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## MEMORANDUM

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<b>To:</b>	Ronnie Lee New York State Department of Environmental Conservation
<b>From:</b>	Integral Engineering, P.C.
<b>Date:</b>	July 26, 2016 (Updated: September 29, 2016)
<b>Subject:</b>	The Greater Waterside Site Periodic Review Report Brownfield Cleanup Program Site Number C231013
<b>Project No.:</b>	E030-0401-C

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Integral Engineering, P.C. (Integral Engineering), on behalf of 700 First Realty Company, LLC and 708 First Realty Company, LLC, is hereby submitting this Periodic Review Report (PRR) for the properties located at 700-708 First Avenue, New York, NY, Brownfield Cleanup Program Site Number C23103 (the Site). This PRR was prepared for the June 19, 2015 to June 19, 2016 reporting period. Enclosed with this PRR is the completed *Institutional and Engineering Controls Certification Form*.

### I. INTRODUCTION

The subject properties, 700-708 First Avenue (Block 970, Lots 1 & 2), are the site of a former manufactured gas plant (MGP), a steam/electricity generating station, and an office building for a predecessor company of Consolidated Edison Company of New York, Inc. (Con Edison). The previously existing Site structures have been removed. Currently, the Site is a fenced vacant lot, a portion of which is used for parking.

Remedial Work Plans (RWPs) were developed for the Site. The objective of the RWP activities was to ready the Site for unrestricted development for the Contemplated Use (*i.e.*, residential and commercial uses) to a depth defined as "the Development Depth", without deed restrictions, institutional or engineering controls or further consents, approvals or authorizations.

Development Depth is defined as the higher of: (1) sixteen feet below grade; (2) Top of Bedrock; and (3) depth to the Mean High Groundwater Table. The Top of Bedrock is defined as the upper surface of “intermediate rock” as defined in § 27-675(a)(3) of the New York City Administrative Code, and indicated as a 3-65 class of material in Table 11-2 of §27-678 of the New York City Administrative Code.

It was the further objective that, following completion of the proposed remediation under the RWPs, and subject to any groundwater monitoring that may be required, the Site would be in a condition to be improved to the Development Depth, including installation of pilings to the top of bedrock or caissons and dewatering, as necessary, without the need for special (i.e., over and above those which would be required for a site having no pollution conditions) worker health and safety protection.

The Site is divided into two properties: 700 First Avenue (Lot 1) and 708 First Avenue (Lot 2), both of which were entered into the Voluntary Cleanup Program (VCP) in 2001, and later transitioned into the Brownfield Cleanup Program (BCP). At both properties, remedial activities were required to address environmental conditions including the presence of volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), and lead in soil; residual VOCs in groundwater; and open New York State Department of Environmental Conservation (NYSDEC) spill numbers. The remediation involved the excavation and off-Site disposal of material, including all soils and weathered bedrock down to competent bedrock or the groundwater table, and for 708 First Avenue, only, the remediation also involved the application of a chemical oxidation compound to groundwater.

In letters dated November 13, 2007 and May 27, 2008, NYSDEC stated that “all remedial activities at the site have been completed and the SMP activities approved in the... SMP[s] should be implemented. The site is now ready for unrestricted and unencumbered use down to the [D]evelopment [D]epth”.

The Final Engineering Report (FER) for the Site was issued in September 2011 and certified that the remediation was complete. Submitted with the FER was the Site Management Plan (SMP), which established the procedures for the management of soil and groundwater generated below Development Depth, if disturbed at any point. Environmental Easements for the Site were recorded on September 16, 2011 and Certificates of Completion (COCs) for the Site were issued, dated December 19, 2011.

A portion of the Site is currently being used for staging, concrete washout, and parking. However, these uses and the remedy are compliant with the easements for the Site.

## **II. SITE OVERVIEW**

The Site is the location of a former MGP, a steam/electricity generating station, and an office building for a predecessor company of Con Edison. The previously existing Site structures have been removed. Currently, the Site is a fenced vacant lot. The area around the Site contains a mixture of commercial and residential establishments.

The site overview for each portion of the Site is presented below.

### **A. 700 1<sup>st</sup> Ave**

The 700 First Avenue portion of the Site (block 970, lot 1) is bordered to the north by a vacant lot which was the site of Con Edison's former 708 First Avenue Office Building and associated Switch House, Frequency House, and Club House buildings; the Franklin D. Roosevelt Drive (FDR) and Marginal Street to the east; East 38<sup>th</sup> Street to the south; and First Avenue to the west.

The following reports present a chronological summary of the significant investigations and remediation work performed at this portion of the Site:

- In 2000, Foster Wheeler Environmental Corporation (Foster Wheeler) conducted a Phase I Environmental Site Assessment (Phase I ESA) on behalf of Con Edison. The Phase I ESA identified former MGP usage of the Site, PCB-containing sludge that had been removed from floor drains, petroleum oil at certain building locations, and PCB-impacted water as environmental concerns.
- From November 1999 to February 2000, Foster Wheeler conducted a limited Phase II Environmental Site Assessment (Phase II ESA) to evaluate the findings of the Phase I ESA on behalf of Con Edison. The Phase II ESA generally found no significant impacts to soil and groundwater, though only limited locations were investigated. PCBs were identified in floor slabs.
- In March 2001, TRC Companies (TRC) initiated investigative work under its NYSDEC-approved Supplemental Soil Investigation Work Plan dated February 2001 and under its March 29, 2002 Supplemental Soil Investigation Work Plan Addendum.
- As described in its September 2003 Supplemental Soil Investigation Final Report and Remedial Work Plan, TRC concluded that soils were primarily impacted by VOCs and lead. Detected concentrations of semi-volatile organic compounds (SVOCs) and metals identified in soil were generally attributed to the presence of historic fill. Contaminants identified in groundwater were also generally attributed to background conditions.

- Remediation was completed at the property by TRC by January 2008, as documented in the Final Report for Waterside Generating Station Remediation Work Plan (700 Final Report). The work conducted included:
  - Asbestos abatement, decommissioning and demolition of all buildings and subsurface structures to Development Depth;
  - Excavation and disposal of all soil above Development Depth;
  - Closure of intake and discharge tunnels in accordance with NYSDEC requirements;
  - Evaluation of groundwater conditions within the bedrock and shallow aquifer by installation and sampling of four bedrock monitoring wells and ten shallow aquifer monitoring wells;
  - Close-out of all open NYSDEC spill numbers for previously-reported onsite impacts; and,
  - Placement of two feet of compacted clean soil meeting TAGM 4046.
- The Site Management Plan for Former Waterside Generating Station, dated April 2008 by TRC (700 SMP) was developed to set guidelines for management of soil and groundwater generated from below Development Depth during any future redevelopment activities, and to identify periodic reporting requirements.
- On June 16, 2010, a Brownfield Cleanup Agreement (BCA) was executed for the Site. By court order, the BCA is deemed effective, and the Site admitted into the BCP no later than April 23, 2007.
- In September 2011, the FER was issued for the Site. The FER certified that the remediation described in the 700 Final Report was complete.
- Also in September 2011, the SMP was issued for the Site. The SMP established procedures for the management of soil and groundwater generated from below Development Depth, if any, during future construction activities associated with Site redevelopment.
- On September 16, 2011, an Environmental Easement (City Register File No. 2011000329546) was recorded pursuant to Article 71, Title 36 of the New York State Environmental Conservation Law (NYS ECL).
- On January 30, 2012, a BCP Certificate of Completion (700 Certificate), dated January 20, 2013 was recorded (City Register File No. 2012000041444) pursuant to Article 27, Title 14 of the NYS ECL.

## **B. 708 1<sup>st</sup> Ave**

The 708 First Avenue portion of the Site (block 970, lot 2) is bordered by East 41<sup>st</sup> Street to the north, the FDR and Marginal Street to the east, 700 First Avenue

property to the south, and First Avenue to the west. A portion of the Queens Midtown Tunnel passes beneath the western portion of the property.

The following reports present a chronological summary of the significant investigations and remediation work performed at this portion of the Site:

- In December 1998, Foster Wheeler conducted a Phase I ESA on behalf of Con Edison. The Phase I ESA identified the former MGP usage of the Site as an environmental concern.
- In March 2000, Foster Wheeler conducted a Phase II ESA to evaluate the findings of the Phase I ESA. The Phase II ESA identified VOCs and other petroleum-related impacts to groundwater and soil.
- As described in the Supplemental Soil Investigation Final Report and Remedial Work Plan, dated June 2002 by TRC (708 RWP), TRC concluded that potential MGP-related impacts were affecting the soil and groundwater conditions at 708 First Avenue. TRC also identified VOCs and lead impacting soils. Due to access constraints posed by the property buildings, TRC's Supplemental Investigation was unable to fully characterize subsurface conditions. For this reason, additional sampling was proposed in the RWP to be completed after demolition of the Site buildings.
- Remediation was completed at the property by TRC by March 2004, as documented in the Final Report for 708 Office Building Remediation Work Plan, dated April 2006 by TRC (708 Final Report). The work included:
  - Asbestos abatement, decommissioning, and demolition of all buildings and structures;
  - Excavation and disposal of petroleum-impacted soil;
  - Excavation and disposal of soils above Development Depth, as required by NYSDEC;
  - Sampling of additional soil borings under multiple Site buildings;
  - Removal of nine petroleum Underground Storage Tanks (USTs);
  - Excavation of VOC-contaminated soil at a depth of 25-39 feet below grade surface at the UST area, and backfilling the excavation with suitable onsite soils and imported clean backfill;
  - Application of Oxygen Release Compound within the deep UST excavation area to treat residual VOC contamination in groundwater;
  - Evaluation of groundwater conditions within the bedrock and shallow aquifer by installation and sampling of two bedrock monitoring wells and three shallow monitoring wells for VOCs and naphthalene;
  - Performance a post-remediation soil-gas survey;

- Close-out of all open NYSDEC spill numbers; and,
  - Placement of two feet of compacted clean soil meeting TAGM 4046.
- The Operations, Maintenance & Monitoring Work Plan (708 OM&M), dated January 2006 by TRC, outlined the following OM&M activities to be implemented at 708 First Avenue:
  - The installation of three new overburden monitoring wells;
  - The quarterly monitoring of groundwater quality at these three new monitoring wells and the two existing bedrock monitoring wells. The groundwater monitoring activities had commenced in July 2005.
- The Site Management Plan for Former Office Building, dated November 13, 2007 by TRC (708 SMP) was developed to set guidelines for management of soil and groundwater generated from below Development Depth during any future redevelopment activities, and to identify periodic reporting requirements.
- In the 708 Final Report approval letter from the NYSDEC, dated February 2007, the NYSDEC stated that the 708 SMP superseded the 708 OM&M Work Plan, and approved cessation of the quarterly groundwater monitoring requirements set forth by the 708 OM&M Work Plan.
- On June 16, 2010, a Brownfield Cleanup Agreement was executed for the Site. By court order, the BCA is deemed effective, and the Site admitted into the BCP no later than April 23, 2007.
- In September 2011, the FER was issued for the Site. The FER certified that the remediation described in the 708 Final Report was complete.
- Also in September 2011, the SMP was issued for the Site. The SMP established procedures for the management of soil and groundwater generated from below Development Depth, if any, during future construction activities associated with Site redevelopment.
- On September 16, 2011, an Environmental Easement (City Register File No. 2011000329547) was recorded pursuant to Article 71, Title 36 of the NYS ECL.
- On January 30, 2012, a BCP Certificate of Completion (708 Certificate) dated January 20, 2013 was recorded (City Register File No. 2012000041445) pursuant to Article 27, Title 14 of the NYS ECL.

### **III. EVALUATION OF REMEDY**

The objective of the RWP activities was to ready the Site for unrestricted development for the Contemplated Use (*i.e.*, residential and commercial uses) to the Development Depth without deed restrictions, institutional or engineering controls or further consents, approvals or authorizations. It was the further objective that following completion of the

proposed remediation under the RWPs, the Site would be in a condition to be improved to the Development Depth, including installation of pilings to the top of bedrock or caissons and dewatering as necessary, without the need for special (*i.e.*, over and above those which would be required for a site having no Pollution Conditions) worker health and safety protection.

In accordance with the NYSDEC letters dated May 27, 2008 for 700 First Avenue and November 13, 2007 for 708 First Avenue approving the Site remediation and the Final Reports, NYSDEC determined that the Site meets NYSDEC requirements for unrestricted development to the Development Depth and the remedial objectives for the Site. This was further confirmed by NYSDEC via the issuance of the Certificates of Completion.

The institutional controls (IC) for the Site generally consist of the following items contained in the Environmental Easements:

- The Property may only be used for restricted residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in the SMP are employed. No environmental easements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.
- A higher level of use, such as residential use, will not be allowed for activities below the Development Depth without additional remediation and amendment of the Environmental Easement, as approved by NYSDEC.
- All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP.
- The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.

The engineering control (EC) for the Site presently consists of two feet of cover over the entire Site, excluding over exposed bedrock.

Based on our review of current conditions, the remedy remains effective.

Since the date of the Certificates of Completion, no intrusive work related to the disturbance of soil and/or groundwater has occurred at the Site, and maintenance activities for the Site have not resulted in the disturbance of soil or groundwater below Development Depth.

## **IV. IC/EC PLAN COMPLIANCE REPORT**

### **A. Institutional Control**

The IC for the Site consists of two Environmental Easements (City Register File Nos. 2011000329546 and 2011000329547) described above. One objective of the IC is to eliminate the exposure pathway for groundwater.

On July 14<sup>th</sup>, 2016, Integral Engineering submitted a Freedom of Information Law (FOIL) request to the New York State Department of Health (NYSDOH) to verify that no well permits have been issued for this property during the reporting period. NYSDOH has acknowledged their receipt of the request on June 15<sup>th</sup>, 2016. If the NYSDOH does locate any well permits for the property, an addendum to this PRR will be issued.

Using the New York City Department of Finance online Automated City Register Information System (ACRIS), Integral Engineering determined there have been no real and/or personal property transfers or modifications to the deed during the reporting period. Further, as discussed above, there has been no disturbance of soil or groundwater below Development Depth.

The IC remains in place and is effective and no changes are recommended at this time.

### **B. Engineering Controls**

As discussed above, the EC for the Site presently consists of two feet of cover over the entire Site, excluding over exposed bedrock. According to the Site owner, since the date of the Certificates of Completion, development-related activities and/or intrusive work related to the disturbance of soil have not occurred at the Site, and maintenance activities for the Site have not resulted in the disturbance of soil below Development Depth.

No disturbances of the EC were observed during the June 9<sup>th</sup>, 2016 site visit. A portion of the Site was being used for vehicle parking, which did not alter or impact the EC.

When redevelopment occurs at the Site, a new building foundation, surrounding paved areas, and imported clean fill will be installed, all of which will comprise a composite cover system.

The EC remains in place and is effective and no changes are recommended at this time.

## **V. MONITORING PLAN COMPLIANCE REPORT**

This section is not applicable as the SMP does not include ongoing monitoring (outside of periodic inspections described in this PRR to assess the performance and effectiveness of the remedy).

## **VI. O&M PLAN COMPLIANCE REPORT**

This section is not applicable based on the requirements of the remedial program and the current Site status.

## **VII. OVERALL PRR CONCLUSIONS AND RECOMMENDATIONS**

The IC and EC remain in place and are effective. In accordance with the NYSDEC issuance of the Certificates of Completion, NYSDEC has determined that the Site meets NYSDEC requirements for unrestricted development to the Development Depth and the remedial objectives for the Site.

Integral Engineering recommends continued compliance with the SMP, Environmental Easements, and the NYSDEC requirements for Periodic Review Reporting (6 NYCRR 375-1.2[at]). Please feel free to contact Integral Engineering at (212) 440-6708 with any questions regarding this memorandum.

c: A. Calicchio – Solow Realty and Development, LLC  
C. Leas, Esq. – Sive, Paget & Riesel  
J. L'Esperance – Integral Engineering

Enclosure

- Institutional and Engineering Controls Certification Form



Enclosure 2  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Periodic Review Report Notice**  
**Institutional and Engineering Controls Certification Form**



<b>Site No.</b>	<b>C231013</b>	<b>Site Details</b>	<b>Box 1</b>
<b>Site Name The Greater Waterside Site</b>			
Site Address: 700-708 First Avenue      Zip Code: 10016			
City/Town: New York			
County: New York			
Site Acreage: 6.3			
Reporting Period: June 19, 2015 to June 19, 2016			
			YES      NO
1. Is the information above correct?			<input type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?			<input type="checkbox"/> <input type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?			<input type="checkbox"/> <input type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?			<input type="checkbox"/> <input type="checkbox"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>			
5. Is the site currently undergoing development?			<input type="checkbox"/> <input type="checkbox"/>

			<b>Box 2</b>
			YES      NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial			<input type="checkbox"/> <input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?			<input type="checkbox"/> <input type="checkbox"/>

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

**Box 2A**

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☒

**If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.**

9. Are the assumptions in the Qualitative Exposure Assessment still valid?  
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

**If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.**

**SITE NO. C231013****Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**970-1**

700 First Realty Company, LLC

Ground Water Use Restriction  
Site Management Plan  
IC/EC Plan

Landuse Restriction

1. The Property may only be used for restricted residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in the Site Management Plan (SMP) are employed. No environmental eaements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.

2. A higher level of use, such as residential use, will not be allowed for activities below the Development Depth without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC.

3. All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP; and,

4. The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.

**970-2**

708 First Realty Company, LLC

IC/EC Plan  
Ground Water Use Restriction

Landuse Restriction  
Site Management Plan

1. The Property may only be used for restricted residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in the Site Management Plan (SMP) are employed. No environmental eaements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.

2. A higher level of use, such as residential use, will not be allowed for activities below the Development Depth without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC.

3. All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP; and,

4. The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.

**Description of Engineering Controls**

Parcel

Engineering Control**970-1**

Cover System

There is greater than two feet of cover over the entire site. The cover system after site redevelopment will consist of the building structures, clean fill soil, landscaping and concrete and asphalt paving.

**970-2**

Cover System

There is greater than two feet of cover over the entire site. The cover system after site redevelopment will consist of the building structures, clean fill soil, landscaping and concrete and asphalt paving.

**Periodic Review Report (PRR) Certification Statements**

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO



2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO



**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. C231013

Box 6

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I, Anthony Calicchio at 9 W 57th St FL 45, New York, NY 10019,  
print name print business address

am certifying as Designated Representative of Owners (Owner or Remedial Party)  
700 First Realty Company, LLC and 708 First Realty Company, LLC

for the Site named in the Site Details Section of this form.

  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

7/26/16  
Date

IC/EC CERTIFICATIONS

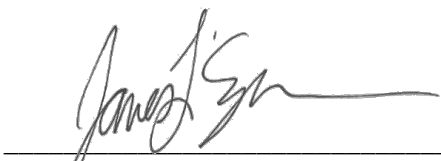
Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I James L'Esperance, P.E. at 61 Broadway STE 1601, New York, NY 10006,  
print name print business address

am certifying as a Qualified Environmental Professional for the Owners  
(Owner or Remedial Party)



Signature of Qualified Environmental Professional, for  
the Owner or Remedial Party, Rendering Certification



7/26/2016

Date