PERIODIC REVIEW REPORT

(Reporting Period 9/8/2017 to 5/23/2019)

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, Landscape Architecture and Geology, D.P.C. 21 Penn Plaza 360 West 31st Street, 8th Floor New York, New York 10001

> September 25, 2018 (Revised June 4, 2019) Langan Project No. 170446801



21 Penn Plaza, 360 West 31st Street, 8th Floor

New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com

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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 September 7, 2017 to May 23, 2018. The annual site inspections were completed on August 8, 2018 and May 23, 2019. 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. The site is a fenced vacant lot intermittently used for parking and staging construction trailers and equipment for the redevelopment of an adjoining property, 685 First Avenue. This use is compliant with the environmental easements in effect for the site.

August 8, 2018 Site Inspection

Three 55-gallon drums of diesel fuel stored on a wooden pallet and three 550-gallon totes of Accelguard 80² (each 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. Two of the three totes of Accelguard 80 were empty and the third tote was about 1/8 full. According to the site owner, the three drums were removed from site in October 2018. The drums were reportedly empty at the time of their removal.

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.

² A water-reducing admixture for concrete

May 23, 2019 Site Inspection

Langan completed a follow-up site inspection on May 23, 2019 at the direction the NYSDEC to document the removal of the three empty drums (former diesel fuel drums) and current use of the site. A construction trailer, roll-off container with municipal solid waste, parked vehicles, and a mobile crane were observed during the site inspection. The three empty drums (former diesel fuel drums) and the three 550-gallon totes of Accelguard 80 were not present at the site.

A site location map is included as Figure 1 and a site plan is included as Figure 2.

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)
- 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 restrictedresidential 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. On the basis of 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 8, 2018, 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 August 30, 2018 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

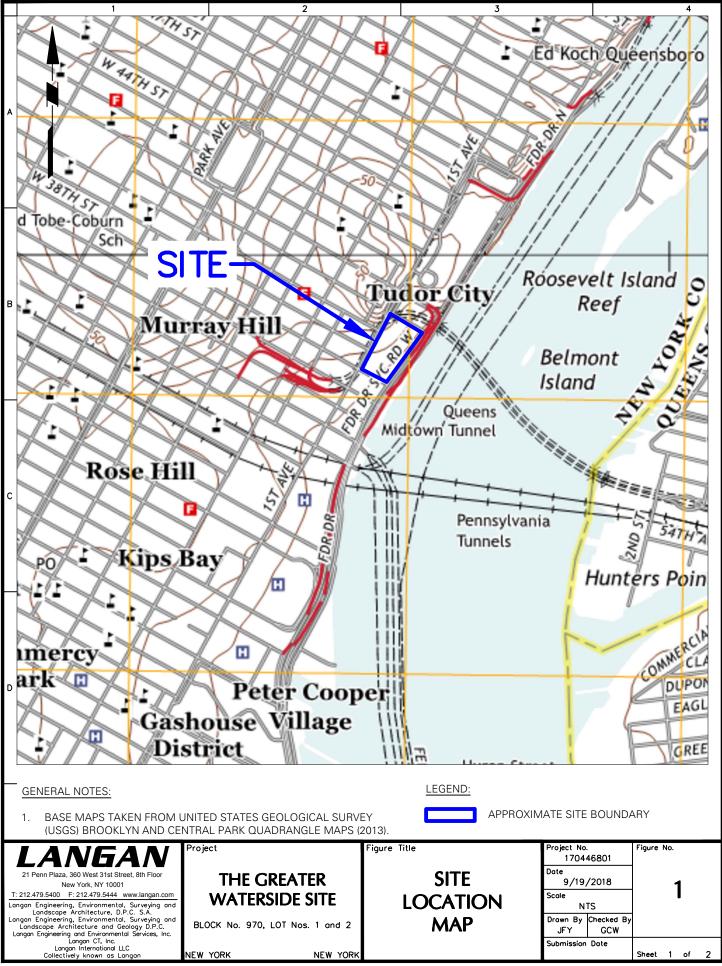
The EC for the site consists of at least 2 feet of clean cover soil across the site, excluding areas of exposed bedrock. The site is intermittently used for parking and staging construction trailers, equipment and materials. No disturbances of the cover soil layer were observed during the site inspections on August 8, 2018 and May 23, 2019

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

4.0 CONCLUSIONS AND RECOMMENDATIONS

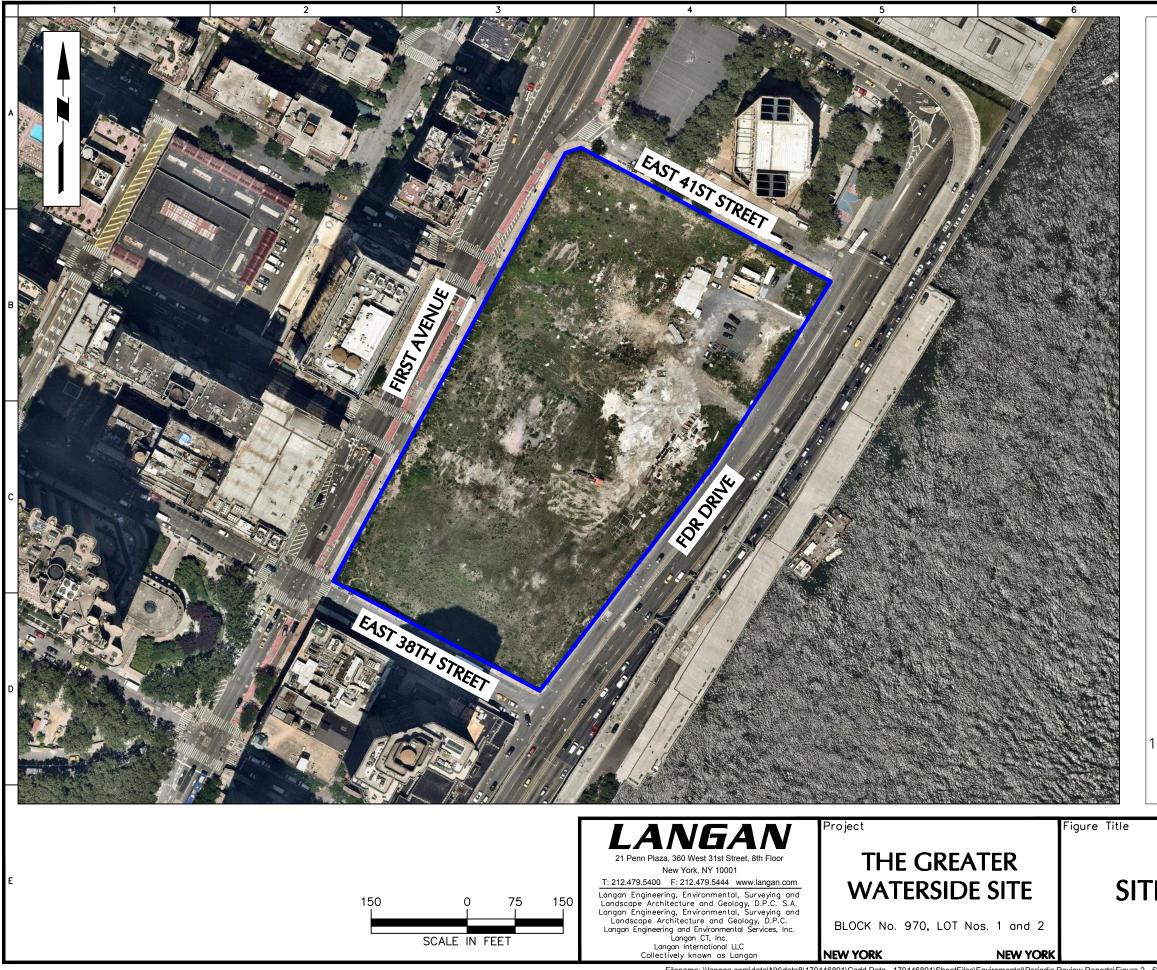
The IC/ECs remain in place and are effective. The completed IC/EC certification form is included as Appendix C.

FIGURES



Filename: \langan.com\data\NY\data8170446801\Cadd Data - 170446801\SheetFiles\Enviromental\Periodic Review Reports\Figure 1 - Site Location Map_2018.dwg Date: 9/19/2018 Time: 12:44 User: gwyka Style Table: Langan.stb Layout: ANSIA-BP

© 201



7	LEGEND:	8	
AP	PROXIMATE SITE	BOUNDARY	
<u>GEN</u>	ERAL NOTES		
 BASE MAP SOURC PHOTO DATED JUI 		M AERIAL	
	Project No.	Figure No.	
	170446801 Date 9/19/2018		
E PLAN	Scale 1" = 150'	2	
	Drawn By Checked By JFY GCW		
	Submission Date	Sheet 2 of	2

APPENDIX A

PHOTOGRAPH LOG



Photograph 1 – View of site from entrance along the FDR Drive; facing south (photograph dated 8/8/2018).



Photograph 2 – View of parking lot and temporary construction trailers for the 685 First Avenue development; facing west (photograph dated 8/8/2018).



Photograph 3 – View of three 55-gallon diesel fuel drums on a wooden pallet in the southeast part of the site; facing northwest (photograph dated 8/8/2018).



Photograph 4 – View of bedrock outcrops on the western part of the site; facing southwest ((photograph dated 8/8/2018).



Photograph 5 – View of the central part of the site; facing south (photograph dated 8/8/2018).



Photograph 6 – View of construction materials staging area; facing east (photograph dated 8/8/2018).



Photograph 7 – View of the three 550-gallon totes of Accelguard 80; facing east (photograph dated 8/8/2018).



Photograph 8 – View of the central part of the site; facing northwest (photograph dated 8/8/2018).



Photograph 9 – View of the southern part of site; facing south (photograph dated 8/8/2018).



Photograph 10 – View of super-sack containing calcium chloride snow and ice melting pellets in the western-central part of the site; facing west (photograph dated 8/8/2018).



Photograph 11 – View of two roll-off containers with miscellaneous C&D debris (e.g., wood); facing southeast (photograph dated 8/8/2018).



Photograph 12 - View of wooden pallet (former storage location of three 55-gallon drums with diesel fuel) in the southeast part of the site; facing northwest (photograph dated 2/8/2019)



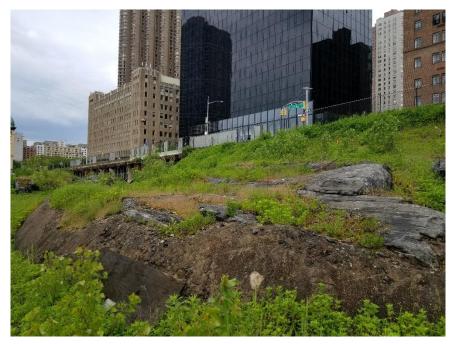
Photograph 13 – View of roll-off container with municipal solid waste, parked vehicles, and mobile crane; facing southwest (photograph dated 5/23/2018).



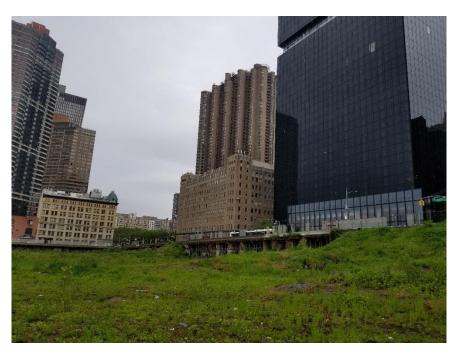
Photograph 14 – View of construction trailer and portable toilet; facing northwest (photograph dated 5/23/2018).



Photograph 15 – View of northwestern part of the site; facing northwest (photograph dated 5/23/2018).



Photograph 16 – View of bedrock outcrops on the western part of the site; facing west (photograph dated 5/23/2018).



Photograph 17 – View of southwestern part of the site; facing southwest (photograph dated 5/23/2018).



Photograph 18 – View of southern part of the site; facing south (photograph dated 5/23/2018).



Photograph 19 – View of central part of the site; facing north (photograph dated 5/23/2018).



Photograph 20 – View of central part of the site; facing northeast (photograph dated 5/23/2018).

APPENDIX B

NYSOH FOIL REQUEST AND RESPONSE

From:	noreply@its.ny.gov
Sent:	Wednesday, August 08, 2018 9:47 AM
То:	Joseph Yanowitz
Subject:	FOIL Request Confirmation from Open FOIL NY

Thank you for submitting your FOIL request through Open FOIL NY.

Here is your Open FOIL NY confirmation information for future reference:

YANOWITZ_DOH_20180808094726897

INFORMATION SUBMITTED:

Records Requested From	Department of Health
Short Title	well permits or water withdrawal permits
Description	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.
Uploaded Files	
FOIL Response Format	Email
If fees apply, please contact me if costs will be greater than	\$

Your FOIL request has been forwarded to the organization(s) you selected, and the respective Records Access Officer will contact you directly for further processing of your request. Please allow up to five business days for such communication(s). For your convenience, here is additional contact information: Department of Health Corning Tower Room 2364 Albany, NY 12237-0044



Department

ANDREW M. CUOMO Governor HOWARD A. ZUCKER, M.D., J.D. Commissioner **SALLY DRESLIN, M.S., R.N.** Executive Deputy Commissioner

August 09, 2018

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

18-08-130

Re: NY_20180808094726897

Dear Mr. Jospeh Yanowitz :

This will acknowledge receipt of your request for records under the Freedom of Information Law received by Department of Health on August 08, 2018.

Your request has been forwarded to the appropriate 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,

Rosemarie Hewig, Records Access Officer



Department of Health

ANDREW M. CUOMO Governor HOWARD A. ZUCKER, M.D., J.D. Commissioner SALLY DRESLIN, M.S., R.N. Executive Deputy Commissioner

August 30, 2018

Joseph Yanowitz Langan Engineering 21 Penn Plaza 360 West 31st Street, 8th Floor New York, NY 10001-2727

FOIL #: 18-08-130

Dear Mr. Yanowitz:

This letter responds to your Freedom of Information Law request of August 8, 2018, in which you requested environmental records pertaining to "700-708 First Avenue, New York, NY (Block 970, Lots 1 and 2)."

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

Records of this type may be maintained by the New York City Department of Health & Mental Hygiene. The contact information for that office is as follows:

Records Access Officer New York City Department of Health and Mental Hygiene Gotham Center 42-09 28th Street, Floor 14, CN31 Long Island City, NY 11101 Fax: (347) 396-6087 Email: recordsaccess@health.nyc.gov

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/hw

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



Sit	Site Details e No. C231013	Box 1	
Sit	e Name The Greater Waterside Site		
Cit Co	e Address: 700-708 First Avenue Zip Code: 10016 y/Town: New York unty: New York e Acreage: 6.3		
Re	porting Period: September 07, 2017 to May 23, 2019		
		YES	NO
1.	Is the information above correct?	X	
	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?		X
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		X
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		X
	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?		X
		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	X	
7.	Are all ICs/ECs in place and functioning as designed?	X]
	IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below a DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.	Ind	
AC	Corrective Measures Work Plan must be submitted along with this form to address th	nese iss	ues.
4	25/28/	19	
Sig	nature of Owner, Remedial Party or Designated Representative Date		

	Box 2	A
8. Has any new information revealed that assumptions made in the Qualitative Exposure	YES	NO
Assessment regarding offsite contamination are no longer valid?		X
If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.		
 Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years) 	X	
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	Во	c 3
Description of Institutional Controls		
ParcelOwnerInstitutional Contro970-1700 First Realty Company, LLC	<u>I</u>	
Ground Water Use Site Management F IC/EC Plan		tion
Landuse Restriction 1. The Property may only be used for restricted residential and commercial use below the Dever- Depth provided that the long term Engineering and Institutional Controls included in the Site Mar Plan (SMP) are employed. No environmental eaements, engineering controls, institutional controls other consents, approvals, or authorizations are required for any activities above the Developm	elopmen anageme trols, or	ent any
2. A higher level of use, such as residential use, will not be allowed for activities below the Dev Depth without additional remediation and amendment of the Environmental Easement, as appro NYSDEC.		
3. All future activities on the Property that will disturb remaining contaminated material must be in accordance with the SMP; and,	conduc	ted
4. The use of the groundwater underlying the Property is prohibited without treatment rendering intended use.	g it safe	for
970-2 708 First Realty Company, LLC IC/EC Plan		
Ground Water Use	Restric	tion
Landuse Restrictio Site Management F	Plan	
1. The Property may only be used for restricted residential and commercial use below the Dever Depth provided that the long term Engineering and Institutional Controls included in the Site Ma Plan (SMP) are employed. No environmental eaements, engineering controls, institutional controls other consents, approvals, or authorizations are required for any activities above the Developm	anageme trols, or	ent any
2. A higher level of use, such as residential use, will not be allowed for activities below the Dev Depth without additional remediation and amendment of the Environmental Easement, as appro NYSDEC.		
3. All future activities on the Property that will disturb remaining contaminated material must be in accordance with the SMP; and,	e conduc	ted
4. The use of the groundwater underlying the Property is prohibited without treatment rendering intended use.	g it safe	for

Description of Engineering Controls

Parcel 970-1

Engineering Control

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

co	onsist of the building structures, clean fill soil, landscaping and concrete and asphalt pavir	ig.	****
			Box 5
	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 dire reviewed by, the party making the certification; 	ction of,	and
	b) to the best of my knowledge and belief, the work and conclusions described i are in accordance with the requirements of the site remedial program, and gene ongine practices; and the information procented is accurate and compare		
	engineering practices; and the information presented is accurate and compete.	YES	NO
		X	
2.	If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below tha following statements are true:		
	(a) the Institutional Control and/or Engineering Control(s) employed at this site i since the date that the Control was put in-place, or was last approved by the Dep		
	(b) nothing has occurred that would impair the ability of such Control, to protect the environment;	public h	ealth and
	(c) access to the site will continue to be provided to the Department, to evaluate remedy, including access to evaluate the continued maintenance of this Control;		
	(d) nothing has occurred that would constitute a violation or failure to comply wir Site Management Plan for this Control; and	th the	
	(e) if a financial assurance mechanism is required by the oversight document fo mechanism remains valid and sufficient for its intended purpose established in the		
		YES	NO
		X	
	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 the submitted along with the submitted along wit	hese iss	ues.

Signature of Owner, Remedial Party or Designated Representative

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.
Anthony Calicchio at <u>9West 57th Street, 45th FI, NY, NY</u> , Opint name print business address
am certifying asOwner(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 $ \frac{5 - 28 - 15}{Date} $

IC/EC CERTIFICA	TIONS
Qualified Environmental Pro	Box 7 Difessional Signature
I certify that all information in Boxes 4 and 5 are true. I ur punishable as a Class "A" misdemeanor, pursuant to Sec	nderstand that a false statement made herein is tion 210.45 of the Penal Law.
Jason J. Hayes, P.E. at 360 West 31	1st Street, 8th Floor, New York, NY 10001
print name print	t business address
am certifying as a Qualified Environmental Professional fo	or theOwner
Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification	(Owner or Remedial Party)