



**ENCLOSURE 1  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION FORM**

**SITE DETAILS**

**SITE NO.** C241087

**SITE NAME** Parcel 8

**SITE ADDRESS:** ZIP CODE: 11101

**CITY/TOWN:** Long Island City

**COUNTY:** New York

**CURRENT USE:** Commercial

**CURRENT CERTIFICATION FREQUENCY:** EVERY 1 YEAR

**VERIFICATION OF SITE DETAILS**

	YES	NO
1. Are the SITE DETAILS above, correct?	<input type="checkbox"/>	<input type="checkbox"/>
If NO, are changes handwritten above or included on a separate sheet?	<input type="checkbox"/>	
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	
3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	
4. Has a change-of-use occurred since the initial/last certification?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	
5. Has any new information come to your attention to indicate that assumptions made in the qualitative exposure assessment for offsite contamination are no longer valid (applies to non-significant threat sites subject to ECL 27-1415.7(c))?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, is the new information or evidence that new information has been previously submitted included with this certification?	<input type="checkbox"/>	
6. Are the assumptions in the qualitative exposure assessment still valid (must be certified every five years for non-significant threat sites subject to ECL 27-1415.7(c))?	<input type="checkbox"/>	<input type="checkbox"/>
If NO, are changes in the assessment included with this certification?	<input type="checkbox"/>	

**SITE NO. C241087**

**Description of Institutional/Engineering Control**

**Control Certification**

ENVIRONMENTAL EASEMENT

DEED RESTRICTIONS

OTHER CONTROLS

COVER MATERIAL

VAPOR BARRIER

SUB SLAB DEPRESSURIZATION SYSTEM

**CONTROL CERTIFICATION STATEMENT**

For each institutional or engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

- (a) the institutional control and/or engineering control employed at this site is unchanged from the date the control was put in-place, or last approved by the Department;
- (b) nothing has occurred that would impair the ability of such control to protect public health and the environment;
- (c) nothing has occurred that would constitute a violation or failure to comply with any Site Management Plan for this control; and
- (d) access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control.
- (e) if a financial assurance mechanism is required under the remedial work plan for the site, the mechanism remains valid and sufficient for their intended purpose under the work plan.

**CONTROL CERTIFICATIONS**  
**SITE NO. C241087**

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I \_\_\_\_\_ (print name), \_\_\_\_\_

(print business address), am certifying as \_\_\_\_\_ (Owner or

Owner's Designated Site Representative (if the site consists of multiple properties, I have been authorized and designated by all site owners to sign this certification) for the Site named in the Site Details section of this form.

\_\_\_\_\_  
Signature of Site Owner or Representative Rendering Certification

\_\_\_\_\_  
Date

**QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE**

I certify that all information and statements in this Certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I \_\_\_\_\_ (print name), \_\_\_\_\_

( print business address), am certifying as a Qualified Environmental Professional for the \_\_\_\_\_

\_\_\_\_\_ (Owner or Owner's Representative) for the Site named in the Site Details section of this form.

\_\_\_\_\_  
Signature of Qualified Environmental Professional, for  
the Owner or the Owner's Representative, Rendering  
Certification

\_\_\_\_\_  
Stamp (if Required)

\_\_\_\_\_  
Date

## Enclosure 2

### **Certification of Institutional Controls/ Engineering Controls (ICs/ECs) Step-by-Step Instructions, Certification Requirements and Definitions**

The Site owner, or site owner's representative, and when necessary, a Professional Engineer (P.E.), or the Qualified Environmental Professional (QEP), must review and complete the IC/EC Certification Form, sign it, and return it, along with the Periodic Site Management Report, within 45 days of the date of this notice.

Institutional Controls (defined below) are organized into 4 categories: Governmental Controls (e.g., groundwater-use restrictions), Proprietary Controls (e.g., Environmental Easements), Enforcement and Permit Tools (e.g., Consent Orders), and Informational Devices (e.g., State Registries of Inactive Hazardous Waste Sites). The Certification Form shows the Control information the Department has for this Site. Please use the following instructions to complete the IC/EC Certification.

#### **I. Verification of Site Details** (First and Second Boxes):

1. Verify the accuracy of information in the **Site Details** section by answering the 6 questions. If necessary, you and/or your P.E. or QEP may handwrite changes and submit supporting documentation.

#### **II. Verification of Institutional / Engineering Controls** (Third and Fourth Boxes)

1. Review the listed Institutional / Engineering Controls and select "YES" or "NO" for **Control Certification** for each IC/EC, based on Sections (a)-(d) of the **Control Certification Statement**.
2. If you cannot certify "Yes" for each Control, please continue to complete the remainder of this **Control Certification** form. Attach supporting documentation that explains why the **Control Certification** cannot be rendered, as well as a statement of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Control Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is conducted.

If the Department concurs with the explanation, the corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued. If the Department has any questions or concerns regarding the completion of the certification, the Project Manager will contact you.

#### **III. Certification by Signature** (Fifth and Sixth Boxes):

1. WHY IC/EC Certification is required:

The Section of the New York Environmental Conservation Law that includes the requirement of a periodic certification of IC(s) and EC(s) is as follows:

For Environmental Restoration Projects: N.Y. Env'tl Conserv. Law Section 56-0503  
(Environmental restoration projects; state assistance)

For State Superfund Projects: Env'tl Conserv. Law Section 27-1318.  
(Institutional and engineering controls)

For Brownfields Cleanup Program Projects: Env'tl Conserv. Law Section 27-1415.  
(Remedial program requirements)

Voluntary Cleanup Program: Applicable program guidance.

2. To determine WHO signs the **Control Certification**, please use the following table:

<b>Signature Requirements for IC/EC Certification Form</b>		
<b>Type of Control</b>	<b>Example of IC/EC</b>	<b>Required Signatures</b>
IC	Environmental Easement Deed Restriction.	Site Owner or their designated representative, e.g., a Property Manager.
EC with no treatment system, or engineered caps.	Fence, Clean Soil Cover.	Site Owner or their designated representative, <u>and</u> QEP. (P.E. license not required)
EC that includes treatment systems, or engineered caps.	Pump & Treat System providing hydraulic control of a plume, Part 360 Cap.	Site Owner or his designated representative, <u>and</u> QEP <u>with</u> P.E. License.

3. WHERE to mail the signed Certification Form within 45 days of the date of the notice:

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
Region 2  
41-40 21<sup>st</sup> St  
Long Island City, NY 11101  
Attn: Shawn Bollers, Project Manager

**Please note that extra postage may be required.**

#### IV. Definitions:

**"Engineering Control"** (EC), means any physical barrier or method employed to actively or passively contain, stabilize, or monitor any hazardous waste or petroleum waste to ensure the long-term effectiveness of an inactive site remedial program or brownfield site remedial program or environmental restoration project, or to eliminate potential exposure pathways to any such hazardous waste or petroleum waste. Engineering Controls include, but are not limited to: pavement, caps, covers, subsurface barriers and slurry walls; building ventilation systems; fences, other barriers and access controls; and provision of alternative water supplies via connection to an existing public water supply, addition of treatment technologies to an existing public water supply, and installation of filtration devices on an existing private water supply.

**"Institutional Control"** (IC), means any non-physical means of enforcing a restriction on the use of real property, that limits human or environmental exposure to any hazardous waste or petroleum waste, restricts the use of groundwater; provides notice to potential owners, operators, or members of the public; or prevents actions that would interfere with the effectiveness of an inactive site remedial program or brownfield site remedial program or environmental restoration project, or with the effectiveness and/or integrity of Site Management activities at or pertaining to any site.

**"Professional Engineer"** means a person, including a firm headed by such a person, who holds a current New York State Professional Engineering license or registration, and has the equivalent of three (3) years of full-time relevant experience in site investigation and remediation of the type detailed in this Control Certification.

**"Property Owner"** means, for purposes of an IC/EC certification, the actual owner of a property. If the site has multiple properties with different owners, the Department requires that the owners be represented by a single representative to sign the certification.

**"Oversight Document"** means any document the Department issues pursuant to each Remedial Program (see below) to define the role of a person participating in the investigation and/or remediation of a site or area(s) of concern. Examples for the various programs are as follows:

**BCP** (after approval of the BCP application by DEC) - Brownfield Site Cleanup Agreement.

**ERP** (after approval of the ERP application by DEC) - State Assistance Contract.

**Federal Superfund Sites** - Federal Consent Decrees, Administrative Orders on Consent or Unilateral Orders issued pursuant to CERCLA.

**Oil Spill Program** - Order on Consent, or Stipulation pursuant to Article 12 of the Navigation Law (and the New York Environmental Conservation Law).

**State Superfund Program** - Administrative Consent Order.

**VCP** (after approval of the VCP application by DEC) - Voluntary Cleanup Agreement.

**RCRA Corrective Action Sites**- Federal Consent Decrees, Administrative Orders on Consent or permit conditions issued pursuant to RCRA.

**“Qualified Environmental Professional” (QEP)**, means a person, including a firm headed by such a person, who possesses sufficient specific education, training, and experience necessary to exercise professional judgment, to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property or off-site areas, sufficient to meet the objectives and performance factors for the areas of practice identified by this guidance (DER10 Technical Guide).

1. Such a person must:
  - i. Hold a current Professional Engineering or a Professional Geologist license or registration, and have the equivalent of three (3) years of full-time relevant experience in site investigation and remediation of the type detailed in this guidance; or
  - ii. Be a site remediation professional licensed or certified by the federal government, a state; or a recognized, accrediting agency, to perform investigation or remediation tasks identified by this guidance, and have the equivalent of three (3) years of full-time relevant experience. Examples of such license or certification include, but are not limited to, the following titles:
    - Licensed Site Professional, by the State of Massachusetts
    - Licensed Environmental Professional, by the State of Connecticut
    - Qualified Environmental Professional, by the Institute of Professional Environmental Practice
    - Certified Hazardous Materials Manager, by the Institute of Hazardous Materials Management
2. The definition of QEP provided above does not preempt State Professional licensing or registration requirements such as those for a Professional Geologist, Engineer, or Site Remediation Professional. Before commencing work, a person should determine the applicability of State professional licensing or registration laws to the activities to be undertaken pursuant to section 1.5 (DER10 Technical Guide).
3. A person who does not meet the above definition of a QEP under the foregoing definition may assist in the conduct of all appropriate investigation or remediation activities in accordance with this document if such person is under the supervision or responsible charge of a person meeting the definition provided above.

**“Remedial Party”** means any person or persons, as defined in 6NYCRR 375, who executes, or is otherwise subject to, an oversight document (State Superfund, BCP, ERP or VCP Program). For purposes of this guidance, remedial party also includes:

1. Any person or persons who is performing the investigation and/or remediation, or has control over the person (for example, contractor or consultant) who is performing the investigation and/or remediation, including, without limitation, an owner, operator or volunteer; and
2. The DER for State-funded investigation and/or remediation activities.

**“Site Management”** (SM) means the activities included in the last phase of the remediation of a site, in accordance with a Site Management Plan, which continue until the remedial action objectives for the project are met and the site can be closed-out. Site Management includes the management of the institutional and engineering controls required for a site, as well as the implementation of any necessary long-term monitoring and/or operation and maintenance of the remedy. (Formerly referred to as Operation and Maintenance (O&M)).

**“Site Management Plan”** (SMP) means a document which details the steps necessary to assure that the institutional and engineering controls required for a site are in-place, and any physical components of the remedy are operated, maintained and monitored to assure their continued effectiveness, developed pursuant to Section 6 (DER10 Technical Guide).

**“Site Owner”** means the actual owner of a site. If the site has multiple owners of multiple properties with ICs and/or ECs, the Department requires that the owners designate a single representative for IC/EC Certification activities.

**“Site Owner’s Designated Representative”** means a person, including a firm headed by such a person, who has been designated in writing by the Site Owner(s) to complete and sign the Institutional and Engineering Controls Certification Form.

**SYSTEM MALFUNCTION REPORT**  
**Sub-Slab Depressurization System**  
Parcel 8  
Long Island City, NY

Date of SSDS Alarm Notification: \_\_\_\_\_

System Check Conducted by: \_\_\_\_\_

Date of System Check: \_\_\_\_\_

Confirmation of System Malfunction:  Yes  No

In case of system malfunction, notify Fleming-Lee Shue, Inc. at (212) 675-3225.

Repair Activities Conducted:

Attach additional information (i.e. photos, sketches) as needed

Repair Conducted by: \_\_\_\_\_

Signature/Date \_\_\_\_\_

**SITE COVER INSPECTION FORM**

**Parcel 8  
Long Island City, NY**

**Inspector:**

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**Date:**

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**1. Landscaped Areas**

Adequate top soil cover present?

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Signs of Erosion?

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Recommended corrective action, if needed.

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**2. Outdoor paving/sidewalks**

Note any signs of cracking or other damage

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Note any areas where greater than 25% of surface is cracked/damaged

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Recommended corrective action, if needed.

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