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# **PERIODIC REVIEW REPORT**

(Reporting Period 7/17/2020 to 7/17/2021)

**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 57<sup>th</sup> Street, 45<sup>th</sup> Floor**

**New York, New York 10019**

*Prepared By:*

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

**21 Penn Plaza**

**360 West 31<sup>st</sup> Street, 8<sup>th</sup> Floor**

**New York, New York 10001**

***LANGAN***

**August 10, 2021**

**Langan Project No. 170446801**

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## **1.0 INTRODUCTION**

This Periodic Review Report (PRR) documents compliance with the August 17, 2011 Environmental Easements (EE), September 27, 2011 Site Management Plan (SMP), and February 27, 2021 SMP Addendum Letter 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 EEs 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 Depth<sup>1</sup> 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 site remediation 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, July 17, 2020 to July 17, 2021. The annual site inspection was completed on July 21, 2021. 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 41<sup>st</sup> Street to the north, 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. 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 and the northeastern corner is intermittently used for vehicle parking and storage of construction trailers and materials (plastic traffic/safety barricades). The majority of the site is overgrown with vegetation, including grasses, wildflowers, and tree saplings. An area with standing water (ponded rainwater) is present in a low/depressed area in central-western part of the site. No sheen or odors were observed in or around the area of standing water.

Topsoil imported to the site from December 2019 to March 2020 has been placed and graded at the site; no stockpiles of imported soil/fill materials present at the site. This use is compliant with the EEs in effect for 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

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<sup>1</sup> 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, or 2.05 feet NAVD88), whichever is higher.

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 MGP 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 (VOC), polychlorinated biphenyls (PCB) 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 SMP were issued in September 2011. The documents certified that remediation was complete and established protocols for the management of soil and groundwater below development depth. EEs 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.

The SMP was amended to change the soil import and reuse criteria for the site. An SMP addendum letter was submitted to the NYSDEC on February 26, 2020 and later approved by the agency on March 4, 2020. The SMP was amended to reflect 1) that the soil import and reuse criteria is the lower of 6 NYCRR Part 375 Restricted Use Restricted-Residential and Protection of Groundwater SCOs (above or below Development Depth) and that the Department may issue a site-specific exemption for this requirement based on various site-specific conditions as set forth in Part 375-6.7(d)(3).

## **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 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.

### **2.1 Materials Import**

No materials were imported to the site during the reporting period.

## **3.0 IC/EC COMPLIANCE REPORT**

### **3.1 Institutional Controls**

The ICs for the site are documented in two EEs (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 July 23, 2021, 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. No response from the NYSDOH has been received as of the date of this PRR. A copy of the FOIL request is 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 ICs remains in place and are 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 northeastern corner of the site is intermittently used for parking and the remainder of the site is overgrown with vegetation, including grasses, wildflowers, and tree saplings. An area with standing water (ponded rainwater) is present in a low/depressed area in central-western part of the site. Topsoil imported to the site from December 2019 to March 2020 has been placed and graded and thereby added to the existing clean cover soil layer at the site. There are no stockpiles of imported soil/fill materials present at the site. No disturbances of the

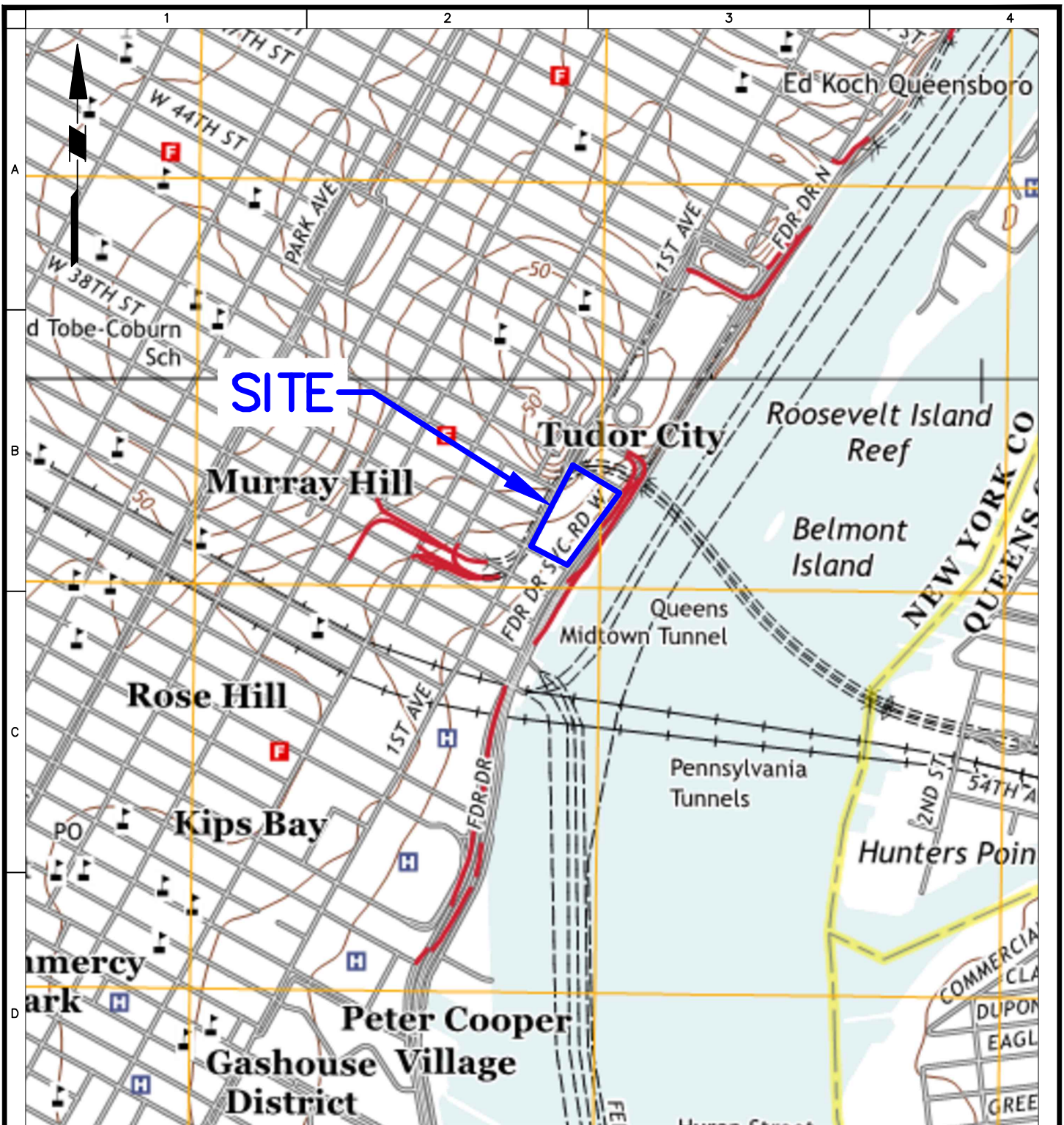
cover soil layer were observed during the site inspection on July 21, 2021. The EC remains in place and is effective and no changes are recommended.

#### **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





#### GENERAL NOTES:

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

#### LEGEND:



APPROXIMATE SITE BOUNDARY

# LANGAN

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New York, NY 10001

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Langan Engineering, Environmental, Surveying and  
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Langan Engineering, Environmental, Surveying and  
Landscape Architecture and Geology 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  
5/13/2020

Scale  
NTS

Drawn By  
JFY

Checked By  
GCW

Submission Date

Figure No.

1

Sheet 1 of 2





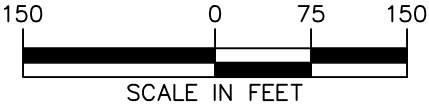
LEGEND:



APPROXIMATE SITE BOUNDARY

GENERAL NOTES

1. BASE MAP SOURCE: NEARMAP.COM AERIAL PHOTO DATED MARCH 12, 2021.



SCALE IN FEET

**LANGAN**

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Project

**THE GREATER  
WATERSIDE SITE**

BLOCK No. 970, LOT Nos. 1 and 2

**NEW YORK**

Figure Title

**SITE PLAN**

Project No.  
170446801

Date  
7/21/2021

Scale  
1" = 150'

Drawn By  
TG

Checked By  
GCW

Submission Date

Figure No.

**2**



## **APPENDIX A**

### **PHOTOGRAPH LOG – SITE INSPECTION**

Appendix A – 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 the site entrance along the FDR Drive; facing northeast (photograph dated 7/21/2021).



Photograph 2 – View of parking lot and construction trailers and materials related to previous construction activity at 685 First Avenue; facing west (photograph dated 7/21/2021).



Appendix A – 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 3 – View of the site; facing south (photograph dated 7/21/2021).

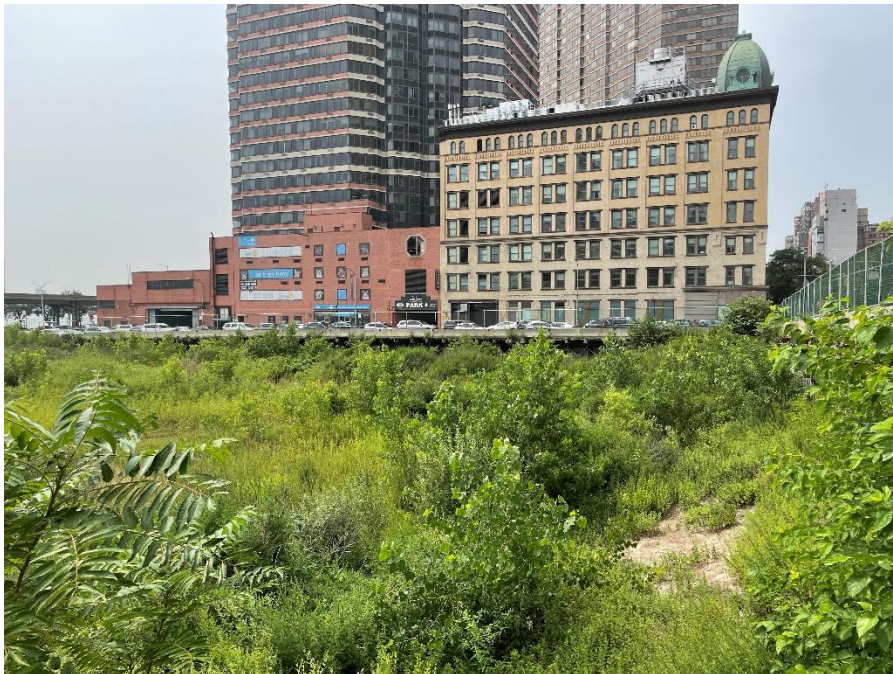


Photograph 4 – View of the site; facing east (photograph dated 7/21/2021).





Photograph 5 – View of vegetation overgrowth at the southern part of the site; facing northeast (photograph dated 7/21/2021).

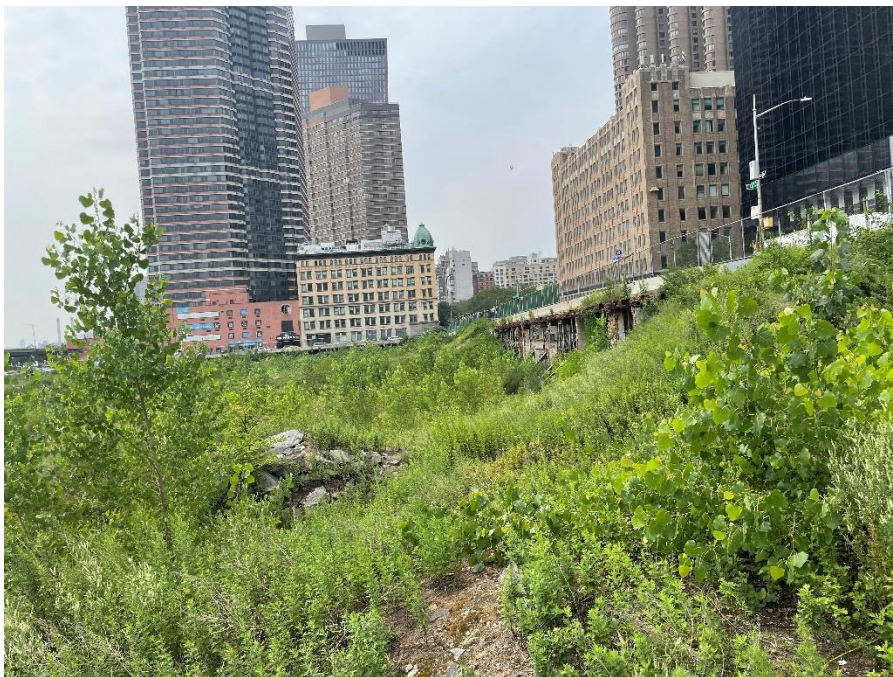


Photograph 6 – View of vegetation overgrowth at the southwestern corner of the site; facing south (photograph dated 7/21/2021).





Photograph 7 – View of standing water in the central western part of the site; facing northeast (photograph dated 7/21/2021).



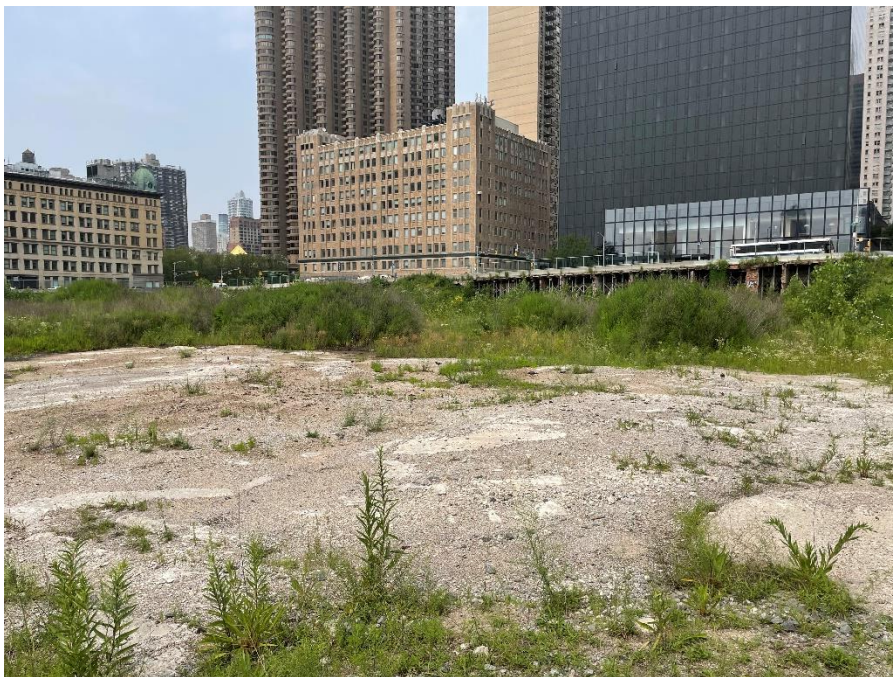
Photograph 8 – View of vegetation overgrowth and bedrock outcrops in the northwestern part of the site; facing south (photograph dated 7/21/2021).



Appendix A – 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 9 – View of the northwest corner of the site; facing north (photograph dated 7/21/2021).



Photograph 10 – View of the central part of the site; facing southwest (photograph dated 7/21/2021).



## **APPENDIX B**

### **NYSDOH FOIL REQUEST AND RESPONSES**



## Department of Health

ANDREW M. CUOMO  
Governor

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

LISA J. PINO, M.A., J.D.  
Executive Deputy Commissioner

July 23, 2021

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

FOIL #: 21-07-468  
Re: 700-708 First Avenue, New York, NY

Dear Tyler Goodnough:

This will acknowledge receipt of your request for records under the Freedom of Information Law (FOIL), received by this office on July 23, 2021.

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,

*Rosemarie Hewig*

Rosemarie Hewig, Esq.  
Records Access Officer

## **APPENDIX C**

### **IC/EC CERTIFICATION FORM**



## Site Details

**Site No. C231013**

### Box 1

**Site Name** The Greater Waterside Site

Site Address: 700-708 First Avenue      Zip Code: 10016

City/Town: New York

County: New York

Site Acreage: 6.340

Reporting Period: July 17, 2020 to July 17, 2021

YES NO

1. Is the information above correct?

☒ ☐

9

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?

☐ ☒☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐ ☒☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☐ ☒☒

**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?

☐ ☒☒

## Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?

☒ ☐

Restricted-Residential, Commercial, and Industrial

7. Are all ICs in place and functioning as designed?

☒ ☐

9

**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 easements, 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 easements, 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**ParcelEngineering 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 Engineering Control 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. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The 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

8/3/2021  
\_\_\_\_\_  
Date

## EC CERTIFICATIONS

Box 7

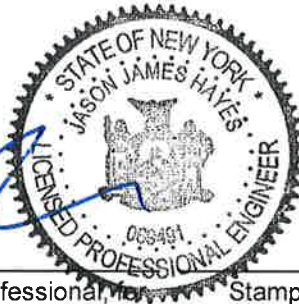
### Qualified Environmental Professional Signature

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,  
the Owner or Remedial Party, Rendering Certification



Stamp  
(Required for PE)

8/10/2021  
Date