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BROWNFIELD CLEANUP PROGRAM (BCP) Environmental APPLICATION FORM

SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF which includes a Table of Contents, the application form, and supplemental information (excluding the previous environmental reports and work plans, if applicable):
 - b. one individual file (PDF) of each previous environmental report; and,
 - c. one file (PDF) of each work plan being submitted with the application, if applicable.
- 2. *OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
- 3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both via dropbox and ground mail.

- a. VIA SITE CONTROL DROPBOX:
 - Request an invitation to upload files to the Site Control submittal dropbox.
 - In the "Title" field, please include the following: "New BCP Application Proposed Site Name".
 - After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
 - Application packages submitted through third-party file transfer services will not be accepted.
- b. VIA GROUND MAIL:
 - Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
 - Mail the external storage device to the following address: • Chief. Site Control Section **Division of Environmental Remediation** 625 Broadway, 12th Floor Albany, NY 12233-7020

site NAME: 2335 12th Avenue		
Is this an application to amend an existing BCA with a major modification	? Please refer to	o the
application instructions for further guidance related to BCA amendments. If yes, provide existing site number:	⊖ Yes	O No
Is this a revised submission of an incomplete application? If yes, provide existing site number: <u>C231159</u>	• Yes	O No
Resubmission of application for Site C231159, which had an application deemed however, application fee was not provided.	d complete Dec	ember 4, 2023;



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 16.1 – March 2025

SECTION I: Property Information				Attachr	nent A	
PROPOSED SITE NAME 2335 12th	Aveni	Je				
ADDRESS/LOCATION $2335 12 th A$	venu	е				
CITY/TOWN New York		ZI		002	7	
MUNICIPALITY (LIST ALL IF MORE THAN ONE)		·				
COUNTY New York		SI	TE SIZE (A).17	'5
LATITUDE	LONGITUD)E				
0 í í		o		"		"
of any lot is to be included, please indicate as such by appropriate box below, and only include the acreage for acreage column. ATTACH REQUIRED TAX MAPS PER THE APPLICA	inserting "p/o or that portion ATION INSTR	o" in front of the ta	of the lot n x parcel in S.	umber in the corres	he ponding	
		Section	DIUCK			
2335 12th Avenue			2001	110	0.1	15
1. Do the proposed site boundaries correspond to	tax map met	tes and b	ounds?		Y	Ν
If no, please attach an accurate map of the pro	posed site ind	cluding a	metes and	bounds		
description.				- I'		γU
2. Is the required property map, provided in electric (Application will not be processed without a ma	onic format, i b)	nciuaea	with the app	Difference of the second se	\bullet	
3. Is the property within a designated Environmen	tal Zone (En-	zone) pu	rsuant to T	ax Law	\cap	
21(b)(6)? (See <u>DEC's website</u> for more informa	ition)				\cup	ήŪ
Percentage of property in En-zone (check one)	: • 0% () 1-49%	\bigcirc 50-99	% 🔘 100	0%	
		<u> </u>	0		0,70	
 Is the project located within a disadvantaged co See application instructions for additional inform 	ommunity?				\bullet	
5. Is the project located within a NYS Department	of State (NY)	S DOS) E	Brownfield	Opportunit		
Area (BOA)? See application instructions for ac	ditional infor	mation.		••	· U	<u>ں</u>
6. Is this application one of multiple applications for	or a large dev	/elopmen	t project, w	here the		
development spans more than 25 acres (see ac If yes, identify names of properties and site num	nbers if avail	na in app Iable, in r	elated RCP	ucuons)?		
applications:						

SECTION I: Property Information (continued)	Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other that the site subject to the present application?	n O	$oldsymbol{igo}$
 Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation 	0	\mathbf{O}
 9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map. 	0	lacksquare
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: C231159	\bigcirc	O
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: Class:	^{2,} O	ullet
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.	\bigcirc	\mathbf{O}
Easement/Right-of-Way Holder Description		
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):	0	ullet
Type Issuing Agency Description		
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description a Environmental Assessment narratives included in the prescribed format?		С
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five of comprising New York City	ountie	es
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax	Y	Ν
credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	$ \mathbf{O} $	C
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	0	lacksquare
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?	0	C
NOTE: If a tangible property tax credit determination is not being requested at the time of applicatior applicant may seek this determination at any time before issuance of a Certificate of Completion by BCP Amendment Application, except for sites seeking eligibility under the underutilized category.	, the using th	าย
If any changes to Section I are required prior to application approval, a new page, initialed by Requestor, must be submitted with the application revisions. Initials of each Requestor:	each	-

SECTIO	ON II: Project Description			Attachment B
1.	The project will be starting at:	Investigation	Remediation	
If the pr (RIR) m Remed <u>Investic</u>	roject is proposed to start at the r nust be included, resulting in a 30 ial Action Work Plan (RAWP) are gation and Remediation for furthe	emediation stage, at a -day public comment p also included (see <u>DE</u> r guidance), then a 45-	minimum, a Remedial Inve eriod. If an Alternatives Al <u>R-10, Technical Guidance</u> day public comment perio	estigation Report nalysis and <u>e for Site</u> d is required.
2.	If a final RIR is included, does it	meet the requirements	in ECL Article 27-1415(2)	?
	Yes	ONo	•N/A	
3.	Have any draft work plans been	submitted with the appl	ication (select all that app	ly)?
	✓ RIWP	RAWP		No
4.	Please provide a short descriptio remedial program is to begin, an issued. Is this information attached?	n of the overall project d the date by which a C Yes	development, including th certificate of Completion is	e date that the expected to be
Beginni Sustain design	ing January 1, 2024, all work plan hable Remediation (GSR) and DE documents will need to be certifie	ns and reports submitte R-31 (see <u>DER-31, Gr</u> ed in accordance with D	d for the BCP shall addres <u>een Remediation</u>). Work p DER-31.	ss Green and lans, reports and
5.	Please provide a description of h incorporated throughout the remo Remedial Design/Remedial Action Is this information attached?	ow Green and Sustaina edial phases of the proj on, and Site Manageme O Yes	able Remediation will be e ect including Remedial Inv nt and reporting efforts. No	valuated and vestigation,
6.	If the project is proposed to start screening or vulnerability assess	at the remediation stag ment must have been of Yes	e (Section 2, Item 1, abov completed. Is this attached No	ve), a climate change

SECT	ION III: Ecological Concerns Attac	chment C	;	
1	Are there fish wildlife, or ecological resources within a 1/ mile radius of the site?	Y	N	
1.	Are there lish, whulle, or ecological resources within a 72-thile radius of the site?	\bigcirc	\bigcirc	
2.	Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?	0	$oldsymbol{igo}$	
3.	Is/are there a/any Contaminant(s) of Ecological Concern?	0	$oldsymbol{igo}$	
If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report.				
4.	Is a Fish and Wildlife Resources Impact Analysis Part I included with this application?		0	

SECTI	ION IV: Land Use Factors Attachment D		
1.	What is the property's current municipal zoning designation? C6_2		
2.	What uses are allowed by the property's current zoning (select all that apply)?		
	Residential 🖌 Commercial 🖌 Industrial 🖌		
3.	Current use (select all that apply):		
	Residential Commercial Industrial Recreational Vacant 🖌		
4.	Please provide a summary of current business operations or uses, with an emphasis on	Y	Ν
	identifying possible contaminant source areas. If operations or uses have ceased, provide		\cap
	the date by which the site became vacant.	\mathbf{O}	\cup
5	Reasonably anticipated post-remediation use (check all that apply).		
	Residential		~
	If residential, does it qualify as single-family housing? N/A $igcup$	\bigcirc	ullet
6.	Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	$oldsymbol{igo}$	Ο
7.	Is the proposed post-remediation use a renewable energy facility?	\bigcirc	
-	See application instructions for additional information.		$\overline{\sim}$
8.	Do current and/or recent development patterns support the proposed use?	ullet	\cup
9.	Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	$oldsymbol{igo}$	0
10.	. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.	$oldsymbol{igo}$	0

SECTION V: Current and Historical Property Owner and Operator Information Attachment E			
CURRENT OWNER 2335 12 AV	enue, LLC		
CONTACT NAME Javier Martin	ez		
ADDRESS 1850 Amsterdam	Avenue		
CITY New York		STATE NY	ZIP CODE 10031
PHONE 646-391-8022	EMAIL javier@a	rtifact.co	
OWNERSHIP START DATE March	n 3, 2022		
CURRENT OPERATOR Vacant			
CONTACT NAME			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE	EMAIL		
OPERATION START DATE			

SECTION VI: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (*please submit information requested in this section in electronic format ONLY*):

- Reports: an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (<u>ASTM</u> <u>E1903</u>). Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.
- SAMPLING DATA: Indicate (by selecting the options below) known contaminants and the media which are known to have been affected. Data summary tables should be included as an attachment, with laboratory reports referenced and included.

CONTAMINANT CATEGORY	SOIL GROUNDWATER SO		SOIL GAS
Petroleum	~	 ✓ 	 ✓
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs	 ✓ 		
PFAS			
1,4-dioxane			
Other – indicated below			
*Please describe other known contaminants and the med	ia affected:		
 3. For each impacted medium above, include a site of Sample location Date of sampling event Key contaminants and concentration detect For soil, highlight exceedances of reasonal For groundwater, highlight exceedances of For soil gas/soil vapor/indoor air, refer to the exceedances that require mitigation 	drawing indica ted bly anticipated f 6 NYCRR pa ne NYS Depart	ting: use rt 703.5 tment of Health matrix a	and highlight
These drawings are to be representative of all data being remediation under the BCP. Drawings should be no large	relied upon to r than 11"x17"	determine if the site re-	quires wided

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings inclu	ded with this applicatior	1? 💽 YE	is Ono
4. Indicate Past Land Uses	s (check all that apply):		
Coal Gas Manufacturing	Manufacturing	Agricultural Co-Op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown
Other: A carpet, drapery, flam	e-proofing and uphols	stery cleaning facility	

SECTION VII: Requestor Information Attach	ment	G
NAME 2335 12 Avenue, LLC		
ADDRESS 1850 Amsterdam Avenue		
CITY/TOWN New York STATE NY ZIP CODE 100	31	
PHONE 646-391-8022 EMAIL javier@artifact.co		
	Υ	Ν
 Is the requestor authorized to conduct business in New York State (NYS)? 	\odot	\bigcirc
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <u>NYS Department of State's Corporation & Business Entity Database.</u> A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS.		
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached?	\odot	\bigcirc
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <u>DER-10: Technical Guidance for Site Investigation and</u> <u>Remediation</u> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements?	$ \bullet $	0
Documents that are not properly certified will not be approved under the BCP.		

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE	Javier Mart	tinez	
ADDRESS 1850 Amsterd	am Avenue)	
CITY New York		STATE NY	ZIP CODE 10031
PHONE 646-391-8022	EMAIL javier	Dartifact.co	
REQUESTOR'S CONSULTANT (COI	NTACT NAME) Jer	nnifer Armstror	ng, Jason Hayes
COMPANY Langan Engineering, En	vironmental, Survey	ying, Landscape Archit	ecture and Geology, DPC
ADDRESS 968 Ninth Ave	nue		
CITY New York		STATE NY	ZIP CODE 10001
PHONE 212-479-5400	EMAIL jarmsti	rong@langan	.com
REQUESTOR'S ATTORNEY (CONT/	ACT NAME) Geo	rge C.D. Duk	е
COMPANY Fox Rothschild	d LLP		
ADDRESS 101 Park Aver	nue		
CITY New York		STATE NY	ZIP CODE 10178
PHONE 212-450-9847	EMAIL gduke	@foxrothschi	ld.com

SECTION IX: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver with supporting documentation.

Υ

N/A 💽

Ν

lacksquare

- 1. Is the requestor applying for a fee waiver?
- 2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information.

Is the appropriate documentation included with this application?

SECTION X: Requestor Eligibility At	tachment	H
If answering "yes" to any of the following questions, please provide appropriate explanation and documentation as an attachment.	d/or	·
1. Are any enforcement actions pending against the requestor regarding this site?	Ŷ	N
Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	¹ Õ	$\overline{\mathbf{O}}$
 Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. 	0	ullet
4. Has the requestor been determined in an administrative, civil or criminal proceeding to l in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	, O	•
 Has the requestor previously been denied entry to the BCP? If so, please provide the si name, address, assigned DEC site number, the reason for denial, and any other relevan information regarding the denied application. 	te nt	
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transportir of contaminants?	_{ig} O	$ \mathbf{O} $
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<u></u> , d	\bullet
8. Has the requestor knowingly falsified statements or concealed material facts in any mat within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	ter O	$ \mathbf{O} $
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	0	$ \bullet $
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	r O	ullet
11. Are there any unregistered bulk storage tanks on-site which require registration?	Ō	\mathbf{O}

SECTION X: Requestor Eligibility (continued)

12. The requestor must certify that he/she/they is/are either a participant or volunteer in accordance with ECL 27-1405(1) by checking one of the boxes below:

•			
PARTICIPANT		VOLUNTEER	
A requestor who either (1) was the owner of the	e site	A requestor other tha	n a participant, including a lity arises solely as a result of
discharge of petroleum, or (2) is otherwise a pe	erson	ownership, operation	of or involvement with the site
responsible for the contamination, unless the lia	ability	subsequent to the dis	posal of hazardous waste or
arises solely as a result of ownership, operation	۱ of,	discharge of petroleu	m.
or involvement with the site subsequent to the		NOTE: By selecting t	his option a requestor whose
petroleum.		liability arises solely a	as a result of ownership,
1		operation of or involvement with the site certifies that	
		he/she has exercised	appropriate care with respect
		to the hazardous was	te found at the facility by taking
		discharge; (ii) preven	t any threatened future release;
		and, (iii) prevent or lir	nit human, environmental or
		natural resource expo	osure to any previously released
		Hazaruous waste.	
		If a requestor whose	e liability arises solely as a
		result of ownership,	operation of, or involvement
		with the site, submit	t a statement describing why idered a volunteer – be
		specific as to the ap	propriate care taken.
			· · · · · · · · · · · · · · · · · · ·
13. If the requestor is a volunteer, is a state volunteer attached?	ment de	escribing why the requ	estor should be considered a
		Δ	
		1	
14. Requestor relationship to the property (check o	ne; if multiple applican	ts, check all that apply):
Previous Owner VCurrent Owner	Po	tential/Future Purchase	er Other:
If the requestor is not the current owner, proof	of site	access sufficient to o	complete remediation must be
provided. Proof must show that the requestor we throughout the BCP project, including the ability	will have v to place	e access to the proper ce an environmental ea	y before signing the BCA and assement on the site.
	· ·		
Is this proof attached?) Yes	No	● N/A
Note: A purchase contract or lease agreement	does no	ot suffice as proof of si	te access.

SECTI	ION XI: Property Eligibility Information Attack	nment	:1
1.	Is/was the property, or any portion of the property, listed on the National Priorities List?	Y	Ν
	If yes, please provide additional information.	\bigcirc	$oldsymbol{igo}$
2.	Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: Class:	0	$oldsymbol{O}$
3.	Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: Date Permit Issued: Permit Expiration Date:	0	٢
4.	If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.	0	0
5.	Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: <u>NYSDEC Spill No. 2205004</u>	$oldsymbol{O}$	0
6.	Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	0	ullet

SECTION XII: Site Contact List

Attachment J

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository. In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.
- For sites located in the five counties comprising New York City, the Director of the Mayor's Office of Environmental Remediation.

SECTION XIII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the <u>DER-32</u>, <u>Brownfield Cleanup Program Applications and Agreements</u>; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm 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:		Signature:		
Print N	lame:			
(By a i I heret	requestor other that on a firm that I am	n an individual) Manager	(title) of 2335 12 A	venue, LLC (entity); that I
am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and				
direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and				
conditions set forth in the <u>DER-32</u> , <u>Brownfield Cleanup Program Applications and Agreements</u> ; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a				
site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm 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:	4/16/2025	Signature: J	avier Martinez	Digitally signed by Javier Martinez Date: 2025.04.16 15:23:38 -04'00'
Print N	_{lame:} Javier N	lartinez		

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 16.1

Please respond to the questions below and provide additional information and/or documentation as required. Please refer to the application instructions.		N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	\bigcirc	\bigcirc
Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	\bullet	Ο
 Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? 	0	\odot
4. Is the property upside down or underutilized as defined below?		
Upside down	\bigcirc	\bigcirc
Underutilized	\bigcirc	\bullet
From ECL 27-1405(31):		

"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application): 375-3.2:

- (I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

Check appropriate box below:

Project is an Affordable Housing Project – regulatory agreement attached

Project is planned as Affordable Housing, but agreement is not yet available

This is not an Affordable Housing Project

Affordable housing agreement will be provided when available.

From 6 NYCRR 375-3.2(a) as of August 12, 2016:

- (a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
 - (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.
 - (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
 - (3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

Yes – planned renewable energy facility site with documentation

> Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a "pending" status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

- (b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.
 - 7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

O Yes - *Selecting this option will result in a "pending" status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.



From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING AND SUBMITTING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your <u>Regional Office</u> to schedule a meeting. To add a party to an existing BCP Agreement, use the <u>BCP Agreement Amendment Application</u>.

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the <u>NYSDEC BCP website</u>.

SUBMITTAL INSTRUCTIONS

- Compile the application package in the following manner:
 - one file in non-fillable portable document format (PDF) which includes a Table of Contents, the application form, and supplemental information (excluding the previous environmental reports and work plans, if applicable);
 - one individual file (PDF) of each previous environmental report; and,
 - one file (PDF) of each work plan being submitted with the application, if applicable.
- *OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
- Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

Please select only ONE submittal method - do NOT submit both via dropbox and via ground mail.

VIA SITE CONTROL DROPBOX:

- Click here to request an invitation to upload files to the Site Control submittal dropbox.
- In the "Title" field, please include the following: "New BCP Application *Proposed Site Name*".
- After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
- Application packages submitted through third-party file transfer services will not be accepted.

VIA GROUND MAIL:

- Save the application file and cover letter to an external storage device (e.g., flash drive). DO NOT INCLUDE PAPER COPIES OF THE APPLICATION OR ATTACHMENTS.
- Mail the external storage device to the following address:

Chief, Site Control Section Division of Environmental Remediation 625 Broadway, 12th Floor Albany, NY 12233-7020

SECTION I: Property Information		
PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.	
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.	
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.	
Site Size	Provide the approximate acreage of the site.	
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.	
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.	
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.	
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.	
En-zone	If any part of the site is located within an En-zone, please provide a map showing the location of the site with the En-zone overlay. For information on En-zones, please see <u>DEC's website</u> . Note that new En-zone boundaries are effective January 1, 2023.	
Disadvantaged Communities	If the site is located within a Disadvantaged Community, please provide a map showing the location of the site with the Disadvantaged Community overlay. For additional information on disadvantaged communities, please refer to the <u>Climate</u> <u>Leadership and Community Protection Act website</u> .	

SECTION I: Property Information (continued)		
Brownfield Opportunity Area (BOA)	If the site is located within a NYS Department of State designated Brownfield Opportunity Area, please provide a map showing the location of the site with the BOA overlay. For more information on designated BOAs, please refer to the <u>NYS</u> <u>DOS website</u> . Additional information on BOA conformance determinations can be found at the <u>Office of Planning and Development website</u> . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.	
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).	
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.	
Registry Listing and P-site Status	If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.	

SECTION I: Property Information (continued)		
	Provide a property description in the format provided below. Each section should be no more than one paragraph long.	
	Location:	
	Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}	
	Site Features:	
	Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."	
	Current Zoning and Land Use: (Ensure the current zoning is identified)	
Property Description Narrative	Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."	
	<u>Past Use of the Site:</u> include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).	
	Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."	
	When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.	
	Site Geology and Hydrogeology:	
	As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.	

SECTION I: Property Information (continued)		
Environmental Assessment	The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/ actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths. The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site. A typical Environmental Assessment would look like the following: Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE). <i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of Cadmium found on site (approximately 5 ppm). Sightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objective for the protection of groundwater (0.47 ppm). Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the site, mod	
	micrograms per cubic meter.	
Questions 15-17: New York City Sites	These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for</i> <i>Sites Seeking Tangible Property Credits in New York City</i> must be completed.	

SECTION II: Project Description		
Question 3: Inclusion of Work Plans	If a work plan is to be released for public comment concurrently with the BCP application, <u>the work plan must be submitted at the time of application submittal</u> . Work plans submitted during the completeness review phase will require a separate public comment period and will not be released with the application.	
Question 4: Post- Remediation Use and Project Schedule	As a separate attachment, provide complete and detailed information about the project (remedial and post-remediation development), including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.	
	As a separate attach GSR principles to be	ment, provide complete and detailed information about the evaluated and incorporated into each phase of the project.
Questions 5-6: Green and Sustainable Remediation	Remedial Investigation/ Alternatives Analysis	The description must provide information on how GSR will be incorporated into RI project planning, the proposed environmental footprint analysis tool, and how climate resiliency will be included. Potential end uses such as greenways and pollinator habitats should be considered as appropriate.
	Remedial Design	The description must provide information on how GSR will be incorporated into RD project planning and refine the environmental footprint analysis as the baseline to track metrics. RD documents should add or incorporate GSR techniques to ensure reduced impacts on core metrics. Climate resiliency design measures should also be incorporated.
	Remedial Action	The description must provide information on how GSR will be implemented into the construction and how metrics will be tracked. Methods of reporting should be included.
	Site Management	The description must provide information on how GSR will be incorporated into SM, including use of DEC's SM template, resource and energy consumption reduction, waste minimization, and climate resiliency evaluation within PRRs and RSOs.
	Redevelopment	The description must provide details of any planned renewable energy, energy efficient equipment, greenways, green roofs, community spaces and any re-use or recycling of on-site materials in redevelopment or remediation.
	Climate Screening/ Climate Vulnerability Assessment	The description must provide an initial Climate Screening checklist. If the screening suggests a Climate Vulnerability Assessment will be required, list additional references for the assessment.

SECTION III: Ecological Concerns

Please refer to DER-10 Section 3.10.1 for the requirements of a Fish and Wildlife Impact Assessment.

SECTION IV: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A "renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. Section 66-p of the Public Service Law: "Renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide an explanation to support the responses to each of these items. Attach additional documentation if applicable.

SECTION V: Current and Historical Property Owner and Operator Information		
Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.	
Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.	
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.	

SECTION VI: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section VI, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION VII: Requestor Information		
	Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.	
Requestor Name	If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the <u>NYS Department of State's Corporation & Business Entity Database</u> . A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.	
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.	
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners need to be provided on a separate attachment.	

SECTION VII: Requestor Information (continued)				
	All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of <u>DER-10</u> . Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:			
Document Certification	 New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State; qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49; remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or site owners, which are the owners of the property comprising the site at the time of the certification. 			

SECTION VIII: Requestor Contact Information			
Requestor's Representative	Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of applicants determined to be Participants unless another contact name and address is provided with the application.		
Requestor's Consultant and Requestor's Attorney	Provide all requested information.		

SECTION IX: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate the basis for such request. Depending on the basis for the fee waiver, this may be provided in the form of financial statements, not-for-profit designation paperwork, a statement waiving the requestor's right to tax credits, a statement that the project will be a 100% affordable housing project, or any other documentation that the Department may require. Some bases for the fee waiver will be memorialized in the Brownfield Cleanup Agreement, and may result in termination of the Agreement if not complied with.

If the requestor is applying for a fee waiver based on the requestor's status as a not-for-profit entity, please provide documentation of non-profit designation.

SECTION X: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

Volunteer Statement	If the requestor's liability arises solely as a result of ownership, operation of, or involvement with the site, and requests consideration for volunteer status, the requestor must submit a statement describing why they should be considered a volunteer. Describe in detail how the requestor's potential liability arose subsequent to the discharge of contaminants at the potential site and how the requestor took reasonable steps to (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental or natural resource exposure to any previously released contamination. Be specific as to the appropriate action taken, and provide information to support this, such as date of purchase, date and source of knowledge of contamination, and steps taken to protect human health and the environment from such contaminants (e.g., notification of authorities of the contamination, restricting site access, monitoring and addressing lessee conduct, preventing deterioration of site conditions, etc.).
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved. If the requestor is the current property owner, include a copy of the deed as proof of ownership and access.

SECTION XI: Property Eligibility Information				
As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.				
CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.			
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) <u>website</u> for a database of sites with classifications.			
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.			

SECTION XI: Property Eligibility Information (continued)			
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.		
Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.		
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.		

SECTION XII: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

For sites located in Region 2 (the five counties comprising New York City), the Site Contact List must also include the Director of the Mayor's Office of Environmental Remediation.

SECTION XIII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. If the requestor is a Corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)

Groundwater Table:

Analytes > AWQS ^e Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h Total Det	ctions Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms

per cubic meter (ug/m3) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards

(AWQS).

^f Number of detections over

AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Туре
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

DETERMINATION OF A COMPLETE APPLICATION

- 1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
- 2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
- 3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other healthbased or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section VI, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED) 4. If the application is found to be incomplete: a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #3 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice. 5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will: a. include an approved public notice to be sent to all parties on the Contact List included with the application; b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List; c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB). i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB. ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period. iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

ATTACHMENT A SECTION I: PROPERTY INFORMATION

Item 2 – Property Maps

Figure A-1 is a Digital Tax Map from the New York City Department of Finance (NYCDOF) showing the proposed brownfield site boundary.

Figure A-2 is a Site Location Map showing the location of the proposed brownfield site.

Figure A-3 provides a site base map that shows i) a distance of at least 1,000 feet around the proposed brownfield site; ii) map scale, north arrow orientation, date, and location of the site with respect to adjacent streets and roadways; iii) proposed brownfield site boundary lines with adjacent site owners clearly identified; and iv) surrounding site land uses.

Item 14 - Property Description Narrative

Location

The approximately 7,603-square-foot (approximately 0.175 acres) site is located at 2335 12th Avenue in the Harlem neighborhood of Manhattan, New York. The site is situated on the southwestern part of the city block bounded by West 134th Street to the north, Broadway to the east, West 133rd Street to the south, and the elevated Riverside Drive and underlying 12th Avenue to the west. The site is identified as Borough of Manhattan Tax Block 2001, Lot 110.

Adjoining properties include a seven-story industrial/manufacturing building to the north; the Riverside Park Community development to the east; a three-story commercial/office building with a first floor restaurant to the south; and a two-story commercial/office building with a first floor restaurant to the west.

An above-grade Amtrak line is located about 160 feet west of the site along the Henry Hudson Parkway. The surrounding area is an urban setting characterized by multiple-story industrial, transportation, commercial, public school facilities, mixed-use (residential and commercial) and apartment buildings.

<u>Site Features</u>

The site is occupied by a vacant three-story building and was most recently occupied by Cleantex; a carpet, drapery, flame-proofing and upholstery cleaning facility that operated at the site from at least 1939 to about 2022. According to the United States Geological Survey (USGS) Central Park,

N.Y. Quadrangle 7.5-Minute Series Topographic Maps, the site is at an elevation (el) of approximately el 30.11 feet, referenced to the North American Vertical Datum of 1988 (NAVD88).

Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 5c, the site is located in a C6-2 zoning district, which primarily permits commercial and residential uses. The site is also located within the Special Manhattanville Mixed Use District, which allows for greater density and a wider variety of land uses to facilitate commercial and residential development. Land use within a half-mile radius includes commercial, residential, industrial, transportation, institutional, and public facility uses.

Past Use of the Site

The site was historically undeveloped prior to 1924, and was developed with a two-story industrial building operated by Cleantex by 1939 and with the existing three-story warehouse by 1969. A 2018 Phase I Environmental Site Assessment (ESA) conducted by Galli Engineering, P.C. documented the presence of a 1,500-gallon underground storage tank (UST) containing heating oil and two above ground storage tanks (ASTs) containing mineral spirts. Additionally, geophysical anomalies with UST-like appearances were identified in the loading dock in October 2018.

The site was subject to a historic spill of No. 2 fuel oil (New York State Department of Environmental Conservation [NYSDEC] Spill No. 9512453), which was reported and closed on January 5, 1996, when a release of two gallons of No. 2 fuel oil during tank filling was cleaned up by the delivery crew.

Cleantex vacated the property by March 3, 2022 and the site has since been vacant under the ownership of 2335 12 Avenue, LLC.

Site Geology and Hydrogeology

Based on a limited subsurface investigation summarized in Langan's January 2019 Due Diligence Technical Memorandum, a layer of non-native material extends from beneath the surface cover to depths between about 2 and 4 feet below grade surface (bgs). The non-native material generally consists of brown-to-black, medium-to-fine sand with varying amounts of brick, concrete, and gravel, and is underlain by red-to-brown fine and medium sand with various amount of gravel and silt. Groundwater is estimated to be about 17.8 to 18.5 feet bgs based on observations of saturated soil and on a 2018 Phase II ESA, conducted by Galli Engineering P.C. (Galli).

Environmental Assessment

Previous subsurface investigations completed at the proposed BCP site included a 2018 Phase II ESA, conducted by Galli, and a 2018 limited subsurface investigation, conducted by Langan.

Galli's 2018 Phase II ESA included the following:

- Advancement of eight soil borings and collection of six grab soil samples for laboratory analysis; and
- Installation of two temporary groundwater monitoring wells in the first floor loading dock area and collection of two groundwater samples for laboratory analysis.

The 2018 limited subsurface investigation conducted by Langan was performed to support due diligence of an entity that was considering purchasing the site and consisted of the following:

- Advancement of five soil borings in the first floor loading dock area and collection of five grab soil samples for laboratory analysis; and
- Installation of three sub-slab soil vapor probes and collection of three sub-slab soil vapor samples for laboratory analysis.

Based on the findings of the investigations, the primary contaminants of concern include petroleum-related volatile organic compounds (VOCs) and polychlorinated biphenyls (PCBs) in soil, petroleum-related VOCs and semivolatile organic compounds (SVOCs) in groundwater, and petroleum-related VOCs and chlorinated VOCs in soil vapor. Petroleum-impacts in soil, groundwater, and soil vapor at the site are likely related to historical site use. Potential impacts to soil, groundwater, and soil vapor will be further evaluated during a remedial investigation.

<u>Field Observations</u>: Petroleum-like odors, staining, and/or photoionization detector (PID) readings ranging from 18.9 to 662.7 parts per million (ppm) were observed on soil at depths between about 10 and 20 feet bgs. Non-aqueous phase liquid (i.e., free product) was observed in groundwater well purge water in temporary groundwater monitoring wells in the western part of the site. Sample location maps are included in Attachment D of the BCP Application.

<u>Soil</u>: A total of six VOCs, including but not limited to 1,2,4-trimethylbenzene, n-propylbenzene, and total xylenes were detected at concentrations above Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 375 Unrestricted Use (UU) or Restricted Use Commercial (RUC) Soil Cleanup Objectives (SCO) between 0 and 19 feet bgs in the first floor loading dock area. The maximum concentration of 1,2,4-trimethylbenzene (260 ppm) exceeds the Part 375 RUC SCO (190 ppm). N-propylbenzene concentrations (9.5 to 12 ppm) exceed the UU SCO (3.9 ppm); and

total xylene concentrations (0.31 to 0.81 ppm) exceed the UU SCO (0.26 ppm). Soil sample depths were mostly limited to deeper soil to target potential petroleum impacts and were not collected from non-native material.

Total PCBs were detected in shallow soil (between 0 and 1 feet bgs) in soil boring SB-01 in the western part of the site. The total PCB concentration (0.178 ppm) exceeds the UU SCO (0.1 ppm).

<u>Groundwater</u>: A total of ten VOCs, among them 1,2,4,5-tetramethylbenzene, 1,2,4trimethylbenzene, 4-isopropyltoluene, and n-butylbenzene, were detected in groundwater above the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and Guidance Values for Class GA water in the western part of the site. The concentrations of 1,2,4,5-tetramethylbenzene (240 parts per billion [ppb]), 1,2,4-trimethylbenzene (260 ppb), 4-isopropyltoluene (74 ppb) and n-butylbenzene (64 ppb) exceed the TOGS AWQS (5 ppb).

Concentrations of the SVOCs naphthalene (190 ppb) and bis(2-ethylhexyl)phthalate (120 ppb) exceed the TOGS AWQS (10 ppb and 5 ppb, respectively).

<u>Soil vapor</u>: No standard currently exists for soil vapor in New York State; however, soil vapor sample results were compared to the New York State Department of Health (NYSDOH) air guidance values (AGVs) for reference. Two chlorinated VOCs, including tetrachloroethene (PCE), and trichloroethene (TCE), were detected in soil vapor above the NYSDOH AGVs at soil vapor point SSV-02 in the central part of the site. The concentrations of PCE (37 micrograms per cubic meter [μ g/m³]) and TCE (5.5 μ g/m³) exceed the NYSDOH AGVs (5.5 μ g/m³ and 2.0 μ g/m³, respectively).



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ATTACHMENT B SECTION II: PROJECT DESCRIPTION

The purpose of the project is to remediate and redevelop an about 7,603-square-foot (approximately 0.175 acres) contaminated site. The site is occupied by a vacant three-story building and was most recently occupied by Cleantex, a carpet, drapery, flame-proofing and upholstery cleaning facility that operated from at least 1939 to about 2022.

The proposed development includes demolition of the existing three-story building and construction of a 15-story residential building (including an affordable housing component) with one- cellar level. The proposed project is consistent with the existing zoning. Remediation will be performed concurrently with the proposed development and in accordance with an approved Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP).

A draft Remedial Investigation Work Plan (RIWP) is submitted concurrently with this application. It is estimated the remedial investigation will begin in the late summer of 2025. Implementation of the RAWP is expected to begin in late 2026, and the project is expected to obtain its Certificate of Completion by end of 2027. A preliminary schedule is shown below.

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1	Prepare Brownfield Cleanup Program Application and RIWP																																
2	NYSDEC Review of Application & RIWP and 30-Day Public Comment																																
3	Implement (RIWP) and Prepare Remedial Investigation Report (RIR)																																
4	Prepare Remedial Action Work Plan (RAWP)																																
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6	RAWP and Issuance of Decision Document																																
7	RAWP Implementation/Foundation Construction																																
8	Site Management Plan (SMP) Preparation																																
9	NYSDEC & NYSDOH Review of FER and SMP																																
10	BCP Certificate of Completion																																
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a)	This is an estimated schedule; all items are subject to change.																									_	_						
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Green and Sustainable Remediation (GSR) Principles

Green remediation principles and techniques will be implemented, to the extent feasible, in the design, implementation, and site management phase of the remedy in accordance with DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term
- Reducing direct and indirect greenhouse gases and other emissions
- Increasing energy efficiency and minimizing use of non-renewable energy
- Conserving and efficiently managing resources and materials
- Reducing waste, increasing recycling and increasing reuse of materials that would otherwise be considered a waste
- Maximizing habitat value and creating habitat when possible
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development
- Incorporating the GSR principles and techniques, to the extent feasible, in the future development at this site (i.e., future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York [or most recent edition] to improve energy efficiency as an element of construction).

To evaluate the remedy with respect to GSR principles as part of the remedial program, a Best Management Practice (BMP) assessment will be conducted in accordance with the ASTM Guide for Standard Cleanups, and an environmental footprint analysis will be conducted for each remedial alternative using SiteWise[™]. The results of the environmental footprint analysis will be provided in the future RAWP.

BMPs for the project related to these GSR metrics, and BMPs for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial program, as appropriate and as described below:

Waste Generation

Waste generation considers the management of waste associated with remedial activities and any waste reduction projects including, but not limited to, material reuse

and recycling. Several waste streams will be generated during implementation of the remedy (e.g., potential dewatering fluids, soil, polyethylene sheets used for stockpile coverage and separating types of contamination, nitrile gloves for endpoint sampling, disposable sample ware, acetate liners from drilling operations, tubing and buckets from groundwater performance monitoring, and decontamination materials). When possible, an effort will be made to minimize the consumption/generation of such materials. If feasible, decontamination and reuse of applicable materials will be considered. Electronic methods of data collection (e.g., tablets) will also be used to reduce paper consumption when possible.

Electrical Energy Use

Energy usage considers the electricity usage needed for remediation activities. Energy will be required for charging field equipment (e.g., PID, air monitoring equipment, groundwater sampling equipment). Battery-powered equipment will be turned off when not in use to limit charging activities.

<u>Emissions</u>

Emissions tracking considers fuel usage for transportation of personnel to and from the site, trucks used for export of contaminated material or import of backfill material, equipment and laboratory sample couriers, and construction equipment.

To reduce fuel usage, trucks and heavy machinery operators will be encouraged to reduce idling time and shut down vehicles or equipment when not in use. The contractor will also be encouraged to perform routine, on-time maintenance such as oil changes to improve fuel efficiency. Trucks used for exports/imports will also use low sulfur emitting fuels.

When possible, personnel will be encouraged to take public transport, and equipment/sample deliveries and pickups will be consolidated to reduce transport needs.

<u>Water Usage</u>

Water usage considers sources of water for tasks such as decontamination, irrigation, etc. The public water supply will be used when water is required for decontamination activities or dust suppression. This will be required for effective implementation of the remedy and the protection of human health. Water will only be consumed when necessary, and consumption will be in accordance with local regulations.

Land and/or Ecosystems

Land and/or ecosystems consider any disturbances and restoration of land and/or ecosystems as part of the implementation/operation of the remedy. During

implementation of the proposed remedy, the site cover will be restored to an impervious condition. No ecosystems will be disturbed during construction.

A BMP assessment and an environmental footprint analysis will also be conducted at the completion of the remedy. As practicable, water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction, and material use will be estimated at the end of the remediation phase. Progress with respect to GSR metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER).

A climate screening assessment was conducted for the site. The climate screening checklist is provided as Attachment B1.

Climate Screening Checklist

Background Information

- Project Manager: Jennifer Armstrong, CHMM
- Site Name: 2335 12th Avenue
- Site Location: 2335 12th Avenue, New York, NY
- Site Elevation (average above sea level): Approximately 30 feet above sea level
- ClimAID Region: Region 4 New York City and Long Island



• Remedial Stage/Site Classification: Investigation Phase

• Contamination - Media Impacted/ Contaminants of Concern:

Volatile organic compound (VOC) impacts were identified in soil, groundwater, and soil vapor. Semivolatile organic compound (SVOC) and polychlorinated biphenyl (PCB) impacts have also been documented.

• Proposed/Current Remedy:

A remedial track has not been determined, as this site is entering the BCP at the investigation phase.

What is the predicted timeframe of the remedy? Will components of the remedy still be in place in 10+ years?

A remedy will be implemented following the approval of a remedial Investigation and Remedial Action Work Plan. The components of the remedy are still to be determined, so it is unknown if Engineering Controls will be required and/or remain for 10+ years. It is anticipated that the investigation and remedy will take about 1.5 to -3 years to complete.

• Is the site in proximity to any sensitive receptors? (e.g. wetlands, waterbodies, residential properties, hospitals, schools, drinking water supplies, etc.)

Land use within a half-mile of the site is urban in nature and includes multistory residential and commercial buildings, industrial and manufacturing buildings, and public facilities. Adjoining parcels are used for industrial and manufacturing, mixed-use commercial, residential, and institutional uses (e.g., schools), with the surrounding area generally consisting of mixed-use commercial, and

residential, multi-family residential, commercial, light industrial, and transportation. The closest ecological receptor is the Hudson River, located about 320 feet west, northwest of the site. The site is separated from the Hudson River by 12th Avenue, commercial buildings, and the West Side Highway.

No schools or day care facilities are located on the site. Sensitive receptors, as defined in the Division of Environmental Remediation (DER) Technical Guidance for Site Investigation and Remediation (DER-10), within a half-mile of the site include those listed below:

Kipp Star Harlem College Prep Elementary School (approximately 300 feet east of the site) Principal: Candice Seagrave 625 West 133rd Street New York, NY 10027 (212) 991-2655

Hamilton Heights Middle School (approximately 2,130 feet southeast of the site) Principal: Liv Levey 461 West 131st Street New York, NY 10027 (212)-845-9681

High School of Liberal Arts – Harlem Principal: Griffin Thomas 509 West 129th Street New York, NY 10027 (646)-558-0093

The Mott Hall School (approximately 2,130 feet southeast of the site) Principal: Judith De Los Santos 71-111 Convent Avenue New York, NY 10027 (212) 281-5028

P.S. 129 John H. Finley (approximately 2,450 feet southeast of the site)
Principal: Odelphia Pierre
425 West 130th Street
New York, NY 10027
(212) 690-5932

Flor Angel Daycare (approximately 710 feet northeast of the site) 593 Riverside Drive New York, NY 10031 (917) 495-2962

My Angel Family Daycare (approximately 600 feet northeast of the site) 615 West 135th Street Apt# 49 New York, NY 10031 (212) 283-6010

Brighter Minds Daycare (approximately 2,100 feet northeast of the site) Director: Sandra Tavarez 601 West 141st Street, Suite 41 New York, NY 10031 (347) 847-3545 Ally's Group Family Day Care (approximately 2,310 feet northeast of the site) 87 Hamilton Place New York, NY 10031 (212) 491-9408

Jacky's Family Day Care (approximately 2,300 feet northeast of the site) 87 Hamilton Place New York, NY 10031 (212) 281-0713

Johanny's Playground Daycare (approximately 1,060 feet east of the site) Director: Johanny Diaz 529 West 135th Street, Basement Apt. New York, NY 10031 (718) 503-0804

Little Rays of Sunshine Group Family Daycare (approximately 1,320 feet east of the site) 518 West 134th Street New York, NY 10031 (646) 669-8015

Citizen's Care Day Care Center 3 (approximately 1,050 feet southeast of the site) 3240 Broadway New York, NY 10027 (212) 690-0742

The Red Balloon Early Childhood Learning Center (approximately 1,150 feet south of the site) Executive Director: Denise Fairman 560 Riverside Drive New York, NY 10027 (212) 663-9006

Children's Learning Center (approximately 2,450 feet south of the site) 90 La Salle Street, # 4H New York, NY 10027 (212) 663-9318 • Is the site in a disadvantaged community (DAC) or potential environmental justice area (PEJA) (Use DECinfolocator: <u>DECinfo Locator (ny.gov)</u>)?



The site is located in a disadvantaged community as shown below (map taken from the NYSERDA) <u>https://www.nyserda.ny.gov/ny/Disadvantaged-Communities</u>



If the site is in a DAC or PEJA, will climate impacts be magnified? If yes, list how and why.



 Should thresholds of concern be lowered to account for magnification of impacts? If yes, indicate how lower thresholds will be used in the screening.



Climate Screening Table*

Potential	Relevant	Projected Change	Potential	Is remedy/site already resilient?
Climate	to the	(Reference data	to Impact	(Y/N) ⁴
Hazards	Site	source/Model) ³	Remedy	
	Location		(Y/N)	
	(Y/N/NA) ¹			
Precipitation	Y	Approximately	N	Y – Erosion and sedimentation
		between 0.22 and		controls will be followed during
		0.5 in/month		construction, and the future building
		(Based on the		may incorporate floodproofing and
		USGS National		resiliency measures.
		Climate Change		
		Viewer [NCCV]		
		Tool)		
Temperature	N	N/A (Based on	N/A	N/A
² (Extreme		FEMA RAPT)		
Heat or Cold				
Weather				
Impacts)				
Sea Level Rise	Potentially	0.5 Feet Sea Level	N	Y – The redevelopment of the site
		Rise (Based on		may include improvement of the site
		(National Oceanic		drainage and floodproofing which
		and Atmospheric		will help to mitigate the effects of
		Administration		flooding.
		[NOAA] Sea Level		
		Rise Viewer)		
Flooding	N	Zone X – Area of	N	Y – During construction a site-specific
		Minimal Flood		SWPPP will be followed and
		Hazard		enhanced measures will be taken
		(Based on FEIVIA's		before, during and after extreme
		National Flood		weather events. In the long term,
				include improvement of the site
		viewer)		drainage which will help to mitigate
				the effects of flooding
Storm Surgo	V	< 2 feet above	N	V Eracion and codimentation
Storm Surge	T	< 5 leet above ground with Cat 1	IN	controls will be followed during
				construction and the future building
				will incorporate floodproofing and
				resiliency measures
Wildfire	N	N/A	N/A	N/A
Drought	N	Ν/Α	Ν/Δ	N/A
Storm Soverity	N V			V. Erosion and sodimontation
Storm Sevenity	Т	r (NOAA)	IN	controls will be followed during
				construction and the future building
				will incorporate floodproofing and
				resiliency measures.
Landslides	N	N/A	N/A	N/A
Other Hazards	Y – Seismic	2% (Based on	N/A	N/A
		2/0 (20000 011		

Potential	Relevant	Projected Change	Potential	Is remedy/site already resilient?
Climate	to the	(Reference data	to Impact	(Y/N) ⁴
Hazards	Site	source/Model) ³	Remedy	
	Location		(Y/N)	
	$(Y/N/NA)^{1}$			
	Activity	FEMA RAPT)		

¹ If the first column is N --> The rest of the columns will be N/A, the hazard is not applicable to the site.

² Extreme Heat: periods of three or more days above 90°F- Extreme Cold: Individual days with minimum temperatures at or below 0 degrees F (NYSERDA ClimAID report)

³List the projected change in specific terms or units e.g. inches of rain fall, feet of sea level rise, etc.

⁴ If final column is Y, provide reasoning, if the final column is N --> Climate Vulnerability Assessment (CVA) required.

Required Next Steps (If no further action is required, provide justification):

No further actions are required. The vulnerability that was assessed is covered by the current development plans.

ATTACHMENT C SECTION III: ECOLOGICAL CONCERNS

Fish and Wildlife Assessment

New York State Department of Environmental Conservation (NYSDEC) Division of Environmental Remediation (DER) Technical Guidance for Site Investigation and Remediation (DER-10) requires an on-site and off-site Fish and Wildlife Resources Impact Analysis (FWRIA) if certain criteria are met. While the Hudson River is located 320 feet west, northwest of the site (within ½ mile), the site is separated from the Hudson River by 12th Avenue, commercial buildings, and the West Side Highway. Based on the requirements stipulated in Section 3.10 and Appendix 3C of DER-10, there was no need to prepare an FWRIA for the site, as the Hudson River is not considered "proximate" to the site, and there is no pathway for potential surface water discharge from the site. A completed Fish and Wildlife Resources Impact Analysis Decision Key from DER-10 Appendix 3C is enclosed as Attachment C1.

	Appendix 3C Fish and Wildlife Resources Impact Analysis Decision Key	If YES Go to:	If NO Go to:
1.	Is the site or area of concern a discharge or spill event?	(13)	2
2.	Is the site or area of concern a point source of contamination to the groundwater which will be prevented from discharging to surface water? Soil contamination is not widespread, or if widespread, is confined under buildings and paved areas.	13	3
3.	Is the site and all adjacent property a developed area with buildings, paved surfaces and little or no vegetation?	4	9
4.	Does the site contain habitat of an endangered, threatened or special concern species?	Section 3.10.1	5
5.	Has the contamination gone off-site?	6	14
6.	Is there any discharge or erosion of contamination to surface water or the potential for discharge or erosion of contamination?	7	14
7.	Are the site contaminants PCBs, pesticides or other persistent, bioaccumulable substances?	Section 3.10.1	8
8.	Does contamination exist at concentrations that could exceed ecological impact SCGs or be toxic to aquatic life if discharged to surface water?	Section 3.10.1	14
9.	 Does the site or any adjacent or downgradient property contain any of the following resources? i. Any endangered, threatened or special concern species or rare plants or their habitat ii. Any DEC designated significant habitats or rare NYS Ecological Communities iii. Tidal or freshwater wetlands iv. Stream, creek or river v. Pond, lake, lagoon vi. Drainage ditch or channel vii. Other surface water feature viii. Other marine or freshwater habitat ix. Forest x. Grassland or grassy field xi. Parkland or woodland xii. Shrubby area xiii. Urban wildlife habitat 	11	10
10.	Is the lack of resources due to the contamination?	3.10.1	14
11.	Is the contamination a localized source which has not migrated and will not migrate from the source to impact any on-site or off-site resources?	14	12
12.	Does the site have widespread surface soil contamination that is not confined under and around buildings or paved areas?	Section 3.10.1	12
13.	Does the contamination at the site or area of concern have the potential to migrate to, erode into or otherwise impact any on-site or off-site habitat of endangered, threatened or special concern species or other fish and wildlife resource? (See #9 for list of potential resources. Contact DEC for information regarding endangered species.)	Section 3.10.1	14
14.	No Fish and Wildlife Resources Impact Analysis needed.		

ATTACHMENT D SECTION IV: LAND USE FACTORS

Items 1 and 2 – Site Zoning Status

According to the New York City Planning Commission Zoning Map 5c, the site is located in a C6-2 zoning district, which primarily permits commercial and residential uses. The site is also located within the Special Manhattanville Mixed Use District, which allows for greater density and a wider variety of land uses to facilitate commercial and residential development. Land use within a halfmile radius includes commercial, residential, industrial, transportation, institutional, and public facility uses. Zoning is consistent with the proposed mixed-use (residential and commercial) development.

<u> Item 4 – Current Use</u>

The site encompasses an area of about 7,603 square feet (approximately 0.175 acres) and consists of a vacant three-story building. The building was formerly occupied by Cleantex, a carpet, drapery, flame-proofing and upholstery cleaning facility, from at least 1939 to about 2022.

A 2018 Phase I Environmental Site Assessment (ESA) conducted by Galli Engineering, P.C. documented the presence of a 1,500-gallon underground storage tank (UST) containing heating oil and two above ground storage tanks (ASTs) containing mineral spirts. Additionally, geophysical anomalies with UST-like appearances were identified in the loading dock in October 2018. The source of documented petroleum-related impacts in soil, groundwater, and soil vapor is likely a release or multiple releases from petroleum and chemical storage associated with the current and historic use of the site.

<u>Item 6 – Post Remediation Use</u>

The proposed development includes demolition of the existing three-story building and construction of a 15-story residential building (including an affordable housing component) with a one-level cellar. The proposed project is consistent with the existing zoning. Remediation will be performed concurrently with the proposed development and in accordance with an approved Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP).

Item 9 – Consistency with Applicable Zoning Laws/Maps

The site is located within a commercial district (C6-2) and the Special Manhattanvile Mixed Use District. Multiple-story mixed-use (residential and commercial) buildings are permitted in these districts. The special district allows a maximum site building height of 120 feet.

Item 10 – Comprehensive Plans

The proposed post-remediation use is consistent with goals outlined in the Special Manhattanville Mixed Use District zoning resolution, which encourages active ground floor uses along 12th Avenue to promote the economic vitality of the neighborhood streets and to encourage the use of the community-oriented waterfront, with an emphasis toward the West Harlem Piers Park. Design regulations require publicly accessible open spaces, sidewalk amenities, sidewalk widening and landscaping to improve the physical appearance of the streetscape within a consistent urban design.

ATTACHMENT E SECTION V: CURRENT OWNER/OPERATOR INFORMATION

Current Site Owner

The proposed BCP site (Manhattan Tax Block 2001, Lot 110) is owned by the Requestor.

Previous Site Owners

Available ownership records prior to 2335 12 Avenue, LLC were ascertained through the New York City Department of Finance Automated City Registry Information System (ACRIS) website (<u>https://a836-acris.nyc.gov/DS/DocumentSearch/Index</u>), and are summarized in the following table:

	Block 2001, Lot 110											
Document Date	Document Type	First Party	Second Party	First Party Address and Phone Number	Relationship to Applicant							
3/3/2022	Deed	12TH AVENUE, LLC	2335 12 AVENUE, LLC	166 Bayview Road, Manhasset, NY 11030 Phone number unknown	2 nd Party is current site owner							
1/20/2010	Deed	2335 12TH AVENUE REALTY CORP.	12TH AVENUE, LLC	2335 12 th Avenue, New York, NY 10027 Phone number unknown	None							
8/6/1998	Deed	J.T. MOLLA REALTY CORP.	2335 12TH AVENUE REALTY CORP.	2335 12 th Avenue, New York, NY 10027 Phone number unknown	None							
8/6/1998	Deed	CEDAR CRES COMPANY,LTD.	J.T. MOLLA REALTY CORP.	2335 12 th Avenue, New York, NY 10027 Phone number unknown	None							
6/14/1997	Deed	J.T. MOLLA REALTY CORP.	CEDAR CRES COMPANY LTD.	30 West 21 st Street, New York, NY 10010 Phone number unknown	None							

Previous Site Operators

The site was historically undeveloped prior to 1924, and was developed with a two-story industrial building operated by Cleantex by 1939 and with the existing three-story warehouse by 1969. The site is currently vacant and has been under the ownership of 2335 12 Avenue, LLC since March 3, 2022. Contact information for the prior occupant is below.

Cleantex 37-11 48th Avenue Long Island City, New York, 11101 Phone: 212-283-1200 info@cleeantexny.com

ATTACHMENT F SECTION VI: PROPERTY'S ENVIRONMENTAL HISTORY

<u>Item 1 – Reports</u>

The following environmental reports were prepared for 2335 12th Avenue (Manhattan Tax Block 2001, Lot 110):

- June 14, 2018 Phase I Environmental Site Assessment, prepared by Galli Engineering P.C.
- November 9, 2018 Phase II ESA, prepared by Galli Engineering P.C.
- January 22, 2019 Due Diligence Technical Memorandum for 2335 12th Avenue, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology D.P.C

June 14, 2018 Phase I ESA, prepared by Galli Engineering, P.C.

Galli Engineering P.C. (Galli) conducted a Phase I Environmental Site Assessment (ESA) on behalf of The Upper Group. The Phase I ESA documented the presence of a 1,500-gallon underground storage tank (UST) containing heating oil and two aboveground storage tanks (ASTs) containing mineral spirits. Galli identified the following recognized environmental conditions (RECs):

- Use of the site as an industrial and commercial upholstery cleaning facility as early as the 1930's and designation as a Historic Cleaner in the regulatory database search because of mineral solvents/spirits used for cleaning operations
- No secondary containment was observed around the 500-gallon mineral solvent AST that was observed as in-use in 2018 - The surrounding concrete surface was observed in poor condition and was cracked and discontinuous. Staining indicative of a potential release was observed on the concrete surface in the vicinity of the AST.
- Evaporation of liquids containing mineral solvents during carpet cleaning operations was in violation of state and federal rules and regulations Treatment by evaporation must be performed under a valid permit with the New York State and the USEPA. Mineral solvent waste is considered hazardous due to its flammable characteristics.

November 9, 2018 Phase II ESA, prepared by Galli

Galli performed a Phase II ESA to investigate potential impacts from the RECs identified in the June 14, 2018 Phase I ESA. The Phase II ESA included a geophysical survey across the first floor loading dock of the site; advancement of eight soil borings; installation of two temporary

groundwater monitoring wells; and collection of soil and groundwater samples for laboratory analysis. The following observations were made during the Phase II ESA:

- <u>Geophysical Investigation</u>: The geophysical survey identified up to four potential USTs, including one presumed to be the 1,500 gallon No. 2 fuel oil UST used for heating.
- <u>Soil</u>: Evidence of a petroleum release, including odors and a maximum photoionization detector (PID) reading of 550 parts per million (ppm), was observed in five out of the eight soil borings. Volatile organic compounds (VOCs) including 1,2,4,-trimethylbenzene and total xylenes were detected at concentrations exceeding NYSDEC Part 375 Unrestricted Use (UU) Soil Cleanup Objectives (SCO) in soil samples collected from soil boring SB-1, which was located in an equipment room in the south-central part of the site.
- <u>Groundwater</u>: Two soil borings were converted into temporary monitoring wells (GW-1 and GW-2 in the eastern and southwestern parts of the loading dock, respectively). The wells were installed to a depth of about 20 feet below grade surface (bgs). During well development, free product was observed in the purged groundwater collected from each well. VOCs including 1,2,4,5-tetramethylbenzene, temporary monitoring isopropylbenzene, n-butylbenzene, n-propylbenzene, sec-butylbenzene, and tertbutylbenzene were detected at concentrations above NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and Guidance Values for Glass GA water (collectively referred to as the NYSDEC SGVs) in both temporary monitoring wells. Four additional VOCs including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 4-isopropyltoluene, and naphthalene and SVOCs including naphthalene and bis(2-ethylhexyl)phthalate were detected in groundwater samples collected from temporary monitoring well GW-2 above the NYSDEC SGVs. Temporary monitoring well GW-2 was installed in the southwest part (presumed downgradient side) of the loading dock.

January 22, 2019 Due Diligence Technical Memorandum, prepared by Langan

Langan performed a limited subsurface investigation to support due diligence of an entity that was considering purchasing the site, and to further investigate the nature and extent of potential environmental subsurface contamination at the site.

The limited subsurface investigation included a geophysical survey to locate potential USTs and other subsurface structures, advancement of five soil borings to depths ranging from 4 to 20 feet bgs, completion of a chemical inventory, installation of three sub-slab soil vapor probes, and collection of soil and soil vapor samples for laboratory analysis. The following observations were made during the limited subsurface investigation:

- <u>Geophysical Survey</u>: The geophysical survey identified subsurface anomalies indicative of utilities and potential USTs with associated fill lines in the first floor loading dock area, which is consistent with the results of the geophysical investigation completed by Galli.
- <u>Subsurface Observations:</u> Below the concrete surface, the subsurface strata consists of non-native material characterized by brown-to-black, medium-to-fine sand with varying amounts of brick, concrete, and gravel. The non-native material layer ranges from about 2 to 4 feet bgs and is underlain by red-to-brown fine and medium sand with varying amounts of gravel and silt. The sands extended to 20 feet bgs (the boring termination depth). The highest PID readings were observed at or above the water table, which was identified between 17.8 to 18.5 feet bgs, based on observations of saturated soil and on Galli's 2018 Phase II ESA.
- <u>Soil Sample Analytical Results:</u> Several VOCs were detected at concentrations exceeding the NYSDEC Part 375 UU, Restricted Use Restricted-Residential (RURR), and/or Restricted Use Commercial (RUC) SCOs in soil samples collected from the first floor loading dock area.
 - One VOC (1,2,4-trimethylbenzene) was detected at a concentration above the UU, RURR, and RUC SCOs in soil boring SB-05 in the northern part of the loading dock.
 - One or more VOCs, including n-butylbenzene, n-propylbenzene, secbutylbenzene, tert-butylbenzene, and total xylenes, exceeded the UU SCOs in soil borings SB-01, SB-02, SB-04, and SB-05, throughout the loading dock.
 - Total polychlorinated biphenyls (PCBs) exceeded the UU SCOs in the shallow fill sample collected from boring SB-01 in the northeast part of the loading dock.
- <u>Soil Vapor Sample Analytical Results:</u> There is no standard for soil vapor samples in New York State; however, soil vapor sample results were compared to the New York State Department of Health (NYSDOH) Air Guidance Values (AGVs). Total VOC concentrations for each sample location were as follows:
 - SSV-01: 241.41 micrograms per cubic meter (μg/m³)
 - ο SSV-02: 556.8 μg/m³
 - ο SSV-03: 195.24 μg/m³

Two chlorinated VOCs (trichloroethene [TCE] and tetrachloroethene [PCE]) were detected at concentrations exceeding the NYSDOH AGVs in sub-slab soil vapor sample SSV-02 in the center of the site. Petroleum-related VOCs (e.g., benzene, toluene, ethylbenzene, and total xylenes [BTEX]) were detected in soil vapor samples at concentrations ranging from 17.81 μ g/m³ (SSV-03) to 42.6 μ g/m³ (SSV-01).

October 2022 Draft Phase I ESA, Prepared by Langan

This Phase included the proposed BCP site and 2331 12th Avenue (Lot 100). Access was not provided to Lot 100, which was considered a significant data gap. RECs related to the following were identified:

- Lot 110 operated as Cleantex Co. (a carpet cleaning facility) with aboveground storage tanks (AST) containing mineral spirits from 1939 until early 2022. Out-of-service cleaning machinery is located within the Lot 110 building with staining observed on concrete flooring next to some machinery. Lot 100 was historically operated by auto repair facilities from 1973 to 2000. Inadvertent releases of petroleum products, solvents, and/or or other hazardous substances typically used by these facilities may have impacted soil, groundwater, and/or soil vapor at the Subject Property.
- The building on Lot 110 contains a 1,500-gallon No. 2 heating oil underground storage tank (UST) in the loading dock area. Three additional USTs may also be present in the loading dock area based on a prior geophysical survey.
- Subsurface investigations in October and November 2018 identified stained and odorous soil between about 10 and 20 feet bgs in the loading dock of Lot 110. Petroleum-related VOCs were reported in soil and groundwater at concentrations above relevant standards. Chlorinated VOCs were identified in soil vapor at concentrations above New York State Department of Health Air Guidance Values. Following acquisition of Lot 110 by the User, a spill was reported to the NYSDEC based on petroleum-related impacts observed during a prior subsurface investigation completed to support due diligence of an entity that was considering purchasing Lot 110. NYSDEC assigned Spill No. 2205004 to Lot 110.
- The historical uses of the northern-adjoining property at 2341 2347 12th Avenue as a garage with 4 USTs (1939 1950) and a rubber manufacturing facility (1969 2005), the eastern-adjoining property at 637 133rd Street as garages and a gasoline station with a UST (1939 1950), and southern adjoining property as an MTA depot associated with several spill cases and hazardous waste generation are considered a REC.

<u> Item 2 – Sampling Data</u>

Known contaminants were identified in the November 2018 Phase II ESA and in the January 2019 Due Diligence Technical Memorandum (limited subsurface investigation). The environmental and available laboratory analytical reports for the investigations are included in this attachment. Analytes detected above applicable regulatory standards for each media tested during the November 2018 Phase II ESA and January 2019 limited subsurface investigation, are summarized below:

Soil:

Soil sample analytical results were compared to 6 NYCRR Part 375 UU, RURR, and RUC SCOs. As depicted in Table D-1 and on Figure D-1, the following contaminants were detected at concentrations above the UU, RURR, or CU SCOs. RURR and/or CU exceedances are shown in bold and maximum detections are shown in parentheses.

<u>VOCs</u>

- 1,2,4-trimethylbenzene (260 milligrams per kilogram [mg/kg])
- n-Butylbenzene (18 ppm)
- n-Propylbenzene (12 ppm)
- sec-Butylbenzene (18 ppm)
- t-Butylbenzene (6.8 ppm)
- Total xylenes (0.83 ppm)

<u>PCBs</u>

• Total PCBs (0.178 ppm)

Groundwater:

Groundwater sample analytical results were compared to the NYSDEC SGVs. Contaminants that were detected at concentrations above the NYSDEC SGVs are depicted in Table D-2 and on Figure D-2 and are summarized below. Maximum detected concentrations are shown in parentheses.

<u>VOCs</u>

- 1,2,4,5-Tetramethylbenzene (240 ppb)
- 1, 2, 4-Trimethylbenzene (260 ppb)
- 1,3,5-Trimethylbenzene (140 ppb)
- 4-isopropyltoluene (74 ppb)
- Isopropylbenzene (90 ppb)
- n-Butylbenzene (64 ppb)
- n-Propylbenzene (120 ppb)
- Naphthalene (54 ppb)
- sec-Butylbenzene (64 ppb)
- tert-Butylbenzene (58 ppb)

- Bis(2-ethylhexyl)phthalate (120 ppb)
- Naphthalene (190 ppb)

<u>Soil Vapor:</u>

Soil vapor sample analytical results were compared to the NYSDOH AGVs. Contaminants that were detected at concentrations above the NYSDOH AGVs are depicted in Table D-3 and on Figure D-3 and are summarized below. Maximum detected concentrations are shown in parentheses.

<u>VOCs</u>

- PCE (37 microgram per cubic meter [µg/m³])
- TCE (5.5 μg/m³)

2022 Spill Reporting:

Following acquisition of the property by the applicant (2335 12 Avenue, LLC), a spill was reported to the NYSDEC on September 8, 2022 based on petroleum-related impacts observed during a prior limited subsurface investigation performed by Langan, which was completed to support due diligence of an entity that was considering purchasing the site. The site was assigned NYSDEC Spill No. 2205004.

Item 3 – Site Drawings for each impacted medium

The following figures and tables summarize the detectable concentration of each contaminant by media type using the analytical results collected for the November 2018 Phase II ESA and January 2019 Due Diligence Memo:

- Figure F-1 Soil Sample Analytical Results Map
- Figure F-2 Groundwater Sample Analytical Results Map
- Figure F-3 Soil Vapor Sample Analytical Results Map
- Table F-1 Soil Data Summary
- Table F-2 Groundwater Data Summary
- Table F-3 Soil Vapor Data Summary

<u> Item 4 – Past Land Use</u>

The site was historically undeveloped prior to 1924, and was developed with a two-story industrial building operated by Cleantex by 1939 and with the existing three-story warehouse by 1969. The 2018 Phase I ESA conducted by Galli documented the presence of a 1,500-gallon UST containing heating oil and two ASTs containing mineral spirts. Additionally, geophysical anomalies with UST-like appearances were identified in the loading dock in October 2018.

The site was subject to a historic spill of No. 2 fuel oil (NYSDEC Spill No. 9512453), which was reported and closed on January 5, 1996, when a release of two gallons of No. 2 fuel oil during tank filling was cleaned up by the delivery crew.

Cleantex vacated the property by March 3, 2022 and the site has since been vacant under the ownership of 2335 12 Avenue, LLC.

FIGURES



LEGEND:

APPROXIMATE SITE BOUNDARY

APPROXIMATE TAX LOT BOUNDARY

APPROXIMATE LOCATION OF SOIL BORING (GALLI ENGINEERING, P.C PHASE II ESA, DATED NOVEMBER 9, 2018)

APPROXIMATE LOCATION OF SOIL BORING AND GROUNDWATER MONITORING WELL (GALLI ENGINEERING, P.C. PHASE II ESA, DATED NOVEMBER 9, 2018)

APPROXIMATE LOCATION OF SOIL BORING (LANGAN LIMITED SUBSURFACE INVESTIGATION, DATED JANUARY 22, 2019)

Analyte	NYSDEC Part 375 Unrestricted Use SCOs	NYSDEC Part 375 Restricted Use Restricted-Residential SCOs	NYSDEC Part 375 Restricted Use Commercial SCOs
VOCs			
1,2,4-Trimethylbenzene	3.6	52	190
n-Butylbenzene	12	100	500
n-Propylbenzene	3.9	100	500
Sec-Butylbenzene	11	100	500
T-Butylbenzene	5.9	100	500
Total Xylenes	0.26	100	500
PCBs			
Total PCBc	0.1	1	1

Exceedance Summary:

 Result exceeds Unrestricted Use SCOs
 Result exceeds Restricted Use Restricted-Residential SCOs 10

- Result exceeds Restricted Use Commercial SCOs 10

1. BASE MAP IS REFERENCED FROM THE DRAWING TITLED 'SAMPLING LOCATIONS', PREPARED BY GALLI ENGINEERING, P.C., DATED NOVEMBER, 1, 2018. 2. TAX PARCEL DATA PROVIDED BY THE NEW YORK CITY DEPARTMENT OF CITY

SAMPLE LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS AND/OR PREVIOUS ENVIRONMENTAL REPORTS.

4. SOIL SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TITLE 6 OF THE OFFICIAL COMPILATION OF NEW YORK CODES, RULES, AND REGULATIONS (NYCRR) PART 375 UNRESTRICTED USE (UU), RESTRICTED USE RESTRICTED RESIDENTIAL (RURR) AND RESTRICTED USE COMMERCIAL (RUC) SOIL CLEANUP OBJECTIVES

ONLY COMPOUNDS DETECTED AT CONCENTRATIONS ABOVE UU SCOs ARE

CONCENTRATIONS ABOVE UU SCOs ARE BOLD.

CONCENTRATIONS ABOVE RURR SCOs ARE BOLD AND SHADED.

CONCENTRATIONS ABOVE UU, RURR, AND RUC SCOs ARE BOLD, SHADED, AND UNDERLINED.

ALL CONCENTRATIONS ARE REPORTED IN MILLIGRAMS PER KILOGRAM (mg/kg) 10. VOC = VOLATILE ORGANIC COMPOUND

11. PCB = POLYCHLORINATED BIPHENYL

12. ESA = ENVIRONMENTAL SITE ASSESSMENT

14. NA = NOT ANALYZED

15. J = THE ANALYTE WAS DETECTED ABOVE THE METHOD DETECTION LIMIT BUT BELOW THE REPORTING LIMIT; THERFORE, THE RESULT IS AN ESTIMATE 16. D = THE CONCENTRATION REPORTED IS A RESULT OF A DILUTED SAMPLE. 17. U = THE ANALYTE WAS ANALYZED FOR, BUT WAS NOT DETECTED AT A LEVEL GREATER THAN OR EQUAL TO THE LEVEL OF THE REPORTING LIMIT OR THE SAMPLE CONCENTRATION FOR RESULTS WERE IMPACTED BY BLANK CONTAMINATION.

	Figure Title	Project No. 170560401	Figure	
JE	SOIL SAMPLE	Date 09/16/2022		
	ANALYTICAL	Drawn By MA	F-1	ngan
VORK	RESULTS MAP	Checked By	Sheet 1 of 3	2022 La
IORK		JA	Sheet 1 01 J	0





LEGEND:

APPROXIMATE SITE BOUNDARY

APPROXIMATE TAX LOT BOUNDARY

APPROXIMATE LOCATION OF SOIL BORING AND GROUNDWATER MONITORING WELL (GALLI ENGINEERING, P.C. PHASE II ESA, DATED NOVEMBER 9, 2018)

Analyte	NYSDEC SGVs
VOCs	
1,2,4,5-Tetramethylbenzene	5
1,2,4-Trimethylbenzene	5
1,3,5-Trimethylbenzene	5
4-Isopropyltoluene	5
Isopropylbenzene	5
n-Butylbenzene	5
n-Propylbenzene	5
Naphthalene	10
sec-Butylbenzene	5
tert-Butylbenzene	5
SVOCs	
Bis(2-ethylhexyl)phthalate	5
Naphthalene	10

Exceedance Summary: 10 - Result exceeds the NYSDEC SGVs

1. BASE MAP IS REFERENCED FROM THE DRAWING TITLED 'SAMPLING LOCATIONS', PREPARED BY GALLI ENGINEERING, P.C., DATED NOVEMBER, 1, 2018. 2. TAX PARCEL DATA PROVIDED BY THE NEW YORK CITY DEPARTMENT OF CITY

3. SAMPLE LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS AND/OR PREVIOUS ENVIRONMENTAL REPORTS.

GROUNDWATER SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TECHNICAL AND OPERATIONAL GUIDANCE SERIES (TOGS) 1.1.1 AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES FOR CLASS GA WATER ("NYSDEC SGVs").

5. ONLY COMPOUNDS DETECTED AT CONCENTRATIONS ABOVE THE NYSDEC SGVs ARE

NYSDEC SGV EXCEEDANCES ARE BOLD.

ALL CONCENTRATIONS ARE REPORTED IN MICROGRAMS PER LITER (µg/L)

VOC = VOLATILE ORGANIC COMPOUND

SVOC = SEMIVOLATILE ORGANIC COMPOUND

10. ESA = ENVIRONMENTAL SITE ASSESSMENT

11. ND = NOT DETECTED

12. J = THE ANALYTE WAS DETECTED ABOVE THE METHOD DETECTION LIMIT BUT BELOW THE REPORTING LIMIT; THERFORE, THE RESULT IS AN ESTIMATE

13. D = THE CONCENTRATION REPORTED IS A RESULT OF A DILUTED SAMPLE.

	Figure Title	Project No. 170560401	Figure	
E	GROUNDWATER	Date 09/16/2022	ГΟ	
	SAMPLE ANALYTICAL	Drawn By MA	F-2	andan
rork	KEJULIJ MAP	Checked By JA	Sheet 2 of 3	0 2022

Results Map



Analyte	NYSDOH Decision Matrices Minimum Concentrations
VOCs	
1,1,1-Trichloroethane	100
1,1-Dichloroethene	6
Carbon Tetrachloride	6
Methylene Chloride	100
Tetrachloroethene (PCE)	100
Trichloroethene (TCE)	6

				1
	Figure Title	Project No. 170560401	Figure	
JE	SOIL VAPOR SAMPLE	Date 09/16/2022	ГЭ	
	ANALYTICAL RESULTS	Drawn By MA	г-3	- 0000
YORK	IMIAP	Checked By JA	Sheet 3 of 3	0000

TABLES

Table F-1 Soil Data Summary 2335 12th Avenue New York, NY Langan Project No. 170560401

Analytes > UU SCOs	Detections > UU SCOs	Max Detection (ppm)	UU SCOs	Depth (feet bgs)			
Volatile Organic Compounds (ppm)							
1,2,4-Trimethylbenzene	2	260	3.6	8-10; 13-14			
n-Butylbenzene	1	18	12	13-14			
n-Propylbenzene	3	12	3.9	13-14; 18-19			
sec-Butylbenzene	1	18	11	13-14			
t-Butylbenzene	1	6.8	5.9	13-14			
Xylenes, Total	2	0.83 D	0.26	0-1; 8-10			
Polychlorinated Biphenyl	Polychlorinated Biphenyls (mg/kg)						
PCBs, Total	1	0.178	0.1	0-1			
Analytes > RURR SCOs	Detections > RURR SCOs	Max Detection (ppm)	RURR SCOs	Depth (feet bgs)			
Volatile Organic Compounds (ppm)							
1,2,4-Trimethylbenzene	1	260	52	13-14			
Analytes > RUC SCOs	Detections > RUC SCOs	Max Detection (ppm)	RUC SCOs	Depth (feet bgs)			
Volatile Organic Compounds (ppm)							
1,2,4-Trimethylbenzene	1	260	190	13-14			

Notes and Qualifiers:

1. UU SCOs = New York State Department of Environmental Conservation (NYSDEC) Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR) Part 375 Unrestricted Use Soil Cleanup Objectives.

2. RURR SCOs = NYSDEC 6 NYCRR Part 375 Restricted Use Restricted-Residential Soil Cleanup Objectives.

3. RUC SCOs = NYSDEC 6 NYCRR Part 375 Restricted Use Commercial Soil Cleanup Objectives.

4. Only compounds detected at concentrations above UU SCOs are shown.

5. ppm = parts per million

6. bgs = below grade surface

7. D = The concentration reported is the result of a diluted sample.

Table F-2 Groundwater Data Summary 2335 12th Avenue New York, NY Langan Project No. 170560401

Analytes > AWQS	Detections > AWQS	Max Detection (ppb)	AWQS (ppb)					
Volatile Organic Compounds (ppb)								
1,2,4,5-Trimethylbenzene	2	240 D	5					
1,2,4-Trimethylbenzene	1	260 D	5					
1,3,5-Trimethylbenzene	1	140	5					
4-Isopropyltoluene	1	74	5					
Isopropylbenzene	2	90	5					
n-butylbenzene	2	64 D	5					
n-propylbenzene	2	120 D	5					
Naphthalene	1	54	10					
sec-Butylbenzene	2	64 D	5					
tert-Butylbenzene	2	58	5					
Semivolatile Organic Compounds (ppb)								
Bis(2-ethylhexyl)phthalate	1	120 D	5					
Naphthalene	1	190 D	10					

Notes and Qualifiers:

1. AWQS = New York State Department of Environmental Conservation (NYSDEC) Technical and Operational Guidance Series 1.1.1 Ambient Water Quality Standards and Guidance Values for Class GA Water

2. Only compounds with detections above the AWQS are shown in the table.

3. ppb = parts per billion

4. D = The concentration reported is the result of a diluted sample.

Table F-3 Soil Vapor Data Summary 2335 12th Avenue New York, NY Langan Project No. 170560401

Analytes	Total Detections	Max Detection (µg/m³)	Туре	NYSDOH AGVs (µg/m³)	
Semivolatile Organic Compounds (ppm)					
Tetrachloroethene (PCE)	2	37 D	Sub-Slab	30	
Trichloroethene (TCE)	2	5.5 D	Sub-Slab	2	

Notes and Qualifiers:

1. Only compounds exceeding the New York State Department of Health (NYSDOH) Air Guidance Values (AGVs) are shown.

2. D = The concentration reported is the result of a diluted sample.

3. NYSDOH = New York State Department of Health

4. AGVs = Air Guidance Values

5. μ g/m³ = micrograms per cubic meter

ATTACHMENT G SECTION VII: REQUESTOR INFORMATION

A copy of the entity information for 2335 12 Avenue, LLC (Requestor) from the NYS Department of State Division of Corporations is included with this attachment.

Since the requestor is a Limited Liability Company, the member/owner names are provided below:

Managers:

- Artifact Opportunity Holdings, LLC
- Artifact Opportunity Fund LLC

<u>Class A Members:</u>

- Artifact Opportunity Holdings, LLC
- Artifact Opportunity Fund LLC
- Alternative Capital Investments LLC
- Variance Partners LLC
- Pearl Street, LLC
- Washington Heights Qualified Opportunity Zone Fund LLC

<u>Class B Members:</u>

- Ask Qualified Opportunity Zone Fund, LLC
- Breakaway Real Estate Fund LLC

<u>Class C Member:</u>

• The Upper Group Development LLC

Department of State Division of Corporations

Entity Information

Return to Results			
	Return to Search		
intity Details			
TITY NAME: 2335 12 AVENUE, LLC	DOS ID: 6396099		
REIGN LEGAL NAME: 2335 12 AVENUE, LLC	FICTITIOUS NAME:		
ITITY TYPE: FOREIGN LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:		
CTIONOF LAW: LIMITED LIABILITY COMPANY - 802 LIMITED ABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE REASON FOR STATUS:		
ATE OF INITIAL DOS FILING: 02/03/2022			
FECTIVE DATE INITIAL FILING: 02/03/2022	INACTIVE DATE:		
DREIGN FORMATION DATE: 09/27/2018	STATEMENT STATUS: CURRENT		
OUNTY: NEW YORK	NEXT STATEMENT DUE DATE: 02/29/2024		
Service of Process Name and Address Name: THE LLC Address: 1850 AMSTERDAM AVENUE, NEW YORK, NY, UNITE	DRY MERGER HISTORY ASSUMED NAME HISTORY		
Service of Process Name and Address Name: THE LLC Address: 1850 AMSTERDAM AVENUE, NEW YORK, NY, UNITE Chief Executive Officer's Name and Address	ED STATES, 10031		
Service of Process Name and Address Name: THE LLC Address: 1850 AMSTERDAM AVENUE, NEW YORK, NY, UNITE Chief Executive Officer's Name and Address	ED STATES, 10031		
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Service of Process Name and Address Name: THE LLC Address: 1850 AMSTERDAM AVENUE, NEW YORK, NY, UNITE Chief Executive Officer's Name and Address Name: Address: Principal Executive Office Address	ED STATES, 10031		

Registered Agent Name and Address

Address:

Name:				
Address:				
Entity Primary Locatior	Name and Address			
Name:				
Address:				
Farmcorpflag				

/22, 10:05 AM		Public Inquiry			
	Is The Entity A Farm Corporation:	NO			
	Stock Information				
	Share Value	Number Of Shares		Value Per Share	
ATTACHMENT H SECTION X: REQUESTOR ELIGIBILITY INFORMATION

<u> Item 11 – Bulk Storage Tanks</u>

A petroleum bulk storage (PBS) registration form was submitted to the New York State Department of Environmental Conservation (NYSDEC) on October 4, 2022 for the following tanks:

- <u>Tank No. 1 (In-service)</u> 1,500-gallon underground storage tank (UST) containing No. 2 fuel oil;
- <u>Tank No. 2 (Out-of-service)</u> 500-gallon aboveground storage tank (AST) formerly containing mineral spirits;
- <u>Tank No. 3 (Out-of-service)</u> 300-gallon AST formerly containing mineral spirits

Subsurface anomalies indicative of additional USTs were identified during a previous geophysical survey at the site. The PBS registration will be updated, as required, during excavation for future redevelopment.

Requestor Eligibility Statement

Pursuant to ECL § 27-1405(1), 2335 12 Avenue, LLC is properly designated as a Volunteer because its liability arises solely from involvement with the site after the release/discharge and appropriate care has been taken to stop any continuing release, to prevent any threatened future release, and to prevent or limit human, environmental or natural resource exposures to any previously released hazardous waste after taking title to the property.

Following acquisition of the property by the applicant (2335 12 Avenue, LLC), a spill was reported to the NYSDEC based on petroleum-related impacts observed during a prior limited subsurface investigation performed by Langan, which was completed to support due diligence of an entity that was considering purchasing the site. The site was assigned NYSDEC Spill No. 2205004.

Under the planned cleanup, documented impacts at the site require remediation under Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 375, including soil, groundwater, and/or soil vapor impacted with volatile organic compounds, semivolatile organic compounds, and polychlorinated biphenyls (PCBs). Cost burdens will be associated with the removal and or/treatment, handling, and disposal of contaminated soil, groundwater, and soil vapor, and administrative and engineering fees associated with regulatory agency coordination.

ATTACHMENT I SECTION XI: PROPERTY ELIGIBILITY INFORMATION

Item 5 – NYSDEC Spill No. 2205004

Petroleum-related impacts were observed during an October 2018 limited subsurface investigation, which was completed as part of due diligence work by the applicant (2335 12 Avenue, LLC), prior to purchasing the site. The petroleum-related impacts are presumed to be associated with a 1,500-gallon underground storage tank (UST) in the first floor loading dock, which was documented in a June 2018 Phase I Environmental Site Assessment (ESA) completed by Galli Engineering P.C. (Galli). The geophysical survey completed during Galli's Phase I ESA also identified geophysical anomalies consistent with up to three additional USTs in the loading dock. A spill was not able to be reported to the New York State Department of Environmental Conservation (NYSDEC) in 2018 because the applicant did not own the site and was not responsible for the contamination.

The applicant purchased the site on March 3, 2022 and a spill was reported to the NYSDEC on September 8, 2022 based on the petroleum-related impacts observed during the due diligence investigation. The site was assigned NYSDEC Spill No. 2205004. The extents of the petroleum-related contamination associated with this spill will be further evaluated during a remedial investigation

Additional Eligibility Information

Based on Galli's June 2018 Phase I ESA, the site was designated as a Historic Cleaner in the regulatory database due to the historic use of the site as a carpet, drapery, flame-proofing, and upholstery cleaning facility from about 1939 to 2022. Two ASTs, formerly containing mineral solvents, were associated with historic cleaning operations at the site and staining indicative of a potential release was observed on concrete surfaces in proximity to the tanks. Additionally, Langan's January 2019 due diligence investigation detected two chlorinated VOCs (tetrachloroethylene [PCE] and trichloroethylene [TCE]) in sub-slab soil vapor at concentrations exceeding the NYSDOH AGVs.

ATTACHMENT J SECTION XII: CONTACT LIST INFORMATION

<u>Item 1</u>

Chief Executive Officer:

Mayor Eric L. Adams City Hall 260 Broadway Avenue New York, NY 10007

New York City Planning Commission:

Dan Gorodnick, Chairperson 120 Broadway, 31st Floor New York, NY 10271

Borough of Manhattan, Borough President:

Mark Levine 431 West 125th Street New York, NY 10027

Mayor's Office of Environmental Coordination

Hilary Semel, Director 100 Gold Street - 2nd Floor New York, NY 10038

<u>Item 2</u>

Residents, owners, and occupants of the site:

Current Property Owner:

Industrial & Manufacturing Warehouse 2335 12th Avenue New York, NY 10031 **Owner: 2335 12 Avenue, LLC Javier Martinez 1850 Amsterdam Avenue New York, NY 10031**

Adjacent Property Owners:

Commercial & Office Buildings 2331 12th Avenue New York, NY 10027 **Owner: J & C Missara**

Public Facilities & Institutions 625 West 133th Street New York, NY 10031 **Owner: New York City Educational Construction Fund 30-30 Thomson Avenue, Room 4-021** Long Island City, NY 11101

Industrial & Manufacturing Warehouse 2341 12th Avenue New York, NY 10027 **Owner: SM I MMS, L.L.C.** 80 State Street Albany, NY 12207

Commercial & Office Buildings 703 West 133rd Street New York, NY 10027 **Owner: 2331 12th Avenue Corp. 2331 12th Avenue, New York, NY 12207**

Industrial & Manufacturing Warehouse 2350 Joe DiMaggio Highway New York, NY 10027 **Owner: Schneeweiss Family Limited Partnership 163 Stonehurst Drive Tenafly, NJ 07670**

<u>Item 3</u>

Local new media from which the community typically obtains information:

Daily News 4 New York Plaza, 6th Floor New York, NY 10004 Brownfield Cleanup Program Application 2335 12th Avenue Block 2001, Lot 110 New York, NY

The New York Post 1211 Avenue of the Americas, 9th Floor New York, NY 10036

<u>ltem 4</u>

The public water supplier which services the area in which the property is located:

The responsibility for supplying water in New York City is shared between the NYC Department of Environmental Protection (NYCDEP), the Municipal Water Finance Authority, and the New York City Water Board:

NYCDEP Rohit T. Aggarwala, Commissioner 59-17 Junction Boulevard Flushing, NY 11373

New York City Municipal Water Finance Authority 255 Greenwich Street, 6th Floor New York, NY 10007

New York City Water Board Department of Environmental Protection 59-17 Junction Boulevard, 8th Floor Flushing, NY 11373

<u>ltem 5</u>

Any person who has requested to be placed on the contact list:

We are not aware of any requests for inclusion on the contact list

<u>Item 6</u>

The Administrator of any school or day care facility located on or near the site:

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within a 1/2-mile radius (approximately 2,640 feet) of the site:

Kipp Star Harlem College Prep Elementary School (approximately 300 feet east of the site) Principal: Candice Seagrave 625 West 133rd Street New York, NY 10027 (212) 991-2655

Hamilton Heights Middle School (approximately 2,130 feet southeast of the site) Principal: Liv Levey 461 West 131st Street New York, NY 10027 (212)-845-9681

High School of Liberal Arts – Harlem Principal: Griffin Thomas 509 West 129th Street New York, NY 10027 (646)-558-0093

The Mott Hall School (approximately 2,130 feet southeast of the site) Principal: Judith De Los Santos 71-111 Convent Avenue New York, NY 10027 (212) 281-5028

P.S. 129 John H. Finley (approximately 2,450 feet southeast of the site)
Principal: Odelphia Pierre
425 West 130th Street
New York, NY 10027
(212) 690-5932

Flor Angel Daycare (approximately 710 feet northeast of the site) 593 Riverside Drive New York, NY 10031 (917) 495-2962

My Angel Family Daycare (approximately 600 feet northeast of the site) 615 West 135th Street Apt# 49 New York, NY 10031 (212) 283-6010

Brighter Minds Daycare (approximately 2,100 feet northeast of the site) Director: Sandra Tavarez 601 West 141st Street, Suite 41 New York, NY 10031 (347) 847-3545

Ally's Group Family Day Care (approximately 2,310 feet northeast of the site) 87 Hamilton Place New York, NY 10031 (212) 491-9408

Jacky's Family Day Care (approximately 2,300 feet northeast of the site) 87 Hamilton Place New York, NY 10031 (212) 281-0713

Johanny's Playground Daycare (approximately 1,060 feet east of the site) Director: Johanny Diaz 529 West 135th Street, Basement Apt. New York, NY 10031 (718) 503-0804

Little Rays of Sunshine Group Family Daycare (approximately 1,320 feet east of the site) 518 West 134th Street New York, NY 10031 (646) 669-8015

Citizen's Care Day Care Center 3 (approximately 1,050 feet southeast of the site) 3240 Broadway New York, NY 10027 (212) 690-0742

The Red Balloon Early Childhood Learning Center (approximately 1,150 feet south of the site) Executive Director: Denise Fairman 560 Riverside Drive New York, NY 10027 (212) 663-9006

Children's Learning Center (approximately 2,450 feet south of the site) 90 La Salle Street, # 4H New York, NY 10027 (212) 663-9318

<u>Item 7</u>

The location of the document repository for the project (e.g. local library):

New York Public Library (George Bruce Library)

518 West 125th Street New York, NY 10027 (212) 662-9727

A letter from the library acknowledging that it agrees to act as a document repository for the project is included in this attachment.

The local community board is Manhattan Community Board 9.

Manhattan Community Board 9

Barry Weinberg, Chair 3291 Broadway New York, NY 10027 (212) 864-6200

A letter from the Public Library acknowledging that it agrees to act as a document repository for the project is included in this attachment. Community Board 9 was not responsive to multiple attempts via email and phone to obtain a similar acknowledgement. Relevant correspondence with the community board is also included in this attachment. Regardless of the lack of acknowledgement from the Community Board, the applicant intends to bring required documents to the board for public access.

LANGAN

Technical Excellence Practical Experience Client Responsiveness

October 12, 2022

New York Public Library (George Bruce Library) 518 West 125th Street New York, NY 10027 (212) 662-9727

Re: Brownfield Cleanup Program Application 2335 12th Avenue, LLC 2335 12th Avenue Site Manhattan, New York 10027

To Whom it May Concern:

We represent 2335 12th Avenue, LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site at 2335 12th Avenue in Manhattan, New York. It is a NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your library would be willing and able to act as the public repository for this BCP project. Documents will be provided to the library via a digital download link.

Sincerely,

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

Eirene Pavlakis Senior Staff Engineer

Yes, New York Public Library is willing and able to act as a public repository until December 31, 2026, on behalf of 2335 12th Avenue, LLC in their cleanup of the site at 2335 12th Avenue under the NYSDEC BCP.

21 Penn Plaza, 360 West 31st Street, 8th Floor New York, NY 10001 T: 212.479.5400 F: 212.479.5444 www.langan.com New Jersey • New York • Connecticut • Massachusetts • Pennsylvania • Washington, DC • Ohio • Illinois • Florida • Texas • Arizona • Colorado • Washington • California Athens • Calgary • Dubai • London • Panama