
PERIODIC REVIEW REPORT

for

17th Street Development (76 Eleventh Avenue) New York, New York BCP Site No.: C231036

Prepared For:

76 Eleventh Avenue Property Owner, LLC
600 Madison Avenue
New York, NY 10022

Prepared By:

Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.
21 Penn Plaza, 360 West 31st Street
New York, NY 10001



Satyajit A. Vaidya, P.E.

September 10, 2021
100500101

LANGAN

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1.0 INTRODUCTION

This Periodic Review Report (PRR) was prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan) for the 17th Street Development (76 Eleventh Avenue) project as a requirement of the December 5, 2014 Site Management Plan (SMP) and September 17, 2020 draft update. The BCP property is located at 76 Eleventh Avenue in the Chelsea neighborhood of Manhattan, New York (the site) and is identified on the Manhattan Borough Tax Map as Block 689, Lot 17. The site location is shown on Figure 1. The Brownfield Cleanup Program (BCP) site boundaries subject to the PRR certification are shown on Figure 2.

The site achieved a Track 4 remediation under New York State Brownfield Cleanup Program (BCP Site No. C231036) administered by the New York State Department of Environmental Conservation (NYSDEC), and obtained a Certificate of Completion on December 17, 2014. The 2014 SMP was approved by the NYSDEC to manage remaining contamination at the site.

A March 10, 2016 Environmental Engineering Controls Protection and Restoration Plan (EECPRP) was prepared to provide requirements to be followed, including removal of additional contaminated material and protection and restoration of the environmental engineering controls (ECs), during site-wide redevelopment. Remedial construction was completed from May 19, 2016 to April 16, 2019 and documented in an April 29, 2020 Construction Completion Report (CCR), which was approved by the NYSDEC on May 6, 2020. The SMP was updated in 2020 after completing remedial construction and is pending NYSDEC approval. This PRR includes a summary of inspection conditions and certification of the ECs in accordance with the reporting requirements detailed in the SMP draft update Section 7.0.

The site is currently under construction with building superstructure and interior fit-out yet to be completed. When construction is completed, the western area of the site will be developed with a mixed-use commercial and residential high-rise building with a ventilated garage, and the eastern area will contain a plaza with subgrade retail space.

2.0 PERIODIC REVIEW REPORT CERTIFICATION

2.1 Institutional Controls

An Environmental Easement was executed to (1) implement, maintain and monitor the engineering controls (ECs); (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface; and (3) limit the use and development of the site to restricted-residential, commercial, and industrial uses only. There have been no changes or actions that require modification to the environmental easement since the NYSDEC issued the Certificate of Completion. A copy of the Environmental Easement is included as Appendix A.

2.2 Engineering Controls

The ECs for the site include: 1) a composite cover system; 2) a ventilated parking garage; 3) an in-situ stabilization (ISS) monolith, and 4) a containment wall. The ISS monolith and containment wall are below the composite cover system and are not accessible for inspection. The EC locations are shown on Figure 3. The extent of the composite cover system and typical details are shown on Figure 4.

Composite Cover System

The composite cover consists of:

- 12- to 14-inch-thick concrete slabs with a waterproofing/vapor barrier membrane for on-grade foundations above the groundwater table, and
- 16- to 22-inch-thick concrete pressure slabs with a waterproofing/vapor barrier membrane for foundations installed below the groundwater table.

Ventilated Parking Garage

Migration of potential soil vapor into the building is mitigated by a ventilated parking garage. The parking garage is equipped with a Greenheck BSQ-360 HP-50 exhaust system to provide ventilation compliant with the New York City Mechanical Code. Installation of the garage ventilation system is not complete. The parking garage ventilation system will be installed and operational prior to occupancy of the building.

The approximate location of the future garage ventilation system is shown on Figure 3.

2.3 Institutional and Engineering Controls Certificate

The certification period covered by this PRR is for the December 31, 2019 to December 31, 2020 reporting year. Annual inspections, as described in Section 5.0 were completed in accordance with the requirements of the SMP (2020 draft update) and Brownfield Cleanup Agreement as certified by the owner and Professional Engineer in the EC/IC Certificate Form. The completed and signed EC/IC Certificate Form is provided as Appendix B.

3.0 POST-REMEDIATION CONSTRUCTION OPERATIONS

Superstructure and interior fit-out for the site buildings are not yet completed. Above-grade construction activities were paused at the time of the site inspection. Ground-intrusive construction activities have not taken place after NYSDEC approval of the CCR. Any future ground-intrusive subsurface activities performed must be in compliance with the SMP (2020 draft update).

4.0 ANNUAL INSPECTIONS

Langan inspected the accessible site ECs on July 30, 2021 for the PRR reporting period. ECs were documented to be functioning as designed, maintained, and monitored in accordance with the SMP (2020 draft update). Annual inspections and monitoring observations are described in the following sections. Photos from the annual site-wide inspection are included in Appendix B. Annual site inspection forms are provided in Appendix C.

4.1 Site Monitoring and Inspection

4.1.1 Composite Cover System Inspection

Alterations to the composite cover system were not observed at the time of the inspection. The waterproofing/vapor barrier beneath the concrete slab cannot be directly inspected; however, the concrete slabs appeared competent with no evidence of significant cracks or spalling and there was no indication of unsealed post-installation penetrations. Standing water was observed in the northern, southern, and central parts of the cellar and appeared to originate from precipitation runoff entering the building through openings in the exterior wall. The standing water did not appear to impact the integrity of the composite cover system.

4.1.2 Ventilated Parking Garage Inspection

The parking garage ventilation system was not installed at the time of the inspection. The parking garage ventilation system will be installed and operational prior to occupancy of the building. Following installation, startup procedures will be conducted in compliance with the SMP (2020 draft update).

4.1.3 Site-wide Inspection

Indications of subsurface work or breaching of the composite cover system were not observed. The Environmental Easement and ICs remain in place and the site use has not changed. Significant cracks in building slabs or foundation walls were not observed and the overall interior and exterior parts of the BCP development were in good condition. The building remains under construction and is not occupied.

5.0 DNAPL RECOVERY PROGRAM

Post-remedial action dense non-aqueous phase liquid (DNAPL) recovery from four on-site recovery wells began in August 2014 and continues on a monthly cycle. Each month, a stainless steel bailer (with a locking trap) is deployed in the four on-site recovery wells (RW-D, -E, -J, and -K). The bailers remain submerged for about four weeks to allow sufficient time for DNAPL to collect in the bailer traps. After about four weeks, the bailers are retrieved from each well and the contents expelled into marked 5-gallon buckets. The volume of DNAPL is recorded and the bailers are redeployed and remain undisturbed until the next recovery event (about 4 weeks). Recovered DNAPL is stored on-site in labeled, 55-gallon steel drums. DNAPL recovery progress is documented in quarterly progress reports submitted to the NYSDEC. Locations of the DNAPL recovery wells are shown on Figure 3.

The following table summarizes the monthly DNAPL recovery results recorded during this reporting period.

Recovery Well	DNAPL Recovery (gallons)				Annual DNAPL Recovery (gallons)
	2020 – Q1	2020 – Q2	2020 – Q3	2020 – Q4	Jan to Dec 2020
	Jan - Mar	Apr - June	Jul - Sep	Oct - Dec	
RW-D	3.50	2.00	1.50	-	7.00
RW-E	8.25	3.00	6.00	-	17.25
RW-J	8.00	2.50	3.00	-	13.50
RW-K	-	-	-	-	-
Totals:	19.75	7.50	10.50	0.00	37.75

The volume of recovered DNAPL, since inception of recovery activities, is about 425 gallons. A complete post-remediation DNAPL recovery summary is included as Table 1.

6.0 O&M Plan Compliance Report

6.1 O&M Plan Components

The components of the O&M Plan include:

- Continuous operation, and maintenance as necessary, of the parking garage ventilation system
- Procedures to allow individuals unfamiliar with the site to operate and maintain the parking garage ventilation system

6.2 Completed O&M Activities

Based on the annual inspection, the components of the parking garage ventilation system are not completely installed yet as the building is still under construction. When installed, system startup procedures will be conducted in compliance with the SMP (2020 draft update).

7.0 Conclusions and Recommendations

7.1 Amendments to the SMP

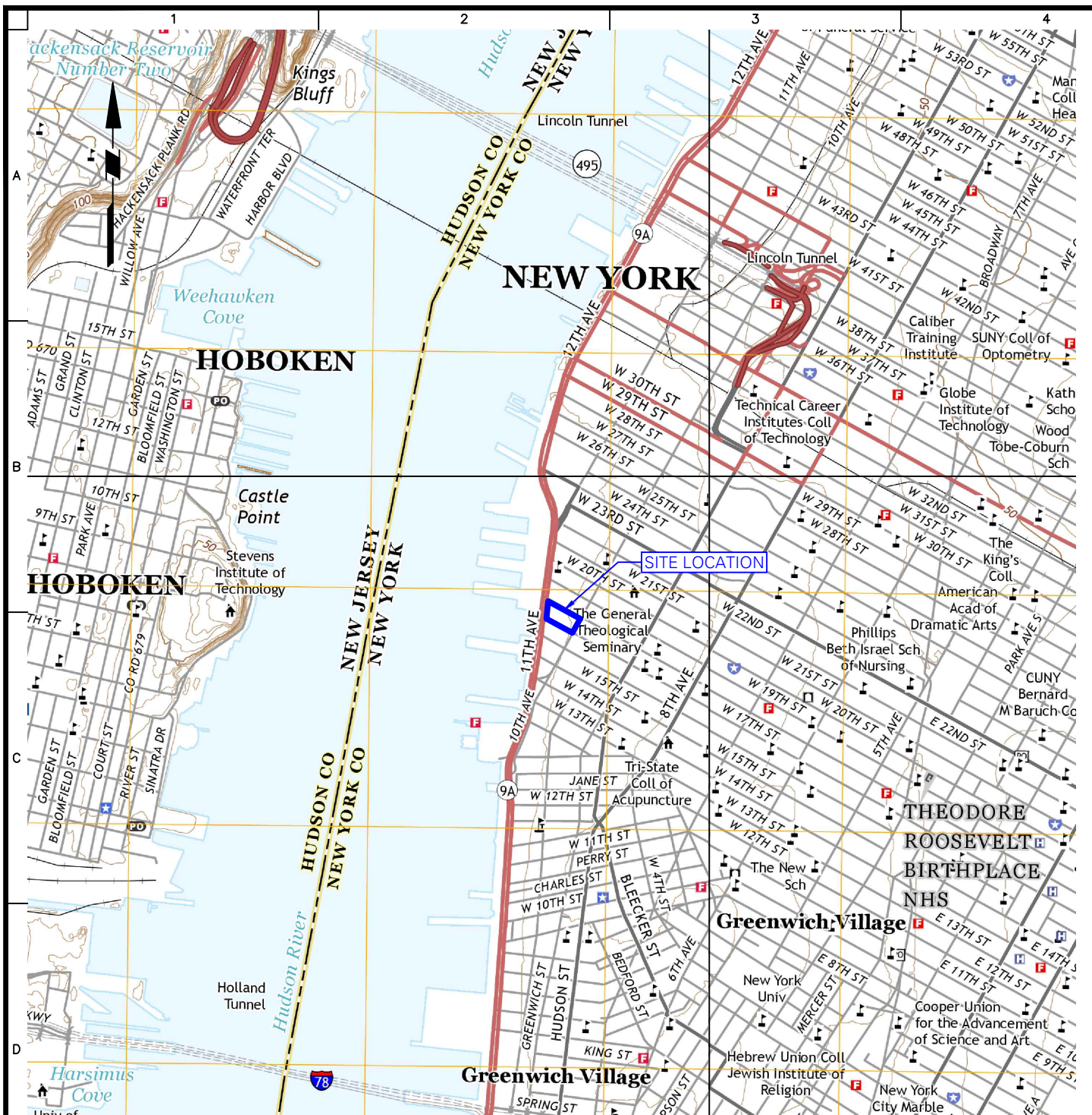
The SMP (2020 draft update) is pending review and approval by the NYSDEC and New York State Department of Health (NYSDOH). No further amendments to the SMP are recommended at this time.

7.2 Amendments to the Frequency of PRR Submissions

No changes in the frequency of PRR submissions are recommended at this time.

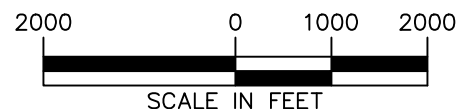
7.3 Proposed Discontinuation of SMP

Discontinuation of the SMP is not recommended at this time.



GENERAL NOTES:

1. BASE MAPS ARE FROM USGS TOPOGRAPHICAL MAPS FOR THE BROOKLYN, CENTRAL PARK, JERSEY CITY AND AND WEEHAWKEN QUADRANGLES.



LANGAN

Langan Engineering and
Environmental Services, Inc.

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Parsippany, NJ 07054

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NJ Certificate of Authorization No.24GA27996400

Project

**76 ELEVENTH
AVENUE**

BLOCK No. 689, LOT No. 17
MANHATTAN

NEW YORK

NEW YORK

Figure Title

**SITE LOCATION
MAP**

Project No.

100513101

Date

5/8/2020

Drawn By

TCS

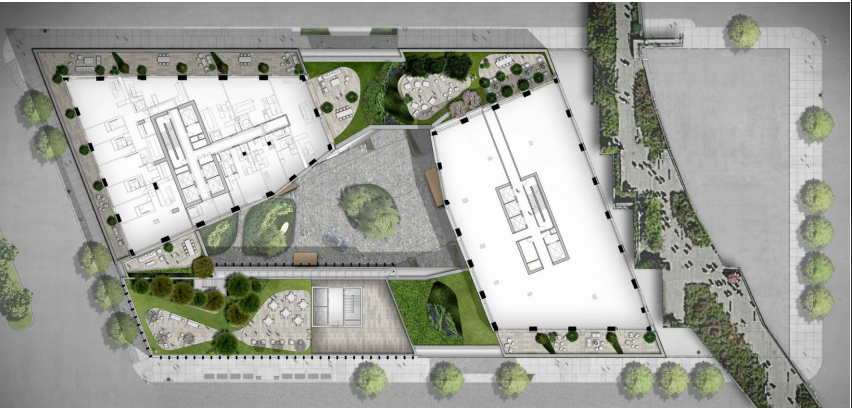
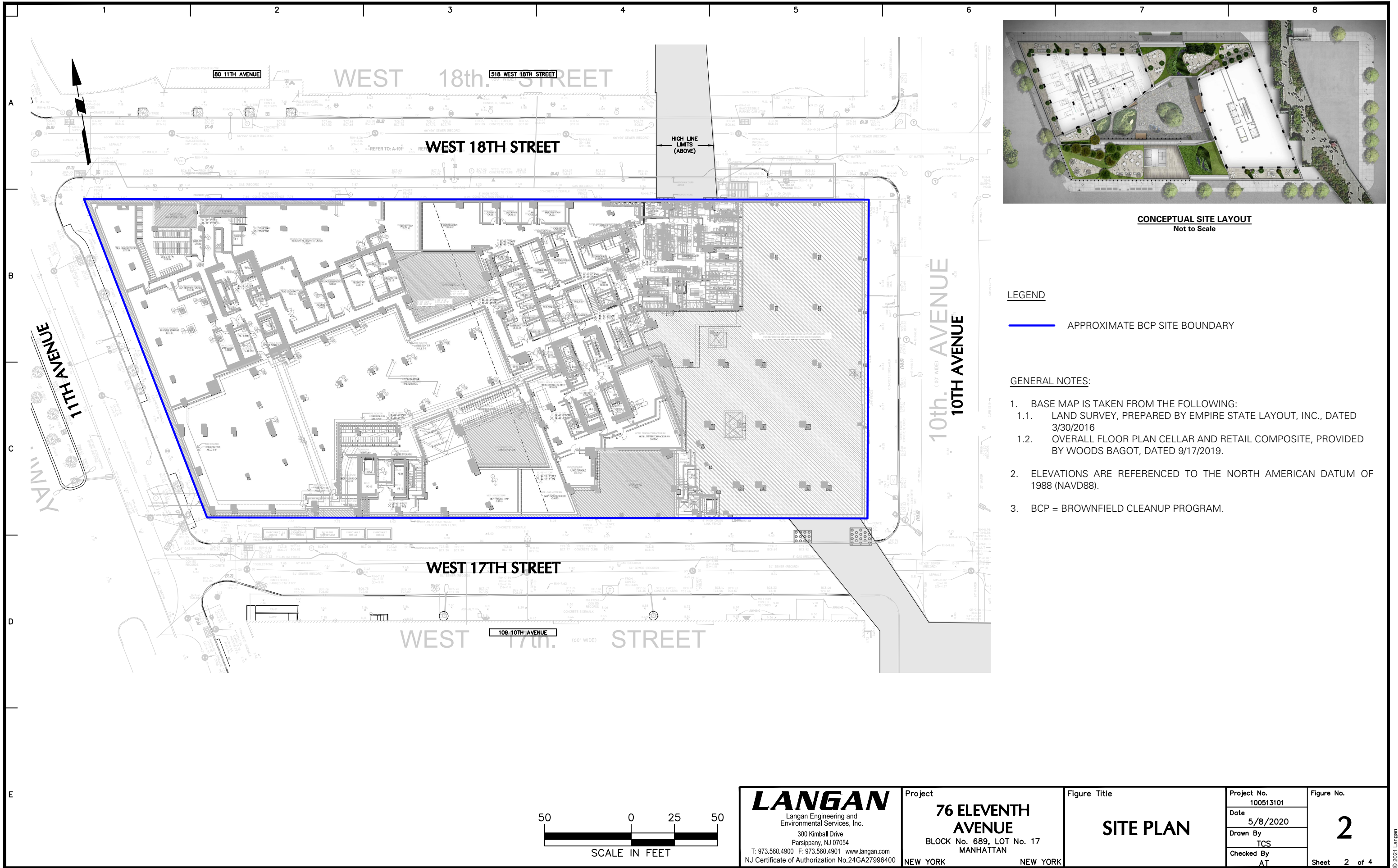
Checked By

AT

Figure No.

1

Sheet 1 of 4



CONCEPTUAL SITE LAYOUT
Not to Scale

LEGEND

APPROXIMATE BCP SITE BOUNDARY

GENERAL NOTES:

- BASE MAP IS TAKEN FROM THE FOLLOWING:
 - LAND SURVEY, PREPARED BY EMPIRE STATE LAYOUT, INC., DATED 3/30/2016
 - OVERALL FLOOR PLAN CELLAR AND RETAIL COMPOSITE, PROVIDED BY WOODS BAGOT, DATED 9/17/2019.
- ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1988 (NAVD88).
- BCP = BROWNFIELD CLEANUP PROGRAM.

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NJ Certificate of Authorization No. 24GA27996400

Project
**76 ELEVENTH
AVENUE**
BLOCK No. 689, LOT No. 17
MANHATTAN
NEW YORK NEW YORK

Figure Title
SITE PLAN

Project No.
100513101
Date
5/8/2020
Drawn By
TCS
Checked By
AT

Figure No.
2
Sheet 2 of 4

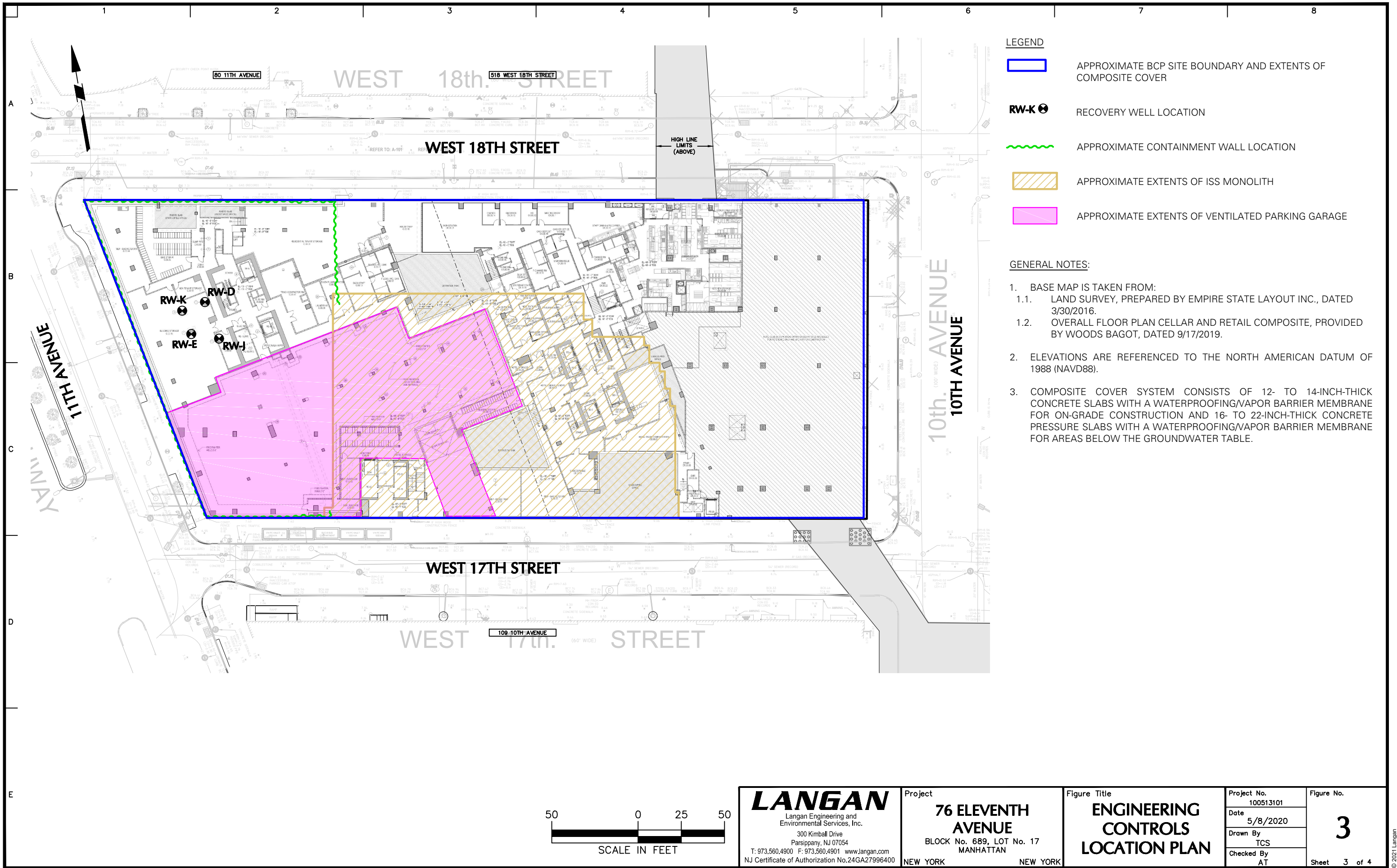


TABLE 1
DNAPL RECOVERY SUMMARY
76 ELEVENTH AVENUE
NEW YORK, NEW YORK
LANGAN PROJECT NO. 100513101

Date	RW-D		RW-E		RW-J		RW-K		Total Post-Remediation DNAPL Removed (gallons)
	Well Column Thickness (feet)	Recovery Volume (gallons)	Well Column Thickness (feet)	Recovery Volume (gallons)	Well Column Thickness (feet)	Recovery Volume (gallons)	Well Column Thickness (feet)	Recovery Volume (gallons)	
Aug-14	5.0	2	5.8	0.5	5.4	3	3.8	1.5	7.00
Sep-14	5.8	1.25	7.5	2.5	5.8	3.5	2.9	1	8.25
Oct-14	-	-	-	-	-	-	-	-	0.00
Dec-18	-	-	8.0	-	-	-	1.3	-	0.00
Jan-19	4.8	2.25	9.8	4.50	3.8	2.75	1.4	-	9.50
Feb-19	1.4	2.50	8.0	4.00	3.1	2.00	0.8	-	8.50
**Mar-19	-	-	-	-	-	-	-	-	0.00
Apr-19	1.2	1.50	8.8	4.00	4.0	2.00	5.3	-	7.50
May-19	1.3	1.50	7.4	4.50	3.8	-	1.0	-	6.00
Jun-19	1.8	-	7.3	-	-	-	0.9	-	0.00
Jul-19	-	1.50	-	4.00	-	1.50	-	-	7.00
Aug-19	1.8	1.50	7.3	4.00	—	1.50	0.9	-	7.00
Dec-19	-	-	8.1	2.75	3.9	1.50	1.3	1.0	5.25
Jan-20	2.2	1.0	7.5	2.75	3.5	1.50	1.8	—	5.25
Feb-20	1.8	1.5	3.0	2.50	7.0	5.00	1.8	—	9.00
Mar-20	1.8	1.0	7.3	3.00	2.5	1.50	1.6	—	5.50
^c Apr-20	-	-	-	-	-	-	-	-	0.00
^c May-20	-	-	-	-	-	-	-	-	0.00
Jun-20	2.0	2.0	7.1	3.00	2.8	2.50	1.5	—	7.50
Jul-20	0.0	0.5	0.0	3.00	0.0	1.50	0.0	—	5.00
Aug-20	-	1.0	-	3.00	-	1.50	-	—	5.50

Pre-remediation DNAPL Recovery Summary: 96.7
Post-remediation DNAPL Recovery Summary: 328.0
Total DNAPL Recovered to-date: 425

Notes

1. Pre-remediation DNAPL recovery includes activities during December 9, 2008 through January 13, 2014.
2. Recovery operations were delayed in October 2014 - April 2015 because of high water levels in the recovery well area.
3. * = Recovery wells were not accessible because of high water levels in the containment wall area.
4. ** = Recovery wells were not accessible because of construction in the immediate area.
5. ^c= Recovery wells were not accessible because of the New York State Executive Order 202.6, mandating temporary closure of non-essential construction sites in response to the COVID-19 pandemic.

Appendix A

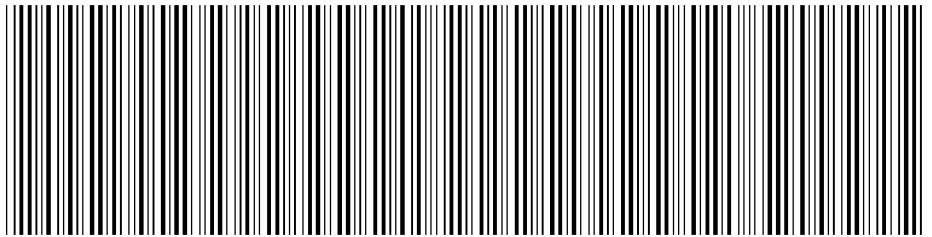
Environmental Easement

APPENDIX B

ENVIRONMENTAL EASEMENT

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2014110700974001004E75AA

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 11

Document ID: 2014110700974001

Document Date: 10-17-2014

Preparation Date: 12-03-2014

Document Type: EASEMENT

Document Page Count: 9

PRESENTER:

FIRST AMERICAN TITLE INSURANCE (FIRSTAM
PICKUP)
633 THIRD AVENUE
TITLE# 695531 ML ACCOM
NEW YORK, NY 10017
212-850-0670

RETURN TO:

EDISON PROPERTIES
100 WASHINGTON STREET
NEWARK, NJ 07102

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	689	17	Entire Lot	501 WEST 17TH STREET
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

HLP PROPERTIES, LLC
100 WASHINGTON STREET
NEWARK, NJ 07102

GRANTEE/BUYER:

THE PEOPLE OF THE STATE OF NEW YORK
625 BROADWAY
ALBANY, NY 12233

☒ Additional Parties Listed on Continuation Page

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 82.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 100.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

RECORDED OR FILED IN THE OFFICE

OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 12-03-2014 17:49

City Register File No.(CRFN):

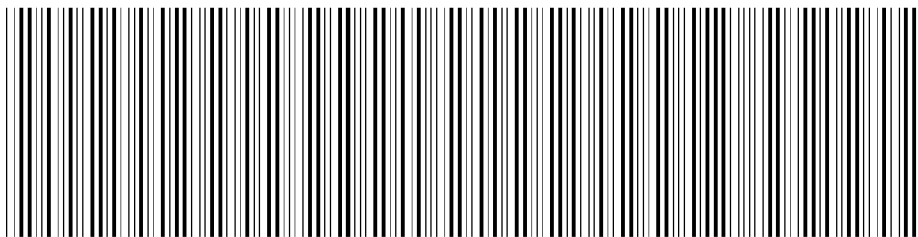
2014000399345



Annette McMill

City Register Official Signature

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**



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RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 11

Document ID: 2014110700974001

Document Date: 10-17-2014

Preparation Date: 12-01-2014

Document Type: EASEMENT

PARTIES

GRANTEE/BUYER:

COMMISSIONER OF THE DEPARTMENT OF
ENVIRONMENTAL
CONSERVATION , 625 BROADWAY
ALBANY , NY 12233

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 17th day of October, 20 14 between Owner(s) HLP Properties, LLC, having an office at 100 Washington Street, Newark, County of Essex, State of New Jersey (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 76 11th Avenue in the City of New York, County of New York and State of New York, known and designated on the tax map of the County Clerk of New York as tax map parcel numbers: Section Manhattan Block 689 Lot 17, being the same as that property conveyed to Grantor by deed dated October 28, 2004 and recorded in the City Register of the City of New York in Instrument No. 2004000757927. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.75 +/- acres, and is hereinafter more fully described in the Land Title Survey dated May 29, 2014 prepared by Jeffrey S. Bauch, P.L.S., P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C231036-12-10, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held

by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her 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

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee

interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: C231036
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway

Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

HLP Properties, LLC:

By: 

Print Name: JEROME GOTZSMAN

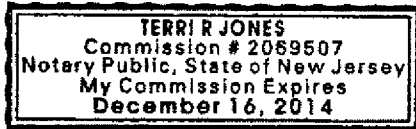
Title: MEMBER-MANAGER Date: 6/3/14

Grantor's Acknowledgment

STATE OF NEW ^{Jersey}YORK)
COUNTY OF ^{Essex}) ss:

On the 3rd day of June, in the year 20 14, before me, the undersigned, personally appeared Jerome Gottsman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Leri R. Jones
Notary Public - State of New York
^{Jersey}



THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By:

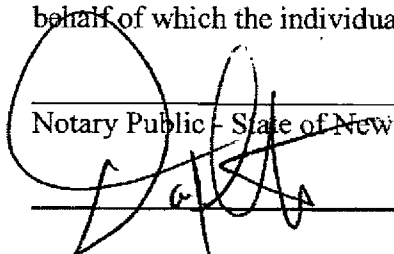

Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 17th day of October, in the year 2014, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public - State of New York



David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2016

SCHEDULE "A" PROPERTY DESCRIPTION

PROPERTY METES AND BOUNDS DESCRIPTION
76 ELEVENTH AVENUE MANHATTAN NEW YORK
AREA: 76,439.92 SQ. FT.
1.75 ACRES

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

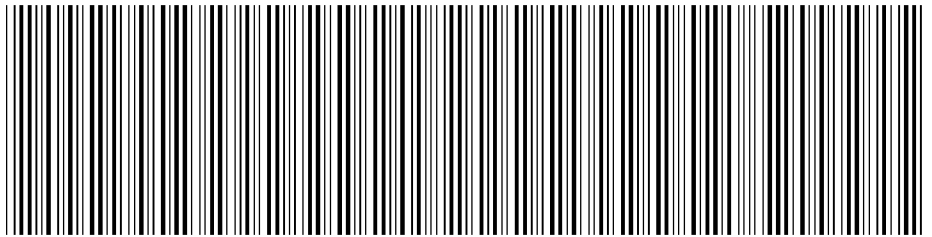
BEGINNING at the corner formed by the intersection of the southerly side of 18th Street and the westerly side of Tenth Avenue;
RUNNING WESTERLY along the south side of West 18th Street, north 89 degrees 59 minutes 45 seconds west, a distance of 450.98' feet;
THENCE SOUTHERLY along the easterly side of 11th Avenue, south 21 degrees 07 minutes 15 seconds east, a distance of 197.25 feet;
THENCE EASTERLY along the northerly side of West 17th Street, south 89 degrees 59 minutes 45 seconds east, a distance of 379.89 feet;
THENCE NORTHERLY along the westerly side of 10th Avenue, north 0 degrees 00 minutes 12 seconds east, a distance of 184.00 feet to the POINT OR PLACE OF BEGINNING.

APPENDIX B

ENVIRONMENTAL EASEMENT

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2014110700974001004E75AA

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 11

Document ID: 2014110700974001

Document Date: 10-17-2014

Preparation Date: 12-03-2014

Document Type: EASEMENT

Document Page Count: 9

PRESENTER:

FIRST AMERICAN TITLE INSURANCE (FIRSTAM
PICKUP)
633 THIRD AVENUE
TITLE# 695531 ML ACCOM
NEW YORK, NY 10017
212-850-0670

RETURN TO:

EDISON PROPERTIES
100 WASHINGTON STREET
NEWARK, NJ 07102

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	689	17	Entire Lot	501 WEST 17TH STREET
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

HLP PROPERTIES, LLC
100 WASHINGTON STREET
NEWARK, NJ 07102

GRANTEE/BUYER:

THE PEOPLE OF THE STATE OF NEW YORK
625 BROADWAY
ALBANY, NY 12233

☒ Additional Parties Listed on Continuation Page

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 82.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 100.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

RECORDED OR FILED IN THE OFFICE

OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 12-03-2014 17:49

City Register File No.(CRFN):

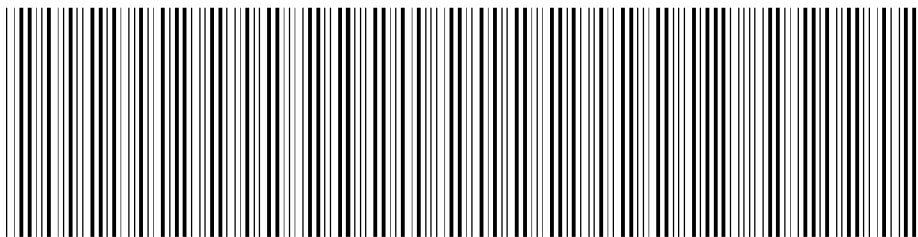
2014000399345



Annette McMill

City Register Official Signature

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**



2014110700974001004C772A

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 11

Document ID: 2014110700974001

Document Date: 10-17-2014

Preparation Date: 12-01-2014

Document Type: EASEMENT

PARTIES

GRANTEE/BUYER:

COMMISSIONER OF THE DEPARTMENT OF
ENVIRONMENTAL
CONSERVATION , 625 BROADWAY
ALBANY , NY 12233

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 17th day of October, 20 14 between Owner(s) HLP Properties, LLC, having an office at 100 Washington Street, Newark, County of Essex, State of New Jersey (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 76 11th Avenue in the City of New York, County of New York and State of New York, known and designated on the tax map of the County Clerk of New York as tax map parcel numbers: Section Manhattan Block 689 Lot 17, being the same as that property conveyed to Grantor by deed dated October 28, 2004 and recorded in the City Register of the City of New York in Instrument No. 2004000757927. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.75 +/- acres, and is hereinafter more fully described in the Land Title Survey dated May 29, 2014 prepared by Jeffrey S. Bauch, P.L.S., P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C231036-12-10, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held

by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her 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

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee

interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

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Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway

Albany, NY 12233

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10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

HLP Properties, LLC:

By: 

Print Name: JEROME GOTZSMAN

Title: MEMBER-MANAGER Date: 6/3/14

Grantor's Acknowledgment

STATE OF NEW ^{Jersey}YORK)
COUNTY OF ^{Essex}) ss:


On the 3rd day of June, in the year 20 14, before me, the undersigned, personally appeared Jerome Gottsman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Leri R. Jones
Notary Public - State of New York
^{Jersey}



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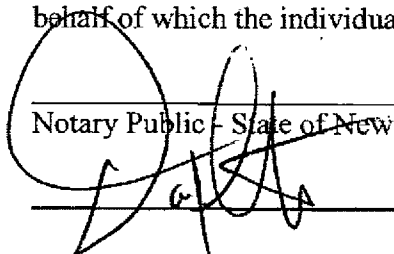
By:


Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 17th day of October, in the year 2014, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2016

SCHEDULE "A" PROPERTY DESCRIPTION

PROPERTY METES AND BOUNDS DESCRIPTION
76 ELEVENTH AVENUE MANHATTAN NEW YORK
AREA: 76,439.92 SQ. FT.
1.75 ACRES

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

BEGINNING at the corner formed by the intersection of the southerly side of 18th Street and the westerly side of Tenth Avenue;
RUNNING WESTERLY along the south side of West 18th Street, north 89 degrees 59 minutes 45 seconds west, a distance of 450.98' feet;
THENCE SOUTHERLY along the easterly side of 11th Avenue, south 21 degrees 07 minutes 15 seconds east, a distance of 197.25 feet;
THENCE EASTERLY along the northerly side of West 17th Street, south 89 degrees 59 minutes 45 seconds east, a distance of 379.89 feet;
THENCE NORTHERLY along the westerly side of 10th Avenue, north 0 degrees 00 minutes 12 seconds east, a distance of 184.00 feet to the POINT OR PLACE OF BEGINNING.

Appendix B

Periodic Review Report EC/IC Certification Form



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



Site Details

Box 1

Site No. **C231036**

Site Name 17th Street Development Project

Site Address: 76 11th Avenue Zip Code: 10011
City/Town: New York
County: New York
Site Acreage: 1.750

Reporting Period: December 31, 2019 to December 31, 2020

YES NO

1. Is the information above correct? ☒ ☐

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? ☐ ☒
this question has been answered with the understanding that it applies to permits for below-grade activities resulting in soil or groundwater disturbance

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? ☒ ☐

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. C231036**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**689-17**

76 Eleventh Avenue Property Owner LLC

Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Monitoring Plan
O&M Plan
IC/EC Plan

In addition to restrictions on land use (restricted residential) and groundwater use (must be treated before use), the composite cover system over the entire site must be maintained, collection of NAPL from the four onsite NAPL collection wells must continue until goals are met, and for any future buildings on the site, the potential for vapor intrusion must be evaluated and mitigated, including the possible need for a sub-membrane depressurization system.

Box 4**Description of Engineering Controls**ParcelEngineering Control**689-17**

Cover System
Subsurface Barriers
DNAPL Leachate Collection

The Site Management Plan has specific restrictions on the installation of building foundations on, in, and through the ISS monolith, as well as in the area encircled by a containment wall down to the silty clay confining layer.

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. C231036**

Box 6

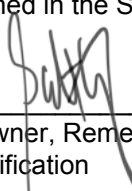
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 Scott Alper at 76 Eleventh Avenue, New York, NY 10011,
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

December 23, 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 SATYAJIT A. VAIDYA at Langan
print name 300 KIMBALL DR., PARSIPPANY, NJ 07054
print business address

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



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



(Required for PE)

9/10/2021

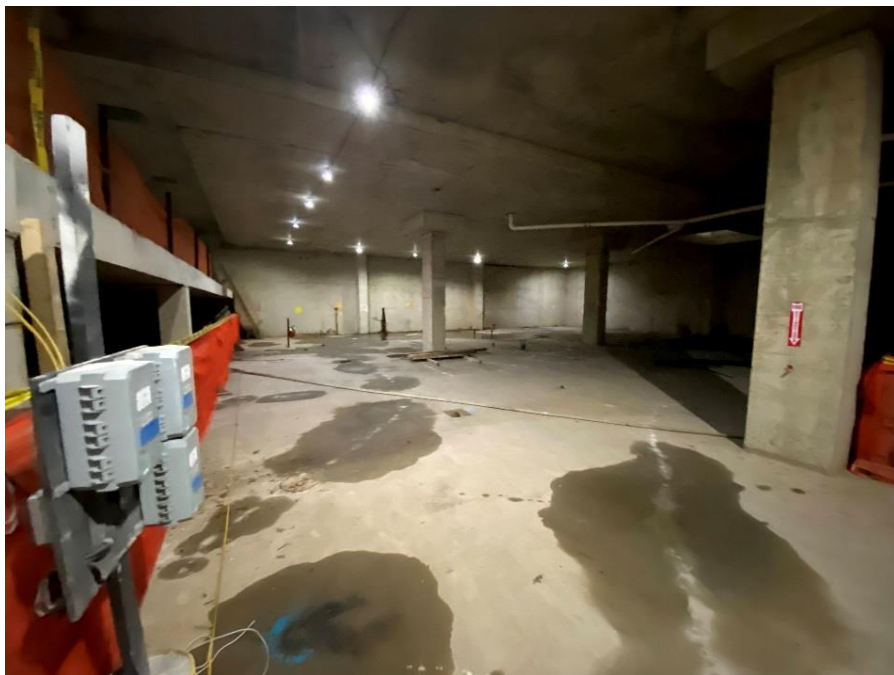
Date

Appendix C

Photographic Documentation



Photograph 1: Composite cover system in eastern cellar area (facing southeast).



Photograph 2: Composite cover system in eastern cellar area (facing northeast)/



Photograph 3: Standing water from precipitation runoff in the central part of the cellar (facing northwest)



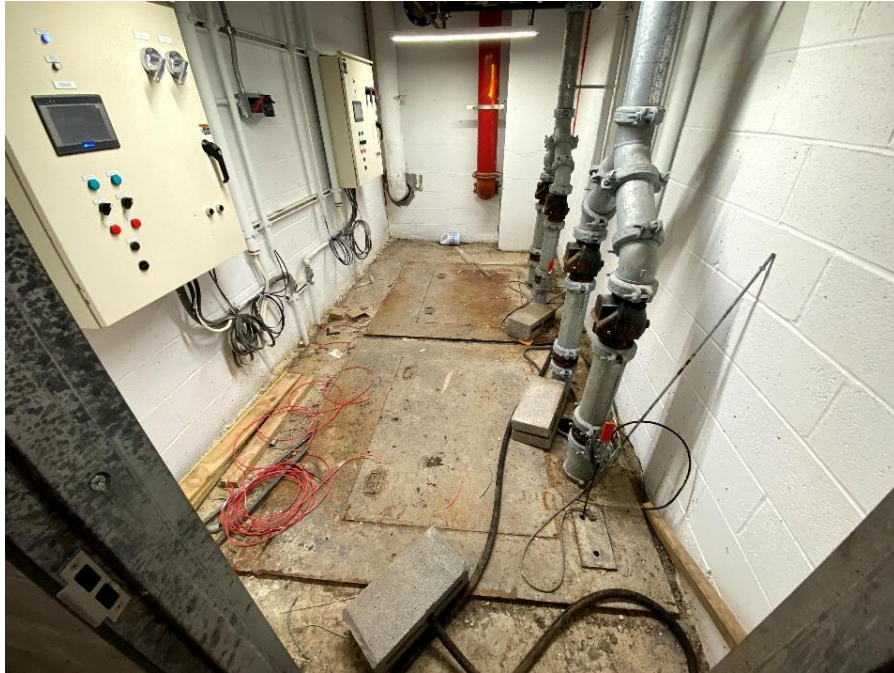
Photograph 4: Central part of the enclosed garage and composite cover system in the southwestern part of the building (facing north).



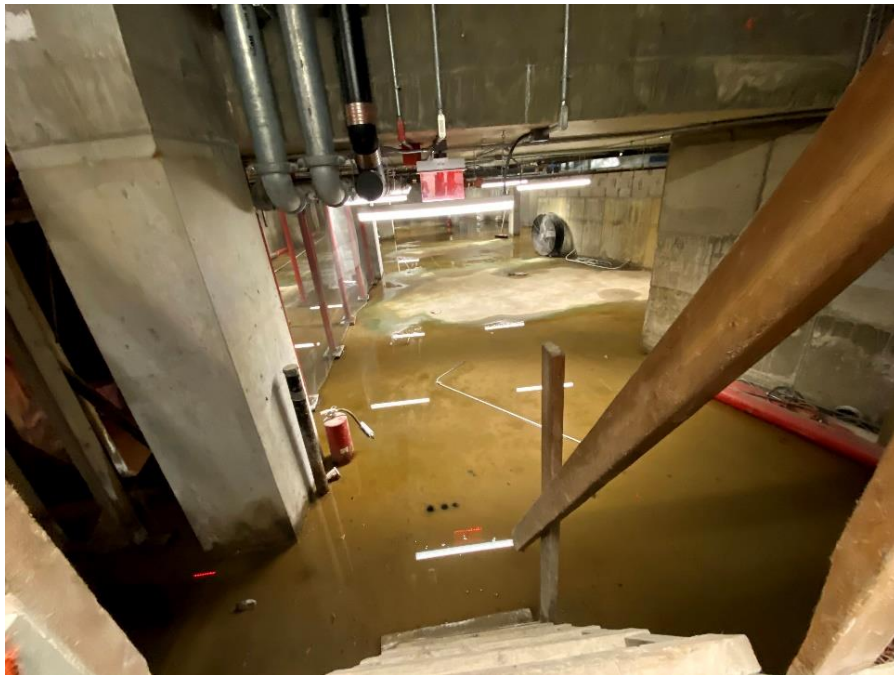
Photograph 5: Southwestern part of the future enclosed ventilated garage and composite cover system (facing southwest).



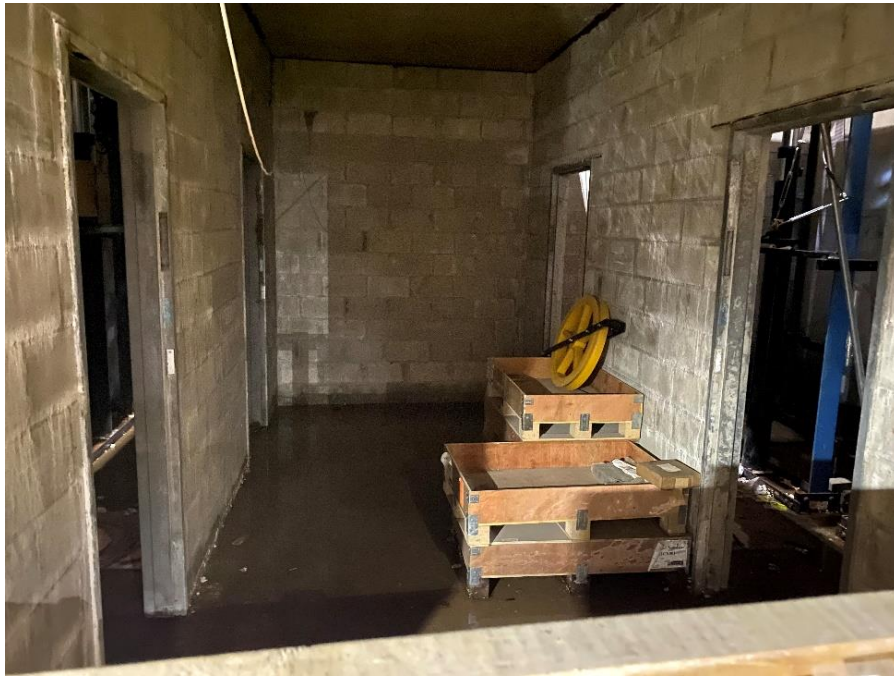
Photograph 6: Composite cover system within the northwest gas meter room (facing north).



Photograph 7: Sump pits in the northeast part of the building, facing north.



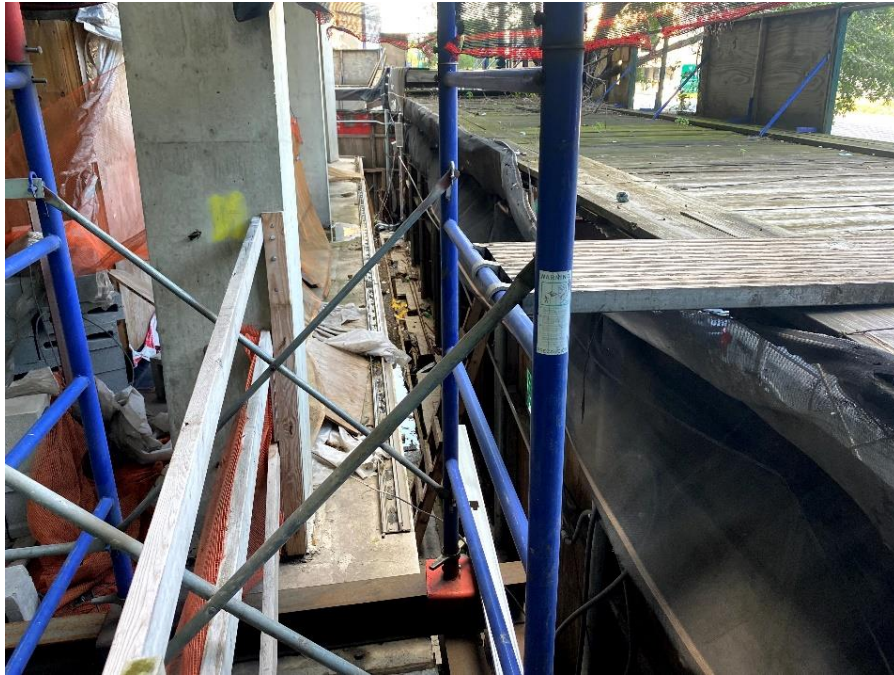
Photograph 8: Composite cover system in the northern part of the building (facing east).



Photograph 9: Composite cover system in the central part of the building (facing south).



Photograph 10: Typical recovery well vault (facing east).



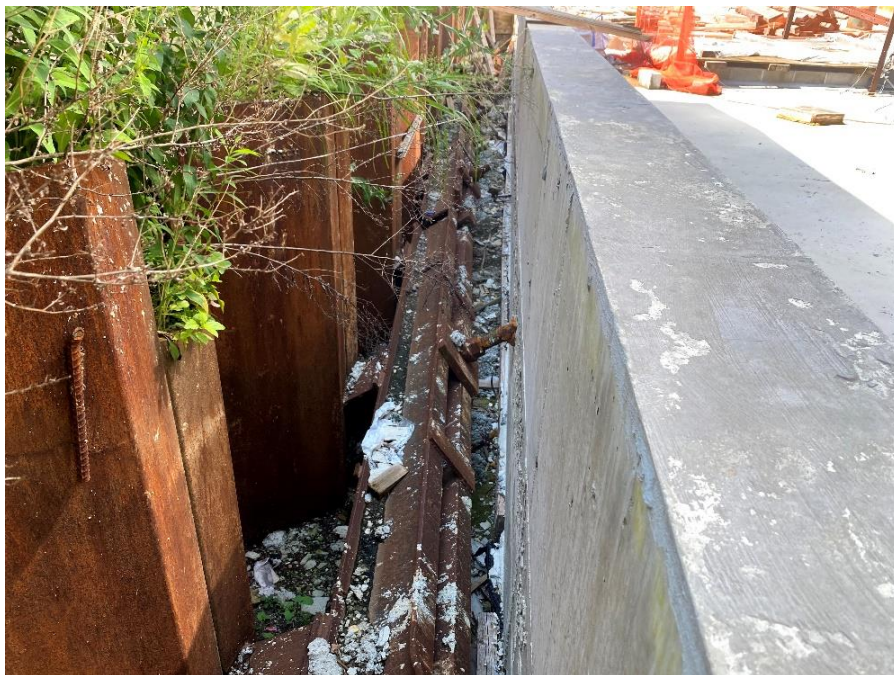
Photograph 11: Western building exterior (facing south).



Photograph 12: Northern building exterior (facing west).



Photograph 13: Southern building exterior (facing east).



Photograph 14: Eastern building exterior (facing south).



Photograph 15: Construction progress (east tower, facing east)



Photograph 16: Construction Progress (from 10th Avenue, facing west).

Appendix D

Site Inspection Forms

SITE-WIDE INSPECTION CHECKLIST

Site Name: 76 Eleventh Avenue Location: 76 Eleventh Avenue, New York, NY Project Number: 100513101

Inspector Name: Caroline Grattan Date: 07/30/2021 Weather Conditions: Sunny, 70's

Reason for Inspection (i.e., routine, severe condition, etc.): Routine

Check one of the following: **Y:** Yes **N:** No **NA:** Not Applicable

		Y	N	NA	Normal Situation	Remarks
General						
1	What are the current site conditions?			NA	NA	The building is still under construction. Floors remain unenclosed. Standing water was observed on the building slab from precipitation runoff through openings in the building.
2	Are all applicable site records (e.g., documentation of construction activity, ventilation system maintenance and repair, most current easement, etc.) complete and up to date?	Y			Y	Records are stored in the superintendent's office, which was locked during the time of the inspection.
Environmental Easement						
3	Has site use (restricted residential) remained the same?			NA	Y	Construction is not yet complete. The end use of the building aligns with restricted residential use.
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
Impermeable Cap						
5	Are there any indications of a breach in the capping system at the time of this inspection?		N		N	Indications of capping breaches that extend into the subsurface were not observed.
6	Are there any cracks in the building slabs?		N		N	Some areas of building slab contained standing. However, significant cracks in the building slab were not observed in accessible areas.
7	Are there any cracks in the building walls?		N		N	No cracks were observed in visible walls (exposed, no drywall cover).
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?		N		N	Indications of capping breaches were not observed.
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA	

*** If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.

Additional remarks _____

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

COMPOSITE COVER SYSTEM INSPECTION CHECKLIST

Site Name: 76 Eleventh Avenue Location: 76 Eleventh Avenue, New York, NY Project Number: 100513101

Inspector Name: Caroline Grattan Date: 07/30/2021 Weather Conditions: Sunny, 70's

Reason for Inspection (i.e., routine, severe condition, etc.): Routine

Check one of the following: **Y:** Yes **N:** No **NA:** Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?				NA	The building is still under construction. Floors remain unenclosed. Standing water was observed on the building slab from precipitation runoff through openings in the building.
	Impermeable Cap					
2	Are there any indications of a breach in the capping system at the time of this inspection?		N		N	Evidence of unsealed cap penetrations was not observed.
3	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?		N		N	Indications of construction activity that may have breached the capping system and exposed the subsurface were not observed.
4	If YES to number 3, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA	

*** If the answer to any of the above questions indicate non-compliance with ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.

Additional remarks: _____

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe weather condition events. All inspection events will utilize this checklist.

PARKING GARAGE VENTILATION SYSTEM INSPECTION CHECKLIST

Site Name: 76 Eleventh Avenue Location: 76 Eleventh Avenue, New York, NY Project Number: 100513101

Inspector Name: Caroline Grattan Date: 07/30/2021 Weather Conditions: Sunny, 70's

Reason for Inspection (i.e., routine, severe condition, etc.): Routine

Check one of the following: **Y:** Yes **N:** No **NA:** Not Applicable

		Y	N	NA	Normal Situation	Remarks
Records						
1	Is the Site Management Plan readily available on-site?	Y			Y	A physical copy of the SMP is stored in the superintendent's office, which was locked during the time of the inspection. A digital copy was accessible.
2	Based on site records, when was the last inspection, maintenance, or repair event?			NA	NA	The building is still under construction and the garage ventilation system is not yet installed. Per the SMP (2020 draft update), system startup will be performed for the parking garage ventilation system.
3	Based on site records, was the garage ventilation system inoperational for any amount of time since the last inspection, maintenance, or repair event? For how long? Provide details.			NA	N	The building is still under construction and the garage ventilation system is not yet installed.

General System						
4	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the floor slab, on-site at the time of this inspection?		N		N	Indications of construction activity that may have breached the floor slab were not observed.
5	If YES to number 4, is there documentation that the Site Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA if N to 4/ Y if Y to 4	
6	If YES to number 4, is there documentation that all breaches in the floor slab have been sealed?			NA	NA if N to 4/ Y if Y to 4	
Garage Ventilation Fans						
7	Are the garage ventilation fans operating at the time of inspection?			NA	Y	The building is still under construction and the garage ventilation system is not yet installed.
8	If garage fans operate on a pulse program, can operation be demonstrated to the inspector?			NA	Y	The building is still under construction and the garage ventilation system is not yet installed.

*** If the answer to any of the above questions indicate the ventilation system is non-operational or malfunctioning, or that this EC is in non-compliance, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.

Additional remarks: _____

Minimum Inspection Schedule: ventilation inspections will be conducted quarterly for the first certification year at a minimum. Additional inspections will also be conducted at times of maintenance, repair, or severe condition events. The minimum schedule will be revised, as necessary, following the first certification year. All inspection events will utilize this checklist.