
PERIODIC REVIEW REPORT

(Reporting Period 6/19/2016 to 9/7/2017)

for

GREATER WATERSIDE SITE

700-708 FIRST AVENUE

Manhattan, New York

Block 970, Lots 1 and 2

NYSDEC BCP No. C231013

Prepared For:

700 First Realty Company LLC and 708 First Realty Company LLC

9 West 57th Street, 45th Floor

New York, New York 10019

Prepared By:

**Langan Engineering, Environmental, Surveying
and Landscape Architecture, D.P.C.**

21 Penn Plaza

360 West 31st Street, 8th Floor

New York, New York 10001

September 27, 2017

Langan Project No. 170446801

LANGAN

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1.0 INTRODUCTION

This Periodic Review Report (PRR) documents compliance with the August 17, 2011 Environmental Easements and September 27, 2011 Site Management Plan (SMP) for 700 First Avenue and 708 First Avenue, New York, NY (collectively referred to as the site). A periodic review of the institutional and engineering controls (IC/EC) is a requirement of the environmental easements and SMP, and the New York State Brownfield Cleanup Program (BCP) administered by the New York State Department of Environmental Conservation (NYSDEC).

Remediation for unrestricted use to the Development Depth¹ was completed in March 2004 and January 2008 for 700 First Avenue and 708 First Avenue, respectively. The September 2011 Final Engineering Report (FER) documents remediation measures and was approved by the NYSDEC in November 2011. Although the site was approved for unrestricted use to the Development Depth, residual contamination below Development Depth requires implementing and periodic monitoring of IC/ECs.

Langan completed an annual site review and inspection for the reporting period June 19, 2016 to September 7, 2017. The annual site inspection was completed on September 7, 2017. The reporting period end date was modified per NYSDEC approval on August 30, 2017. Photographs from the annual site inspection are presented in Appendix A.

1.1 Site Description

The site consists of two contiguous properties, 700 First Avenue and 708 First Avenue, and is located in the Murray Hill neighborhood of Manhattan. The approximately 6.3-acre site is identified as Block 970, Lot 1 (700 First Avenue) and Lot 2 (708 First Avenue) on the Manhattan Borough Tax Map. The site is bound by East 41st Street to the north, the Franklin D. Roosevelt Drive (FDR) and Marginal Street to the east, East 38th Street to the south, and First Avenue to the west. High-rise, mixed-use residential and commercial buildings are located to the north, west, and south of the site. This site is a fenced vacant lot that is intermittently used for parking and staging construction trailers and heavy equipment for the redevelopment of an adjoining property, 685 First Avenue. Three 55-gallon drums of diesel fuel stored on a wooden pallet were observed at the site during the site inspection; no evidence of a spill or staining was observed. The diesel fuel is used to power the generators servicing the construction trailers. This use is compliant with the environmental easements in effect for the site. A site location map is included as Figure 1 and a site plan is included as Figure 2.

¹ The Development Depth is defined as the depth to the top of competent bedrock or the mean high groundwater table (elevation - 0.4 feet Manhattan Highway Datum), whichever is higher.

1.2 Site History and Remediation Summary

The site was formerly occupied by a manufactured gas plant (MGP), a steam/electricity generating station, and an office building used by a Con Edison predecessor company. MGP facility structures, including aboveground gas holders, underground naphtha tanks, and other related structures were demolished between 1910 and the early 1920s. The steam/electricity generating station and office building were constructed following demolition of the MCP facility structures.

The site was remediated in accordance with a June 27, 2001 Voluntary Cleanup Order (VCO) Index #D2-0001-01-03, Site Nos. V00432-2 (Lot 1) and V00431-2 (Lot 2). Remediation was required to address environmental conditions, including the presence of volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs) and lead in soil, and VOCs in groundwater. Remediation was completed between 2002 and 2008 and included excavation and source removal of impacted soil and weathered bedrock down to Development Depth. Remediation also included the following components:

1. Asbestos abatement, decommissioning, and demolition of all buildings and subsurface structures (Lots 1 and 2)
2. Closure of NYSDEC spills (Lots 1 and 2)
3. Placement of 2 feet of clean soil meeting Technical and Administrative Guidance Memorandum (TAGM) 4046 soil cleanup objectives (SCOs), excluding areas of exposed bedrock (Lots 1 and 2)
4. Closure of intake and discharge tunnels (Lot 1 only)
5. Removal of nine underground storage tanks (USTs) and excavation of VOC-contaminated soil to depths of 25 to 39 feet below grade surface in the UST area (Lot 2 only)
6. Application of an oxygen release compound to treat residual VOCs in groundwater and groundwater monitoring and evaluations (Lot 2 only)
7. Completion of a post-remediation soil-gas survey (Lots 1 and 2)

Remediation of Lot 2 was completed in 2004 and documented in the April 2006 *Final Report for 708 Office Building Remediation Work Plan* prepared by TRC (TRC). Remediation of Lot 1 was completed in 2008 and documented in the February 2008 *Final Report for Waterside Generating Station Remediation Work Plan* prepared by TRC. The 2001 VCO was superseded by Brownfield Cleanup Agreement (BCA) Index # A2-0515-0405, Site No. C231013, which was executed by the NYSDEC on June 16, 2010. The BCP FER and Site Management Plan (SMP) were issued in September 2011 certifying remediation was complete and establishing protocol for the management of soil and groundwater below Development Depth. Environmental easements were drafted in August 2011 (later recorded in September 2011) and Certificates of Completion (COCs) were issued by the NYSDEC and recorded in January 2012.

2.0 EVALUATION OF THE REMEDY

The remedy prepared the site for unrestricted use to the Development Depth and restricted-residential and commercial uses below Development Depth provided ECs and ICs are employed and maintained. The current ICs include property use restrictions, prohibition of groundwater use, and an SMP requiring management of activities disturbing residual contamination below Development Depth and annual inspection and certification of ICs/ECs. The current EC for the site consists of at least 2 feet of clean soil cover across the site, excluding areas of exposed bedrock. Previous PRRs document that no intrusive work disturbing soil and/or groundwater above or below Development Depth has occurred at the site since the COCs were issued. Based on our review of current conditions, property research, and the annual site inspection, the remedy remains effective.

3.0 IC/EC COMPLIANCE REPORT

3.1 Institutional Controls

The ICs for the site are documented in two Environmental Easements (City Register File Nos. 2011000329546 and 2011000329547) that contain restrictions and/or prohibitions with respect to disturbances of soil below the Development Depth and use of groundwater. The objective of the easements is to ensure the ICs prescribed in the SMP are maintained.

On August 31, 2017, Langan submitted a Freedom of Information Law (FOIL) request to the New York State Department of Health (NYSDOH) to verify that no well or water withdrawal permits were issued for the site during the reporting period. The NYSDOH issued their final response on September 25, 2017 and indicated no records related to the request were found. Copies of the FOIL request and NYSDOH response letter are included in Appendix B..

Using the New York City Department of Finance (DOF) online Automated City Register Information System (ACRIS), Langan determined no real and/or personal property transfers or modifications to the deeds were made during the reporting period.

Using the New York City Department of Buildings (DOB) online Building Information System (BIS), Langan determined no work permits were filed for the site during the reporting period.

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

3.2 Engineering Controls

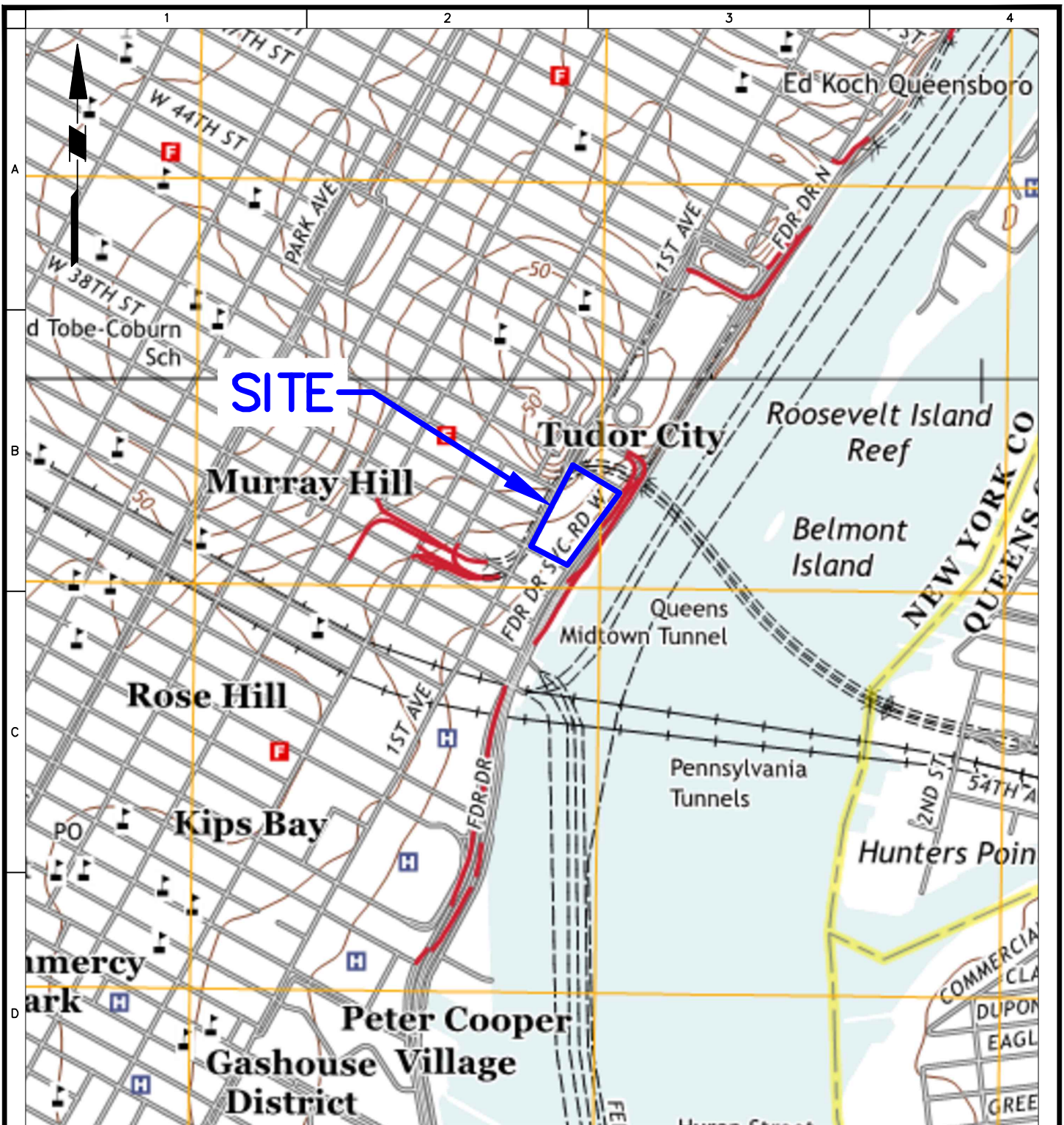
The EC for the site consists of at least 2 feet of clean cover soil across the site, excluding areas of exposed bedrock. The site is intermittently used for parking and staging construction trailers and heavy equipment. Three 55-gallon drums of diesel fuel stored on a wooden pallet were observed at the site during the site inspection; no evidence of a spill or staining was observed, but two of the three drums exhibited rust, evidence of weathering and corrosion. No disturbances of the cover soil layer were observed during the site inspection on September 7, 2017.

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

4.0 CONCLUSIONS AND RECOMMENDATIONS

The IC/ECs remain in place and are effective. The drums with rust should be replaced and drums storing diesel fuel should be placed within secondary containment for spill prevention as a best management practice. The completed IC/EC certification form is included as Appendix C.

FIGURES



GENERAL NOTES:

1. BASE MAPS TAKEN FROM UNITED STATES GEOLOGICAL SURVEY (USGS) BROOKLYN AND CENTRAL PARK QUADRANGLE MAPS (2013).

LEGEND:

APPROXIMATE SITE BOUNDARY

LANGAN

21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com
Langan Engineering, Environmental, Surveying and
Landscape Architecture, D.P.C. S.A.
Langan Engineering, Environmental, Surveying and
Landscape Architecture, D.P.C.
Langan Engineering and Environmental Services, Inc.
Langan CT, Inc.
Langan International LLC
Collectively known as Langan

Project

THE GREATER WATERSIDE SITE

BLOCK No. 970, LOT Nos. 1 and 2

NEW YORK

NEW YORK

Figure Title

SITE LOCATION MAP

Project No.
170446801

Date
9/7/2017

Scale
NTS

Drawn By
JFY

Checked By
GCW

Submission Date

Figure No.

1

Sheet 1 of 2



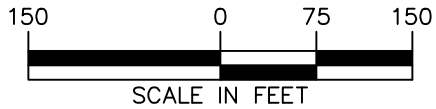
LEGEND:



APPROXIMATE SITE BOUNDARY

GENERAL NOTES

1. BASE MAP SOURCE: NEARMAP.COM AERIAL PHOTO DATED APRIL 9, 2017



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Project

**THE GREATER
WATERSIDE SITE**

BLOCK No. 970, LOT Nos. 1 and 2

NEW YORK

NEW YORK

Figure Title

SITE PLAN

Project No.
170446801

Date
9/7/2017

Scale
1" = 150'

Drawn By
JFY

Checked By
GCW

Submission Date

Figure No.

2

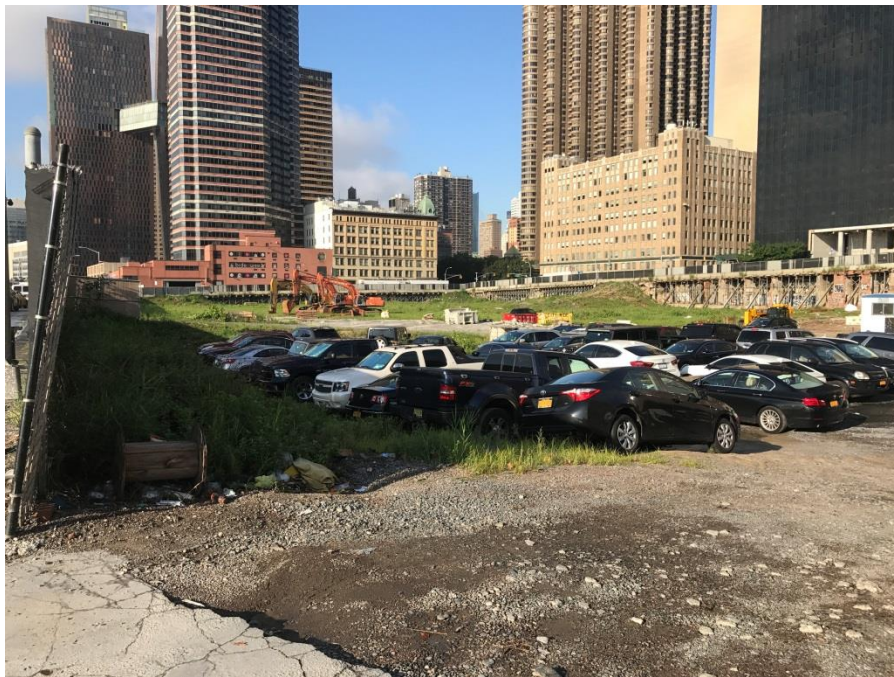
Sheet 2 of 2

APPENDIX A

PHOTOGRAPH LOG

ANNUAL SITE INSPECTION (SEPTEMBER 7, 2017)

Appendix C – Field Photograph Log
Periodic Review Report
The Greater Waterside Site
700-708 First Avenue
Manhattan, New York
Block 970, Lots 1 and 2
Langan Project No. 170446801



Photograph 1 – View of site from entrance along the FDR Drive; facing north.



Photograph 2 – View of parking lot and temporary construction trailers for the 685 First Avenue development; facing east.



Photograph 3 – View of three 55-gallon drums on a wooden pallet containing diesel fuel for construction trailer generators in the southeast part of the site; no evidence of a spill or staining was observed; facing northeast.



Photograph 4 – View of bedrock outcrops on the eastern part of the site; facing north.

Appendix C – Field Photograph Log
Periodic Review Report
The Greater Waterside Site
700-708 First Avenue
Manhattan, New York
Block 970, Lots 1 and 2
Langan Project No. 170446801



Photograph 5 – View of site of the central part of the site; facing west.



Photograph 6 – View of the northeastern part of site; facing northeast.



Photograph 7 – View of the northwestern part of site; facing northwest.



Photograph 8 – View of three excavators parked on the west central part of the site; facing southeast.



Photograph 9 – View of the south western portion of site; facing south.



Photograph 10 – View of super-sack containing calcium chloride snow and ice melting pellets in the west central part of the site; facing north.



Photograph 11 – View of two roll-offs containers with miscellaneous C&D debris (e.g., rebar); facing southeast.

APPENDIX B

NYSOH FOIL REQUEST AND RESPONSE

August 31, 2017

New York State Department of Health
Attn: Record Access Officer
Corning Tower, Room 2348
Albany, NY 12237

**Re: Freedom of Information Request
700-708 First Avenue
Block 970, Lots 1 and 2
New York, NY
Langan Project No. 170446801**

Dear Sir or Madam:

Pursuant to the Federal Freedom of Information Act (5 U.S.C 552 et seq.) dealing with the examination and duplication of documents maintained by public agencies, Langan is requesting any information or copies of files regarding well permits or water withdrawal permits for the above properties that your department may have.

The Subject Property is located at **700-708 First Avenue, New York, NY (Block 970, Lots 1 and 2)**. The Subject Property is bound by East 41st Street to the north, the Franklin D. Roosevelt Drive (FDR) and Marginal Street to the east, East 38th Street to the south, and First Avenue to the west.

Please contact me at 212-479-5476 with any questions or send your response to my attention at gwyka@langan.com or at the below address:

Langan Engineering, Environmental, Surveying and Landscape Architecture, DPC
21 Penn Plaza
360 West 31st Street, 8th floor
New York, New York 10001-2727

Thank you in advance for your cooperation.

Sincerely,

**Langan Engineering, Environmental, Surveying
and Landscape Architecture, D.P.C.**



Gregory C. Wyka, P.G., LEED AP ND
Project Geologist



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

September 7, 2017

Gregory C. Wyka
Langan Engineering & Environmental Services
21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001

FOIL # 17-09-039
Project #: 170446801

Dear Mr. Wyka:

This will acknowledge receipt of your request for records under the Freedom of Information Law, received by this office on September 5, 2017.

Your request has been forwarded to the appropriate Department program area(s) to identify documents that are responsive to your request and which may be made available pursuant to all applicable provisions of the Freedom of Information Law.

A determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble, and review documents that may be responsive to your request.

Please note that, pursuant to Article 6 of the Public Officers Law, a charge may be applied to your request, including the actual cost of the medium used to respond to your Freedom of Information Law request and/or other related costs. When responsive records have been identified, you will be informed of any cost and how payment should be made.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rosemarie Hewig".

Rosemarie Hewig, Esq.
Records Access Officer

RH/dxd



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

September 25, 2017

Gregory C. Wyka
Langan Engineering & Environmental Services
21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001

FOIL #: 17-09-039
Project #: 170446801

Dear Mr. Wyka:

This letter responds to your Freedom of Information Law request of September 5, 2017, in which you requested environmental records for "700-708 First Avenue Block 970, Lots 1 and 2 New York, NY."

Please be advised that after conducting a diligent search, no records responsive to your request have been located.

The address is served by the New York City public water system, ID# NY7003493. Any violation reports for the public water system can be found at the following website:

http://www.health.ny.gov/environmental/water/drinking/violations/previous_compliance_reports.htm

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York, 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,


Rosemarie Hewig, Esq.
Records Access Officer

RH/dt

APPENDIX C



IC/EC CERTIFICATION FORM



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



Site Details		Box 1	
Site No.	C231013		
Site Name The Greater Waterside Site			
Site Address: 700-708 First Avenue Zip Code: 10016			
City/Town: New York			
County: New York			
Site Acreage: 6.3			
Reporting Period: June 19, 2016 to June 19, 2017			
		YES	NO
1.	Is the information above correct?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Box 2	
	YES NO
6.	Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial
	<input checked="" type="checkbox"/> <input type="checkbox"/>
7.	Are all ICs/ECs in place and functioning as designed?
	<input checked="" 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.</p>			
9.	Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.</p>			

SITE NO. C231013		Box 3
Description of Institutional Controls		
<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
970-1	700 First Realty Company, LLC	Ground Water Use Restriction Site Management Plan IC/EC Plan Landuse Restriction
<p>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.</p> <p>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.</p> <p>3. All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP; and,</p> <p>4. The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.</p>		
970-2	708 First Realty Company, LLC	IC/EC Plan Ground Water Use Restriction Landuse Restriction Site Management Plan
<p>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.</p> <p>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.</p> <p>3. All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP; and,</p> <p>4. The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.</p>		

Description of Engineering ControlsParcelEngineering Control**970-1****Cover System**

There is greater than two feet of cover over the entire site. After site redevelopment the cover system 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. After redevelopment the cover system 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 West 57th Street 45th Floor New York NY 10019
print name print business address

am certifying as _____ Owner _____ (Owner or Remedial Party)

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


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

9.22.2017
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 Jason J. Hayes, P.E. at 360 West 31st Street, 8th Floor, New York, NY 10001,
print name print business address

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



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



Stamp
(Required for PE)

9-27-2017

Date