

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECLARTICLE 27 TITLE 14

Applicant Information Co-Applican		A STATE OF THE STA
NAME East River Realty Compa	any. LLC	
ADDRESS 9 West 57th Street, Sui		
CITY TOWNNEW York, New York	TIP CORE	0019
PHONE (212) 308-3800 FAX (212)	308-3877	E-MAIL
NAME OF ADDITIONALL'S DEDDECENTATIVE		
• DDDCCC	Riesel, Esq.	
460 Park Avenue, 10th F1	ZID CODE	
New York, New York	10	0022
PHONE (212) 421-2150 FAX (212)	906-9032	F-MAIL driesel@sprlaw.com
of hazardous waste or discharge of petroleum or 2) is otherwise a presponsible for the contamination, unless the hability arises solely as a of ownership, operation of, or involvement with the site subsequent disposal of hazardous waste or discharge of petroleum Applicant Relationship to Property (check one): Previous Owner: Current Owner Potential Fu	result the disposal of hazardous was to the NOTE. By checking this be appropriate care with respect reasonable steps to. 1) stop at release; and (11) prevent or it to any previously released ha	p. operation of or involvement with the site subsequent to iste or discharge of petroleum Pox. the applicant certifies that he she has exercised to the hazardous waste found at the facility by taking my continuing discharge. It prevent any threatened future mut human, environmental, or natural resource exposure izardous waste.
Current Owner/Operator Information		
OWNER'S NAME (of different from applicant)	ted Edison Compa	ny of New York, Inc.
ADDRESS 4 Irving Place	Lea Larson Compa	HY MINEW TILL R. TILL
THYTOWN New York, New York	ZIP CODE 1	0003
PHONE (212) 460-4600 FAX(212)	260–5713	E-Mailstelbenr@coned.com
PERATOR'S NAME Of different from applicant. Remedia	tion Contractor panies, Inc.	
ODRESS 1200 Wall Street West.		
Lyndhurst, New Jersey	ZIP CODE	7071
HONE (201) 933-5541 FAX (201)	933-5601	E-MAIL emailey@trosplution
1-01/ /// /// [201]	<u> </u>	

Site Information			
SITE NAME THE TRC East Side Propert	ties (4 Sites)		
SITE ADDRESS (See Attachment A) CITY TOWN	ZIP CODE		·
COUNTY(See Attachment A)	SITE SITE ACRES (See Attachment I)}	·
LATHTUDE (See Attachment A)	LONGHTUDE (See Attachment A)		
PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBER BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QU	IS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE UAD MAP IN WHICH THE SITE IS LOCATED	ELOCATIO	N AND
1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES IF NO. PLEASE ATTACH A METES AND BOUNDS DESCRIPTION (AND BOUNDS" (See Attachments	DYES	X 10
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUN TO GML970-R? IF YES, IDENTIFY AREA (NAME)	TTY AREA PURSUANT	CARES	₩ NO
3. IS THE SITE PART OF A DESIGNATED EN-ZONE PURSUANT TO TUE IF YES, IDENTIFY AREA (NAME)	§ 21(b)(6).	Dyes	У мо
Applicant Eligibility Information (Please refer to	ECL § 27-1407)		
I. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APP	LICANT REGARDING THIS SITE?	DYES	₩ _{NO}
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY T	HE SPILL FUND FOR THIS SITE?	□\ES	ОИK
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTIC	DLE 277	DYES	NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO TH	E BCP?	DYES	NO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTION WASTE OR PETROLEUM?	NALLY TORTIOUS ACT REGARDING HAZARDOUS	DYES	Мо
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFEN BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADM	•	DYES	ОМ
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR FACTS IN A MATTER RELATED TO THE DEPARTMENT?	CONCEALED MATERIAL	□YES	ОМЖ
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTI- OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND BASIS FOR DENIAL OF A BCP APPLICATION?		DYES	₩ NO
Site Eligibility Information (Please refer to ECL	(27-1405)		
DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE OF REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OF WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANTY		SE UK	ОиО
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?		DYES	₩ио
IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZAL IF YES, PLEASE PROVIDE. SITE = CLASS		TYES	₩o
STATUS FACILITY		DYES	₩×o
IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATIO	N LAW ARTICLE 12 OR ECL ARTICLE 17	CYES	₩ю
(see Note 1) Solve Street Subject to a state or federal enforcement of the Street Subject to a state or federal enforcement of the Street Subject to a state or federal enforcement of the Street Subject Sub	ACTION RELATED TO HAZARDOUS WASTE	CYES	⊠ NO
Project Description.			
PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDE	STEE FOLLOWING COMPONENTS (SOO N++-		+ 5)
PURPOSE AND SCOPE OF THE PROJECT ESTIMATED PROJECT SCHEDULE	The roll of the rest of the re	1CHW61	IL B)

Site's Environmental					
TO THE EXTENT THAT EXISTE FOLLOWING 1 ENVIRONMENTAL DATA A PHASE I ENVIRONMENTA and Materials: Standard Practic REPORTS RELATED TO CO.	AL SITE ASSESSMENT F	REPORT PREPARED D	NACCORDANCE WITH	i ASTM E 1527 (Amer	ican Secrety for Testing
IF A FINAL INVESTIGATION	e Attachmen	D. INDICATE WHETHE	IR IT MEETS THE REQ	UIREMENTS OF ECL	ARTICLE 274(4)5.2
2. OWNERS A LIST OF PREVIOUS OWNE				i videos (hescoins	ADDITCAST'S
RELATIONSHIP, IF ANY, TO	EACH PREVIOUS OWN	SERLISTED IF NORS	ELATIONSHIP, PUT "NO	ONE"	M, Death S
3 OPERATORS (See A LIST OF PREVIOUS OPER- RELATIONSHIP, IF ANY, TO		AST KNOWN ADDRE		e number (Descri	BE APPLICANTS Attachment I
Contact List Informati	on				
PLEASE ATTACH, AT A MINIM				e Attachm	•
1. THE CHIEF EXECUTIVE OFF SITE IS LOCATED.	ICER AND ZONING BO	ARD CHAIRPERSON (OF EACH COUNTY, CIT	TY, TOWN AND VILL	AGE IN WHICH THE
2. RESIDENTS, OWNERS, AND	OCCUPANTS OF THE S	ITE AND PROPERTIES	ADJACENT TO THE S	ITE.	
3. LOCAL NEWS MEDIA FROM	WHICH THE COMMUN	TITY TYPICALLY OBT	AINS INFORMATION		
4 THE PUBLIC WATER SUPPLI	ER WHICH SERVICES	THE AREA IN WHICH	THE SITE IS LOCATED	•	
5. ANY PERSON WHO HAS REC	UESTED TO BE PLACE	D ON THE SITE CONT	TACT LIST		
6 THE ADMINISTRATOR OF A	NY SCHOOL OR DAY C	ARE FACILITY LOCA	TED ON OR NEAR THE	SITE.	
THE LOCATION OF A DOCU	MENT REPOSITORY FO	R THE PROJECT (E.G.	LOCAL LIBRARY)		
Contaminant Informat	ion (Seé A	tachment			4.3336
INDICATE KNOWN OR SUSPECT	ED CONTAMINANTS A	AND THE MEDIA WHI	CH ARE KNOWN OR S	USPECTED TO HAVE	BEEN AFFECTED:
Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroieum					
Chlorinated Solvents					
24 - 226					1
Jinet VOCs					
SVOCs					
SVOCs Metais					
Other VOCs SVOCs Stetais Pesticides PCBs					
SVOCs Metais Pesticides					
SVOCs Metazs Pesticides PCBs					
SVOCs Stetais Pesticiaes PCBs Other=	se refer to ECL {	\$ 27-1415(3))			
SVOCs Stetars Pesticides PCBs Diher- lease describe Land Use Factors (Please			Γ		
SVOCs Stetars Pesticides PCBs Diher lease describe Land Use Factors (Please Current Use: Residential	☐ Commercial 🔯 1	Industrial 🗆 Othe			
SVOCs Stetars Pesticides PCBs Dther lease describe Land Use Factors (Please Current Use: Residential uture Use: Residential	Commercial 🛭	Industrial Dothe	er	nate.	Yes No Unknown
SVOCs Metais Pesticides PCBs Other lease describe	Commercial D	Industrial Othe Industrial Othe explanation as an a	ttachment if appropi	nate	Yes No Unknown

9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site? 10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site? (See Note 4) 11. Are there floodplains proximate to the site?	knownion 2 atiake to provious tater	on) his vided nent in	and of the
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9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site? 10. Are there important federal, state or local natural resources, including waterways, wildlife refuges,	兯		
	₽		
8. Is the site accessible to existing infrastructure?		***	
	Ę,		
7. Do the population growth patterns and projections support the proposed use?	*		
6. Are there any federal or State land use designations relating to this site?		录	
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). (See Note 3)		Ģŧ,	
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	Ð		
3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)			∇

STATEMENT OF CERTIFICATION

EAST RIVER REALTY COMPANY, LLC

By:

Solow East Piver Development Company, LLC, Managing Member

By:

Sheldon H. Solw Managing Member

Brownfield Cleanup Program (BCP) Application

Notes

Note1: In 1994, Con Edison and NYSDEC entered into an Order on Consent (executed on November 4, 1994, modified on March 27, 1995, and supplemented on October 23, 1997), (collectively the "1994 Consent Order"), that required Con Edison to clean up spills at a number of sites throughout its service territory, including spills at one of the four sites that are the subject of this application, the Waterside Generating Station. All spills referenced in the 1994 Consent Order pertaining to the Waterside Generating Station have been cleaned up. These spills have been closed out by NYSDEC.

Note 2: Certain potential uses of the properties are consistent with applicable zoning requirements. Furthermore, the Agreement of Sale between Con Edison and the Developer, East River Realty Company, LLC, requires the Developer to seek zoning changes that are consistent with land use patterns in the area.

Note 3: Applicant does not believe that the project will result in a disproportionate adverse environmental impact on the community. For a full discussion of the potential environmental impacts of the project, please see the recently completed Final Generic Environmental Impact Statement (ENB February 04, 2004).

Note 4: The East River is proximate to the properties.

Note 5: One of the four sites, Kips Bay, is within a floodplain.

Note 6: Con Edison has in the past been charged by NYSDEC with violations of Article 27 of the ECL. However, these violations have been resolved or are being resolved to NYSDEC's satisfaction. Further, NYSDEC has not relied on these violations as a basis for denying Con Edison permits under Article 27 of the ECL or any other provision of the ECL.

Note 7: Con Edison pleaded guilty in 1995 to four counts involving the failure to report the release of asbestos from an August 1989 steam explosion in the Gramercy Park section of Manhattan, making false statements in connection therewith, and conspiracy to defraud the United States. Con Edison paid the fine and completed the probation to which it was sentenced by the United States District Court for the Southern District of New York. Con Edison has disclosed this conviction in its past applications to NYSDEC for Waste Transporter Permits under Article 27 of the ECL and NYSDEC has not relied on these violations as a basis for denying Con Edison such permits.

TRC COMPANIES, INC.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

	ECL ARTICLE 27 / IIILE 14	10/9/03
Applicant filtogration & Se-	Colorador de la Colorador de l	
NAME TRC Companies, In		
ADDRESS 1200 Wall Street	West, 2nd Floor	
CITY/TOWN Lyndhurst, NJ	ZIP CODE 070	071
PHONE (201) 933-5541	FAX (201) 933-5601	E-MANL emalley@trcsolutions.co
NAME OF APPLICANT'S REPRESENTATIVE	Edward J. Malley	
ADDRESS Same as above		
CITY/TOWN Same as above	ZIP CODE	
PHONE Same as above	FAX (201) 933-5601	E-MAIL Same as above
THE APPLICANT MUST CERTIFY THAT IT IS ONE OF THE BOXES BELOW:	S EITHER A PARTICIPANT OR VOLUNTEER IN ACCO	
PARTICIPANT An applicant who either I) was the owner of the sit of hazardous waste or discharge of petroleum o responsible for the contamination, unless the liabit of ownership, operation of, or involvement with disposal of hazardous waste or discharge of petro.	r 2) is otherwise a person lity arises solely as a result the site subsequent to the leum. NOTE: By checking this be appropriate care with respect reasonable steps to: i) stop any	ix, the applicant certifics that he/she has exercised to the hazardous waste found at the facility by taking y continuing discharge; ii) prevent any threatened future nit human, environmental, or natural resource exposure
Applicant Relationship to Property (check one):	Reme Potential /Future Purchaser Reme	diation Contractor
City (all County II) pressor India	ma tion Consolidated Edison Company of	
DIONE .	I	
OPERATOR'S NAME (if different from applica	(212) 200-3/13	E-MAIL stelbenr@coned.com
ADDRESS Same as applicant	Memediation Contractor under	LΥW
спулоwn Same as applicant	ZIP CODE S	ame as applicant
	FAX Same as applicant	E-MAIL Same as applicant

Site Luiu manen			
SITE NAME The TRC East Side Propert	ies (4 Sites)		
SITE ADDRESS (See Attachment A) CITY/TOWN	ZIP CODE		
COUNTY(See Attachment A)	SITE SIZE (ACRES) (See Attachment D)	
LATITUDE (See Attachment A)	LONGITUDE (See Attachment A)		
PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBER BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE OF		LOCATIO!	MAND
1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES.	AND BOUNDS? (See Attachments	Dyes	ONK
IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION O 2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY OF THE SITE	O-1,	DYES	Б М
TO GML970-R? IF YES, IDENTIFY AREA (NAME) 3. IS THE SITE PART OF A DESIGNATED EN-ZOIDE PURSUANT TO TL IF YES, IDENTIFY AREA (NAME)	§ 21(b)(6).	DYES	ОИЖ
្តិស្ត្រាក់ មិន			
		Dyes	Dino
1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APP 2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY T		DYES	DANO
HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTIC		Dyes	130 NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO TH	A Company of the Comp	□yes	Dano.
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTION		UYES	₩no
WASTE OR PETROLEUM? 6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFEN DELICATION THE TOP OFFENCE ACADIST BURIL OF A CADIST BURIL O		DYES	⊠́мо
BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADM 7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR FACTS IN A MATTER RELATED TO THE DEPARTMENT?		DYES	Мио
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTI OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND BASIS FOR DENIAL OF A BCP APPLICATION?	and the second s	Dyes	MNO
Site digitato intomento (Ricas) aciego Reis	77999 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3		
1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE O WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)?	•	D _X YES	□ _{NO}
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?		DYES	₩о
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZA IF YES, PLEASE PROVIDE: SITE # CLASS		DYES	Μ̈́νο
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITE STATUS FACILITY?	LE 9, OTHER THAN AN INTERIM	Dyes	₩o
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION (See Note 1)	ON LAW ARTICLE 12 OR ECL ARTICLE 17	□yes □	₩мо
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT. OR PETROLEUM? (see Note 1)	ACTION RELATED TO HAZARDOUS WASTE	DYES	MNO
Projecte stapional 122 4			
PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDE	S THE FOLLOWING COMPONENTS: (See Att	achme	nt B)
PURPOSE AND SCOPE OF THE PROJECT ESTIMATED PROJECT SCHEDULE			,
• · · · · · · · · · · · · · · · · · · ·			1

				A Philipping and the second					
Site's Liviconmental I	istore .								
TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING: 1. ENVIRONMENTAL DATA A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE. IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):									
n n					*				
2 OWNERS A LIST OF PREVIOUS OWNER: RELATIONSHIP, IF ANY, TO E. 3. OPERATORS (See A LIST OF PREVIOUS OPERAT	2 OWNERS A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").								
Contact line internatio	lle 🚊								
PLEASE ATTACH, AT A MINIMUM	L THE NAMES AND A	DRESSES OF THE FO	LOWING: (See	Attachmen	t I)				
THE CHIEF EXECUTIVE OFFICE SITE IS LOCATED.	•		· .		1				
2. RESIDENTS, OWNERS, AND O	CCUPANTS OF THE SIT	E AND PROPERTIES A	DJACENT TO THE SITE	<u>.</u>					
3. LOCAL NEWS MEDIA FROM W	HICH THE COMMUNI	TY TYPICALLY OBTAI	NS INFORMATION.						
4. THE PUBLIC WATER SUPPLIES	R WHICH SERVICES TI	E AREA IN WHICH TH	E SITE IS LOCATED.						
5. ANY PERSON WHO HAS REQU	ESTED TO BE PLACEL	ON THE SITE CONTA	CT LIST.						
6. THE ADMINISTRATOR OF ANY	SCHOOL OR DAY CA	RE FACILITY LOCATE	D ON OR NEAR THE SI	TE.					
7. THE LOCATION OF A DOCUM	ENT REPOSITORY FOR	THE PROJECT (E.G., L	OCAL LIBRARY)						
Contaminant (Mornisti									
INDICATE KNOWN OR SUSPECTE	D CONTAMINANTS A	D THE MEDIA WHICH	ARE KNOWN OR SUS	PECTED TO HAVE BE	EN AFFECTED:				
Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas				
Petroleum		· .							
Chlorinated Solvents			·						
Other VOCs									
SVOCs	· ·			·					
Metals		<u>.</u>							
Pesticides			-						
PCBs	·								
Other*		•							
Please describe;		•			•.				
Emillasetskonstubia	esterato de la s	275 (T. SES) = [
Current Use: Residential	Commercial 🛭 I	ndustrial Other							
Future Use: MResidential X	Commercial D I	ndustrial Other							
Please check the appropriate bo	xes and provide an e	explanation as an att	achment if appropriat	e.	es No Unknown				
1.Do current historical and/or re	cent development p	atterns support the p	roposed use?	, .					
Is the proposed use consistent with applicable zoning laws/many?									

4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront Comparison				
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). (See Note 3)	3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)			χD
6. Are there any federal or State land use designations relating to this site? 7. Do the population growth patterns and projections support the proposed use? 8. Is the site accessible to existing infrastructure? 9. Are there important cultural resources, including federal or state historic or heritage sites or Native harmerian religious sites proximate to the site? 9. Are there important cultural resources, including federal or state historic or heritage sites or Native harmerian religious sites proximate to the site? 10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, which is the site? (See Note 4) 11. Are there floodplains proximate to the site? 12. Are there any institutional controls currently applicable to the site? 13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. (See Attachment K) 14. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. (See Attachment K) 15. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. (See Attachment L) 16. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, use industrial, used to residential use, and to urban, commercial, industrial, use industrial, used to residential use, and to urban, commercial, industrial, used to residential use, and to urban, commercial, industrial, used to residential use, and to urban, commercial, industrial, used to residential use, and to urban, commercial, industrial, used to residential use, and to urban, commercial, industrial, used to residential use, and to urban, commercial, industrial, used to residential use, and to urban, commercial, industrial, used to reside	4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	X)		
8. Is the site accessible to existing infrastructure? 9. Are there important cultural resources, including federal or state historic or heritage sites or Native 10. Are there important cultural resources, including federal or state historic or heritage sites or Native 11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site? 10. Are there floodplains proximate to the site? 11. Are there floodplains proximate to the site? 12. Are there any institutional controls currently applicable to the site? 13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, spricultural, and recreational areas. (See Attachment K) 13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, spricultural, and recreational areas. (See Attachment K) 14. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, spricultural, and recreational areas. (See Attachment K) 15. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, spricultural, and recreational areas. (See Attachment M) 16. Describe on attachment the property advantage of the site. (See Attachment M) 17. Describe on attachment the geography and geology of the site. (See Attachment M) 18. Describe on attachment the geography and geology of the site. (See Attachment M) 19. Describe on attachment made provided on this form and its attachment is true and complete to the best of my knowledge and select. I am aware that any false statement made herein is punishable as a Class A misdement is true and complete to the best of my spowledge and belief. I am aware that any false statement made terrein is punishable as a Class A misdement is true and complete	5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). (See Note 3)		X]	
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12. Are there floodplains proximate to the site? (See Note 5)	9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?		χD	
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R DEPARTMENT USE ONLY	One (1) copy must be sent to the DEC regional contact in the regional office covering the county in which Please check our website for the address of our regional offices: http://www.dec.state.ny.us/website/der/	ch the	site is html	located
The second secon	OR DEPARTMENT USE ONLY	*		

Brownfield Cleanup Program (BCP) Application

Notes

Note1: In 1994, Con Edison and NYSDEC entered into an Order on Consent (executed on November 4, 1994, modified on March 27, 1995, and supplemented on October 23, 1997), (collectively the "1994 Consent Order"), that required Con Edison to clean up spills at a number of sites throughout its service territory, including spills at one of the four sites that are the subject of this application, the Waterside Generating Station. All spills referenced in the 1994 Consent Order pertaining to the Waterside Generating Station have been cleaned up. These spills have been closed out by NYSDEC.

Note 2: Certain potential uses of the properties are consistent with applicable zoning requirements. Furthermore, the Agreement of Sale between Con Edison and the Developer, East River Realty Company, LLC, requires the Developer to seek zoning changes that are consistent with land use patterns in the area.

Note 3: Applicant does not believe that the project will result in a disproportionate adverse environmental impact on the community. For a full discussion of the potential environmental impacts of the project, please see the recently completed Final Generic Environmental Impact Statement (ENB February 04, 2004).

Note 4: The East River is proximate to the properties.

Note 5: One of the four sites, Kips Bay, is within a floodplain.

Note 6: Con Edison has in the past been charged by NYSDEC with violations of Article 27 of the ECL. However, these violations have been resolved or are being resolved to NYSDEC's satisfaction. Further, NYSDEC has not relied on these violations as a basis for denying Con Edison permits under Article 27 of the ECL or any other provision of the ECL.

Note 7: Con Edison pleaded guilty in 1995 to four counts involving the failure to report the release of asbestos from an August 1989 steam explosion in the Gramercy Park section of Manhattan, making false statements in connection therewith, and conspiracy to defraud the United States. Con Edison paid the fine and completed the probation to which it was sentenced by the United States District Court for the Southern District of New York. Con Edison has disclosed this conviction in its past applications to NYSDEC for Waste Transporter Permits under Article 27 of the ECL and NYSDEC has not relied on these violations as a basis for denying Con Edison such permits.

CONSOLIDATED EDISON



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION ECL ARTICLE 27 / TITLE 14

			10/9/03
Applicant Information NAME Consolidated Ed	ison Company	of New York.	Inc.
NAME CONSOLITATION			
ADDRESS 4 Irving Place			
CITY/TOWN New York, NY		ZIP CODE 1	0003
PHONE (212) 460-4600	FAX		E-MAIL
NAME OF APPLICANT'S REPRESENTATIVE	Robert P. S	telben	
ADDRESS 4 Irving Place			
CITY/TOWN New York, NY		ZIP CODE 1	0003
PHONE (212) 460-2786	FAX (212) 26	0-5713	E-MAIL Stelbenr@coned.com
THE APPLICANT MUST CERTIFY THAT IT I ONE OF THE BOXES BELOW:	S EITHER A PARTICIPAN	T OR VOLUNTEER IN ACCO	ORDANCE WITH ECL § 27-1405 (1) BY CHECKING
A participant An applicant who either 1) was the owner of the sit of hazardous waste or discharge of petroleum o responsible for the contamination, unless the liabi of ownership, operation of, or involvement with disposal of hazardous waste or discharge of petrol	r 2) is otherwise a person lity arises solely as a result the site subsequent to the	solely as a result of ownership the disposal of hazardous was NOTE: By checking this b appropriate care with respect reasonable steps to: i) stop ar	articipant, including an applicant whose liability anses to operation of or involvement with the site subsequent to ste or discharge of petroleum. ox, the applicant certifies that he/she has exercised to the hazardous waste found at the facility by taking my continuing discharge; ii) prevent any threatened future mit human, environmental, or natural resource exposure zardous waste.
Applicant Relationship to Property (check one): Previous Owner	Potential /Puture Pur	chaser Other	
Current Owner Operator Info	mation		
OWNER'S NAME (if different from applicant)	(SAME AS ABO	VE)	
ADDRESS	·		
CITY/IOWN		ZIP CODE	
PHONE	FAX		E-MAIL
OPERATOR'S NAME (if different from applican	t) Remediation C	Contractor under	VCO-TRC Companies, Inc.
ADDRESS 1200 Wall Stree	t West, 2nd	Floor	
CITY/TOWN Lyndhurst, NJ		ZIP CODE 07	071
PHONE (201) 933-5541	FAX (201) 93	3-5601	EMAIL Emalley@TRCSolutions.com

Site Information		
SITENAME The TRC East Side Properties (4 Sites)		
SITE ADDRESS (See Attachment A) CITY/TOWN ZIP CODE		
COUNTY (See Attachment A) SITE SIZE (ACRES) (See Attachment I	D)	
LATITUDE (See Attachment A) LONGITUDE (See Attachment A	A)	
THE TOTAL THE PROPERTY OF THE	LOCATIO	. OMA P.
BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 75 MINOTE COLD THE SITE POUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? (See Attachments C-F)	Dyes	NO
IF NO, PLEASE ATTACH A METES AND BOOKED DESCRIPTION	Dyes	XI NO
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME)		
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6).	LYES	Ø NO
IF YES, IDENTIFY AREA (NAME)		
Applicant Eighbüry Information (Please refer to ECL § 27-1417)		
1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE? (See Note 1)	□yes □	⊠ _{NO}
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE?	□yes □yes	Ľ⊒NO □NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF BCL ARTICLE 277		⊠ _{NO}
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP?	L YES	MO MO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM?	LIYES	
was to or petroleom? 6. Has the applicant been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? (See Note 7)	CXYES .	□ _{NO}
A WAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL	DYES	Ď _{NO}
FACTS IN A MATTER RELATED TO THE DEPARTMENT? FACTS IN A MATTER RELATED TO THE DEPARTMENT? APTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL	DYES	$ \nearrow $ NO
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF BCL ARTHUR. OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION?		
Site Eligibility Information (Please refer to ECL § 27-1205)		
	∑ YES	
1. Does the site meet the definition of a brownfield site (real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous waste, petroleum, pollutant, or contaminant)?		
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?	DYES	ENO.
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES?	Dyes	M)N0
IF YES, PLEASE PROVIDE: SITE #CLASS # 4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM	DYES	Ď _{N0}
STATUS FACILITY? 5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17	□yēs	₩ио
TITLE 107 (See Note 1) 6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RHLATED TO HAZARDOUS WASTE	Dyes	Σ_{NO}
OR PETROLEUM? (See Note 1)		
Project Description		
PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:		
PURPOSE AND SCOPE OF THE PROJECT (See Attachment B) BY THE PROJECT SCHEDULE		

Site's Environmental H	istory				
TO THE EXTENT THAT EXISTING	G INFORMATION/STU	DIES/REPORTS ARE A	VAILABLE TO THE APP	LICANT, PLEASE AT	TACH THE
FOLLOWING: 1. ENVIRONMENTAL DATA A PHASE I ENVIRONMENTAL and Materials: Standard Practice 1 REPORTS RELATED TO CONT IF A FINAL INVESTIGATION 1	SITE ASSESSMENT R For Environmental Site A. AMINANTS ON OR EN	ssessments: Phase I Envir MANATING FROM THE	ACCORDANCE WITH A conmental Site Assessment 3 SITE.	Process), AND ALL EN	VIRONMENTAL
☑YES □NO			•		-
2. OWNERS (See Att. ALIST OF PREVIOUS OWNER	achment H) Swith Names Last	' KNOWN ADDRESSES	AND TELEPHONE NUL	IBERS (DESCRIBE AT	ም፤ ፕሮልእነፐንዩ
relationship, if any, to e	ACH PREVIOUS OWN	ER LISTED. IF NO REL	ATIONSHIP, PUT "NON	E'').	TEACHITE B
A LIST OF PREVIOUS OPERAT	ORS WITH NAMES, L	AST KNOWN ADDRES	sės and telephone i	IUMBER (DESCRIBE .	APPLICANT'S
RELATIONSHIP, IF ANY, TO E	ACH PREVIOUS OPER	ATOR LISTED. IF NO	relationship, put "n	ONE").	
Contact List Informatio	и				
PLEASE ATTACH, AT A MINIMUM	-			Attachmen	
 THE CHIEF EXECUTIVE OFFICE SITE IS LOCATED. 	ER AND ZONING BOA	ARD CHAIRPERSON OF	FEACH COUNTY, CITY,	TOWN AND VILLAG	E IN WHICH THE
2. RESIDENTS, OWNERS, AND O	CCUPANTS OF THE SI	TE AND PROPERTIES	ADJACENT TO THE SITI	Ξ.	
3. LOCAL NEWS MEDIA FROM V	VHICH THE COMMUN	ITY TYPICALLY OBTA	INS INFORMATION.		
4. THE PUBLIC WATER SUPPLIE	R WHICH SERVICES T	HE AREA IN WHICH T	HE SITE IS LOCATED.		
5. ANY PERSON WHO HAS REQU	ESTED TO BE PLACE	D ON THE SITE CONTA	ACT LIST.	-	
6. THE ADMINISTRATOR OF AN				TE.	-
7. THE LOCATION OF A DOCUM	ENT REPOSITORY FOI	R THE PROJECT (E.G., I	LOCAL LIBRARY)		
i ontamicant Informatio	M (Ces.7	ortarinaerit.			
INDICATE KNOWN OR SUSPECTE	D CONTAMINANTS A	ND THE MEDIA WHIC	h are known or sus	PECTED TO HAVE BE	EN AFFECTED:
	D CONTAMINANTS A Soil	ND THE MEDIA WHICH	H ARE KNOWN OR SUS Surface Water	PECTED TO HAVE BE Sediment	EEN AFFECTED: Soil Gas
Contaminant Category	r	Γ	r	T	T
Contaminant Category	r	Γ	r	T	T
INDICATE KNOWN OR SUSPECTE Contaminant Category Petroleum Chlorinated Solvents Other VOCs	r	Γ	r	T	T
Contaminant Category Petroleum Chlorinated Solvents	r	Γ	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs	r	Γ	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs Metals	r	Γ	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs Metals Pesticides	r	Γ	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs	r	Γ	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs Metals Pesticides PCBs	r	Γ	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs Metals Pesticides PCBs Other*	Soil	Groundwater	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs Metals Pesticides PCBs Other* Please describe:	relevant (1.5)	Groundwater	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs Metals Pesticides PCBs Other* Please describe: Land Use Excises Please Current Use: Residential	seiler to Est 1. S Commercial CKI	Groundwater 27-1415(3)) industrial Other	r	T	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs Metals Pesticides PCBs Other*	relet to Est L.S. Commercial DXI Commercial DI	Groundwater 27-141-5(3)) industrial Other industrial Other	Surface Water	Sediment	T
Contaminant Category Petroleum Chlorinated Solvents Other VOCs SVOCs Metals Pesticides PCBs Other* Please describe: Land Use Facious Picasi Current Use: Residential Future Use: Residential	celer in ICL. Commercial Director of the commer	Groundwater 27-1215(3) industrial Other caplanation as an attached	Surface Water	Sediment	Soil Gas

3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)			X
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	DX.		
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). (See Note 3)		⊠.	5
6. Are there any federal or State land use designations relating to this site?		[X	
7. Do the population growth patterns and projections support the proposed use?	[X		
8. Is the site accessible to existing infrastructure?	DX:		
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?		ď	. 🛭
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site? (See Note 4)	ĽŽ		П
11. Are there floodplains proximate to the site? (See Note:5)	X		Π.
12. Are there any institutional controls currently applicable to the site?	□ 2	(1)	
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, comm agricultural, and recreational areas. (See Attachment K)	ercial, i	indus	trial,
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from proximity to wellhead protection and groundwater recharge areas. (See Attachment L)	the site	, incl	uding
15. Describe on attachment the geography and geology of the site. (See Attachment M)			`
(Note: the 16^{th} criteria relates to comments from the public, which would not be received at the time of application	on)		
Statement of Certification			
(By applicant who is an individual) I hereby affirm that information provided on this form and its attachments is true and complete to the best of my belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to sec Penal Law. Date: Signature: Print Name: (By an applicant other than an individual) I certify that I am application; that this application was prepared by me or under my supervision and direction; and that information form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false sherein is punishable as a Class A misdemeanor pursuant of Section 210.45 of the Penal Law Date: ### Date: ####################################	ake this provid	0.45 o	of the VCTK A.C. a this ade
IBMITTAL INFORMATION: Our (4) complete copies, one with original signatures, are required. Three (3) of the copies, one with original signatures, must be sent to:	• .		
Chief, Site Control Section New York State Department of Environmental Conservation Division of Environmental Remediation 625 Broadway Albany, NY 12233-7020			
One (1) copy must be sent to the DEC regional contact in the regional office covering the county in which Please check our website for the address of our regional offices: http://www.dec.state.ny.us/website/der/inc	the site	e is lo	cated.
R DEPARTMENT USE ONLY			