

**BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION**

ECL ARTICLE 27 / TITLE 14

C231024

10/9/03

**Applicant Information**

NAME Consolidated Edison Company of New York, Inc. and River Place I LLC

ADDRESS See Attachment A

CITY/TOWN See Attachment A ZIP CODE See Attachment A

PHONE See Attachment A FAX See Attachment A E-MAIL See Attachment A

NAME OF APPLICANT'S REPRESENTATIVE See Attachment A

ADDRESS See Attachment A

CITY/TOWN See Attachment A ZIP CODE See Attachment A

PHONE See Attachment A FAX See Attachment A E-MAIL See Attachment A

THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☒ PARTICIPANT - Consolidated Edison Company of NY, Inc.

An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER - River Place I LLC

An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release, and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Applicant Relationship to Property (check one): See Attachment B

☐ Previous Owner ☐ Current Owner ☐ Potential/Future Purchaser ☐ Other \_\_\_\_\_**Current Owner/Operator Information**

OWNER'S NAME (if different from applicant) River Place I LLC

ADDRESS 530 Fifth Avenue

CITY/TOWN New York ZIP CODE 10036

PHONE (212) 551-7350 FAX (212) 302-8625 E-MAIL Bdcunto@silprop.com

OPERATOR'S NAME (if different from applicant) River Place I LLC

ADDRESS 530 Fifth Avenue

CITY/TOWN New York ZIP CODE 10036

PHONE (212) 551-7350 FAX (212) 302-8625 E-MAIL Bdcunto@silprop.com

**Site Information**SITE NAME Portion of West 42<sup>nd</sup> Street Gas Works Site designated as Block 1089, Lot 1 on the New York City Tax Map, NY CountySITE ADDRESS 640 West 42<sup>nd</sup> Street CITY/TOWN New York ZIP CODE 10036

COUNTY New York

SITE SIZE (ACRES) Approximately 2.65 acres

LATITUDE N 40° 45' 41"

LONGITUDE W 73° 59' 58"

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED:

1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? ☐ YES ☒ NO  
IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE. (See Attachments C-E)
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) ☐ YES ☒ NO
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(n)(6) IF YES, IDENTIFY AREA (NAME) ☒ YES ☐ NO

**Applicant Eligibility Information (Please refer to ECL § 27-1407)**

1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE? (See Attachment F) ☐ YES ☐ NO
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE? ☐ YES ☐ NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27? ☐ YES ☐ NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP? ☐ YES ☐ NO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM? ☐ YES ☐ NO
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION? ☐ YES ☐ NO
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT? ☐ YES ☐ NO
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL 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? ☐ YES ☐ NO

**Site Eligibility Information (please refer to ECL § 27-1405)**

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)? ☒ YES ☐ NO
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST? ☐ YES ☒ NO
3. IS THIS SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? IF YES, PLEASE PROVIDE: SITE # \_\_\_\_\_ CLASS # \_\_\_\_\_ ☐ YES ☒ NO
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY? ☐ YES ☒ NO
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10? ☐ YES ☒ NO
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM? ☐ YES ☒ NO

**Project Description**

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPLAINT:

- PURPOSE AND SCOPE OF THE PROJECT (See Attachment G)
- ESTIMATED PROJECT SCHEDULE

## Site's Environmental History

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 Material: Standard Practice for Environment Site Assessment: 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):

☐ YES

☐ NO

(See Attachment H)

### 2. OWNERS

A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANTS RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED, IF NO RELATIONSHIP, PUT "NONE") (See Attachment I)

### 3. OPERATORS

A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE"). (See Attachment I)

## Contact List Information

PLEASE ATTACH AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING: (See Attachment J)

- 1 THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED.
- 2 RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.
- 3 LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.
- 4 THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.
- 5 ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.
- 6 THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.
- 7 THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY).

## Contaminant Information

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN EFFECTED:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs	X	X			X
SVOCs	X	X			X
Metals	X	X			
Pesticides					
PCBs					
Others*	X				

Please describe: Coal Tar Residuals

## Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: X Residential X Commercial    Industrial    Other                     

Future Use: X Residential X Commercial    Industrial    Other                     

Please check the appropriate boxes and provide an explanation as an attachment if appropriate

Yes No Unknown

1. Do current historical and/or recent development patterns support the proposed use?

X      

2. Is the proposed use consistent with applicable zoning laws/maps?

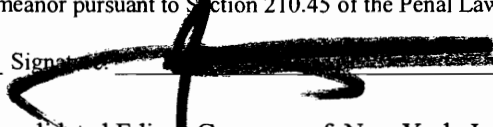
X

3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)	—	—	<u>X</u>
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	<u>X</u>	—	—
5. Are there any Environmental Justice Concerns? (See § 27-1415 (3)(p)).	—	<u>X</u>	—
6. Are there any federal or State land use designations relating to this site?	—	<u>X</u>	—
7. Do the population growth patterns and projections support the proposed use?	<u>X</u>	—	—
8. Is the site accessible to existing infrastructure?	<u>X</u>	—	—
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	—	<u>X</u>	—
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 Attachment H)	<u>X</u>	—	—
11. Are there floodplains proximate to the site?	—	<u>X</u>	—
12. Are there any institutional controls currently applicable to the site?	—	<u>X</u>	—
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. (See Attachments H and K)			
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas. (See Attachment H)			
15. Describe on attachment the geography and geology of the site. (See Attachments H and K)			
(Note: the 16 <sup>th</sup> criteria relates to comments from the public, which would not be received at the time of application)			

#### Statement of Certification


##### For Applicant River Place I LLC

I certify that I am President (title) of River Place I LLC by RPI Developer Corp., Managing Member (entity); that I am authorized by that entity to make this application, that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 5/25/04 Signature:  Print Name: Larry A. Silverstein

##### For Applicant Consolidated Edison Company of New York, Inc.

I certify that I am Vice President - Environment, Health & Safety (title) of Consolidated Edison Company of New York, Inc. (entity); that I am authorized by that entity to make this application, that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 5/21/04 Signature:  Print Name: Randolph S. Price

#### SUBMITTAL INFORMATION

Four (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 the site is located.  
Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCP SITE NO.: \_\_\_\_\_

BCP SITE T&A CODE: \_\_\_\_\_

PROJECT MANAGER: \_\_\_\_\_

## **ATTACHMENT A**

### **JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC**

#### **APPLICANT INFORMATION**

The premises (640 West 42<sup>nd</sup> Street, New York, New York/Tax Block 1089, Lot 1 – the “Site”) covered by this joint Brownfield Cleanup Program (“BCP”) application by Consolidated Edison Company of New York, Inc. (“Con Edison”) and River Place I LLC (“River Place I”) comprises a portion of the former grounds of the West 42<sup>nd</sup> Street Gas Works – one of 45 historic manufactured gas plant (“MGP”) and manufactured gas storage holder station locations for which Con Edison has agreed to conduct Department-approved investigations and, if deemed necessary by the Department, to implement Department-approved remedial action plans pursuant to its August 15, 2002 Voluntary Cleanup Agreement (Voluntary Cleanup Agreement Index No.D2-0003-02-08 – the “VCA”) with the Department. River Place I is the present owner and operator of the Site

Con Edison has conducted a Department-approved Site Characterization Study for the Site and for an additional property (533-543 11<sup>th</sup> Avenue, New York, New York/Tax Block 1089, Lot 3) that also comprises a portion of the former grounds of the West 42<sup>nd</sup> Street Gas Works. As required by the VCA, Con Edison has submitted to the Department a Site Characterization Report setting forth the findings and conclusions of the investigative activities completed on those two premises.

Con Edison’s and River Place I’s intention is to enter into a joint Brownfield Cleanup Agreement (“BCA”) with the Department, so that they can conduct under the Department’s new BCP any additional investigative activities that the Department deems necessary for the Site and carry out a Department-approved remedial action work plan for the MGP-contamination that is present on the Site. Assuming that Con Edison is accepted into the BCP and enters into such a BCA, it will request the Department to terminate the VCA with respect to the Site.

Con Edison and the present owner of second property discussed above are also filing a joint BCP application with the Department for that property and intend to conduct any additional investigative activities that the Department deems necessary for the property and to implement a Department approved remedial action work plan for the MGP-contamination present there under a joint VCA with the Department.

The information requested in the Department’s BCP application form for Con Edison and River Place I is as follows:

**Con Edison**

NAME	Consolidated Edison Company of New York, Inc.		
ADDRESS	4 Irving Place		
CITY/TOWN	NEW YORK	ZIP CODE	10003
PHONE	(212) 460-1293	FAX	(212) 677-2050
E-MAIL	PriceR@coned.com		
NAME OF APPLICANT'S REPRESENTATIVE	Eddy Louie, P.E.		
ADDRESS	Con Edison, 31-01 20 <sup>th</sup> Avenue		
CITY/TOWN	Astoria	ZIP CODE	11105
PHONE	(718) 204-4262	FAX	(718) 932-2687
E-MAIL	LouieE@coned.com		

**River Place I**

NAME	River Place II LLC		
ADDRESS	530 Fifth Avenue		
CITY/TOWN	New York	ZIP CODE	10036
PHONE	(212) 551-7350	FAX	(212) 302-6825
E-MAIL	Bdcunto@silvprop.com		
NAME OF APPLICANT'S REPRESENTATIVE	Bill Dacunto		
ADDRESS	530 Fifth Avenue		
CITY/TOWN	New York	ZIP CODE	10036
PHONE	(212) 551-7350	FAX	(212) 302-6825
E-MAIL	Bdcunto@silvprop.com		

## **ATTACHMENT B**

### **JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC**

#### **APPLICANTS' RELATIONSHIP TO THE SITE**

**Con Edison** - Con Edison is a past owner and operator of the Site.

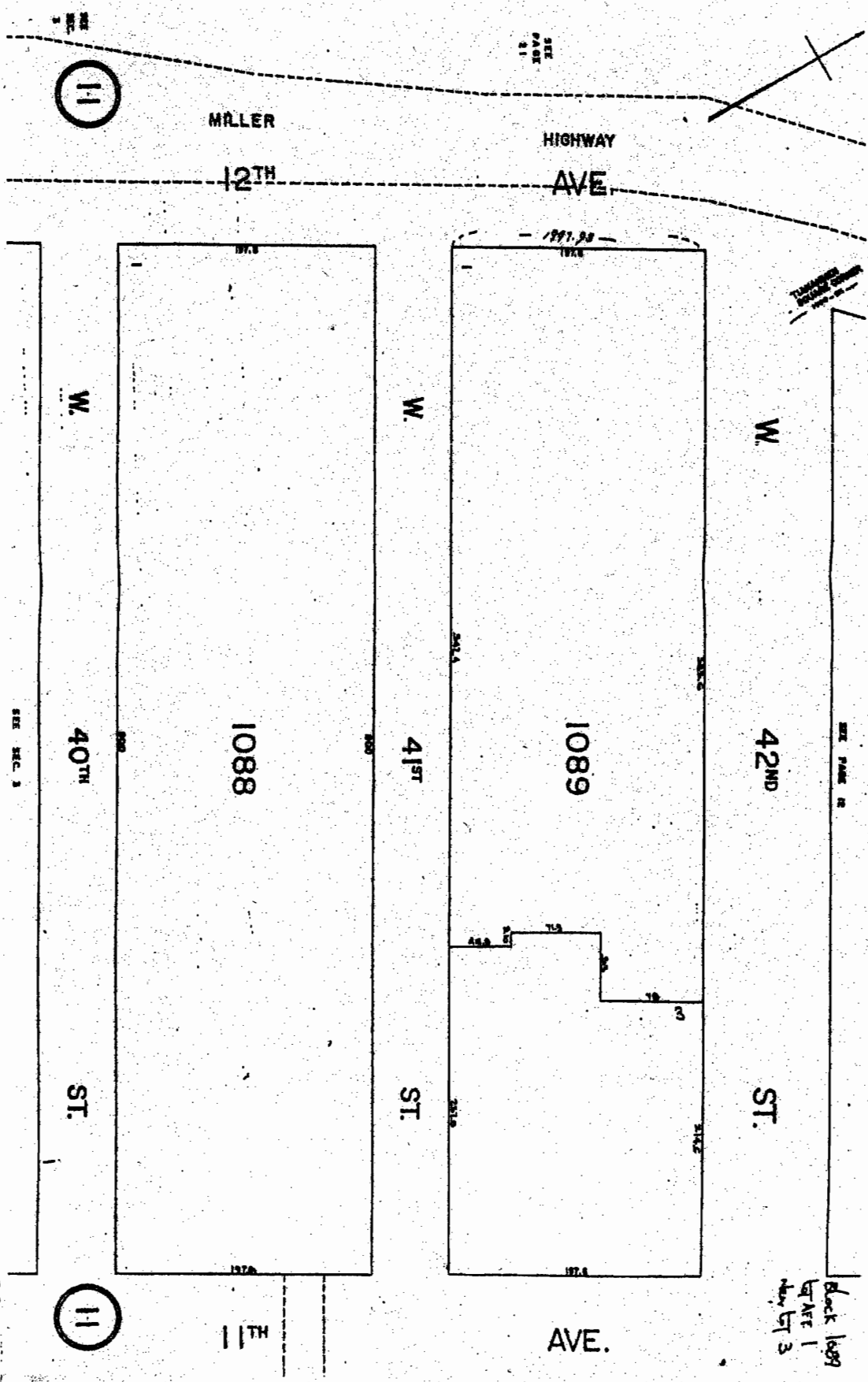
**River Place I** - River Place I is the present owner and operator of the Site.

**ATTACHMENT C**

**JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC. AND RIVER PLACE I LLC**

**NEW YORK COUNTY TAX MAP**





MILLER

HIGHWAY

12TH

AVE.

W.

42ND

ST.

1089

W.

41ST

ST.

1088

W.

40TH

ST.

SEE REC. 3

SEE PAGE 12

Black 1089  
Grate 1  
New 1/3

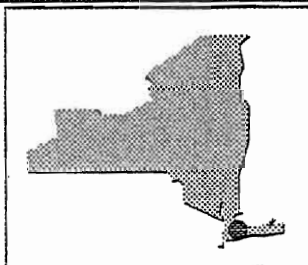
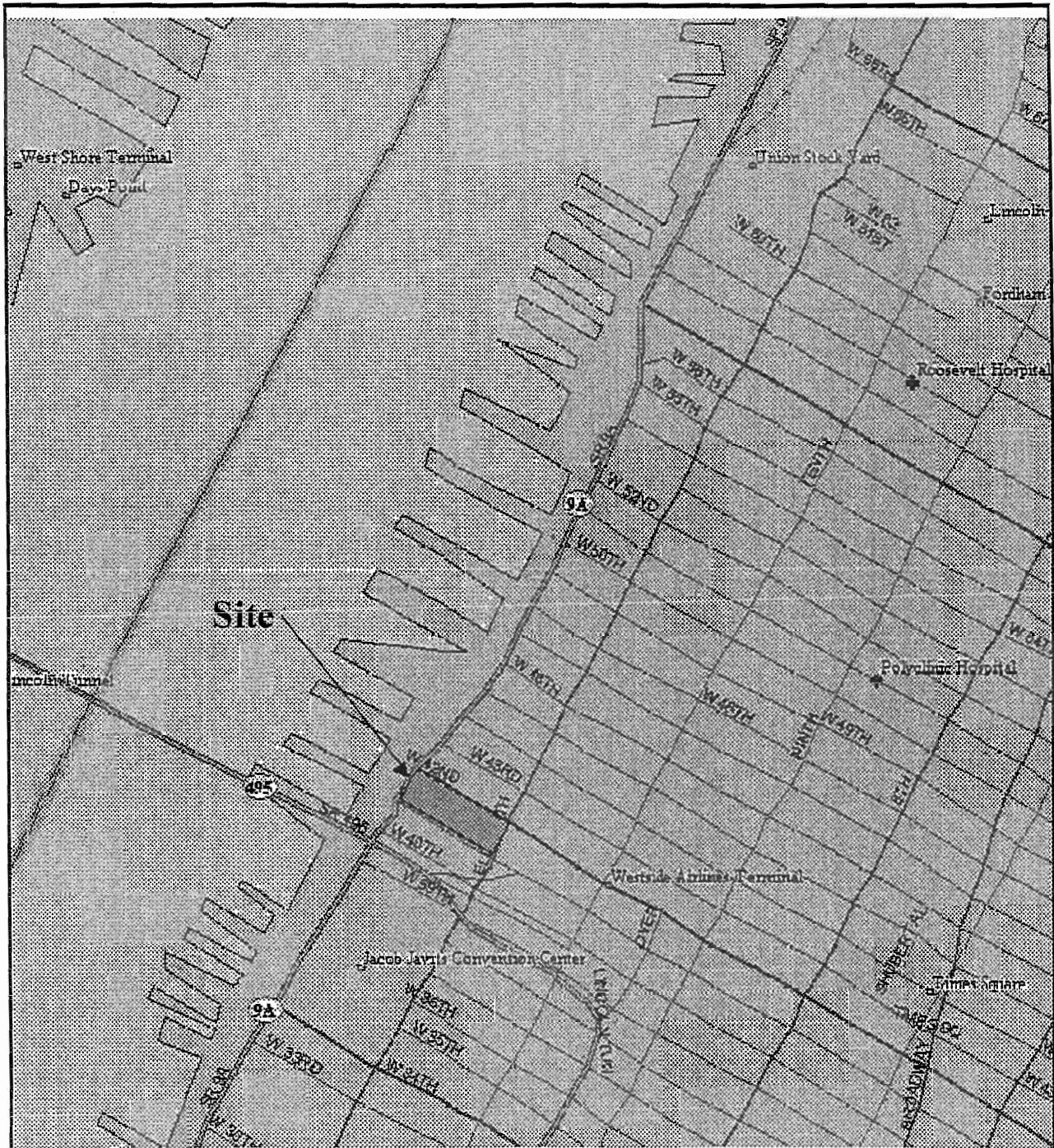
AVE.

11TH

**ATTACHMENT D**

**JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC. AND RIVER PLACE I LLC**

**SITE LOCATION MAP**



New York Quadrangle

LATITUDE: N40° 45' 41"  
LONGITUDE: W73° 59' 58"



0.200 MI

Figure 1

CONSOLIDATED EDISON  
NEW YORK, NEW YORK

## SITE LOCATION MAP FORMER WEST 42<sup>ND</sup> STREET GAS WORKS

PARSONS

DESIGN \* RESEARCH \* PLANNING  
330 David Lane Road, Suite 212, Unsupers, New York 13068 \* (315) 451-9581  
Offices in Principal Cities

## ATTACHMENT E

### JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC

#### **SITE TAX BLOCK/LOT INFORMATION AND METES AND BOUNDS DESCRIPTION**

For the purposes of Con Edison's and River Place I's joint BCP application, the "Site" consists of the parcel of real property commonly known as 640 West 42<sup>nd</sup> Street in the County, City, and State of New York, and designated as Block 1089, Lot 1 on the Tax Map of the City of New York, County of New York. The metes and bounds description of that parcel is as follows:

**ALL** that certain plot, piece or parcel of land, situate, lying and being in the County, City and State of New York, bounded and described as follows:

**BEGINNING** at the corner formed by the intersection of the northerly line of West 41<sup>st</sup> Street with the easterly line of 12<sup>th</sup> Avenue, prior to widening;

**RUNNING THENCE**, northerly along the easterly line of 12<sup>th</sup> Avenue, 198 feet 10¾ inches to the corner formed by the intersection of the easterly line of 12<sup>th</sup> Avenue with the southerly line of West 42<sup>nd</sup> Street;

**THENCE**, easterly along the southerly line of West 42<sup>nd</sup> Street 565 feet 7½ inches;

**THENCE**, southerly parallel with the easterly line of 12<sup>th</sup> Avenue, prior to widening, 79 feet 0 inches;

**THENCE**, westerly parallel with the southerly line of West 42<sup>nd</sup> Street, 53 feet 0 inches;

**THENCE**, southerly parallel with the easterly line of 12<sup>th</sup> Avenue, prior to widening, 71 feet 9 inches;

**THENCE**, easterly parallel with the northerly line of West 41<sup>st</sup> Street, 9 feet 10 inches;

**THENCE**, southerly parallel with the easterly line of 12<sup>th</sup> Avenue, prior to widening, 46 feet 9 inches to a point in the northerly line of West 41<sup>st</sup> Street; and

**THENCE**, westerly along the northerly line of West 41<sup>st</sup> Street 542 feet 4 inches to the point or place of **BEGINNING**.

**TOGETHER WITH** the Easements contained in the Reciprocal Easement Agreement made by and between River Place I LLC and River Place II LLC, dated as of June 14, 1999, recorded July 8, 1999 in Reel 2909 page 1160 in the Office of the New York City Register, County of New York.

## **ATTACHMENT F**

### **JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC**

#### **APPLICANT ELIGIBILITY INFORMATION**

##### **River Place I**

1. Are any enforcement actions pending against the applicant regarding this site?  
☐ Yes      ☒ No
2. Is the applicant subject to an outstanding claim by the spill fund for this site?  
☐ Yes      ☒ No
3. Has the applicant violated any provision of ECL Article 27?  
☐ Yes      ☒ No
4. Has the applicant been previously denied entry to the BCP?  
☐ Yes      ☒ No
5. Has the applicant committed a negligent or intentionally tortious act regarding hazardous waste or petroleum?  
☐ Yes      ☒ No
6. Has the applicant been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?  
☐ Yes      ☒ No
7. Has the applicant knowingly falsified statements or concealed material facts in a matter related to the Department?  
☐ Yes      ☒ No
8. Has the applicant, based on the provisions of ECL Article 27-1407 (or a similar provision of federal 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?  
☐ Yes      ☒ No

##### **Con Edison**

1. Are any enforcement actions pending against the applicant regarding this site?  
☐ Yes      ☒ No
2. Is the applicant subject to an outstanding claim by the spill fund for this site?  
☐ Yes      ☒ No

**Con Edison (cont.)**

3. Has the applicant violated any provision of ECL Article 27?  
☒ Yes      ☐ No
4. Has the applicant been previously denied entry to the BCP?  
☐ Yes      ☒ No
5. Has the applicant committed a negligent or intentionally tortious act regarding hazardous waste or petroleum?  
☐ Yes      ☒ No
6. Has the applicant been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?  
☒ Yes      ☐ No
7. Has the applicant knowingly falsified statements or concealed material facts in a matter related to the Department?  
☐ Yes      ☒ No
8. Has the applicant, based on the provisions of ECL Article 27-1407 (or a similar provision of federal 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?  
☒ Yes      ☐ No

As indicated in its responses above, Con Edison has in the past been charged by the Department with violations of Article 27 of the Environmental Conservation Law ("ECL") at facilities and locations other than the Site covered by this joint BCP application. These violations have been resolved or are being resolved to the Department's satisfaction pursuant to, among other things, administrative orders on consent or settlements of claims with the Department. Moreover, the Department 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.

In 1995, Con Edison pleaded guilty to four counts involving the failure to report the release of asbestos from an August 1989 steam pipe explosion in the Gramercy Park section of Manhattan, making false statements in connection therewith, and conspiracy to defraud the United States in connection therewith. Con Edison paid the fine and completed the term of probation to which it was sentenced by the United States District Court for the Southern District of New York for these crimes. Con Edison has disclosed its conviction for these crimes in its past applications to the Department for Waste Transporter Permits under Article 27 of the ECL, and the Department has not relied on them as a basis for denying Con Edison such permits or barring Con Edison from participating in the Department's Voluntary Cleanup Program.

## **ATTACHMENT G**

### **JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC**

#### **PROJECT DESCRIPTION**

The Site is located on the western portion of the block bounded by West 41st and West 42nd Streets and Eleventh and Twelfth Avenues in the Borough of Manhattan, New York County and is occupied by a high-rise apartment building which also contains retail space and a commercial parking garage. The proposed project for the Site is the continued use of the existing apartment building located on it.

## ATTACHMENT H

### JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC

#### ENVIRONMENTAL DATA

As required under the terms of Voluntary Cleanup Agreement Index No. D2-0003-02-08 (the "VCA") by and between Con Edison and the Department, Con Edison has conducted a Department-approved Site Characterization Study for the Site covered by this joint BCP application and for an adjoining property located at 533-543 11<sup>th</sup> Avenue in New York, New York, which is also part of the former grounds of the West 42<sup>nd</sup> Street Gas Works. The results and findings of that study are presented in the attached report entitled, *Site Characterization Report – West 42<sup>nd</sup> Street Former Manufactured Gas Plant Site –Voluntary Cleanup Agreement Index No. D2-0003-02-08; Site ID V00531* (Dvirka and Bartilucci Consulting Engineers, January 2004). The attached report has been submitted to the Department and approved by it pursuant to the VCA.



## ATTACHMENT I

### JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC

#### PAST SITE OWNERS AND OPERATORS

<b>Past Owner/Operator Name And Last Known Address</b>	<b>Con Edison's Relationship With Past Owner/Operator</b>	<b>River Place I's Relationship With Past Owner/Operator</b>
Manhattan Gas Light Co. 4 Irving Place New York, NY (1860 – 11/1884)	Predecessor in Interest by Corporate Consolidation	None
Consolidated Gas Company of New York, Inc. 4 Irving Place New York, NY (11/1884 – 10/1923)	Same as Con Edison. Prior to 1936, Con Edison was known as Consolidated Gas Company of New York, Inc.	None
New York Edison Company 4 Irving Place New York, NY (10/1923 – 10/1927)	Predecessor in Interest by Corporate Merger	None
New York State Realty and Terminal Company 450 Lexington Avenue New York, NY (10/1927 – 12/1932)	None	None
N.Y. Central Railroad Co. 450 Lexington Avenue New York, NY (12/1932 – 6/1962)	None	None
Cola Realty Corp. Presently Unknown (6/1962 – 7/1962)	None	None
Railway Express Agency, Inc. 219. East 42 <sup>nd</sup> Street New York, NY (7/1962 – 5/67)	None	None

<b>Past Owner/Operator Name And Last Known Address</b>	<b>Con Edison's Relationship With Past Owner/Operator</b>	<b>River Place I's Relationship With Past Owner/Operator</b>
Joseph. D. Keenan & Roger Deed, as Trustees under 5/31/67 Trust Agreement 27-27 29 <sup>th</sup> Street NW Washington, DC (5/1967 – 6/1969)	None	None
Chrysler Realty Corporation P.O. box 2236 Wichita, Kansas (6/1969 – 2/1981)	None	None
Ivory Forty-Two Realty Corp. c/o Silverstein Properties, Inc. 521 Fifth Avenue New York, NY (2/1981 – 7/1984)	None	Affiliated company that may be defunct. River Place I is currently reviewing records to determine the corporation's status
Silverstein 42 <sup>nd</sup> Associates, L.P. c/o Silverstein Properties, Inc. 521 Fifth Avenue New York, NY (7/1984 – 12/1996)	None	Affiliated Company

## **ATTACHMENT J**

### **JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC**

#### **CONTACT LIST INFORMATION**

##### **Chief Executive Officer and Zoning Board Chairperson**

The Chief Executive Officer and Zoning Board Chairperson of the County and City in which the Site is located are as follows:

<u>Chief Executive Officer</u>	Honorable Michael R. Bloomberg Mayor of the City of New York City Hall New York, NY 10007
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<u>NYC Director of Zoning</u>	Michael Weil NYC Department of City Planning 22 Reade Street New York, NY 10007
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<u>Manhattan Borough Office</u>	Vishaan Chakrabarti Director, Manhattan Office NYC Department of City Planning 22 Reade Street New York, NY 10007
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##### **Owners and Occupants of Properties Adjacent to Site**

<u>South of Site</u>	NYC Transit Authority 525 11 <sup>th</sup> Avenue New York, NY 10018 (MTA Bus Depot)
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<u>West of Site</u>	Pier 83 at West 42 <sup>nd</sup> Street New York City Department of Business 110 William Street New York, NY 10038 (Sightseeing Boat Marina)
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<u>East of Site</u>	Mercedes Benz Manhattan 514 11 <sup>th</sup> Avenue New York, NY 10018 (Auto Dealership)
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**Owners and Occupants of Properties Adjacent to Site (cont.)**

**East of Site**

Federal Express Corporation  
554 11<sup>th</sup> Avenue  
New York, NY 10036  
(Truck Garage and Offices)

Massachusetts Mutual Life Insurance Co.  
555 West 42<sup>nd</sup> Street  
New York, NY 10036  
(High-Rise Apartment Building)

**North of Site**

Peoples Republic of China  
520 Joe DiMaggio Highway  
New York, NY 10036  
(Consulate Building)

Kandila Realty Corp.  
647 West 42<sup>nd</sup> Street  
New York, NY 10036  
(Restaurant)

627 Associates LLC  
627 West 42<sup>nd</sup> Street  
New York, NY 10036  
(Vacant Commercially Zoned Property)

DFF 37<sup>th</sup> Street Associates  
621 West 42<sup>nd</sup> Street  
New York, NY 10036  
(Vacant - Former NYPD Mounted Unit Horse Stable)

Verizon New York Inc.  
603 West 43<sup>rd</sup> Street  
New York, NY 10036  
(Garage)

Mobil Oil Corp.  
553 11<sup>th</sup> Avenue  
New York, NY 10036  
(Gas Station)

### **Local News Media**

The following are among the local news media sources from which the community in the vicinity of the Site is believed to obtain information:

Newspapers: The New York Times, Daily News, New York Post, Our Town

Television: NY1, WCBS – Channel 2, WNBC – Channel 4, WNYM – Channel 5, WABC – Channel 7, WWOR- Channel 9, WPIX – Channel 11

### **Public Water Supplier**

The municipal water supply system for the area in which the Site is located is operated by the New York City Department of Environmental Protection, 59-17 Junction Boulevard, Corona, New York 11368.

### **VCA Contacts**

The Department and New York State Health Department (“DOH”) contacts specified in Voluntary Cleanup Agreement Index No. D2-0003-02-08 between Con Edison and the Department and the Department’s and DOH’s project managers for the Site under that VCA are as follows:

Robert W. Schick, P.E.  
Chief, MGP Remedial Section  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

Dale A. Desnoyers, Esq.  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

Joseph Moloughney, P.E.  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

Gary Litwin  
Bureau of Environmental Exposure Investigation  
New York State Department of Health  
Flanigan Square  
547 River Street  
Troy, NY 12180-2216

**VCA Contacts (cont.)**

Dawn Hettrick, P.E.  
Environmental Investigations  
New York State Department of Health  
Flanigan Square  
547 River Street  
Troy, NY 12180-2216

**Public Officials and Community Contacts**

Hon. C. Virginia Fields  
Manhattan Borough President  
Municipal Building, 19<sup>th</sup> Floor South  
One Centre Street  
New York, NY 10007

Hon. Thomas Duane  
New York State Senator  
29<sup>th</sup> State Senatorial District  
494 Eighth Avenue  
New York, NY 10001

Hon. Richard N. Goffried  
New York State Assembly Member  
64<sup>th</sup> Assembly District  
242 West 27<sup>th</sup> Street  
New York, NY 10007

Hon. Christine Quinn  
New York City Council Member  
City Council District 3  
224 West 30<sup>th</sup> Street  
New York, NY 10001

Anthony Borella  
District Manger  
Manhattan Community Board No. 4  
330 West 42<sup>nd</sup> Street  
New York, NY 10036

### **Document Repositories**

Under its VCA with the Department, Con Edison has established document repositories for the Site at the following locations:

Office of Manhattan Borough President C. Virginia Fields  
Municipal Building, 19<sup>th</sup> Floor South  
One Centre Street  
New York, NY 10007

Mid-Manhattan Library  
455 Fifth Avenue  
New York, NY 10016

## **ATTACHMENT K**

### **JOINT BCP APPLICATION OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND RIVER PLACE I LLC**

#### **LAND USE PATTERNS IN AREA IN WHICH SITE IS LOCATED**

The attached report entitled, *West 42<sup>nd</sup> Street Manufactured Gas Plant History Report* (Parsons, August 2002), presents information relating to past and current land use patterns in the area in which the Site is located.