Project No. 5582403

David T. Gockel, P.E., P.P.
George E. Derrick, P.E.
George P. Kelley, P.E.
Michael A. Semeraro, Jr., P.E.
Nicholas De Rose, P.G.
Andrew J. Ciancia, P.E.
George E. Leventis, P.E.
Rudolph P. Frizzi, P.E.
Ronald A. Fuerst, C.L.A.

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Michael M. Goldstein
Cristina M. González, P.E.
Sam B. Ishak, M.C.S.E.
William G. Lothian, P.E.
John J. McElroy, Jr., Ph.D., P.E.
John D. Plante, P.E.
Alan R. Poeppel, P.E.
Joseph E. Romano, P.L.S.
Leonard D. Savino, P.E.
Steven Ueland, P.E.
Gerald J. Zambrella, C.E.M.

Jorge H. Berkowitz, Ph.D.
Richard Burrow, P.E.
David J. Charette, P.W.S.
Steven Ciambuschini, P.G., L.E.P.
Daniel D. Disario, P.E.
Edward H. Geibert, M.S.
Christopher M. Hager, P.E.
Joel B. Landes, P.E.
Matthew E. Meyer, P.E.
R. S. Murali, M.S.
Richard R. Steiner, P.E.

Dear Joe:

Attached is Langan's daily report for Thursday, August 11, 2005. This report describes the circumstances and the actions taken to address the hydraulic oil spill that occurred in Grid 6 and was reported to the NYSDEC spill hotline on that day. As a daily report, it also notes observations related to the USTs discovered at the site. Closure of the USTs will be addressed in a separate report.

As you can see, our estimate of the quantity spilled was approximately 5 to 10 gallons. The hydraulic oil was spilled directly onto urban fill that was being loaded into transit trucks for off-site disposal. The contractor, Blue Water Environmental Inc. applied absorbent pads to contain any remaining free product. Photos are attached for your information. As you may recall, the urban fill from Grid 6 was not accepted for landfill disposal but is required to be disposed as MGP waste-contaminated soil. The area of the spill was excavated to a depth of 2 feet and the excavated material and absorbent pads were loaded out that day along with MGP waste-contaminated material for disposal at Clean Earth of Philadelphia, PA.

We estimate that approximately 1 cubic yard of urban fill was impacted by this spill and transported to Clean Earth of Philadelphia, PA for disposal. The signed manifests for August 11, 2005 will be provided in the Final Engineering Report.

Hydraulic Oil Spill Closure Report
NYSDEC Spill No. 0505792
West 42nd Street MGP
BCP Site Nos. C231024 and C231012

Page 2 of 2
14 September 2005

I trust this is sufficient to close out the spill number 0505792. Please call if you have any questions.

Sincerely,

Langan Engineering & Environmental Services, P.C.



Joel B. Landes, P.E.
Associate

Enclosure(s): Daily Report 8/11/05

cc: B. Dacunto - SPI
R. Rienzo - ConEd
S. Gordon -- B&D

PROJECT ID: 5582403	CLIENT:	DATE: Thursday, August 11, 2005
PROJECT: West 42 nd Street Former MGP	Silverstein Properties, Inc.	TIME ON SITE: 0700 to 1715
LOCATION: Block 1089, Lot 1 New York City		WEATHER: Hazy, humid, 90's

CONTRACTORS: Seasons, BWE, GCI, Site Safety, Dvirka & Bartilucci	LANGAN ONSITE REPRESENTATIVE: Doane Edward Cafferty
EQUIPMENT: Cat 966G Front Loader, Cat 345B Excavators, Tanado Hydraulic Crane, LinkBelt Derrick Crane	CONTRACTOR ONSITE REPRESENTATIVES: Seasons- Pete; NYSDEC- Al; GCI- Mathew; D&B- Al; BWE - Joe; Impact -

1. Sign in log book at entrance. Today's scope is to excavate MGP material along western sheeting line and to continue driving sheeting at the eastern extent of the south wall.
2. SHSO (Cliff) informed that the MGP stockpile being loaded out needs to be included in the exclusion zone.
3. A possible discrepancy is noted with the 364 Permits for 5 trucks in the queue. Begin checking each individual drivers permit. Drivers in question are in possession of a 364 Permit list with a 08/04/05 date. Langan, D&B, NYSDEC, BWE, Seasons do not have a copy of this 08/04/05 permit list. NYSDEC (Steve) calls Albany to get a copy of the revised permit faxed down. Trucks are allowed to proceed once showing physical copy of permit.
4. At approx. 08:50AM an excavator blows a hydraulic line while working along the western sheeting wall. It is estimated that 5 to 10 gallons of hydraulic fluid are spilled directly to the subsurface (on top of urban fill material that is being classified as MGP for disposal purposes because it is located within Grid #6). BWE applies absorbent pads to the resultant spill to contain and clean up any standing accumulation.
5. The NYS Spill Hotline (800-457-7362) is called by Langan and the spill is assigned Spill # 0505792. NYSDEC and D&B are provided with the information.
6. The entire area encompassing where the hydraulic spill was located is excavated to approximately 2-foot bgs and the excavated material is loaded-out along with MGP classified material for disposal at Clean Earth in Philadelphia, PA.
7. The excavator working along the east sheeting wall uncovers an area with 3, 6 to 8-inch holes aligned in series. After investigation with a shovel, these holes turn out to be remnants from a conduit which breaches the NE MGP holder wall. There is no evidence of product within this conduit piece.

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LOCATION: Block 1089, Lot 1 New York City		WEATHER: Hazy, humid, 90's

cc: Joel Landes
Silverstein

By: Doane Edward Cafferty
Langan Engineering and Environmental Services, P.C.

Initials: DEC



Figure 1 – Hydraulic spill from excavator on surface materials.



Figure 2 – Hydraulic spill from excavator contained with absorbent pads.

PROJECT ID: 5582403 PROJECT: West 42 nd Street Former MGP Block 1089, Lot 1 LOCATION: New York City	CLIENT: Silverstein Properties, Inc.	DATE: Thursday, August 11, 2005 TIME ON SITE: 0700 to 1715 WEATHER: Hazy, humid, 90's
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Figure 3 – Series of holes uncovered near discovered USTs in NE area of site. Holes were located just outside the MGP holder wall.



Figure 4 – Exposed section of NE MGP holder wall.

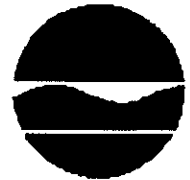
**New York State Department of Environmental Conservation
Division of Environmental Remediation**

Remedial Bureau C, 11th Floor

625 Broadway, Albany, New York 12233-7017

Phone: (518) 402-9662 • FAX: (518) 402-9679

Website: www.dec.state.ny.us



Denise M. Sheehan
Acting
Commissioner

September 22, 2005

Eddy Louie, P.E.
Consolidated Edison Company
31-01 20th Avenue, Bldg. 136
Long Island City, NY 11105-2048

William Dacunto, RPA
530 Fifth Avenue
New York, NY 10036

Re: Spill No. 0505792
Spill Site River Place 2

Dear Responsible Party:

In a letter dated September 14, 2005, you requested the NYS Department of Environmental Conservation (the Department) to make a determination that you have completed all required remedial activities with regard to the referenced petroleum spill site.

The Department has reviewed the records and data submitted by you regarding cleanup actions at the above referenced petroleum spill site. Based on such review, the Department has determined that you have completed the necessary cleanup and removal actions, and no further remedial activities are necessary.

Nothing contained herein shall be construed as barring, diminishing, or in any way limiting the Department's authority under the Navigation Law or the Environmental Conservation Law, including the authority to require additional remedial work, if necessary.

Should you have any questions concerning this matter, you may call me at the number listed above.

Sincerely,

Joseph Moloughney

Joseph Moloughney, P.E.
Environmental Engineer 2
Remedial Bureau C
Division of Environmental Remediation

ec: A. Quartararo, NYSDEC
D. Walsh, NYSDEC
R. Austin, NYSDEC
D. Hettrick, NYSDOH
R. Rienzo, Con Edison

bec: G. Cross, NYSDEC
G. Laccetti, NYSDOH
J. Moloughney

bcc: R. Schick



November 10, 2005
5582403

Mr. Joseph Moloughney
NYSDEC
625 Broadway
Albany, New York 12233-7017

Re: UST and Spill Closure Report
NYSDEC Spill No. 0505659
River Place II
600 West 42nd Street
New York, New York

Dear Mr. Moloughney:

This letter documents the closure activities for five underground storage tanks (USTs) and a related spill on the property located at 600 West 42nd Street in New York, New York (the "Site"). The Site is located between 41st Street and 42nd Street and extends approximately 307 feet west from the west edge of the sidewalk on Eleventh Avenue. The Site includes the whole of tax Block 1089, Lot 3 and a portion of Lot 1. The Site is currently being remediated under Brownfield Cleanup Agreement (BCA); site identification numbers C231012 and C231024, pursuant to a New York State Department of Environmental Conservation (NYSDEC) approved Remedial Work Plan, West 42nd Street Former Manufactured Gas Plant Site (RWP). The USTs were located in the northeastern portion of the Site, wholly within Lot 3, BCA ID number C231012. A detailed discussion of Site conditions is provided in the RWP.

The RWP is being implemented by River Place II, LLC and Consolidated Edison, the joint Participants in the BCA. The Participants retained Seasons Industrial Contracting, Inc. (Seasons) as their Construction Manager. Langan Engineering and Environmental Services, P.C. (Langan) is the Remedial Engineer of record and is present to oversee, document and certify the remediation. Remedial activities include excavation of the entire site to an approximate depth of 25 feet below grade. The grade varies by approximately 1-2 feet from the western to eastern boundaries.

UST DISCOVERY AND RESPONSE

Buried tanks were initially encountered on Saturday, August 6, 2005 during excavation of urban fill and MGP waste pursuant to implementation of the RWP. The USTs were identified at a depth of approximately 7 feet below grade. Based on field observations of odors and liquid

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contents, the NYSDEC spill hotline was called and Spill Number 0505659 was assigned. The uncovered USTs were secured such that leakage could not occur and RWP activities in the northeastern portion of the site were temporarily halted. Exploratory excavation conducted on Monday, August 8, 2005 identified a total of five USTs in the approximate configuration shown on Figure 1.

Seasons contracted GCI Environmental Advisory, Inc. (GCI) to sample tank contents. GCI subcontracted Galdun Frankel Environmental for this purpose. On August 9, 2005, three samples of UST contents were collected and submitted for analysis to AmeriSci of Weymouth, Massachusetts. Due to insufficient sample volumes, one sample was analyzed for fingerprint, volatile organic compounds (VOCs), and polynuclear aromatic hydrocarbons (PAHs), one was analyzed only for VOCs, and one was analyzed only for fingerprint. Analytical results are included in Appendix A. Results are summarized as follows:

- For UST-1 - Fingerprint analyses identified an unspecified petroleum contaminant. The VOCs toluene, ethylbenzene, xylenes, n-propylbenzene, 1,3,5-trimethylbenzene and n-butylbenzene were identified. PAH compounds identified included naphthalene and 2-methyl naphthalene.
- For UST -2A (water) – No VOCs detected.
- For UST – 2B (oil) – Fingerprint identified an unspecified petroleum contaminant.

UST CLOSURE

Seasons contracted Brookside Environmental, Inc. (Brookside) of Baldwin, New York to vacuum, clean, excavate and dispose of the USTs and contents. Brookside subcontracted AB Environmental of Bohemia, New York to vacuum tank contents. All work was conducted in accordance with the New York State Department of Environmental Conservation (NYSDEC) and New York City Petroleum Bulk Storage Tank closure regulations (6 NYCRR Parts 613 and 614). A Langan field representative was on-site during the removal/closures.

The dimensions of the large, easternmost tank (Tank No. 5) were 65 inches in diameter and 104 inches in length. Tank 5 was full, containing approximately 18 inches of black liquid on top of water. The four smaller tanks appeared to be the same size and measured approximately 32 inches in diameter and 50 inches in length. Tank registration (and de-registration) documentation for the five USTs was submitted to NYSDEC on September 22, 2005 (Appendix B). The Petroleum Bulk Storage (PBS) number is 2-610030.

On August 25, 2005, the USTs were vacuumed of contents, removed, and the interiors cleaned with squeegees and absorbent pads. 1,383 gallons of liquid and 77 gallons of sludge were vacuumed from Tank 5. While moving Tank 5, a limited amount of sludge spilled onto soil. Sludge and surrounding soil were drummed for disposal. 242 gallons of liquid were vacuumed from the four small tanks and remaining sludge was minimal. Dime- and quarter-sized holes were observed in four of the five tanks. Photographs were taken of the tank removal activities and are included in Appendix C.

Three drums of associated waste (sludge, soil, absorbent pads) were labeled as non-hazardous and remained on site until September 7, 2005. Brookside picked up the drums and transported

them for disposal to MXI Environmental Services, 26319 Old Trail Road, Abingdon, VA 24210. The affidavit for the decommissioning of the USTs is included as Appendix D. The non-hazardous waste manifests for liquid and solid waste are included in Appendix E. After removal and cleaning, the USTs remained on Site until October 18, 2005. The USTs were retrieved by Nacirema Environmental Services and disposed of at Hugo Neu Schnitzer East in Jersey City, NJ for use as scrap metal. Documentation is included in Appendix F.

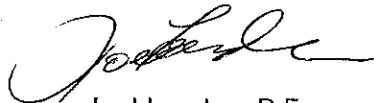
CONFIRMATORY SAMPLING

Confirmatory sampling was not conducted for the following reasons:

- All soil and urban fill beneath the USTs will be excavated and disposed as MGP waste material at Clean Earth's Philadelphia thermal treatment facility in Philadelphia, PA. This facility is permitted to handle petroleum contaminated soils as well as MGP waste.
- The characteristics of soil contaminated with MGP waste at the Site are similar to petroleum contaminated soil. No additional waste characterization sampling was required.
- Endpoint samples will be collected as per the RWP, upon completion of the excavation.

The tanks, tank contents and soil impacted during tank removal have been properly closed by removal and disposal in accordance with NYSDEC requirements. All soil that could potentially have been impacted by leakage from the tanks has been removed and properly disposed of in conjunction with the approved RWP activities. Therefore, it is Langan's opinion that no further remediation or investigations are required regarding these five USTs and NYSDEC Spill No. 0505659. On behalf of the BCA Participants, Langan recommends that a No Further Action letter be issued by the NYSDEC for the spill and that all five USTs be considered as closed.

Very truly yours,
Langan Engineering & Environmental Services, P.C.



Joel Landes, P.E.
Associate

cc. W. Dacunto – SPI
R. Rienzo – Con Edison
S. Gordon – Beveridge & Diamond LLC



PBS #: 2-610030

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 Petroleum Bulk Storage Program
 Facility Information Report

Printed: 10/13/2005

Site: RIVER PLACE II
 600 WEST 42ND STREET
 NEW YORK, NY 10036

Owner: SILVERSTEIN PROP, INC. AS MANAGING
 RIVER PLACE II LLC, 530 FIFTH AVE
 NEW YORK, NY 10036

Mail: SILVERSTEIN PROP, INC.
 530 FIFTH AVENUE
 NEW YORK, NY 10036
 OCT 17 2005
 ATTN: BILL DACUNTO
 (212) 551-7350

Town: New York City
Operator: BILL DACUNTO
Emergency: BILL DACUNTO

County: New York
Owner Type: Corporate or Commercial
Auth Rep: BILL DACUNTO

Site Status: Unregulated (<1101 gal.)
Site Type: : Other
Total Active Tanks: 0
Active Capacity: 0

Reg Expires: 10/13/10
Last Inspected:
Inspected By:

Cert Printed:

SPDES #

CBS #:

(2) Tank No	(3) Tank Loc	(4) Status	(5) Date Install	(6) Date Closed	(7) Capacity (gals)	(8) Product	(9) Tank Type	(10) Tank ID	(11) Tank SC	(12) Tank LD	(13) Tank OP	(14) Tank SP	(15) Tank Disp	(16) Tank Loc	(17) Tank Type	(18) Tank EP	(19) Tank SC	(20) Tank LD	(21) Tank Date Test	(22) Tank Next Test
1	5	Closed - Removed	8/25/05	8/25/05	200	RD01	01	00	00	00	00	00	00	01	04	00	00	00	00	00
2	5	Closed - Removed	8/25/05	8/25/05	200	0001	01	00	00	00	00	00	00	02	01	00	00	00	00	00
3	5	Closed - Removed	8/25/05	8/25/05	200	0001	01	00	00	00	00	00	00	02	01	00	00	00	00	00
4	5	Closed - Removed	8/25/05	8/25/05	200	0001	01	00	00	00	00	00	00	02	01	00	00	00	00	00
5	5	Closed - Removed	8/25/05	8/25/05	1,500	0001	01	00	00	00	00	00	00	02	01	00	00	00	00	00

Action (1)	Status (4)	Tank Type (6)	External Protection (10/18)	Piping Type (17)	Secondary Containment (11/19)	Piping Location (16)
1. Initial Listing	1. In-service	01. Steel/Carbon Steel/Iron	01. None	00. None	00. None	00. No Piping
2. Add Tank	2. Temporarily out-of-service	02. Galvanized Steel Alloy	01. Painted/Asphalt Coating	01. Steel/Carbon Steel/Iron	01. Diking (A/G)	01. Aboveground
3. Close/Remove Tank	3. Closed-Removed	03. Stainless Steel Alloy	02. Original Sacrificial Anode	02. Galvanized Steel	02. Vault (w/access)	02. Underground/On-ground
4. Information	4. Closed - In Place	04. Fiberglass Coated Steel	03. Original Impressed Current	03. Stainless Steel Alloy	03. Vault (w/o access)	03. Aboveground/Undergr
5. Recondition/Repair	5. Tank converted to Non-Regulated use	05. Steel Tank in Concrete	04. Fiberglass	04. Fiberglass Coated Steel	04. Double-Walled (U/G)	Combination
Refine Tank		06. Fiberglass Reinforced Plastic (FRP)	05. Jacketed	05. Steel Encased in Concrete	05. Synthetic Liner	Pipe Leak Detection (20)
		07. Plastic	06. Wrapped (Piping)	06. Fiberglass Reinforced Plastic (FRP)	06. Remote Impounding Area	00. None
		08. Equivalent Technology	07. Retrofitted Sacrificial Anode	07. Fiberglass Reinforced Plastic (FRP)	07. Excavation/Trench Liner System	01. Intersitial Electronic Monitoring
		09. Concrete	08. Retrofitted Impressed Current	08. Equivalent Technology	08. Flexible Internal Liner (Bladders)	02. Intersitial Manual Monitor
		10. Urethane Clad Steel	09. Urethane	09. Concrete	09. Modified Double-Walled (A/G)	03. Vapor Well
		99. Other-please list *	99. Other-please list *	10. Copper	10. ImperVIOUS Underlayment	04. Groundwater Well
				11. Flexible Piping	11. Double Bottom (A/G)	07. Pressurized Piping Leak Detector
				99. Other-please list *	99. Other-please list *	08. Tank Top Sump (Piping)
						09. Exempt Suction Piping
						99. Other-please list *
						Dispenser (45)
						00. None
						01. Submersible
						02. Suction
						03. Gravity

* If other, please list on a separate sheet including Tank Number

9999. Other -please list: *



Silverstein Properties, Inc.
530 Fifth Avenue
New York, New York 10036-5101
Telephone: 212 490-0666
Facsimile: 212 687-0067

VIA FEDERAL EXPRESS

September 22, 2005

W. Lombardo
New York State Department of Environmental Conservation
Division of Environmental Remediation, (PBS Unit)
47-40 21st Street, 1st Floor
Long Island City, NY 11101

Re: River Place II
600 W 42nd Street
Petroleum Bulk Storage
Application

Dear Sir/Madam:

Pursuant to your request, attached please find the following documents:

- Original signature on application.
- Copy of deed showing the date of ownership transfer to River Place II, LLC.

If you should have any questions, or require further information, please call me at (212) 551-7350.

Sincerely,

Bill Dacunto
Vice President
Operations Department

BD/bd

Attachments

cc: Joel Landes – Langan Engineering
Robert Singley – Seasons Industrial Contracting

New York State Department of Environmental Conservation

Division of Environmental Remediation, (PBS Unit)

47-40 21st Street, Long Island City, N.Y. 11101

Phone: (718) 482-6454 • FAX: (718) 482-6390

Website: www.dec.state.ny.us/website/der/bulkstor



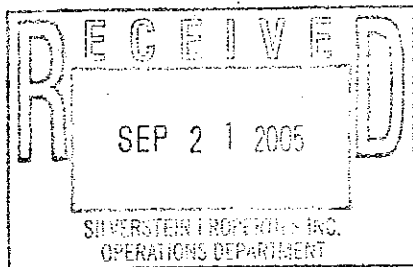
Date 9/19/05 PBS Number(s) or address(es) 600 W 42 ST

Dear Petroleum Bulk Storage Tank Manager/Owner:

The attached Petroleum Bulk Storage Registration application and/or fee is being returned to you. This application cannot be processed for the following reason(s) checked below:

- Your fee of \$ _____ was not enclosed.
- The fee of \$ _____ you sent is incorrect, the correct fee is \$ _____.
- Federal Tax ID Number/ SS # has changed and application must be submitted as a Change of Ownership with applicable fee of \$ _____.
- You used an outdated application or application was not enclosed. Please use new application form enclosed. (Note: Section B has more data columns and some codes have changed).
- Federal Tax ID Number or SS # (in case of proprietorship) was not submitted or is incorrect.
- The combined petroleum storage capacity of this facility is less than or equals 1,100 gallons and, therefore, registration of this facility is not required.
- Duplicate tank numbers are unacceptable. (Tank # _____ already exists at your facility).
- Tank information is incorrect. Please see attached sheet and correct error items marked.
- Information is incorrect and/or missing as follows:
 - Section A: _____ Name of operator & phone number; _____ Owner's phone number
 - Owner's signature; _____ Name of Owner or Authorized Representative; _____ Title ; _____ Date
 - WE REQUIRE AN ORIGINAL SIGNATURE, NOT A COPY.
- Section B: _____ Action(column 1); _____ Tank Location(column 3); _____ Status (column 4); _____ Date of tank installation(column 5); _____ Date of tank closure (column 5).
- Follow enclosed Instructions. (If you have difficulty completing this form, contact your fuel supplier or consultant).
- Provide a copy of FDNY permit as proof of tank capacity.
- Provide a copy of a deed page showing the date of ownership transfer TO RIVER PLACE II LLC
- Provide a copy of the Affidavit from a contractor as a proof of tank closure.
- Other _____

This determination is based on the information provided on the application. Please make the requested changes, and return a completed application and any required fee within 10 days to: NYSDEC, 47-40 21st Street, 1st Floor, Long Island City, N.Y. 11101- ATT: PBS Unit. If you have any questions, please call PBS Unit at (718) 482-6454 and refer to your PBS number.



Sincerely,

[Handwritten signature]

Petroleum Bulk Storage Unit
Spill Prevention & Response Program

7935

BROOKSIDE ENVIRONMENTAL, INC.

757 FOXHURST ROAD
BALDWIN, NY 11510
(516) 377-6300

JPMORGAN CHASE BANK
NEW YORK, NY 10021

1-2/210

9/12/2005

PAY TO THE ORDER OF NYS Dept. of Environmental Conservation

\$300.00**

Three Hundred and 00/100***** DOLLARS

NYS Dept. of Environmental Conservation
Regulatory Fee Determination Unit
Box 5973 GPO
New York, New York 10087-5973

Richard V. Zyl
AUTHORIZED SIGNATURE

MEMO

⑈007935⑈ ⑆021000021⑆ ⑆3111092056⑈

Security features. Details on back.

SEP 14 AM 09:21
OFFICE REGION 2

New York State Department of Environmental Conservation
 Division of Environmental Remediation
Petroleum Bulk Storage Application
 Pursuant to the Petroleum Bulk Storage Law,
 Article 17, Title 10 of ECL, 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14

Return Completed Form & Fees To:
NYSDEC - YBS Unit



Please Type or Print Clearly and Complete All Items

(See enclosed instructions and please be sure to complete Sections A & B) Section A

Expiration Date:

F A C I L I T Y

YBS Number _____

DIC CBS Number: (if applicable) _____

DIC SDES Number: (if applicable) _____

Transaction Type
 (Check all that apply)
 NOTE: Transaction Types 1, 2 and 3 may require a fee

1) Initial/New Facility

2) Change of Ownership

3) Substantial Tank Modification

4) Information Correction

5) Renewal

TYPE OF PETROLEUM FACILITY (Check only one)

01=Storage Terminal/Petroleum Distributor

02=Retail Gasoline Sales

04=Manufacturing

06=Trucking/Transportation

08=School

10=Private Residence

12=Chemical Distributor

14=Refinery

16=Vessel/Barge

99=Other (Specify): **VACANT LOT**

03=Other Retail Sales

05=Utility

07=Apartment Building

09=Farm

11=Airline/Air Taxi

13=Municipality

15=Railroad

O W N E R

Owner Name: **Silverstein Properties, Inc. As managing Agents for River Place II LLC**

Address (Street and/or P.O. Box): **530 Fifth Avenue**

City: **New York** State: **NY** Zip Code: **10036**

Federal Tax ID Number: **13-4058071** Owner Telephone Number: **212-551-7350**

Type of Owner: (check only one)

1) Private Resident

2) State Government

3) Local Government

4) Federal Government

Corporate/Commercial

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative: **BILL DACUNTO**

Amount Enclosed: **\$ 300.00**

Title: **V.P.**

Signature: *Bill Dacunto* Date: **9/12/05**

C O R R E S P O N D E N C E

Attention: **BILL DACUNTO**

Name of Company: **SILVERSTEIN PROPERTIES, INC**

Address: **530 Fifth Avenue**

City/State/Zip Code: **New York, NY 10036**

Telephone Number: **212-551-7350**

OFFICIAL USE ONLY

Page _____ of _____

Date Received: ___/___/___

Date Processed: ___/___/___

Amount Received \$: _____

Reviewed by: _____

(See enclosed instructions and use the key located on the bottom of this sheet to complete each item/column)

Registration Expiration Date:

(1) Action	(2) Tank Model	(3) Piping Model	(4) Tank Number	(5) Status	(6) Product Stored	(7) Capacity (Gallons)	(8) Installation or Permanent Closure Date (Month/Day/Year)	(9) Tank Type	(10) Tank Internal Protection	(11) External Protection	(12) Piping Type	(13) Tank Overfill Prevention	(14) Tank Spill Prevention	(15) Tank Dispenser	(16) Piping Location	(17) Piping Type	(18) Secondary Containment	(19) Piping See Containment	(20) Piping Leak Detection	(21) Last Test Date (Underground Tanks) (Month/Day/Year)
1/3			1	3	0001	200	8-25-05	01	00	00	00	00	00	00	02	01	00	00	00	No Data
1/3			2	3	0001	200	8-25-05	01	00	00	00	00	00	00	02	01	00	00	00	No Data
1/3			3	3	0001	200	8-25-06	01	00	00	00	00	00	00	02	01	00	00	00	No Data
1/3			4	3	0001	200	8-25-05	01	00	00	00	00	00	00	02	01	00	00	00	No Data
1/3			5	3	0003	1,500	8-25-05	01	00	00	00	00	00	00	02	01	00	00	00	No Data

- Action (1)**
- Initial Listing
 - Add Tank
 - Close/Remove Tank
 - Information Correction
 - Recondition/Repair/Retire Tank
- Status (4)**
- In-service
 - Temporarily out-of-service
 - Closed-Removed
 - Closed-In Place
 - Tank evacuated to Non-Regulated use
- Product Stored (7)**
0000. Empty
 0001. #2 Fuel Oil
 0002. #4 Fuel Oil
 0003. #6 Fuel Oil
 0004. Asphalt
 0006. Crude Oil
 0008. Diesel
 0009. Gasoline
 0012. Kerosene
 0013. Lubo Oil
 0022. Waste/Used Oil
 0061. Other Petroleum
 0259. #5 Fuel Oil
 2642. Used Oil (Fuel)
 0099. Other - please list
- Tank Type (8)**
01. Steel/Carbon Steel/Iron
 02. Galvanized Steel Alloy
 03. Stainless Steel Alloy
 04. Fiberglass Coated Steel
 05. Steel Tank Enclosed in Concrete
 06. Fiberglass Reinforced Plastic (FRP)
 07. Plastic
 08. Equivalent Technology
 09. Concrete
 99. Other-please list*
- Internal Protection (9)**
00. None
 01. Epoxy Liner
 02. Rubber Liner
 03. Fiberglass Liner (FRP)
 04. Glass Liner
 99. Other-please list*
- External Protection (10)**
00. None
 01. Painted/Asphalt Coating
 02. Original Sacrificial Anode
 03. Original Impressed Current
 04. Fiberglass
 05. Jacketed
 06. Wrapped (Piping)
 07. Retrofitted Sacrificial Anode
 08. Retrofitted Impressed Current
 99. Other-please list*
- Piping Location (16)**
00. No Piping
 01. Aboveground
 02. Underground/On-ground
 03. Aboveground/Underground Combination
- Spill Prevention (14)**
00. None
 01. Catch Basin
 02. Transfer Station Containment
 99. Other - Please list*
- Other-please list:**
- Leak Detection (20)**
00. None
 01. Interstitial Electronic Monitoring
 02. Interstitial Manuul Monitoring
 03. Vapor Well
 04. Groundwater Well
 05. In-Tank System (ATG)
 06. Concrete Pad (A/G)
 07. Pressurized Piping Leak Detector
 08. Tank Top Sump (Piping)
 09. Exempt Suction Piping
 99. Other-please list*
- Overfill Prevention (13)**
00. None
 01. Float Vent Valve
 02. High Level Alarm
 03. Automatic Shut-off
 04. Product Level Gauge (A/G)
 05. Vent Whistle
 99. Other-please list*
- Secondary Containment (11/12)**
00. None
 01. Diking (Aboveground)
 02. Vault (w/access)
 03. Vault (w/o access)
 04. Double-Walled Underground
 05. Synthetic Liner
 06. Remote Impounding Area
 07. Excavation/Trench Liner System
 08. Flexible Internal Liner (Bladder)
 09. Modified Double-Walled (Aboveground)
 99. Other-please list*
- Disposal (15)**
00. None
 01. Submersible
 02. Suction
 03. Gravity

* If other, please list on a separate sheet including Tank Number

Brookside Environmental, Inc.

September 13, 2005

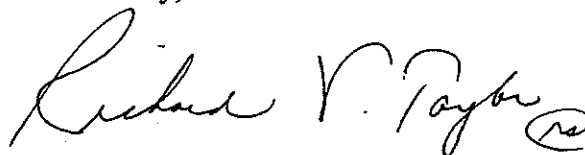
NYSDEC - PBS Unit
Region 2
One Hunters Pt. Plaza, 1st Floor
47-40 21st Street
Long Island City, New York 11101-5407

Re: Petroleum Bulk Storage Application

Enclosed please find the Petroleum Bulk Storage Application form to **"REGISTER"** and **"REMOVE FROM THE REGISTRY"** the tanks at River Place , 530 Fifth Avenue, New York, New York.

Thank you for your cooperation in the above matter and if you have any questions please do not hesitate to call us at 516-377-6300.

Sincerely,

A handwritten signature in cursive script that reads "Richard V. Taylor" followed by a small circular mark.

Richard V. Taylor
Brookside Environmental, Inc.

RS



Photo 1: Vacuuming contents of Tank 5



Photo 2: Vacuuming contents of Tanks 1 - 4



Photo 3: Removal of Tanks 1 - 4



Photo 4: Removal of Tanks 1 - 4

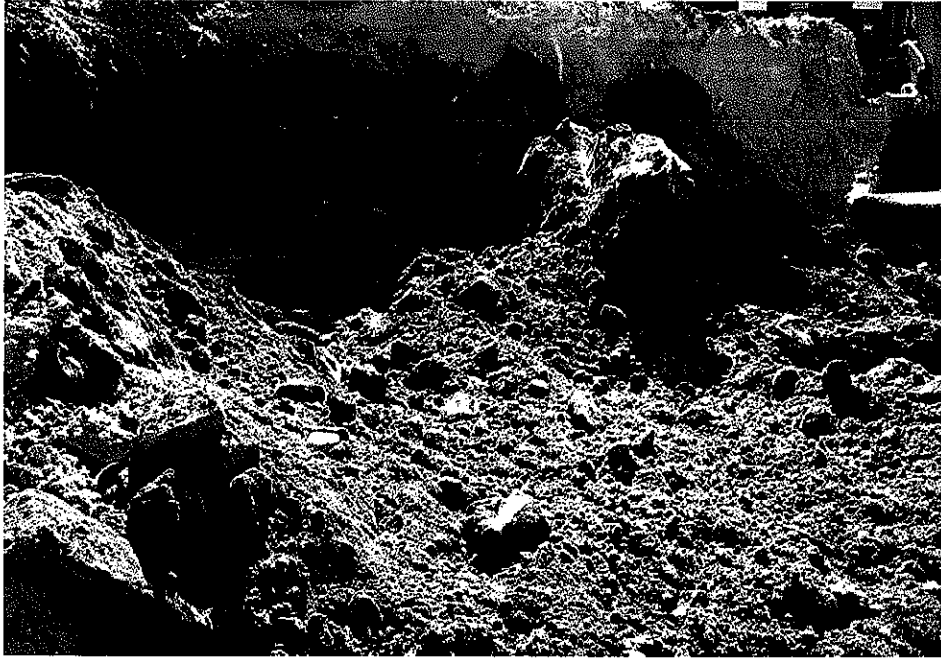


Photo 5: Location from which Tanks 1- 4 were removed



Photo 6: Removal of Tank 5



Photo 7: Spill of sludge from Tank 5 (left of tank)



Photo 8: Removal of Tank 5



Photo 9: All five tanks and, around drum, soil impacted by spill during Tank 5 removal



Photo 10: Holes in Tank 5



Photo 11: Labeling drums as non-hazardous waste



Photo 12: Tanks and drummed waste following removal activities

Brookside Environmental, Inc.

August 29, 2005

FDNY, Bureau of Fire Prevention
Bulk Fuel Safety Unit, Room 3E-102
9 Metro-Tech Center
Brooklyn, New York 11201-3857

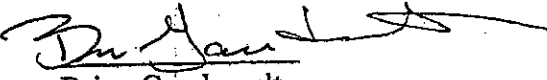
Re: Silverstein Properties Inc.
River Place II
600 W. 42nd Street
New York, New York 10018

AFFIDAVIT

Brian Gaudreault being duly sworn says that on August 25th, 2005, Brookside Environmental, Inc., removed four (4) 200 gallon and one (1) 1,500 gallon fuel oil underground storage tanks at the above referenced property in accordance with the provision of 3 RCNY @ 21-02 Section (d) of such rule.

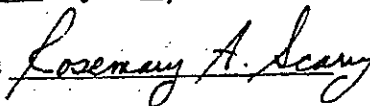
- Pumped out 1,702 gallons of fuel oil and properly disposed
- Properly purged each tank.
- Cut and cleaned the tanks.
- Removed all associated piping.
- Removed tanks.

This affidavit is issued to attest the proper removal procedure by a Certified New York City Fire Department tank install in accordance with Title 3 R.C.N.Y. Section 21-02


Brian Gaudreault
License # 81350266

State of New York
County of NASSAU
Sworn before this 8 Day of Sept 2005

Seal Notary Public



ROSEMARY A. SCARRY
Notary Public, State of New York
Qualified in Nassau County
No. 01SC6118480
Term Expires 11/08/2008

757 Foxhurst Road Baldwin, NY 11510 (516) 377-6300 Fax (516) 377-6846
18-33 129th Street College Point, NY 11356 (718) 358-9499 www.brooksideweb.com

Brookside Environmental, Inc.

757 Foxhurst Rd., Baldwin, New York 11510
 (516) 377-6300 Fax (516) 377-6846

Transporter Permit #1A-644
 EPA ID #NYR000081661

NON-HAZARDOUS MANIFEST		1. Customer's US EPA ID NO. NOT REQUIRED	Document No. 01	2. Page 1 1	
3. Customer's Name and Mailing Address SILVERSTIEN PROPERTIES INC RIVER PLACE II 600 W 42nd ST NY, NY. 10018			A. Document Number 01		
4. Phone 212 551-7350			B. State ID		
5. Transporter 1 Company Name BROOKSIDE ENVIRONMENTAL		6. US EPA ID Number NOT REQUIRED		C. State Transporter's ID 1A-644	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 516-377-6300	
9. Designated Facility Name and Site Address MXI ENVIRONMENTAL SERVICES 26319 OLD TRAIL RD ABINGDON VA 24210		10. US EPA ID Number VA R00050 3920		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 276-628-6058	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)				12. Containers	
				No.	Type
a. WASTE PETROLEUM MIXTURE, SOLID NON-DOT / NON RCRA HAZARDOUS				3	DM
J. Additional Descriptions for Materials Listed Above A) OIL CONTAMINATED SOIL & DEBRIS				K. Handling Codes for Wastes Listed Above	
15. Special Handling Instructions and Additional Information					
16. CUSTOMER CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.					
Printed / Type Name R. J. Moore		Signature <i>R. J. Moore</i>		DATE 9 7 05	
17. Transporter 1 Acknowledgement of Receipt of Materials					
Printed / Type Name JOSE HERNANDEZ		Signature <i>Jose Hernandez</i>		DATE 9 7 05	
18. Transporter 2 Acknowledgement of Receipt of Materials					
Printed / Type Name		Signature		DATE	
20. Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted in item 19.					
Printed / Typed Name		DATE			
		Month		Day Year	

GENERATOR

TRANSPORTER

FACILITY

Non-Hazardous Manifest

Manifest Doc No. 1776R

Generator

Transporter

Generator ID: 14621
CONSTRUCTION SITE - BROOKSIDE
WEST 41st ST. @ 11th AVE.
NEW YORK, NY
6163226679

A B OIL SERVICE LTD.
6315876545
NYD987623371
1A-002

Facility

A B OIL SERVICE LTD.
1599 Ocean Avenue
Bohemia, NY 11716
6315876545
NYD987623371

Shipping Name and Description	Num Cont	Cont Type	Quantity	Units	Profile
WATER CONTAMINATED W/ GASOLINE OR OIL	1	TT	1702	G	NOTE

Additional Descriptions for Materials Listed Above

Handling Codes Listed Above

Special Handling Instructions and Additional Information

24 Hour Emergency # (631) 567 - 6545
ERS# 128

Generator's Certification:

I certify the materials described above are not subject to federal regulations for reporting proper disposal of Hazardous Waste.

Printed / Typed Name

x Andrew Edgar *agent for generator*

Signature

x Andrew Edgar

Date *8/25/94*

Transporter 1 Acknowledgement of Receipt of Materials

Printed / Typed Name

Sean King

Signature

[Signature]

Date *8/25/94*

Transporter 2 Acknowledgement of Receipt of Materials

Printed / Typed Name

Signature

Date

Discrepancy Indication Space

Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted above.

Printed / Typed Name

Signature

Date

White = Original

Yellow = Transporter

Pink = TSDP

Gold = Generator Copy

**WEIGHMASTER CERTIFICATE
TRUCK SCALE**

TICKET # = TARIIR

Purchased From: NAC100
NACIREMA ENVIRONMENTAL SVCS.
211-217 WEST 5TH STREET
BAYONNE NJ 07002

HUGO NEU SCHNITZER EAST
ONE LINDEN AVE EAST
JERSEY CITY, NJ 07305
(201) 333-3131 FAX (201) 333-5986



Hugo Neu Schnitzer East
CLARENMENT
1 LINDEN AVE
JERSEY CITY
201 333-3131 NJ 07305

VEH # TR TARIIR ID # NACIREMA 59

Vendor 50

SHIP TO FACILITY
TARIIR # 8888 #2 HMG

GRASS TAKE NET
48240A 39440A 8800

ADJ REASON # CARS

PD WT
8300

ALL WEIGHTS ARE REPORTED IN POUNDS UNLESS OTHERWISE INDICATED. ALL NON-POUND WEIGHTS ARE ASSUMED TO BE MANUAL WEIGHTS.

TOTALS 48240 39440 8800

TICKET COMMENT: NACIREMA 59
(LITS, RAMPS)

WEIGHMASTER SIGNATURE

CUSTOMER SIGNATURE

SCALE 1 N-SCALE 2 N-SCALE 3 N-SCALE 4 N-MANUAL HEIGHT

GRS Date 10/10/05 GROSS TONS 3.9285
GRS Time 9:59
TRE Date 10/10/05
TRE Time 10:11

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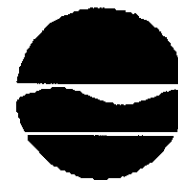
**New York State Department of Environmental Conservation
Division of Environmental Remediation**

Remedial Bureau C, 11th Floor

625 Broadway, Albany, New York 12233-7014

Phone: (518) 402-9662 • FAX: (518) 402-9679

Website: www.dec.state.ny.us



Denise M. Sheehan
Commissioner

December 21, 2005

Eddy Louie, P.E.
Consolidated Edison Company
31-01 20th Avenue, Bldg. 136
Long Island City, NY 11105-2048

William Dacunto, RPA
530 Fifth Avenue
New York, NY 10036

Re: Spill No. 0505659
Spill Site: 600 WEST 42ND ST

Dear Responsible Party:

In a letter dated November 10, 2005, you requested the NYS Department of Environmental Conservation (the Department) to make a determination that you have completed all required remedial activities with regard to the referenced petroleum spill site.

The Department has reviewed the records and data submitted by you regarding cleanup actions at the above referenced petroleum spill site. Based on such review, the Department has determined that you have completed the necessary cleanup and removal actions, and no further remedial activities are necessary.

Nothing contained herein shall be construed as barring, diminishing, or in any way limiting the Department's authority under the Navigation Law or the Environmental Conservation Law, including the authority to require additional remedial work, if necessary.

Should you have any questions concerning this matter, you may call me at the number listed above.

Sincerely,

Joseph Moloughney

Joseph Moloughney, P.E.
Environmental Engineer 2
Remedial Bureau C
Division of Environmental Remediation

cc: A. Quartararo, NYSDEC
D. Walsh, NYSDEC
R. Austin, NYSDEC
D. Hettrick, NYSDOH
R. Rienzo, Con Edison

bec: G. Cross, NYSDEC
G. Laccetti, NYSDOH
J. Moloughney

bcc: R. Schick

**WEIGHMASTER CERTIFICATE
TRUCK SCALE**

TICKET # = TARIIR

Purchased From: NAC100
NACIRENA ENVIRONMENTAL SVCS.
211-217 WEST 5TH STREET
BAYONNE NJ 07002

HUGO NEU SCHNITZER EAST
ONE LINDEN AVE EAST
JERSEY CITY, NJ 07305
(201) 333-3131 FAX (201) 333-5986



Hugo Neu Schnitzer East
CLARENMENT
1 LINDEN AVE
JERSEY CITY
201 333-3131 NJ 07305

VEH # TR TARIIR ID # NACIRENA 59

Vendor 50

SHIP TO FACILITY
TARIIR # 8888 #2 HMG

GRASS TAKE NET # CARS
48240A 39440A 8800

PD WT
8300

ALL WEIGHTS ARE REPORTED IN POUNDS UNLESS OTHERWISE INDICATED. ALL NON-POUND WEIGHTS ARE ASSUMED TO BE MANUAL WEIGHTS.

TOTALS 48240 39440 8800

TICKET COMMENT: NACIRENA 59
(LITS, RAMPS)

WEIGHMASTER SIGNATURE

CUSTOMER SIGNATURE

SCALE 1 N-SCALE 2 N-SCALE 3 N-SCALE 4 N-MANUAL HEIGHT

GRS Date 10/10/05 GROSS TONS 3.9285
GRS Time 9:59
TRE Date 10/10/05
TRE Time 10:11

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January 24, 2006
5582403

Mr. Joseph Moloughney
NYSDEC
625 Broadway
Albany, New York 12233-7017

Re: UST and Spill Closure Report, Tank No. 6
NYSDEC Spill No. 0510066
River Place II
600 West 42nd Street
New York, New York

Dear Mr. Moloughney:

This letter documents the closure activities for one underground storage tank (UST) and a related spill on the property located at 600 West 42nd Street in New York, New York (the "Site"). The Site is located between 41st Street and 42nd Street and extends approximately 307 feet west from the west edge of the sidewalk on Eleventh Avenue. The Site includes the whole of tax Block 1089, Lot 3 and a portion of Lot 1. The Site is currently being remediated under Brownfield Cleanup Agreement (BCA); site identification numbers C231012 and C231024, pursuant to a New York State Department of Environmental Conservation (NYSDEC) approved Remedial Work Plan, West 42nd Street Former Manufactured Gas Plant Site (RWP). The UST was located in the northeastern portion of the Site, wholly within Lot 3, BCA ID number C231012. A detailed discussion of Site conditions is provided in the RWP.

The RWP is being implemented by River Place II, LLC and Consolidated Edison, the joint Participants in the BCA. The Participants retained Seasons Industrial Contracting, Inc. (Seasons) as their Construction Manager. Langan Engineering and Environmental Services, P.C. (Langan) is the Remedial Engineer of record and is present to oversee, document and certify the remediation. Remedial activities include excavation of the entire site to an approximate depth of 25 feet below grade. The grade varies by approximately 1-2 feet from the western to eastern boundaries.

UST DISCOVERY AND RESPONSE

Previously, on Monday, August 8, 2005, five USTs were encountered in the northeastern portion of the site during excavation of urban fill and MGP waste pursuant to implementation of the RWP. The USTs were identified at a depth of approximately 7 feet below grade. Based on

Bernard F. Langan, P.E.
David T. Gockel, P.E.
George E. Derrick, P.E.
George P. Kelley, P.E.
Michael A. Sameraro, Jr., P.E.
Nicholas De Rose, P.G.
Andrew J. Ciancia, P.E.
George E. Leventis, P.E.

Gerard M. Coscia, P.E.
Colleen Costello, P.G.
Rudolph P. Frizzi, P.E.
Ronald A. Fuerst, C.L.A.
Michael M. Goldstein
Cristina M. Gonz lez, P.E.
Sam B. Ishak, M.C.S.E.
William G. Lothian, P.E.
Leonard D. Savino, P.E.
Steven Ueland, P.E.
Gerald J. Zambrella, C.E.M.

Roger A. Archabal, P.E.
Jorge H. Berkowitz, Ph.D.
Gregory L. Biesiadecki, P.E.
Richard Burrow, P.E.
Steven Ciambuscini, P.G., L.E.P.
Michael E. Cotreau, P.E.
Gregory M. Eiko, P.E.
Edward H. Geibert, M.S.
Christopher M. Hager, P.E.
Joel B. Landes, P.E.
John J. McElroy, Jr., Ph.D., P.E.
Matthew E. Meyer, P.E.
R. S. Murali, M.S.
John D. Plante, P.E.
Alan R. Poeppel, P.E.
George A. Reeves
Joseph E. Romano, P.L.S.
Richard R. Steiner, P.E.

field observations of odors and liquid contents, the NYSDEC spill hotline was called and Spill Number 0505659 was assigned. The tanks, tank contents and soil impacted during tank removal were properly closed by removal and disposal in accordance with NYSDEC requirements. Specifics regarding the removal and disposal of these tanks are presented in Langan's *UST and Spill Closure Report*, dated November 10, 2005.

On Friday, November 18, 2005, further excavation conducted pursuant to implementation of the RWP identified one additional UST located in the same general vicinity and at the same approximate depth below grade as the five USTs originally encountered in August.

Based on field observations of odors, the general appearance of the additional UST, and the prior discovery of multiple USTs in this area, the NYSDEC spill hotline was called and Spill Number 0510066 was assigned for the single additional UST. The uncovered UST was secured such that leakage could not occur and RWP activities in the northeastern portion of the site were temporarily halted.

The contents of the additional UST were not collected and submitted for laboratory analyses because the UST did not contain sufficient solid or liquid sample volumes.

The approximate configuration of the five USTs discovered in August and the single UST subsequently discovered in November is shown on Figure 1.

UST CLOSURE

Seasons contracted Brookside Environmental, Inc. (Brookside) of Baldwin, New York to vacuum, clean, excavate and dispose of the UST and contents, if any. All work was conducted in accordance with the New York State Department of Environmental Conservation (NYSDEC) and New York City Petroleum Bulk Storage Tank closure regulations (6 NYCRR Parts 613 and 614). A Langan field representative was on-site during the removal/closure.

The dimensions of the UST (Tank No. 6) were 36 inches in diameter and 60 inches in length. Tank 6 was almost empty, containing approximately 1 to 2 liters of water and a few shovels full of sediment consistent with the material encountered within the excavation. The fill port and vent on the tank were found uncapped and open. A puncture was evident on the end of the tank (possibly caused during excavation activities) and several small holes of varying diameter (presumably from oxidation) were observed across the shell of the UST. Tank registration (and de-registration) documentation for the UST was submitted to NYSDEC on December 12, 2005 (Appendix A). The Petroleum Bulk Storage (PBS) number is 2-610030.

On December 2, 2005, the UST was cut open, contents removed, and the interior was cleaned with potable water, squeegees and absorbent pads. Less than one gallon of liquid and a few shovels full of sediment were removed from Tank 6. The contents of the tank and the soil immediately surrounding the UST were disposed of in conjunction with the approved RWP activities. Photographs were taken of the tank removal activities and are included in Appendix B.

The affidavit for the decommissioning of the UST is included as Appendix C. After removal and cleaning, the UST remained on Site until January 19, 2006. The UST was retrieved by Seasons

Industrial Contracting and disposed of at A&A Iron and Metal in North Bergen, NJ for use as scrap metal. Documentation is included in Appendix D.

CONFIRMATORY SAMPLING

Confirmatory sampling was not conducted for the following reasons:

- All soil and urban fill beneath the UST will be excavated and disposed as MGP waste material at Clean Earth's Philadelphia thermal treatment facility in Philadelphia, PA. This facility is permitted to handle petroleum contaminated soils as well as MGP waste.
- The characteristics of soil contaminated with MGP waste at the Site are similar to petroleum contaminated soil. No additional waste characterization sampling was required.
- Endpoint samples will be collected as per the RWP, upon completion of the excavation.

The tank, tank contents and soil impacted during tank removal have been properly closed by removal and disposal in accordance with NYSDEC requirements. All soil that could potentially have been impacted by leakage from the tank has been removed and properly disposed of in conjunction with the approved RWP activities. Therefore, it is Langan's opinion that no further remediation or investigations are required regarding this UST and NYSDEC Spill No. 0510066. On behalf of the BCA Participants, Langan recommends that a No Further Action letter be issued by the NYSDEC for the spill and that the UST be considered as closed.

Very truly yours,
Langan Engineering & Environmental Services, P.C.



Joel Landes, P.E.
Associate

cc. W. Dacunto – SPI
R. Rienzo – Con Edison
S. Gordon – Beveridge & Diamond LLC

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL, 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14

Section A

(See enclosed instructions and please be sure to complete Sections A & B)

Return Completed Form & Fees To:
NYSDEC - PBS Unit



Please Type or Print Clearly
and Complete All Items

<p>Facility Name: <u>River Place II LLC</u></p> <p>Location (Not P.O. Boxes): <u>609 West 42nd Street</u></p> <p>Location (cont.): _____</p> <p>City: <u>New York</u> State: <u>NY</u> Zip Code: <u>10036</u></p> <p>County: _____ Township or City: _____</p> <p>Name of Operator at Facility: <u>Bill Dacunto</u> Facility Telephone Number: <u>(212) 551-7350</u></p> <p>Emergency Contact Name: <u>Same As Above</u> Emergency Telephone Number: <u>Same As Above</u></p> <p>Owner Name: <u>Silverstein Properties Inc</u></p> <p>Address (Street and/or P.O. Box): <u>530 Fifth Avenue</u></p> <p>City: <u>New York</u> State: <u>NY</u> Zip Code: <u>10036</u></p> <p>Federal Tax ID Number: <u>13-4058071</u> Owner Telephone Number: <u>(212) 551-7350</u></p> <p>Type of Owner (check only one): <input type="checkbox"/> Private Resident <input type="checkbox"/> State Government <input type="checkbox"/> Local Government <input checked="" type="checkbox"/> Corporate/Commercial</p>		<p>TYPE OF PETROLEUM FACILITY (Check only one)</p> <p><input type="checkbox"/> 01=Storage Terminal/Petroleum Distributor</p> <p><input type="checkbox"/> 02=Retail Gasoline Sales</p> <p><input type="checkbox"/> 03=Other Retail Sales</p> <p><input type="checkbox"/> 04=Manufacturing</p> <p><input type="checkbox"/> 05=Utility</p> <p><input type="checkbox"/> 06=Trucking/Transportation</p> <p><input checked="" type="checkbox"/> 07=Apartment Building</p> <p><input type="checkbox"/> 08=School</p> <p><input type="checkbox"/> 09=Farm</p> <p><input type="checkbox"/> 10=Private Residence</p> <p><input type="checkbox"/> 11=Airline/Air Taxi</p> <p><input type="checkbox"/> 12=Chemical Distributor</p> <p><input type="checkbox"/> 13=Municipality</p> <p><input type="checkbox"/> 14=Refinery</p> <p><input type="checkbox"/> 15=Railroad</p> <p><input type="checkbox"/> 16=Vessel/Barge</p> <p><input type="checkbox"/> 99=Other (Specify): _____</p>
<p>Transaction Type (Check all that apply) NOTE: Transaction Types 1, 2 and 3 may require a fee</p> <p><input checked="" type="checkbox"/> 1) Initial New Facility</p> <p><input type="checkbox"/> 2) Change of Ownership</p> <p><input checked="" type="checkbox"/> 3) Substantial Tank Modification</p> <p><input type="checkbox"/> 4) Information Correction</p> <p><input type="checkbox"/> 5) Renewal</p>		<p>I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.</p> <p>Name of Owner or Authorized Representative: _____ Amount Enclosed: \$ _____</p> <p>Title: _____ Date: _____</p> <p>Signature: _____</p>
<p>Facility Name: <u>River Place II LLC</u></p> <p>Location (Not P.O. Boxes): <u>609 West 42nd Street</u></p> <p>Location (cont.): _____</p> <p>City: <u>New York</u> State: <u>NY</u> Zip Code: <u>10036</u></p> <p>County: _____ Township or City: _____</p> <p>Name of Operator at Facility: <u>Bill Dacunto</u> Facility Telephone Number: <u>(212) 551-7350</u></p> <p>Emergency Contact Name: <u>Same As Above</u> Emergency Telephone Number: <u>Same As Above</u></p> <p>Owner Name: <u>Silverstein Properties Inc</u></p> <p>Address (Street and/or P.O. Box): <u>530 Fifth Avenue</u></p> <p>City: <u>New York</u> State: <u>NY</u> Zip Code: <u>10036</u></p> <p>Federal Tax ID Number: <u>13-4058071</u> Owner Telephone Number: <u>(212) 551-7350</u></p> <p>Type of Owner (check only one): <input type="checkbox"/> Private Resident <input type="checkbox"/> State Government <input type="checkbox"/> Local Government <input checked="" type="checkbox"/> Corporate/Commercial</p>		<p>OFFICIAL USE ONLY</p> <p>Page _____ of _____</p> <p>Date Received _____</p> <p>Date Processed _____</p> <p>Amount Received \$ _____</p> <p>Reviewed by _____</p>

(Please keep up to date - this information is used for mailings and contact purposes)

Attention: Bill Dacunto

Name of Company: Silverstein Properties, Inc

Address: 530 Fifth Avenue

Address: _____

City/State/Zip Code: New York, NY 10036

Telephone Number: (212) 551-7350

PRS Number:

Section B - Tank Information

Page ___ of ___

(See enclosed instructions and use the key located on the bottom of this sheet to complete each item/column)

Registration Expiration Date:

(1) Action	(2) Tank ID	(3) Tank Location	(4) Status	(5) Installation Permanent Closure Date	(6) Capacity (Gallons)	(7) Product Stored	(8) Tank Type	(9) Status	(10) Internal Protection	(11) External Protection	(12) Tank Leak Detection	(13) Tank (Overfill) Prevention	(14) Tank Spill Prevention	(15) Tank Dispenser	(16) Piping Location	(17) Piping Type	(18) Secondary Containment	(19) Pipe Leak Detection	(20) Piping Leak Detection	(21) Last Test Date/ Testing Due Date (Underground Tanks)
1. Add Tank	6	53	12/2/05	550	000	0/00	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0	No Data

- ASSTN (1)**
- Initial Listing
 - Add Tank
 - Close/Remove Tank
 - Information
 - Corrosion
 - Recondition/Repair/Reline Tank
- Tank Location (3)**
- Aboveground-contact w/oil
 - Aboveground-contact w/soil
 - Aboveground on saddle legs, stils, rack, or cradle
 - Aboveground with 10% or more below ground
 - Underground
 - Underground, vaulted, with access
- Status (4)**
- In-service
 - Temporarily out-of-service
 - Closed-Removed
 - Closed- In Place
 - Tank converted to Non-Regulated use
- Product Stored (7)**
- Empty
 - #2 Fuel Oil
 - #4 Fuel Oil
 - #6 Fuel Oil
 - 1st Fuel
 - Diesel
 - Gasoline
 - Kerosene
 - Lube Oil
 - Waste/Used Oil
 - Used Oil (Fuel)
 - Other - please list: *
- Tank Type (8)**
- Steel/Carbon Steel/Iron
 - Galvanized Steel Alloy
 - Stainless Steel Alloy
 - Fiberglass Coated Steel
 - Steel Tank in Concrete
 - Fiberglass Reinforced Plastic (FRP)
 - Plastic
 - Equivalent Technology
 - Cheritic
 - Urethane Clad Steel
 - Other-please list: *
 - Internal Protection (9)
 - None
 - Epoxy Liner
 - Rubber Liner
 - Fiberglass Liner (FRP)
 - Glass Liner
 - Other-please list: *
- Internal Protection (10/A)**
- None
 - Painted/Asphalt Coating
 - Original Sacrificial Anode
 - Original Impressed Current
 - Fiberglass
 - Wetted
 - Retrofitted Sacrificial Anode
 - Retrofitted Impressed Current
 - Urethane
 - Other-please list: *
 - Tank Leak Detection (12)
 - None
 - Interstitial Electronic Monitoring
 - Interstitial Manual Monitoring
 - Vapor Well
 - Groundwater Well
 - In-Tank System (ATG)
 - Impermeable Barrier/Concrete Pad (A/G)
 - Other-please list: *
- External Protection (10/B)**
- None
 - Painted/Asphalt Coating
 - Original Sacrificial Anode
 - Original Impressed Current
 - Fiberglass
 - Wetted
 - Retrofitted Sacrificial Anode
 - Retrofitted Impressed Current
 - Urethane
 - Other-please list: *
 - Tank Leak Detection (12)
 - None
 - Interstitial Electronic Monitoring
 - Interstitial Manual Monitoring
 - Vapor Well
 - Groundwater Well
 - In-Tank System (ATG)
 - Impermeable Barrier/Concrete Pad (A/G)
 - Other-please list: *
- Piping Type (17)**
- None
 - Steel/Carbon Steel/Iron
 - Galvanized Steel
 - Stainless Steel Alloy
 - Fiberglass Coated Steel
 - Steel Encased in Concrete
 - Fiberglass Reinforced Plastic (FRP)
 - Plastic
 - Equivalent Technology
 - Concrete
 - Copper
 - Flexible Piping
 - Other-please list: *
 - Overfill Prevention (13)
 - None
 - Foat Vent Valve
 - High Level Alarm
 - Automatic Shut-off
 - Product Level Gauge (A/G)
 - Vent Whistle
 - Other-please list: *
- Secondary Containment (11/12)**
- None
 - Diking (A/G)
 - Vault (w/o access)
 - Vault (w/o access)
 - Double-Walled (U/G)
 - Synthetic Liner
 - Kerolite Impounding Area
 - Excavation/Trench Liner System
 - Flexible Internal Liner (Bladder)
 - Modified Double-Walled (A/G)
 - Impermeable Underlayment
 - Double Bottom (A/G)
 - Other-please list: *
 - Soil Prevention (14)
 - None
 - Catch Basin
 - Transfer Station Containment
 - Other - Please list: *
- Pipe Leak Detection (19)**
- None
 - Interstitial Electronic Monitoring
 - Interstitial Manual Monitoring
 - Vapor Well
 - Groundwater Well
 - Pressurized Piping Leak Detector
 - Tank Top Sump (Piping)
 - Exempl. Suction Piping
 - Other-please list: *
- Piping Leak Detection (20)**
- None
 - Aboveground
 - Underground/On-ground Combination
 - Aboveground/Underground Combination
 - None
 - Interstitial Electronic Monitoring
 - Interstitial Manual Monitoring
 - Vapor Well
 - Groundwater Well
 - Pressurized Piping Leak Detector
 - Tank Top Sump (Piping)
 - Exempl. Suction Piping
 - Other-please list: *
- Last Test Date/ Testing Due Date (Underground Tanks)**
- None
 - Next Test Date
 - Other-please list: *

* If other, please list on a separate sheet including Tank Number



Photo 1: View of UST No. 6 after removal.



Photo 2: Cutting open UST to clean and inert.



Photo 3: Another shot of UST being cut open.

Brookside Environmental, Inc.

December 6, 2005

FDNY, Bureau of Fire Prevention
Bulk Fuel Safety Unit, Room 3E-102
9 Metro-Tech Center
Brooklyn, New York 11201-3857


Re: Silverstein Properties Inc.
River Place II
600 W. 42nd Street
New York, New York 10018

AFFIDAVIT

Brian Gaudreault being duly sworn says that on December 2nd, 2005, Brookside Environmental, Inc., removed one (1) 550 gallon underground storage tank at the above referenced property in accordance with the provision of 3 RCNY @ 21-02 Section (d) of such rule.

- Properly purged each tank.
- Cut and cleaned the tank.
- Removed all associated piping.
- Removed tank.

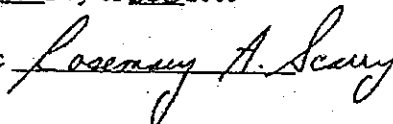
This affidavit is issued to attest the proper removal procedure by a Certified New York City Fire Department tank install in accordance with Title 3 R.C.N.Y. Section 21-02



Brian Gaudreault
License # 81350266

State of New York
County of
Sworn before this 6 Day of DEC 2005

Seal Notary Public



ROSEMARY A. SCARRY
Notary Public, State of New York
Qualified in Nassau County
No. 01SC6118480
Term Expires 11/08/2008



A & A IRON and METAL CO.

Iron: (201) 865-5155
Metal: (201) 865-1370

2006 - 40TH STREET
NORTH BERGEN, N.J. 07047

Hours: Mon.-Fri. 7:00 a.m. - 4:00 p.m.
Sat. 7:00 a.m. - 12:30 p.m.

Rob Sinyey - SIC

1-20-06

	CAST	STEEL	LIGHT IRON		
GROSS.				6700	
TARE				6400	
NET				300	
PRICE				3F	
				9	TOTAL 3F

**New York State Department of Environmental Conservation
Division of Environmental Remediation**

Remedial Bureau C, 11th Floor

625 Broadway, Albany, New York 12233-7014

Phone: (518) 402-9662 • FAX: (518) 402-9679

Website: www.dec.state.ny.us



Denise M. Sheehan
Commissioner

February 6, 2006

Eddy Louie, P.E.
Consolidated Edison Company
31-01 20th Avenue, Bldg. 136
Long Island City, NY 11105-2048

William Dacunto
Silverstein Properties
530 Fifth Avenue
18th Floor
New York, NY 10036

Re: Spill No. 0510066
Spill Site: 600 WEST 42ND ST

Dear Responsible Party:

In a letter dated January 24, 2006, you requested the NYS Department of Environmental Conservation (the Department) to make a determination that you have completed all required remedial activities with regard to the referenced petroleum spill site.

The Department has reviewed the records and data submitted by you regarding cleanup actions at the above referenced petroleum spill site. Based on such review, the Department has determined that you have completed the necessary cleanup and removal actions, and no further remedial activities are necessary.

Nothing contained herein shall be construed as barring, diminishing, or in any way limiting the Department's authority under the Navigation Law or the Environmental Conservation Law, including the authority to require additional remedial work, if necessary.

Should you have any questions concerning this matter, you may call me at the number listed above.

Sincerely,

Joseph Moloughney

Joseph Moloughney, P.E.
Environmental Engineer 2
Remedial Bureau C
Division of Environmental Remediation

ec: A. Quartararo, NYSDEC
D. Walsh, NYSDEC
R. Austin, NYSDEC
D. Hettrick, NYSDOH
R. Rienzo, Con Edison

bec: G. Cross, NYSDEC
G. Laccetti, NYSDOH
J. Moloughney

bcc: R. Schick