NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director 625 Broadway, 12th Floor, Albany, New York 12233 7011 P: (518) 402-9706 F: (518) 402-9020 www.dec.ny.gov

SEP 09 2016

Bruce Phillips TST LIC Development, L.L.C. LIC Development Owner, L.P. LIC Phase I (REIT), L.P. LIC Phase I, L.P. LIC Phase II (REIT), L.P. LIC Phase III (REIT), L.P. LIC Phase III (REIT), L.P. LIC Phase III, L.P. c/o Tishman Speyer Properties 45 Rockefeller Plaza New York, NY 10111

> Re: Certificate of Completion Site Name: Queens Plaza Residential Development – Site A Site No. C241105 Queens County

Dear Mr. Phillips:

Congratulations on having satisfactorily completed the remedial program at the Queens Plaza Residential Development – Site A. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

• If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:



Chief, Site Control Section New York State Department of Environmental Conservation Division of Environmental Remediation 625 Broadway Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in January 2018.

If you have any questions regarding any of these items, please contact the project manager for this site, Michael Haggerty, by email at <u>michael.haggerty@dec.ny.gov</u> or by telephone at 518-402-9768.

Sincerely,

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Robert W. Schick, P.E. Director Division of Environmental Remediation

Enclosure

ec: Arnold Fleming, P.E. (arnie@flemingleeshue.com Lawrence Schnapf larry@schnapflaw.com Krista Anders, DOH Justin Deming, DOH Wendy Kuehner, DOH Robert Cozzy, DEC Michael Ryan, DEC Michael Haggerty, DEC Sally Dewes, DEC Jane O'Connell, DEC Benjamin Conlon, DEC John Nehila, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

LIC DEVELOPMENT OWNER LP LIC Phase I (REIT), L.P. LIC Phase I, L.P. LIC Phase II (REIT), L.P. LIC Phase III, L.P. LIC Phase III (REIT), L.P. LIC Phase III, L.P. TST LIC Development, L.L.C. BROWNFIELD CLEANUP AGREEMENT: Application Approval: 6/20/07 Agreement Exe

Address

c/oTishman Speyer Properties, 45 Rockefeller Plaza, New c/oTishman Speyer Properties, 45 Rockefeller Plaza, New

Application Approval: 6/20/07 Agreement Execution: 8/3/07 Agreement Index D2-0001-07-06

Application Approval Amendment: 8/15/14 Application Approval Amendment: 9/4/15 Application Approval Amendment: 5/17/16 Agreement Execution Amendment: 8/15/14 Agreement Execution Amendment: 9/4/15 Agreement Execution Amendment: 5/17/16

SITE INFORMATION:

Site No.: C241105 Site Name: Queens Plaza Residential Development-Site A
Site Owner: LIC DEVELOPMENT OWNER, L.P.
Street Address: 28-02 Jackson Avenue and 28-30 Jackson Avenue
Municipality: Long Island City County: Queens DEC Region: 2
Site Size: 0.470 Acres
Tax Map Identification Number(s): 264-1 (partial), 264-17 (partial): see property description
Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %. Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %. Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Queens County as 2016000182577.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

(1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;

(2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;

(3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;

(4) there is good cause for such modification or revocation;

(5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos Commissioner New York State Department of Environmental Conservation

9/2/a allon By: Date: Robert W. Schick, P.E., Director

Robert W. Schick, P.E., Director Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION Brownfield Cleanup Program 6 NYCRR Part 375-1.9(d)

Queens Plaza Residential Development – Site A, Site ID No. C241105, Site Address: 28-02 Jackson Avenue and 28-30 Jackson Avenue, Long Island City NY 11101 Long Island City, Queens County, Block-Lot: 264-1 (partial), 264-17 (partial): see property description

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to TST LIC Development, L.L.C.; LIC Development Owner, L.P.; LIC Phase I, L.P.; LIC Phase II, L.P.; LIC Phase II, L.P.; LIC Phase II, L.P.; LIC Phase II, REIT), L.P.; LIC Phase II (REIT), L.P.; LIC Phase II (REIT), L.P.; for a parcel approximately 0.470 acres located at 28-02 Jackson Avenue and 28-30 Jackson Avenue in the City of New York, Queens County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- □ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Queens County as Document ID: 2016000182577.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421.

The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at DEC's Region 2 office located at 47-40 21st street, Long Island City N.Y. 11101, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

LIC Development Owner, L.P.

By: _____

Title:

Date:	

STATE OF NEW YORK) SS: COUNTY OF)

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

Signature and Office of individual

Please record and return to: Bruce Phillips TST LIC Development c/o Tishman Speyer Properties 45 Rockefeller Plaza New York, NY 1011

	EW YORK STATE DEPARTMENT OF Site Manage 8/15/2	ment Form	
	SITE DESC	RIPTION	
SITE NO.	C241105		
SITE NAME Qu	eens Plaza Residential Development	-Site A	
SITE ADDRESS	: 28-02 Jackson Avenue and 28-30 J	ackson Avenue	ZIP CODE: 11101
CITY/TOWN:	Long Island City		
COUNTY:	Queens		
ALLOWABLE U	SE: Restricted-Residential, Commerc	ial, and Industrial	
	SITE MANAGEME		
SHE MANAGE	MENT PLAN INCLUDES:	YES NO	
IC/EC Certification Plan		■ □	
Monitoring Plan			
_	and Maintenance (O&M) Plan		
-	v Frequency: once a year		
Periodic Review	v Report Submitted Date: 01/31/18		
	Description of Ir	stitutional Contro	I
28-02/ 28-30 Environmen Block: 264 Lot: 1	eyer Properties, 45 Rockefeller Plaza lackson al Easement		
	Subsection: S_B_L Image: 264-1 parti Ground Water Use F		ds
	IC/EC Plan		
	Landuse Restriction		
	Monitoring Plan		
	O&M Plan		
	Site Management PI Soil Management PI		

Lot: 17 Sublot: Section: Subsection: S_B_L Image: 264-17 partial: see metes/bound Ground Water Use Restriction IC/EC Plan Landuse Restriction Monitoring Plan O&M Plan Site Management Plan Soil Management Plan **Description of Engineering Control** LIC Development Owner, L.P. c/o Tishman Speyer Properties, 45 Rockefeller Plaza 28-02/ 28-30 Jackson Avenue Environmental Easement Block: 264 Lot: 1 Sublot: Section: Subsection: S_B_L Image: 264-1 partial: see metes/bounds Cover System Groundwater Containment Groundwater Treatment System Subsurface Barriers Vapor Mitigation Lot: 17 Sublot: Section: Subsection: S_B_L Image: 264-17 partial: see metes/bound Cover System Groundwater Containment Groundwater Treatment System Subsurface Barriers Vapor Mitigation

Exhibit A

Property Description

County: Queens Site No: C241105 Brownfield Cleanup Agreement Index : D2-0001-07-06

SCHEDULE "B" CONTROLLED PROPERTY DESCRIPTION

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATED, LYING, AND BEING IN THE BOROUGH AND COUNTY OF QUEENS, CITY AND STATE OF NEW YORK AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF ORCHARD STREET AND THE SOUTHERLY SIDE OF JACKSON AVENUE;

RUNNING THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF JACKSON AVENUE, 74.94 FEET;

THENCE SOUTHERLY PARALLEL WITH THE EASTERLY SIDE OF ORCHARD STREET, 125.00 FEET;

THENCE EASTERLY PARALLEL WITH THE SOUTHERLY SIDE OF JACKSON AVENUE, 74.95 FEET;

THENCE SOUTHERLY PARALLEL WITH THE EASTERLY SIDE OF ORCHARD STREET, 25.20 FEET;

THENCE WESTERLY PARALLEL WITH THE SOUTHERLY SIDE OF JACKSON AVENUE, 54.00 FEET;

THENCE SOUTHERLY PARALLEL WITH THE EASTERLY SIDE OF ORCHARD STREET, 76.30 FEET;

THENCE WESTERLY PARALLEL WITH THE SOUTHERLY SIDE OF JACKSON AVENUE, 95.89 FEET;

THENCE NORTHERLY PARALLEL WITH THE EASTERLY SIDE OF ORCHARD STREET, 226.50 FEET TO THE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT HAS AN AREA OF 20,464 SQ. FT. OR 0.46979 ACRES.

Environmental Easement Page 12

Exhibit B

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Site Survey

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