# PHASE I AND LIMITED PHASE II ENVIRONMENTAL SITE ASSESSMENT

## 515 WEST 43RD STREET NEW YORK, NEW YORK

**DRAFT**

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Cendant Car Rental Group, Inc.
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Phase I and Limited Phase II

January 13, 2005
#3620801

LANGAN
ENGINEERING & ENVIRONMENTAL SERVICES

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EXECUTIVE SUMMARY

Langan Engineering and Environmental Services, Inc. (Langan) has completed this Phase I and Limited Phase II Environmental Site Assessment (Phase I and II ESA) for Cendant Car Rental Group, Inc. (Cendant) at the Subject Property located at 515 West 43rd Street in Manhattan Borough, New York County, New York (Site). The Site is identified by Manhattan Borough as Lot 21 of Block 1072. The subject property is wholly occupied by a three-story building with a basement and a single-story attached addition built on grade. The building is currently used as a parking garage. Cendant intends to lease the Site from the current owner.

The objective of the Phase I activities was to determine if Recognized Environmental Conditions (RECs) are present at the Site based on visual observations and review of available existing records and historical information. In addition, historical RECs and other environmental matters may also be identified. The Phase I ESA was completed following the ASTM Standard Practice E-1527-00. The findings, opinions and conclusions of this Phase I ESA are based on a site inspection, interviews, a review of State and Federal environmental databases, and correspondence with local and state agencies.

Based on a review of the ASTM required references, interviews, and the completion of the site inspection, two RECs were identified on the subject property. The REC's are described below.

- REC-1 - Potential asbestos-containing materials (PACMs) were observed coating the ceiling and structural columns in the basement of the main building, and

- REC-2 – Two 500-gallon gasoline underground storage tanks (USTs) are located beneath the concrete basement floor of the building. According to the current Site owner, these USTs were reportedly abandoned in place around 1975 in accordance with the local Fire Marshall's recommendations. Soil in the vicinity of these USTs may have been adversely impacted by petroleum products from the former use of these USTs.

The objective of the Phase II ESA was to determine the asbestos content of the PACMs in REC-1, and to determine if the historical operations of the USTs in REC-2 had adversely impacted soils beneath the concrete basement slab at this area. Phase II ESA activities included collection and

laboratory analysis of bulk samples from REC-1 for asbestos content, and advancement of soil borings and laboratory analysis of select soil samples in the vicinity of REC-2.

The following findings, opinions and conclusions of the Phase II ESA are based on the field activities completed, sample analytical results, and a comparison of the soil results to applicable soil criteria:

REC-1

- The PACM sampling involved the collection of seven bulk samples from the friable spayed-on insulation observed coating the ceiling and structural columns in the basement of the main building. The results of the samples indicate that this material does not contain asbestos; therefore, no further action is recommended.

REC-2

- Three soil borings were advanced in the vicinity of the abandoned gasoline USTs located beneath the basement floor slab. Two soil samples were collected from the borings and submitted for laboratory analysis of New York Spill Tech and Remediation Series (STARS) compounds. The results were screened against the New York Department of Environmental Conservation (DEC) soil cleanup criteria and the STARS screening values for gasoline-contaminated soil. The screening results indicate that no compounds exceeded the New York DEC criteria or STARS screening values; therefore, no further action is recommended.

# 1.0 INTRODUCTION

## 1.1 General

Langan Engineering and Environmental Services, Inc. (Langan) has been retained by Cendant to complete a Phase I Environmental Site Assessment (Phase I ESA) in compliance with the American Society for Testing Materials (ASTM) Standard Practice E1527-00 for the subject property located at 515 West 43rd Street in Manhattan Borough, New York County, New York. The Site is identified by Manhattan Borough as Lot 21 of Block 1072. The subject property is wholly occupied by a three-story building with a basement and a one-story addition. The building is currently used as a parking garage. Cendant intends to lease the Site from the current owner.

## 1.2 Purpose and Scope

The purpose of this Phase I ESA is to identify Recognized Environmental Conditions (RECs) and suspected and historical RECs in connection with the property, using the methodology recommended by ASTM. Specifically, this methodology is referred to as "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, Designation E1527-00."

In general, the scope of this assessment consisted of reviewing readily available information and environmental data relating to the subject property; interviewing persons knowledgeable about the site; reviewing maps and records maintained by federal, state, and local regulatory agencies; and conducting a site reconnaissance.

Langan performed the site reconnaissance on November 2, 2004 in a systematic manner. During the Site reconnaissance, Langan was escorted by Mr. Nicholas Proscia, current owner of the property. Langan also interviewed Mr. Proscia during the visit; the results of the interview are mentioned throughout this report. Langan was provided access to the entire property during the reconnaissance.

## 1.3 Limitations of the Assessment

Langan prepared this Phase I ESA in accordance with the Scope of Work described in Section 1.2 above. Langan's scope of work is limited to the services agreed to with Cendant; no other services beyond those explicitly stated should be inferred or implied.

This Phase I and Phase II ESA Report is intended for the sole use of Cendant and its representatives The scope of services performed during this investigation may not be appropriate for other users, and any use of this document, or the findings, conclusions, or recommendations presented herein are at the sole risk of said user. This report is intended to be used in its entirety. Excerpts taken from this report are not necessarily representative of the assessment findings.

Our study was not intended to be a definitive investigation of possible environmental impacts at the subject property. The purpose and scope of this investigation was to determine if there is reason to suspect the possibility of environmental impacts at the subject property.

Langan's Phase I conclusions are professional opinions based solely upon visual observations of the subject property and the immediate vicinity, review of readily available historical information, correspondence with personnel knowledgeable about the site, and other readily available information. These conclusions are intended exclusively for the purpose stated herein, at the specified subject property as it existed at the time of our Site visit.

Please note that even the most comprehensive scope of services may fail to detect environmental liabilities at a particular site. Therefore, Langan cannot act as insurers and cannot "certify" that a site is free of environmental impacts, and no expressed or implied representation or warranty is included or intended in our reports, except that our services were performed, within the limits prescribed by our client, with the customary thoroughness and competence of our profession.

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## 2.0 SITE DESCRIPTION

### 2.1 Property Location

The subject property is located at 515 West 43rd Street in Manhattan Borough, New York County, New York (Figure 1). The Site is identified by Manhattan Borough as Lot 21 of Block 1072. The subject property occupies approximately 0.23 acres and is wholly occupied by a three-story building with a basement and a single-story attached addition built on grade. The three-story building is approximately 80 years old and constructed of cinder concrete slabs on a steel floor framing system. Exterior walls are constructed of brick masonry. This building has two block stairwells and a freight elevator capable of lifting automobiles. The one-story addition is slab-on-grade construction with block masonry walls and a concrete/gypsum plank roof on steel bar-joist framing. Neither the main building nor the addition have heating, ventilation and air conditioning (HVAC) systems. The main building may have been formerly served by natural gas and heated by a boiler located in the building's basement. This boiler no longer exists. The main building and the addition are currently used as a parking garage.

The Site fronts along West 43rd Street at its southern boundary; the northern boundary fronts along West 44th Street. The Site is located between the 10th Avenue (to the east) and 11th Avenue (to the west).

### 2.2 Surrounding Land Use

The surrounding land is used for commercial and residential purposes. Buildings used as a parking garage and an automotive repair facility adjoin the Site to the west. A railroad terrace operated by the Penn Central Railroad is adjacent east of the Site, beyond which are residential buildings. Parking garages and office buildings are located south of the Site, across West 43rd Street. Relevant photographs of the subject Site and the surrounding properties, taken during Langan's Site reconnaissance, are provided as Appendix A.

### 2.3 Geological Setting and Groundwater Use

According to the United States Department of Agriculture (USDA) and the New York City (NYC) Soil Surveys of Manhattan, New York, approximately 80 percent of Manhattan soils are classified as "pavement and/or buildings." The remaining 20 percent of the area is made up of a thin veneer of glacial till and historic fill. The general shape of the landscape is related to the erosion of river valleys before and between periods of glaciation. The subject property and its immediate surrounding are made up of urban land (man made fill) consisting of sand, gravel, clay deposits, and a fine mixture of fine sands and silts. These fill areas can range anywhere from 25 to 50 feet below ground surface.

The geology of the Manhattan area consist of surficial, unconsolidated deposits of the Holocene and Pleistocene Epochs that overlie Early to Middle Cambrian crystalline bedrock. Crystalline bedrock is typically found 50 to 100 feet below ground surface consisting of Manhattan Schist (Early to Middle Cambrian in age). The Manhattan Schist is a gray, medium to coarse-grained, layered and thin banded gneiss that has been severely crumbled and folded. Some foliation surfaces have lustrous white mica.

The bedrock beneath Washington Heights, the upland area on the eastern end of the George Washington Bridge, consists of a erosion-resistant Manhattan Formation. The Manhattan Formation consists of complex faulted and contorted bedrock. The surficial geology of Manhattan consists of glacial drift (Pleistocene epoch) and post-glacial deposits. Lower and Mid-Manhattan are mostly underlain by the Manhattan Schist formation (pre-Cambrian). Throughout Lower, Mid-, and Upper Manhattan are units of Undifferentiated Crystalline Rocks consisting of schist, gneiss, limestone, and granodiorite.

Groundwater within the Manhattan area is found in unconsolidated sediments and voids that may be present in the underlying bedrock. Typically groundwater is also found in fractured bedrock and in old stream channels and coastal deposits buried beneath artificial fill. The glacial till in this area is relatively impermeable. Groundwater can typically be found at 25 feet below ground surface. Manhattan's groundwater is not used for potable supply and non-potable use is very limited.

## 2.4 Topography

Based on a Langan's review of the USGS Central Park, New York and New Jersey

7.5 minute series topographic quadrangle map (1999) and our site visit, the existing grade is flat and has an approximate elevation of 25 feet above mean sea level (MSL). Topography for the subject property and the vicinity is provided on Figure 1.

### 2.5 Surface Water and Wetlands

Langan did not observe any surface water bodies or potential wetlands on-site during the site reconnaissance. In addition, review of the Central Park USGS topographic quadrangle map and Environmental Data Resources (EDR) report did not indicate the presence of surface water bodies or wetlands at or immediately adjacent to the subject property. The nearest surface water body is the Hudson River located approximately 0.5 miles east of the site.

### 2.6 Utilities

According to Mr. Nicholas Procia, owner of the subject Site since 1979, the Site is serviced by telephone, electricity, municipal water and sewer. It is likely that the building was formerly serviced by natural gas (as evidenced by the former boiler room and the existing radiators in the main building), however, no natural gas is currently being used at the Site. There are no septic systems and/or water wells on the subject property.

### 2.7 Environmental Permits

No active permits were identified for this subject property based upon interviews with the current Site owner. Permits likely exist for the business operation of the current parking garage.

## 3.0 HISTORICAL USE

### 3.1 Historical Sanborn/Fire Insurance Maps

Langan contacted EDR of Milford, Connecticut to search for Historical Sanborn Fire Insurance Maps pertaining to the subject property and vicinity. Sanborn/Fire Insurance

maps from 1899, 1911, 1930, 1950, 1968, 1979, 1980, 1982, 1984, 1985, 1987, 1988, 1990, 1991 - 1996 were obtained from EDR and reviewed to identify former operations and storage areas that may be indicative of an REC. Copies of the historical Sanborn Maps are provided in Appendix B. A description of each is provided below.

1890

The Site appears to be occupied by four separate row-style structures, three of which front along West 43rd Street and one fronts along West 44th Street. Since no descriptions were provided for these structures, the structures were likely residential row-houses The surrounding properties appear to be residential row-houses with the exception of a school which is shown north of West 44th Street The railroad terrace currently located adjacent east of the Site is not shown.

1899

The portion of the property occupied by the existing Main building appears unchanged from the 1890 map. A new structure is shown in the portion of the Site currently occupied by the one-story addition. This structure is likely a residential row-house. No significant changes to the surrounding properties are shown.

1911

No significant changes to the subject Site or surrounding properties are shown.

1930

The existing main building is shown along West 43rd Street. An automobile repair shop is shown adjacent west of the existing one-story addition property. This repair shop is labeled as maintaining a 550-gallon buried gasoline tank. Properties adjacent east of the Site are labeled as belonging to the New York Central Railroad. No other significant changes to the surrounding properties are shown.

1950

No significant changes to the subject Site are shown. A large building is shown adjacent west of the subject site; this property is currently occupied by the New York Public Library. A vacant lot is shown adjacent east of the subject Site; this property is currently occupied

by the Penn Central Railroad terrace. No other significant changes to the surrounding properties are shown.

1968

The subject Site is shown as it currently exists with the one-story addition fronting along West 44th Street. Properties adjoining the existing one-story addition are shown as being occupied by automobile repair shops Properties north of the Site across West 44th Street are occupied by a playground. No other significant changes to the surrounding properties are shown.

1979 - 1996

The subject property and surrounding area appear unchanged from the previous map.

## 3.2 Historical Aerial Photographs

Langan contacted EDR for Historical Aerial Photographs pertaining to the subject property and vicinity. Historical Aerial Photographs from 1943, 1953, 1966, 1976, 1984, and 1995 were obtained from EDR. The photographs were reviewed to identify past land use and any obvious potential environmental concerns related to the subject property and neighboring properties. Copies of the historical aerial photographs are provided in Appendix C. A brief summary of each photograph is provided below.

1943

The Main building is shown as it currently exists. A separate structure is shown at the location of the existing one-story addition. Based on review of the historic Sanborn maps, this building was likely a residential row-house.

1953

The subject Site and surrounding properties appear as they currently exist.

1966

The subject Site and surrounding properties appear as they currently exist.

1976

The resolution of this photograph is too low to make relevant observations.

1984

The subject Site and surrounding properties appear as they currently exist.

1995

The subject Site and surrounding properties appear as they currently exist.

## 3.3 Property Ownership

The subject Site is identified by Manhattan Borough as Lot 21 of Block 1072. The historical ownership information was obtained from a review of records at the New York County Assessor's and Recorder's Offices. A summary of the ownership history is provided in the table below.

Manhattan Borough Lot 21 of Block 1072

| Grantor | Grantee | Date | Deed Book/Page |
|---|---|---|---|
| Nicolette Proscia | Nicholas Proscia, Katherine Proscia and Maryann Proscia | 03-23-1979 | Bk 475, Pg 1245 |
| Nicolette Proscia, as Executrix of the Estate of Joseph Proscia, deceased | Nicolette Proscia | 06-15-1977 | Bk 402, Pg 1631 |
| Beggs Garage, Inc. | Joseph Proscia | 02-20-1974 | Bk 305, Pg 1920 |
| Emigrant Industrial Savings Bank | Beggs Garage, Inc. | 05-09-1939 | Bk 4013, Pg 82 |
| Park & Tilford | Emigrant Industrial Savings Bank | 02-19-1936 | Bk 3919, Pg 200 |

No leases or environmental liens of record were identified as part of the ownership research. Based on a review of the ownership history, it appears that the subject Site has operated as a garage since at least 1939.

### 3.4 Previous Environmental Reports and Related Correspondence

Langan requested copies of any previous environmental reports or correspondence from the current Site owner for the subject property. No such reports were available for review.

## 4.0 REGULATORY REVIEW

Langan reviewed regulatory database information contained within a Computerized Environmental Report (CER) provided by EDR for environmental information regarding the subject property and surrounding properties that might adversely affect the subject property. The EDR database report is provided in Appendix D. The CER is a listing of sites identified on select federal and state standard source environmental databases within the search distance specified by ASTM *Standard Practice for Environmental Site Assessments E1527-00*. A brief description of the federal and state databases searched to generate this report is provided below:

Federal ASTM Standard Records

| | |
|---|---|
| NPL: | Sites designated for Superfund Cleanup by the USEPA. |
| CERCLIS: | Known or suspected uncontrolled or abandoned hazardous waste sites. |
| CERC-NFRAP: | CERCLIS sites designated "No Further Remedial Action Planned" and which have been removed from the CERCLIS list. |
| CORRACTS: | List of hazardous waste handlers with RCRA Corrective Action activity. |
| ERNS: | Information on the sudden and/or accidental release of hazardous substances, including petroleum, into the environment |
| Proposed NPL: | Proposed National Priority List Sites. |
| RCRIS: | Resource Conservation and Recovery Information System |
| *RCRIS-TSD*: | Information pertaining to facilities that treat, store and/or dispose of hazardous waste or meet other applicable requirements of RCRA. |
| *RCRIS-CESQG*: | Conditionally exempt small quantity generators that generate less than 100 kg of hazardous waste, or less than 1 kg/month of acutely hazardous waste. |
| *RCRIS-SQG*: | Small quantity generators which generate 1,000 kg/month of non-acutely hazardous waste or 1 kg/month of acutely hazardous waste. |
| *RCRIS-LQG*: | Large quantity generators which generate less than 1,000 kg/month of non-acutely hazardous waste. |

State ASTM-Required Records

| | |
|---|---|
| UST: | Listing of all registered underground storage tanks. |
| LUST. | Listing of all reported leaking underground storage tanks. |
| SHWS: | State Hazardous Waste Sites. |
| SWF/LF: | Inventory of solid waste facilities/Landfill sites permitted by PADEP. |
| VPC: | Voluntary Cleanup Program Sites. |
| ARCHIVE UST: | Archived sites with removed or permanently closed underground storage tanks containing highly hazardous material. |

Federal ASTM Supplemental Records

| | |
|---|---|
| BRS: | Biennial Reporting System that collects data on the generation and management of hazardous waste. |
| ROD: | Records of Decision documents pertaining to remedies at NPL sites. |
| Delisted NPL: | NPL Deletions. |
| NPL LIENS: | A listing of all properties in which Federal Superfund liens have been issued. |
| FINDS: | Inventory of all facilities regulated or tracked by the USEPA. |
| PADS: | A USEPA PCB Activity Database. |
| RAATS: | Inventory of all facilities that have been issued enforcement actions under RCRA. |
| TRIS: | Inventory of all facilities that release toxic chemicals to air, water and land under SARA Title III. |
| TSCA: | Toxic Substances Control Act which identifies manufacturers of chemicals. |
| HMIRS: | Hazardous Materials Incident Report System documenting all hazardous spill incidents reported to the DOT. |
| MLTS: | Listing of approximately 8,100 sites which possess or use radioactive materials and are subject to Nuclear Regulatory Commission licensing requirements. |
| CONSENT: | Superfund CERCLA Consent Decrees. |
| MINES: | Mines Master Index File. |
| FTTS: | FIFRA/TSCA Tracking System – FIFRA (Federal Insecticides, Fungicide and |

| | |
|---|---|
| | Rodenticide Act)/TSCA (Toxic Substances Control Act) |
| SSTS: | Section 7 Tracking System for FIFRA of producers, sellers, and distributors of Insecticides, Fungicides and Rodenticides. |
| DOD: | Listing of Department of Defense sites. |
| STORMWATER: | Listing of facilities with Storm Water General Permits. |
| INDIAN RESERVE: | Indian administered lands in the United States of 640 acres or greater. |
| US BROWNFIELDS: | Federal listing of Brownfields sites. |
| RMP: | Risk Management Plans. |
| FUDS: | Listing of Formerly Used Defense sites. |

State ASTM Supplemental Records

| | |
|---|---|
| AST: | Listing of registered aboveground storage tanks. |
| LAST: | List of confirmed releases. |
| ACT 2-DEED: | Listing of site with approved cleanup requiring a deed acknowledgement. |
| UNREG-LTANKS: | Unregulated leaking storage tank cases. |
| HIST-LF: | Abandoned Landfill Inventory |
| ARCHIVE AST: | Archived sites with current or former above ground storage tank of 21,000 gallons or more that were removed from PADEP's Storage Tank database. |

Other Proprietary Databases

| | |
|---|---|
| Coal Gas: | Former Manufactured Gas (Coal Gas) Sites. |
| Oil/Gas pipelines: | Reported oil and gas pipelines. |
| Sensitive Receptors: | Listing of buildings and facilities where individuals deemed to have special sensitivity to environmental discharges (generally elderly, the ill, and children) are likely to be located. |
| Flood Zone Data: | Depicts 100-year and 500-year flood zones as defined by the Federal Emergency Management Agency (FEMA). |
| NWI: | National Wetlands Inventory from the United States Fish and Wildlife Service. |

EDR accessed state and federal environmental databases that were subsequently reviewed by Langan to determine the status of the historic and current environmental conditions at the subject property ad surrounding properties. The regulatory databases accessed were available through the United States Environmental Protection Agency (U.S. EPA), the New York Department of Environmental Conservation and New York City Department of Environmental Protection.

The target site was not identified on any databases searched by EDR. Relevant sites listed in the federal and state databases are summarized in the following sections.

## 4.1 Federal Databases

Resource Conservation and Recovery Information System Small Quantity Generators/Large Quantity Generators (RCRIS SQG/LQG)

Langan reviewed the list of sites which have filed notification with the U.S. EPA in accordance with Resource Conservation and Recovery Act (RCRA) requirements. These sites include generators of hazardous waste regulated under RCRA. Under RCRA, hazardous waste generators are classified by the mass of hazardous waste generated in a calendar month into the following categories: Large Quantity Generator (LQG), greater than 2,200 pounds; Small Quantity Generator (SQG), 220 to 2,200 pounds; and Conditionally-Exempt Small Quantity Generator, less than 100 kg. RCRIS Generators, which represent some form of hazardous waste activity, are most significant if they are determined to have Class I Violations or to be non-compliant. A total of 46 RCRIS SQG/LQG sites were identified in the prescribed federal database search within the prescribed search radius.

Several RCRIS SQG/LQG sites within 0.25 mile of the subject Site had known violations listed in the database report. However, based on the distance between these sites and the subject Site, and since the Site is served by municipal water, these sites are not considered to be RECs.

### 4.2 State Database

A total of 2 Solid Waste Facility/Landfill sites, 101 Leaking Storage Tank Incident Reports (LTANKS) sites, 39 Underground Storage Tank (UST) sites, two Chemical Bulk Storage UST (CBS-UST) sites, two Voluntary Cleanup Program (VCP) sites, four Chemical Bulk Storage Aboveground Storage Tank (CBS-AST) sites, 54 Spills sites, three dry cleaners sites, and three Coal Gas sites were identified in the state database searches within the prescribed search radii. The following is a summary of these sites.

State Solid Waste Facility/Landfill (SWF/LF)

The state SWF/LF database review identified two sites within a one mile radius from the subject property. These sites are solid waste disposal or landfill facilities. Below is a summary of the SWF/LF located within 0.5 mile of the subject property.

| PROPERTY NAME | DISTANCE/ DIRECTION/ ELEVATION VERSUS SITE |
|---|---|
| CON EDISON @ Service Center | 0.25-0.5 mile/NW/Lower |
| CON EDISON | 0.25-0.5 mile/NW/Lower |

Based on the topographical elevations of these sites relative to the subject property, none of these sites are considered to be RECs.

Leaking Storage Tank Incident Reports (LTANKS)

This list is an inventory of sites where leaking underground storage tank incidents have been reported between April 1, 1986 and the most recent update. A review of the LTANKS database review identified 101 LTANKS sites within approximately 0.5 mile of the subject property. Below is a summary of the LTANK sites located within 0.125 mile of the subject Site.

| PROPERTY NAME | DISTANCE/DIRECTION/ELEVATION VERSUS SITE |
|---|---|
| FDNY Rescue 1 | 0-0.125 mile/W/Higher |
| Service Station | 0-0.125 mile/ENE/Higher |
| Not Reported | 0-0.125 mile/NNE/Higher |
| Hess/502 W. 45th Street | 0-0.125 mile/NE/Higher |
| Hess Station #32215 | 0-0.125 mile/NE/Higher |
| West 45th Street and 10th Avenue | 0-0.125 mile/NE/Higher |
| Apartment Building | 0-0.125 mile/N/Higher |
| Not Reported | 0-0.125 mile/S/Higher |
| Apartment Complex | 0-0.125 mile/WNW/Lower |
| Riverbank West Apartments | 0-0.125 mile/WNW/Lower |

Based on the distance between these sites and the subject Site, and since the Site is served by municipal water, these sites are not considered to be RECs.

Underground Storage Tanks (UST)

The UST database contains sites which maintain registered USTs. USTs are regulated under Subtitle I of the RCRA. This data comes from the Department of Environmental Protection and Energy UST database. The database review identified 39 UST sites within approximately 0.25 mile of the subject property. Below is a summary of the UST sites located within 0.125 mile of the subject Site.

| PROPERTY NAME | DISTANCE/DIRECTION/ ELEVATION VERSUS SITE |
|---|---|
| F.D.N.Y.-Rescue Co. 1 | 0-0.125 mile/W/Higher |
| ANNEX BLDG | 0-0.125 mile/ESE/Higher |
| 43rd Parking Garage | 0-0.125 mile/WNW/Higher |
| Marvin Mithell | 0-0.125 mile/WNW/Higher |
| Merchandising Workshop, Inc. | 0-0.125 mile/WNW/Higher |
| The Strand Condominium | 0-0.125 mile/ESE/Higher |
| Travel Inn Hotel | 0-0.125 mile/S/Higher |
| Manhattan Plaza | 0-0.125 mile/ESE/Higher |
| Phil's West 44th Street Serv/Sta | 0-0.125 mile/ENE/Higher |
| 517-525 West 45th Street | 0-0.125 mile/NE/Higher |
| Mercedes Benz/Manhattan, Inc. | 0-0.125 mile/SW/Higher |
| American Red Cross | 0-0.125 mile/SSW/Higher |
| Hess Station #32215 | 0-0.125 mile/NE/Higher |
| AVIS Rent-a-Car | 0-0.125 mile/SSE/Higher |
| AVIS Rent-a-Car System, Inc. | 0-0.125 mile/SSE/Higher |
| Riverbank West | 0-0.125 mile/SSE/Lower |

Based on the distance between these sites and the subject Site, and since the Site is served by municipal water, these sites are not considered to be RECs.

State Chemical Bulk Storage Underground Storage Tanks (CBS-UST)

The CBS UST database includes facilities storing hazardous substances listed in 6 NYCRR Part 597, in aboveground tanks with capacities of 185 gallons or greater, and/or in underground tanks of any size. It also includes facilities registered (and closed) since effective date of CBS regulations (July 15, 1988) through the date request is processed The database review identified two CBS-UST sites within approximately 0.25 mile of the subject property. These sites are listed below.

| PROPERTY NAME | DISTANCE/DIRECTION / ELEVATION VERSUS SITE |
|---|---|
| Manhattan Plaza Health Club | 0-0.125 mile/ESE/Higher |
| M.J. Quill Depot | 0.125-0.25 mile/WSW/Lower |

Since no records of spills are referenced for these properties, they do not appear to be RECs.

Voluntary Cleanup Program (VCP)

The voluntary remedial program uses private monies to get contaminated sites remediated to levels allowing for the sites' productive use. The program covers virtually any kind of site and contamination. The database review identified two VCP sites within approximately 0.5 mile of the subject property. These sites are listed below.

| PROPERTY NAME | DISTANCE/DIRECTION / ELEVATION VERSUS SITE |
|---|---|
| CON EDISON – W. 42nd Street Gas | 0.125-0.25 mile/WNW/Higher |
| Clinton Greene Development Project | 0.25-0.5 mile/NE/Higher |

Based on the distance between these sites and the subject Site, and since the Site is served by municipal water, these sites are not considered to be RECs.

State or Local Supplemental

A review of the State and Local Supplemental database indicated that there are four CBS-AST sites and three drycleaners located within 0.25 mile of the subject property. Since no records of spills or USTs are referenced for these properties, they do not appear to be RECs.

A review of the State and Local Supplemental database indicated that there are 54 SPILLS incidents within 0.125 mile of the subject Site. Data collected on spills is reported to NYSDEC. This list includes spills active as of April 1, 1986, as well as spills occurring since this date. Since the subject Site is not listed in this database and since the Site is served by municipal water, these Spill incidents are not considered to be RECs.

### 4.3 Proprietary Databases

A review of the Proprietary Database indicated that there are three Former Manufactured Gas (Coal Gas) site located within 0.25 mile of the subject property. Based on the distance between these sites and the subject Site, and since the Site is served by municipal water, these sites are not considered to be RECs.

### 4.4 Local and County Agencies Review

Langan contacted multiple government agencies in New York City and New York County to access public files in order to obtain information on the subject property, including the New York City of Environmental Protection, the New York County Recorder of Deeds and Tax Assessor, and the New York City Department of Health. Available files were requested to determine whether there is documentation pertaining to any incident, which could have resulted in an environmental impact to the subject Site. No files were identified in response to these requests.

## 5.0 SITE RECONNAISSANCE

The following sections summarize the results of our Site reconnaissance and the findings are described consistent with ASTM Standard Practice E1527-00 Sections 8.42, 8.43, and 8.44.

The Site reconnaissance was conducted on November 2, 2004 in a systematic manner focusing on the subject property. Langan was escorted during the Site reconnaissance by Mr. Nicholas Proscia, current owner of the subject Site.

### 5.1 Site Observations

The following observations pertain to Langan's inspection of the subject property.

Interior

The three-story building, its basement, and the attached one-story addition occupy approximately 32,500 square feet. All of this space is open and is currently used as an automotive parking garage. A cable-driven freight elevator is used to transport cars between levels. The ground floor of the main building contains an office, a parking attendant kiosk, and two bathrooms. During the Site reconnaissance, no obvious oil staining was observed on the surfaces of the concrete floors throughout the building.

Exterior

The three-story building and the one-story addition occupy the entire property. The exterior of the structures are constructed of brick masonry. On the ground floor, access to the main buildings is along West 43rd Street and access to the one-story addition is along West 44th Street. No evidence of adverse environmental conditions (i.e., staining) was observed around the exterior of the property.

## 5.2 Summary of Observations

The following sections summarize visual observations made during the Site reconnaissance.

### *5.2.1 Hazardous Substances and Petroleum Products*

Langan did not observe any hazardous substances or petroleum products on-site during the Site inspection.

### *5.2.2 Storage Tanks*

Two 550-gallon steel underground storage tanks (USTs) are located beneath the basement concrete floor of the main building. Mr. Proscia reported that these USTs are situated in a concrete vault and formerly stored gasoline. Two pump motors are located along the basement walls in the vicinity of the USTs. These pumps supplied a dispenser which was formerly located on the ground floor of the main building, in the center of the garage door opening (West 43rd Street side). Reportedly, the USTs were installed prior to his taking ownership of the property.

Mr. Proscia reportedly hired a contractor to pressure test the tanks approximately 35 years ago. Since one or both the tanks failed the pressure tests, the USTs were abandoned in-place in accordance with the local Fire Marshall's recommendations. He was unaware of any former release incidents involving the USTs. No documentation regarding the USTs was available for review.

An elevated concrete slab and a UST pipe manhole were observed in the basement of the main building, in the reported location of the USTs.

One empty 275-gallon aboveground storage tank (AST) was observed in the basement of the main building. Mr. Proscia reported that this AST previously stored kerosene but is no longer in use. No staining was observed at the base of the AST.

*5.2.3. Potential Asbestos Containing Materials*

During the Site reconnaissance, one potential asbestos-containing material (ACMs) was visually identified inside the buildings. This material is summarized below:

- Gray, sprayed-on fire-retardant insulation covering the ceiling and several structural columns in the basement of the main building. This material is friable and was observed to be in fair condition.

Based on the unknown age and friable nature of this material, this material is considered an REC.

Based on the ages of the materials described below, these materials are not likely to be ACMs and are not considered RECs:

- Black, 12-inch by 12-inch vinyl floor tile and mastic covering the floors of the bathrooms on the ground floor of the main building. These floor tiles are non-friable and were observed to be in good condition.
- White 2-foot by 2-foot acoustic ceiling tile comprising the dropped ceilings in the bathrooms on the ground floor. These ceiling tiles are friable and were observed to be in good condition.

### 5.2.4 *Odors*

Aside from automotive exhaust fumes, no petroleum or chemical odors were observed during the Site reconnaissance.

### 5.2.5 *Pools of Liquid*

Langan did not observe standing surface water or pools/sumps containing liquids likely to constitute hazardous substances or petroleum products during the Site reconnaissance.

### 5.2.6 *Drums*

Langan did not observe any drums present on-site during the Site reconnaissance.

### 5.2.7 *Unidentified Substance Containers*

No open or damaged containers containing unidentified substances suspected of being hazardous substances or petroleum products were observed during the Site reconnaissance.

### 5.2.8 PCBs

Several fluorescent light fixtures were observed throughout the buildings. The ballasts of these fixtures may contain PCBs. These ballasts should be properly characterized prior to their disposal.

### 5.2.9 Stains or Corrosion

No significant staining or corroded environments were observed during the Site reconnaissance.

### 5.2.10 Exterior Pits, Ponds or Lagoons

Langan did not observe any pits or lagoons, including those which have been used in connection with waste disposal or waste treatment activities and suspected of containing hazardous substances or petroleum products, on the subject property.

### 5.2.11 Stressed Vegetation

No vegetation is located on the property.

### 5.2.12 Solid Waste

There were no piles of solid waste observed being stored on the subject property.

### 5.2.13 Wastewater

No wastewater is discharged to the ground surface from the subject property.

*5.2.14 Wells*

Langan did not observe evidence of dry wells, injection wells, observation wells, monitoring wells, recovery wells or abandoned wells on the subject property.

*5.2.15 Septic Systems*

Septic systems or cesspools were not observed on the subject property.

## 6.0 LIMITED PHASE II ESA

Based on the results of the Phase I activities, two RECs were identified on the subject property. These REC's are discussed below:

- REC-1 – A potential asbestos-containing material was identified in the basement of the main building. This material is friable and was observed to be in fair condition.

- REC-2 – Two 550-gallon gasoline USTs are located beneath the basement concrete floor in the main building. These USTs were reportedly abandoned in-place approximately 35 years ago and are situated in a concrete vault.

The Phase II ESA activities included asbestos sampling for REC-1 and performance of a soil boring investigation and soil sampling in the vicinity of REC-2. The findings, opinions and conclusions of the Phase II ESA are provided in the sections below.

### 6.1 REC-1: Asbestos Sampling

An asbestos inspection was performed on December 16, 2004 by Mr. Leonid Shereshevsky, a Langan asbestos inspector accredited under the United States Environmental Protection Agency (USEPA) Asbestos Hazard Emergency Response Act (AHERA). Seven bulk samples of the sprayed on fire-retardant insulation in the basement were collected and submitted for analysis by Polarized Light Microscopy (PLM) by EPA Method 600 for the presence/absence of asbestos. The sample locations were spread out

to be spatially representative of the material. Samples were analyzed by AmeriSci New York (AmeriSci) of New York, New York. AmeriSci participates in the National Voluntary Laboratory Approval Program (NVLAP) and American Industrial Hygiene Association (AIHA).

A material with an asbestos content greater than one percent by weight is considered to be an ACM. Asbestos was not detected or detected in concentrations less than one percent by weight in all seven samples. Based on these results, no further action is required for this REC. The results of laboratory analyses are located in Appendix F.

## 6.2 REC-2: Soil Borings and Soil Sampling

On December 18, 2004, three soil borings (SB-3 through SB-5) were advanced in the vicinity of REC-2 to identify if soils have been adversely impacted by former operation of the USTs. Note that two soil borings (SB-1 and SB-2) were performed on the ground floor of the one-story addition; these borings were performed for geotechnical purposes and are outside the scope of this report.

The borings were advanced using a Dingo TX-425 track-mounted Geoprope® device. The Geoprope® uses direct-push sampling techniques to collect continuous four foot soil cores in acetate macro core liners. Geoprope® activities were conducted by Summit Drilling Company, Inc. of Bound Brook, New Jersey under the full-time supervision of a Langan geologist. The Langan geologist recorded soil lithology, field measurements and observations on field soil boring logs. Field measurements included photoionization detector (PID) readings and observations of any staining and odors. Following their completion, the soil borings were backfilled with the removed soil and capped with a concrete patch. The completed environmental soil boring locations are shown on Figure 2B and the soil boring logs are presented in Appendix E.

The following presents the lithology, field measurements, and sampling procedures performed during environmental soil boring activities:

### Soil Boring SB-3

SB-3 was advanced approximately two feet east of the suspected UST location (Figure 2b).

Approximately two feet of red, brown and black sand and gravel was encountered beneath the concrete slab. The boring met refusal at two feet below the ground surface at white sandstone/quartzite rock (bedrock). PID readings from the soil ranged from 12 to 157 parts per million (ppm). Despite the elevated PID readings, no odors or staining was observed in soil.

Soil Boring SB-4

SB-4 was advanced approximately five feet northeast of the suspected UST location (Figure 2b). Approximately 1.5 feet of red, brown and black sand and gravel was encountered beneath the concrete slab. The boring met refusal at 1.5 feet below the ground surface at white sandstone/quartzite rock (bedrock). PID readings from the soil ranged from zero to 182 ppm. Despite the elevated PID readings, no odors or staining was observed in the soil Langan collected soil sample SB4-121804 from 1.0-1.5 feet below the ground surface.

Soil Boring SB-5

SB-5 was advanced approximately six feet north of the suspected UST location (Figure 2b). Approximately one foot of reddish-brown sand was encountered beneath the concrete slab. The boring met refusal at one foot below the ground surface at white sandstone/quartzite rock (bedrock). PID readings from the soil ranged from zero to 152 ppm. Despite the elevated PID readings, no odors or staining was observed in the soil. Langan collected soil sample SB5-121804 from 0.5-1.0 feet below the ground surface.

The soil samples were placed in a cooler, the internal temperature of which was maintained below 4°C. The samples were accompanied by a chain of custody. The soil samples were submitted to Great Lakes Analytical (GLA) Laboratories of King of Prussia, Pennsylvania and were analyzed for New York Spill Tech and Remediation Series (STARS) gasoline compounds by U.S. EPA Method 8260B.

The soil sample results were screened against the New York Department of Environmental Conservation (DEC) soil cleanup criteria and the STARS screening values for gasoline-contaminated soil in Table 2. The results indicate that no compounds exceeded the New

York DEC criteria or STARS screening values; therefore, no further action is recommended. The complete soil analytical data package is included in Appendix G.

## 7.0 CONCLUSIONS AND RECOMMENDATIONS

This Phase I and Limited Phase II ESA has been performed in general conformance with ASTM Practice E 1527-00 and accepted industry standards. Summaries of the RECs identified and as part of the Phase I assessment and investigated as part of Phase II activities are presented below:

REC-1

- The PACM sampling involved the collection of seven bulk samples from the friable spayed-on insulation observed coating the ceiling and structural columns in the basement of the main building. The results of the samples indicate that this material does not contain asbestos; therefore, no further action is recommended

REC-2

- Three soil borings were advanced in the vicinity of the abandoned gasoline USTs located beneath the basement floor slab. Two soil samples were collected from the borings and submitted for laboratory analysis of New York STARS compounds. The results were screened against the New York DEC soil cleanup criteria and STARS screening values for gasoline-contaminated soil. The results indicate that no compounds exceeded the DEC criteria or the STARS screening values; therefore, no further action is recommended.

## 8.0 ADDITIONAL LIMITATIONS

The scope of services performed for this study did not address the following non-ASTM required Phase I ESA items: lead-based paint, radon, lead in drinking water, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, and high voltage power lines.