
PERIODIC REVIEW REPORT

for

23-01 42nd ROAD
Long Island City, New York
NYSDEC BCP Site No. C241152

Prepared For:

QPS 23-10 Development LLC
c/o Property Markets Group, Inc.
111 Fifth Avenue, 6th Floor
New York, New York 10003

Prepared By:

Langan Engineering, Environmental, Surveying, and
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Professional Engineer License No. 089491-1

LANGAN

March 21, 2018
170244602

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1.0 INTRODUCTION

1.1 General

This Periodic Review Report was prepared in accordance with the New York State Department of Environmental Conservation (NYSDEC)-approved Site Management Plan (SMP), dated March 31, 2015 and revised May 15, 2015. The certification period is February 19, 2017 through February 19, 2018. A periodic review of all institutional controls and engineering controls (IC/ECs) and a site evaluation are required for fulfillment of the Certificate of Completion for 23-01 42nd Road (the "site"), dated October 19, 2015, which acknowledges that applicable remediation requirements set forth in the New York State Environmental Conservation Law (ECL) have been achieved to the satisfaction of the Commissioner of the NYSDEC, pursuant to the Brownfield Cleanup Agreement (BCA), dated October 4, 2013 (BCA Index No. C241152-09-13, Site No. C241152). Site remediation was performed in accordance with the Interim Remedial Measures Work Plan (IRMWP), dated September 20, 2013, and the Remedial Action Work Plan (RAWP), dated May 2014.

1.2 Site Summary

The site is located in an area of historical industrial usage and was used for manufacturing purposes since as early as 1947. From 1936 through 2006, the site was occupied by a one-story warehouse building with a basement and was used as a garage and for manufacturing. Historical uses of properties surrounding the site include a filling station, an auto repair shop, multiple garages, and lacquer spraying. Three underground storage tanks (UST) and one aboveground storage tank (AST) were decommissioned and removed as part of IRMWP implementation. The current development is a 44-story residential apartment building with ground-floor amenity space. The building occupies the entire lot and does not have a cellar.

Subsurface investigations were conducted between November 2012 and November 2013. These investigations were documented in the Remedial Investigation Report (RIR), dated November 2013 and revised in January 2014. The following list summarizes the results of the investigations:

- The contaminants of concern include:

Benzene	Benzo(b)fluoranthene	Lead
Benzo(a)anthracene	Indeno(1,2,3-cd)pyrene	Mercury
Benzo(a)pyrene	Copper	Trichloroethylene (TCE)

- The contaminants of concern exceeded the applicable Standards, Criteria, and Guidance (SCG) for soil, groundwater and soil vapor intrusion.
- Carcinogenic polycyclic aromatic hydrocarbons (cPAHs) were detected in soil primarily in the western and southeastern portions of the site. Metals were detected in soil primarily in the northwestern portion of the site.
- Benzene was detected in groundwater in the southeastern portion of the site, but is not expected to have migrated off-site.
- TCE was detected in soil vapor and is believed to be migrating from the northern-adjointing property that is being addressed pursuant to a separate BCA.

Site management has been conducted since completion of the remedial activities on October 19, 2015. See Section 2.2 for further information on the remedial program.

1.3 Effectiveness of the Remedial Program

The remedial program was designed to eliminate and mitigate environmental and potential human health exposure to adverse environmental conditions still present in soil and soil vapor underlying the site. The IC/ECs for the certification period achieved their remedial objectives.

1.4 Compliance with the Site Management Plan

All ICs and ECs remain fully in place for the certification period and continue to be effective.

1.5 Recommendations

No changes to the SMP are recommended at this time.

2.0 SITE OVERVIEW

2.1 Site Location

The site is located in Long Island City, New York and is identified as Block 425, Lot 1 on the New York City Tax Map. The rectangular site is situated on a 0.343-acre parcel bounded by a four-story building to the north, 42nd Road to the south, 24th Street to the east, and 23rd Street to the west (see Figure 1).

2.2 Site Background

Interim remedial measures (IRM) were implemented between November 13, 2013 and June 12, 2014. Remedial activities implemented in accordance with the NYSDEC-approved RAWP were completed in October 2014. The components of the selected remedy include:

- Decommissioning and removal of one AST and three USTs;
- Excavation and off-site disposal of grossly-contaminated soil associated with the USTs;
- Collection and analysis of post-excavation documentation samples;
- Backfilling to development grade with clean fill, recycled concrete aggregate (RCA), or virgin, native crushed stone;
- Installation of ECs including a composite cover system and a submembrane depressurization (SMD) system;
- An environmental easement with ICs; and
- Ongoing implementation of a Site Management Plan (SMP) to ensure the performance, effectiveness, and protectiveness of the IC/ECs.

With the exception of the installation of the above-grade components of the submembrane depressurization (SMD) system, remedial activities were completed as of October 2014. NYSDEC issued a Certificate of Completion on October 19, 2015. Superstructure construction of the 44-story building was completed between October 2014 and January 2017 and included installation of the above-slab components of the SMD system (e.g. blower and piping). The SMP inspections and SMD system startup testing were conducted on January 27, 2017 and January 30, 2017, respectively. The New York City Department of Buildings (NYCDOB) issued a Certificate of Occupancy for floors 1 to 44 effective February 7, 2017.

3.0 IC/EC PLAN COMPLIANCE REPORT

Since residual contaminated soil, groundwater, and soil vapor exists beneath the site, IC/ECs are required to protect human health and the environment. The Engineering and Institutional Control Plan included in the SMP describes the procedures for the implementation and management of the IC/ECs.

3.1 IC/EC Components

Consistent with the Final Engineering Report (FER) and SMP, the site-specific IC/ECs are summarized below.

3.1.1 Engineering Controls

3.1.1.1 Composite Cover System

Exposure to remaining contamination in soil/fill is prevented by a composite cover system placed over the site. This cover system is comprised of a minimum of 14-inch concrete building slab underlain by a vapor barrier membrane, which was installed as a contingency measure to prevent vapor intrusion.

3.1.1.2 Submembrane Depressurization System

An SMD system was incorporated into the foundation design to mitigate potential soil vapor intrusion into the site building. The SMD system consists of horizontal, interconnected, 4-inch diameter perforated HDPE piping placed in an 8-inch layer of clean ¾-inch stone. The system underlies a vapor barrier membrane, which extends underneath the entire floor slab. The horizontal piping is connected to a vertical, subgrade vapor collection pipe located in the central portion of the site, southwest of the core mat. The collection pipe attaches to a 4-inch diameter riser that extends through the floor slab.

3.1.2 Institutional Controls

The site has a series of ICs in the form of site restrictions. Adherence to these ICs is required by the Environmental Easement (Appendix A). Site restrictions that apply to the Controlled Property are:

- The property may only be used for restricted residential, commercial, and industrial uses provided that the long-term EC/ICs included in the SMP are employed.

- The property may not be used for a higher level of use, such as residential or unrestricted use, without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC.
- All future activities on the site that will disturb remaining contaminated material must be conducted in accordance with the SMP.
- The use of the groundwater underlying the property is prohibited without necessary water quality treatment, as determined by the NYSDOH or NYCDOH.
- Vegetable gardens and farming in residual soil on the property are prohibited.
- The site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that:
 - (1) Controlled Property controls are unchanged from the previous certification or that any changes to the controls were NYSDEC approved; and,
 - (2) Nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time to evaluate the maintenance of any and all controls.

3.2 Goal Status and Corrective Measures

No deviations of the IC/ECs have been documented during the certification period.

3.3 Conclusions and Recommendations

The IC/ECs continue to function as designed and in compliance with the SMP. Maintenance recommendations are described in Section 5.5.

4.0 MONITORING PLAN COMPLIANCE REPORT

4.1 Monitoring Plan Components

The components of the Monitoring Plan are as follows:

- Quarterly inspections of the SMD system during the first year of operation, then annually thereafter;
 - As of January 2018, subsequent SMD system inspections will be conducted annually.
- An annual inspection of the composite cover system; and
- An annual site-wide inspection.

4.2 Summary of Monitoring Completed

4.2.1 SMD System Inspections

Quarterly inspections of the SMD system were conducted on April 26, August 9, and December 19, 2017, and January 22, 2018. The SMD was inspected to determine whether the system installation and function is satisfactory and consistent with the manufacturer's specifications and the design criteria. Based on the inspections, the SMD system is operational and functioning within the design criteria for the certification period. Minor deficiencies identified during the inspections will be resolved before the next inspection and are summarized in Section 4.4. The SMD system inspection reports are included in Appendix B.

4.2.2 Composite Cover System Inspections

The annual composite cover system inspection was conducted on January 22, 2018. The 14-inch-thick first-floor slab was inspected for quality and integrity. Damages or breaches to the composite cover system were not observed during the annual inspection event. No construction activity or indication of any construction activity during the certification period that included the breaching of the site cover system was observed. Detailed composite cover system inspection reports are included as Appendix C.

4.2.3 Annual Site-Wide Inspection

The annual site-wide inspection was conducted on January 22, 2018. This consisted of spot inspections of all ECs and verification of ICs. All IC/EC components inspected were functioning in compliance with the SMP. Site operations consisted of construction activities in preparation

for residential tenant occupancy. The completed site-wide inspection form is included as Appendix D.

4.3 Monitoring Deficiencies

No deficiencies were identified during the composite cover system and site-wide inspections. The following deficiencies were identified during the SMD system inspections:

- The pressure gauge was installed directly before the blower's air filter instead of a vacuum gauge. A negative reading was observed; however, an accurate vacuum measurement could not be recorded.

The Volunteer will resolve the deficiencies before the next inspection.

4.4 Conclusions and Recommendations

No changes to the SMP are recommended at this time.

5.0 O&M PLAN COMPLIANCE REPORT

5.1 O&M Plan Components

The components of the O&M Plan are as follows:

- Continuous operation and maintenance, as necessary, of the SMD system.

5.2 SMD System O&M Activities

Quarterly SMD inspections were performed following initial startup and testing, which was completed on January 27, 2017. Quarterly inspections consisted of documenting the accessible, above-grade components of the SMD system, testing the system alarm, taking flow velocity readings, and documenting the vacuum gauge readings.

5.2.1 Evaluation of the SMD System

The primary objective of the SMD system is to impart a negative pressure under the sub-slab membrane in relation to the building indoor air pressure. The negative pressure field captures soil vapor, which is expelled to the atmosphere above the building's roof via a vacuum blower system. The results of the quarterly inspections indicate effective performance of the mitigation system.

5.3 O&M Deficiencies

The pressure gauge installed directly before the blower's air filter will be replaced during the next certification period. The required maintenance does not impact the performance of the SMD system.

5.4 Conclusions and Recommendations

No changes to the SMP are recommended at this time.

6.0 OVERALL CONCLUSIONS AND RECOMMENDATIONS

6.1 SMP Compliance

Each component of the SMP, including the IC/EC Plan, Monitoring Plan, and O&M Plan, was in compliance for the certification period.

6.2 Remedy Performance Evaluation

6.2.1 SMD System

Overall and following system startup, the SMD system is operating as designed and is mitigating the potential exposure to soil vapor contaminants.

6.2.2 Composite Cover System

Conditions of the 14-inch thick first floor slab covering the entire site were inspected for quality and integrity. The site-wide composite cover system was observed to be intact and continues to protect public health and the environment.

6.2.3 IC Components

All ICs were maintained during the 2017 calendar year, and the environmental easement remains in place.

6.3 Future Submittals

Annual inspections of the SMD system and composite cover system and site-wide inspections will continue to be conducted as specified in the Reporting Plan of the NYSDEC-approved SMP. Forms and other information generated during regular monitoring events and inspections will be submitted at the time of the annual Periodic Review Report.

7.0 CERTIFICATION OF IC/ECS

7.1 IC/EC Certification Form

The completed IC/EC Certification Form is presented in Appendix E. NYCDOB work permits for superstructure construction performed after the COC was issued are attached to the IC/EC Certification Form.

7.2 IC/EC Certification

I, Jason J. Hayes, am currently a registered professional engineer licensed by the State of New York. I had primary direct responsibility for implementation of the remedial program for the 23-01 42nd Road site (NYSDEC BCA Index No. C241152-09-13, Site No. C241152).

I certify that the ICs/ECs are in place and effective and are performing as designed.

I certify that nothing has occurred that would impair the ability of the controls to protect the public health and environment and that nothing has occurred that would constitute a violation or failure to comply with any operation and maintenance plan for such controls.

I certify that all use restrictions, institutional controls, engineering controls, and all operation and maintenance requirements applicable to the site are contained in an environmental easement created and recorded pursuant ECL 71-3605 and that all affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded. A Site Management Plan has been submitted by the applicant for the continual and proper operation, maintenance, and monitoring of all engineering controls employed at the site, including the proper maintenance of all remaining monitoring wells, and that such plan has been approved by the Department.

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

089491-1

New York State Professional Engineer

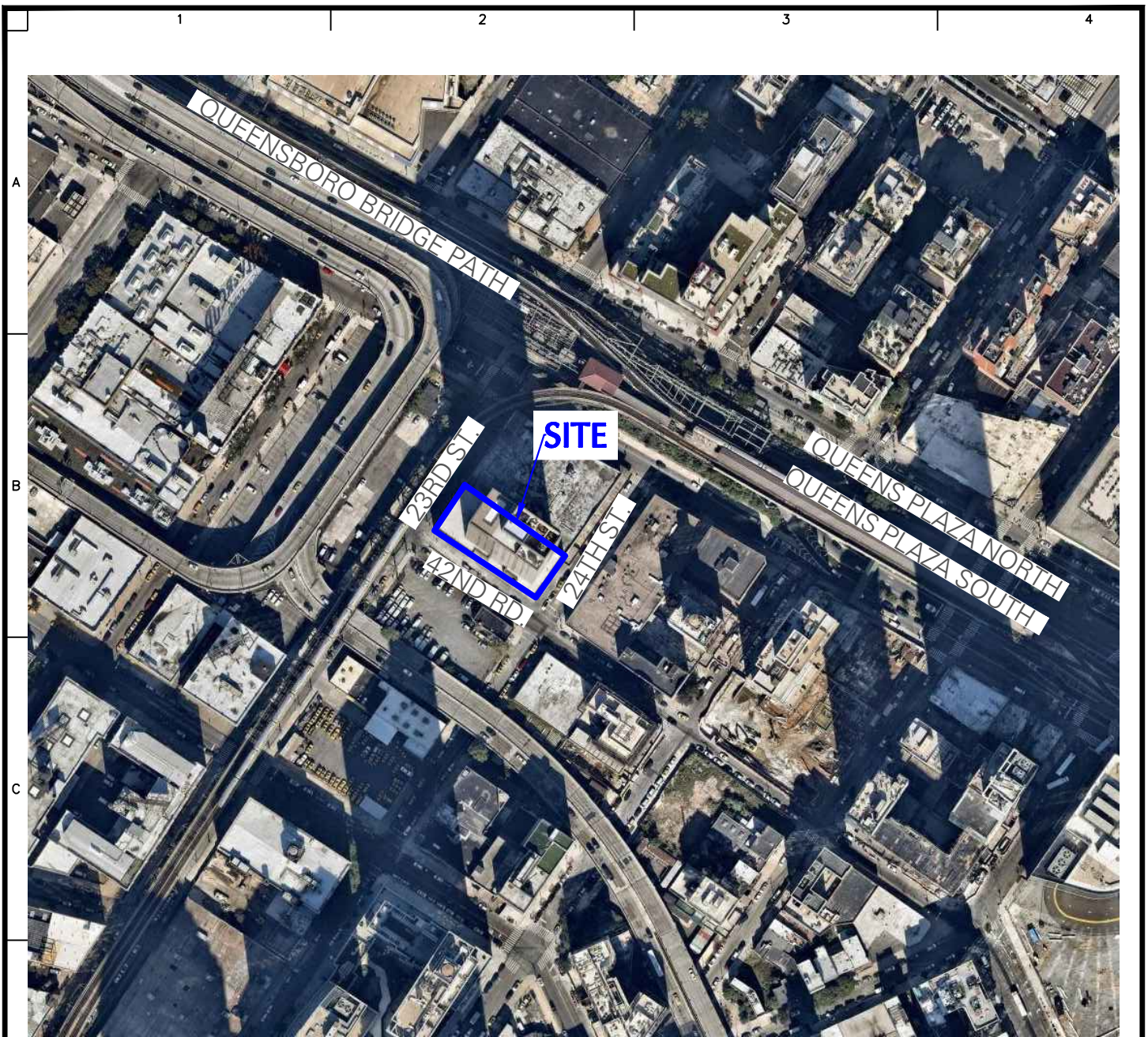


3/21/2018
Date


Signature

It is a violation of Article 130 of the New York State Education Law for any person to alter this document in any way without the express written verification of adoption by any New York State licensed engineer in accordance with Section 7209(2), Article 130, New York State Education Law.

Figures



LEGEND:



SITE BOUNDARY

NOTES:

1. BASE MAP TAKEN FROM NEARMAP (IMAGE DATE 10/15/2016)

LANGAN

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

Langan Engineering and Environmental Services, Inc.
Langan International LLC

Collectively known as Langan

Project

23-01 42nd ROAD

BLOCK No. 425, LOT No. 1
LONG ISLAND CITY

QUEENS

NEW YORK

Figure Title

**SITE LOCATION
MAP**

Project No.
170244602

Date
02/14/2017

Scale
NTS

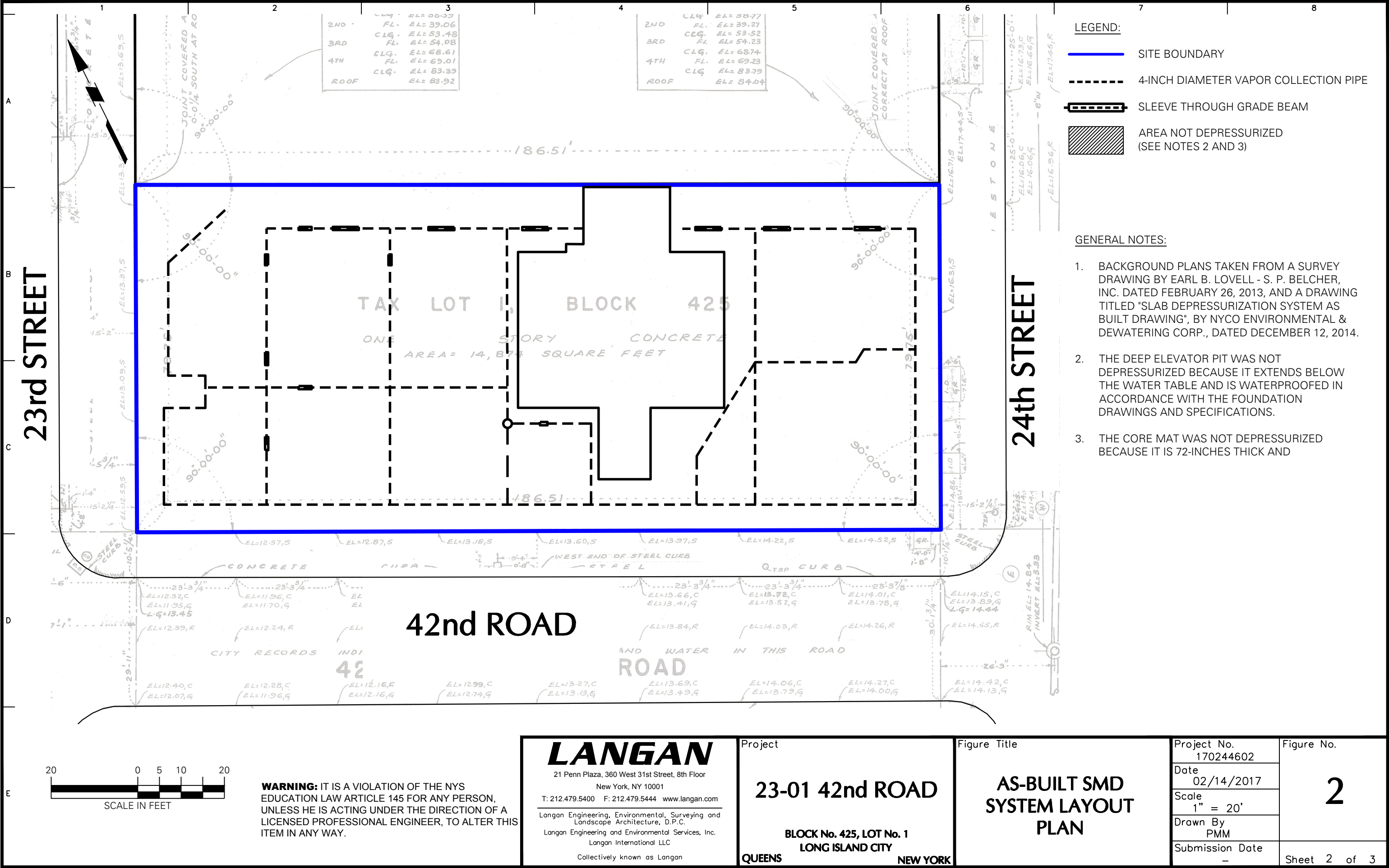
Drawn By
VDP

Submission Date
-

Figure No.

1

Sheet 1 of 3



20

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SCALE IN FEET

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

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Langon Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.
Langon Engineering and Environmental Services, Inc.
Langon International LLC
Collectively known as Langan

Project

23-01 42nd ROAD

QUEENS

Figure Title

**AS-BUILT SMD
SYSTEM LAYOUT
PLAN**

NEW YORK

Project No.
170244602

Date
02/14/2017

Scale
1" = 20'

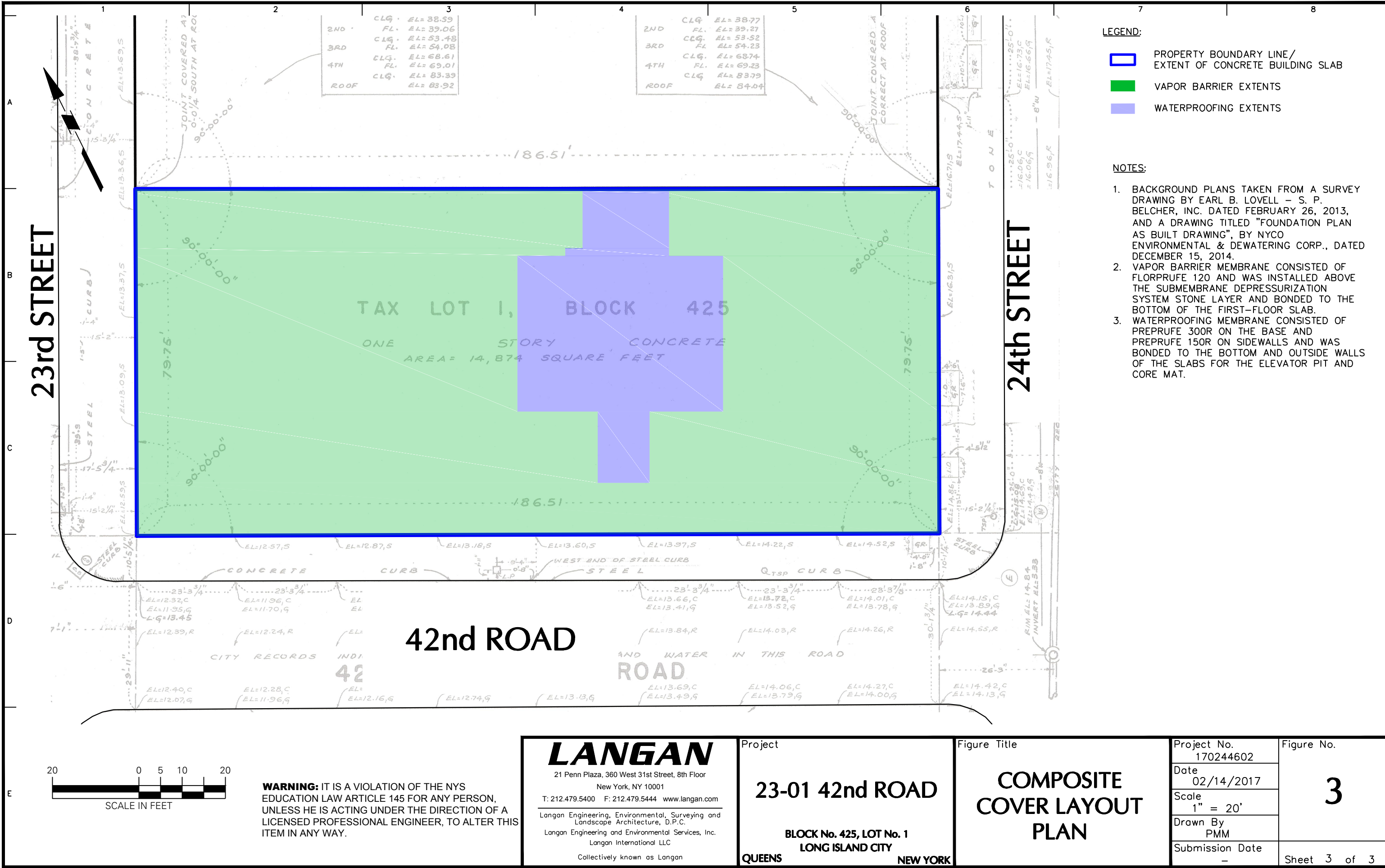
Drawn By
PMM

Submission Date
-

Figure No.
2

Sheet 2 of 3

Filename: \\langan.com\data\NY\data6\170244601\Cadd Data - 170244601\2D-DesignFiles\Environmental\PRR\Figure 2 - SMD System Layout Plan.dwg Date: 2/14/2017 Time: 10:19 User: vdepaula Style Table: Langan.stb Layout: ANSIB-BL



Appendix A

Environmental Easement



August 31, 2015

SIVE PAGET & RIESEL, P.C.
460 PARK AVENUE
10TH FLOOR
NEW YORK, NY 10022

RE: Submitted Transaction Successfully Recorded

Dear SIVE PAGET & RIESEL, P.C.:

Document Identification Number 2015082401131001 which was electronically submitted and intaken for Recording on 8/24/2015 2:34:54 PM, was successfully recorded on 8/31/2015 at 1:31 PM.

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Recording & Endorsement Cover Page(s) attached

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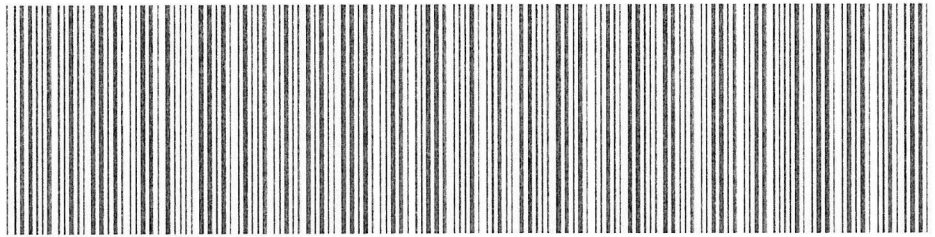
If you have questions or require further information, please send an email to acrishelp@finance.nyc.gov and someone will get back to you.

Thank you.

City Register

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

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PAGE 1 OF 10

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Document Date: 07-31-2015

Preparation Date: 08-24-2015

Document Type: EASEMENT

Document Page Count: 9

PRESENTER:

FIRST AMERICAN TITLE INSURANCE (FIRSTAM
PICKUP)
666 THIRD AVENUE-5TH FLOOR
TITLE# 3020-747876-CQ
NEW YORK, NY 10017
212-850-0670

RETURN TO:

SIVE PAGET & RIESEL, P.C.
460 PARK AVENUE
10TH FLOOR
NEW YORK, NY 10022
KARY TORRES

		PROPERTY DATA	
Borough	Block Lot	Unit	Address
QUEENS	425 1 Entire Lot		23-01 42ND ROAD
Property Type: COMMERCIAL REAL ESTATE			

CROSS REFERENCE DATA

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

PARTIES

GRANTOR/SELLER:

QPS 23-10 DEVELOPMENT LLC
5 EAST 17TH STREET, 2ND FLOOR
NEW YORK, NY 10003

GRANTEE/BUYER:

PEOPLE OF STATE OF NEW YORK
BY COMMISSIONER DEPT OF ENVIRONMENTAL
CONSERVATION, 625 BROADWAY
ALBANY, NY 12233

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 82.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 100.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

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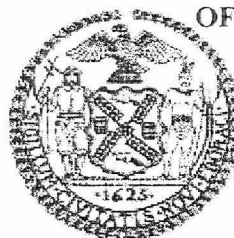
OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 08-31-2015 13:31

City Register File No. (CRFN):

2015000302414



Gianette McHill

City Register Official Signature

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

THIS INDENTURE made this 31st day of July, 2015, between Owner(s) QPS 23-10 Development LLC, having an office at 5 East 17th Street, 2nd Floor, New York, NY 10003, County of New York, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

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

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

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

WHEREAS, Grantor, is the owner of real property located at the address of 23-01 42nd Road in the City of New York, County of Queens and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 425 Lot 1, being the same as that property conveyed to Grantor by deed dated December 28, 2012 and recorded in the City Register of the City of New York in CFRN #201300001222248. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately .3415 +/- acres, and is hereinafter more fully described in the Land Title Survey dated December 15, 2014 prepared by Earl B. Lovell – S.P. Belcher, Inc., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is

extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C241152-09-13, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**This property is subject to an Environmental Easement held
by the New York State Department of Environmental Conservation**

pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

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

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

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

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

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

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

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

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

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

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

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

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

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

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

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

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

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

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

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

Parties shall address correspondence to: Site Number: C241152
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

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

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

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

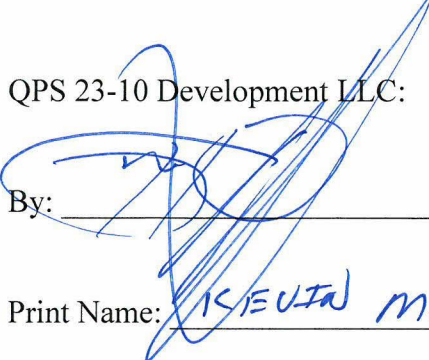
9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is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

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

Remainder of Page Intentionally Left Blank

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

QPS 23-10 Development LLC:

By: 

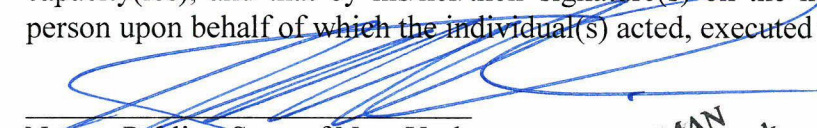
Print Name: KEVIN MALONEY

Title: AUTHORIZED REPRESENTATIVE Date: 6/30/15

Grantor's Acknowledgment

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

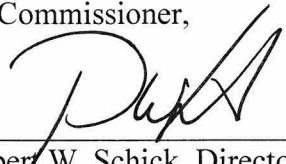
On the 30TH day of JUNE, in the year 2015, before me, the undersigned, personally appeared KEVIN MALONEY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they 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.


Notary Public - State of New York

FRANKLIN R. KAIMAN
Notary Public, State of New York
No. 02KA4663586
Qualified in Westchester County
Commission Expires February 28, 2018

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

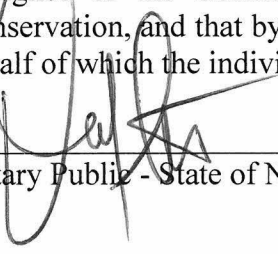
By:


Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 31st day of July, in the year 2015, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2018

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT LOT OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE IN THE BOROUGH AND COUNTY OF QUEENS, CITY AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED- BY THE INTERSECTION OF THE EASTERLY SIDE OF ELY AVENUE AND THE NORTHERLY SIDE OF HENRY STREET;

RUNNING THENCE EASTERLY ALONG THE NORTHERLY SIDE OF HENRY STREET 186 FEET, 6 INCHES TO THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF HENRY STREET WITH THE WESTERLY SIDE OF WILLIAM STREET;

THENCE NORTHERLY ALONG THE WESTERLY SIDE OF WILLIAM STREET 79 FEET 9 INCHES;

THENCE WESTERLY PARALLEL WITH HENRY STREET 186 FEET 6 INCHES TO THE EASTERLY SIDE OF ELY AVENUE AT A POINT THEREIN DISTANT 79 FEET 9 INCHES NORTHERLY FROM THE POINT OF BEGINNING;

THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF ELY AVENUE 79 FEET 9 INCHES TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 14,874 SQUARE FEET (0.3415 ACRE)

APPENDIX B
SMD System Inspection Checklist

SSD SYSTEM INSPECTION CHECKLIST

Site Name: 23-01 42nd Road Location: Long Island City, NY Project Number: 170244602

Inspector Name: Luke McCartney Date: 04/26/2017 Weather Conditions: Overcast, 50s°F

Reason for Inspection (i.e., routine, severe weather condition, etc.): 1st Quarterly Inspection (1st Year of Operation)

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

		Y	N	NA	Normal Situation	Remarks
	Records					
1	Is the Operations & Maintenance Plan readily available on-site?	✓			Y	
2	Based on site records, when was the last inspection, maintenance, or repair event?	✓				1/30/2017 (Post Start-up Inspection)
3	Based on site records, was the system nonoperational for any amount of time since the last inspection, maintenance, or repair event? For how long? Provide details.		✓		N	
	Alarm System					
4	Do the alarm lights indicate that the system is operational?	✓			Y	Blower linked to Building Maintenance System (BMS) software and property manager's email
	General System					
5	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the floor slab, on-site at the time of this inspection?		✓		N	
6	If YES to number 5, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	NA if N to 5/ Y if Y to 5	
7	If YES to number 5, is there documentation that all breaches in the floor slab have been sealed?			✓	NA if N to 5/ Y if Y to 5	
8	Does all visible SSD piping appear intact and undamaged?	✓			Y	
9	Have any intake points been constructed at the roof near (less than 10 feet) the SSD blower discharge point?		✓		N	
	SSD Blower Unit					
10	Is the SSD blower operational at the time of the inspection?	✓			Y	
11	What is the VelociCalc Meter reading?					126 CFM
12	Is the SSD blower expelling air at the discharge point?				Y	

*****If the answer to any of the above questions indicates the SMD system is nonoperational or malfunctioning, or that this EC is in noncompliance, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities*****

Additional remarks:

1. Exposed piping has been labeled with printed paper and affixed to pipes with packing tape.

Minimum Inspection Schedule:

- At a minimum, SSD inspections will be conducted quarterly for the first certification year.
- Additional SSD inspections will be conducted following maintenance, repair, or severe weather condition events.
- The minimum schedule will be revised, as necessary, following the first certification year.
- SSD inspection events will use this checklist.

SSD SYSTEM INSPECTION CHECKLIST

Site Name: 23-01 42nd Road Location: Long Island City, NY Project Number: 170244602

Inspector Name: Vinicius De Paula/Luke McCartney Date: 08/09/2017 Weather Conditions: Clear, 74-78°F
WSW 5-10 mph, 51% humidity, 30.19" rising

Reason for Inspection (i.e., routine, severe weather condition, etc.): Routine Inspection/Follow-up

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

		Y	N	NA	Normal Situation	Remarks
	Records					
1	Is the Operations & Maintenance Plan readily available on-site?	✓			Y	
2	Based on site records, when was the last inspection, maintenance, or repair event?	✓				4/26/2017
3	Based on site records, was the system nonoperational for any amount of time since the last inspection, maintenance, or repair event? For how long? Provide details.		✓			System operational since startup
	Alarm System					
4	Do the alarm lights indicate that the system is operational?	✓			Y	Alarm not triggered when system turned off via electrical kill switch. System restarted and allowed to run for 30 minutes. System turned off again via control knob and alarm was triggered.
	General System					
5	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the floor slab, on-site at the time of this inspection?		✓		N	
6	If YES to number 5, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	NA if N to 5/ Y if Y to 5	
7	If YES to number 5, is there documentation that all breaches in the floor slab have been sealed?			✓	NA if N to 5/ Y if Y to 5	
8	Does all visible SSD piping appear intact and undamaged?	✓			Y	
9	Have any intake points been constructed at the roof near (less than 10 feet) the SSD blower discharge point?		✓		N	
	SSD Blower Unit					
10	Is the SSD blower operational at the time of the inspection?	✓			Y	
11	What is the VelociCalc Meter reading?				Y	1,530 ft/min at edge of pipe, 580 ft/min at center of pipe
12	Is the SSD blower expelling air at the discharge point?	✓			Y	

*****If the answer to any of the above questions indicates the SMD system is nonoperational or malfunctioning, or that this EC is in noncompliance, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities*****

Additional remarks:

- Vacuum gauge reads inches in mercury, not inches of water.
- Slab penetrating piping part of SDSS located in first floor, blower located in mechanical room in 4th floor, discharge point located in 9th floor patio.

Minimum Inspection Schedule:

- At a minimum, SSD inspections will be conducted quarterly for the first certification year.
- Additional SSD inspections will be conducted following maintenance, repair, or severe weather condition events.
- The minimum schedule will be revised, as necessary, following the first certification year.
- SSD inspection events will use this checklist.

SSD SYSTEM INSPECTION CHECKLIST

Site Name: 23-01 42nd Road Location: Long Island City, NY Project Number: 170244602

Inspector Name: Michael Liu Date: 12/19/2017 Weather Conditions: Cloudy, 40s°F

Reason for Inspection (i.e., routine, severe weather condition, etc.): Routine Inspection/Follow-up

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

		Y	N	NA	Normal Situation	Remarks
	Records					
1	Is the Operations & Maintenance Plan readily available on-site?	✓			Y	
2	Based on site records, when was the last inspection, maintenance, or repair event?	✓				8/9/2017
3	Based on site records, was the system nonoperational for any amount of time since the last inspection, maintenance, or repair event? For how long? Provide details.		✓			System operational since startup
	Alarm System					
4	Do the alarm lights indicate that the system is operational?	✓			Y	
	General System					
5	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the floor slab, on-site at the time of this inspection?		✓		N	
6	If YES to number 5, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	NA if N to 5/ Y if Y to 5	
7	If YES to number 5, is there documentation that all breaches in the floor slab have been sealed?			✓	NA if N to 5/ Y if Y to 5	
8	Does all visible SSD piping appear intact and undamaged?	✓			Y	
9	Have any intake points been constructed at the roof near (less than 10 feet) the SSD blower discharge point?		✓		N	
	SSD Blower Unit					
10	Is the SSD blower operational at the time of the inspection?	✓			Y	
11	What is the VelociCalc Meter reading?				Y	920 ft ³ /min at center of pipe
12	Is the SSD blower expelling air at the discharge point?	✓			Y	

*****If the answer to any of the above questions indicates the SMD system is nonoperational or malfunctioning, or that this EC is in noncompliance, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities*****

Additional remarks:

1. Slab penetrating piping part of SDSS located in first floor, blower in mechanical room in 4th floor, discharge point located in 9th floor patio.

Minimum Inspection Schedule:

- At a minimum, SSD inspections will be conducted quarterly for the first certification year.
- Additional SSD inspections will be conducted following maintenance, repair, or severe weather condition events.
- The minimum schedule will be revised, as necessary, following the first certification year.
- SSD inspection events will use this checklist.

SSD SYSTEM INSPECTION CHECKLIST

Site Name: 23-01 42nd Road Location: Long Island City, NY Project Number: 170244602

Inspector Name: Luke McCartney Date: 1/22/2018 Weather Conditions: Cloudy, 45-50°F

Reason for Inspection (i.e., routine, severe weather condition, etc.): Routine Inspection/Follow-up

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

		Y	N	NA	Normal Situation	Remarks
	Records					
1	Is the Operations & Maintenance Plan readily available on-site?	✓			Y	SMP on-site that includes O&M plan
2	Based on site records, when was the last inspection, maintenance, or repair event?	✓				12/19/2017
3	Based on site records, was the system nonoperational for any amount of time since the last inspection, maintenance, or repair event? For how long? Provide details.		✓			System operational since startup
	Alarm System					
4	Do the alarm lights indicate that the system is operational?	✓			Y	
	General System					
5	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the floor slab, on-site at the time of this inspection?		✓		N	
6	If YES to number 5, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	NA if N to 5/ Y if Y to 5	
7	If YES to number 5, is there documentation that all breaches in the floor slab have been sealed?			✓	NA if N to 5/ Y if Y to 5	
8	Does all visible SSD piping appear intact and undamaged?	✓			Y	
9	Have any intake points been constructed at the roof near (less than 10 feet) the SSD blower discharge point?		✓		N	
	SSD Blower Unit					
10	Is the SSD blower operational at the time of the inspection?	✓			Y	See remark 2
11	What is the VelociCalc Meter reading?				Y	1,280 ft ³ /min at center of pipe
12	Is the SSD blower expelling air at the discharge point?	✓			Y	

*****If the answer to any of the above questions indicates the SMD system is nonoperational or malfunctioning, or that this EC is in noncompliance, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities*****

Additional remarks:

- Slab penetrating piping part of SDSS located in first floor, blower located in mechanical room in 4th floor, discharge point located in 9th floor patio.
- Blower gauge range is 0-100" water, reading shows > 100" water. Turned off blower and gauge needle moved left towards 0 as blower stopped - gauge seems to be installed in wrong direction or not fine enough resolution.

Minimum Inspection Schedule:

- At a minimum, SSD inspections will be conducted quarterly for the first certification year.
- Additional SSD inspections will be conducted following maintenance, repair, or severe weather condition events.
- The minimum schedule will be revised, as necessary, following the first certification year.
- SSD inspection events will use this checklist.

APPENDIX C
Composite Cover System Inspection Checklist

COMPOSITE COVER SYSTEM INSPECTION CHECKLIST

Site Name: 23-01 42nd Road Location: Long Island City, NY Project Number: 170244602

Inspector Name: Luke McCartney Date: 01/22/2018 Weather Conditions: Cloudy, 45-50 degrees Fahrenheit

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

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

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	-	-	-	✓	
	Impermeable Cap					
2	Are there any indications of a breach in the capping system at the time of this inspection?		✓		N	
3	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?		✓		N	
4	If YES to number 3, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	NA	

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

Additional remarks:

Minimum Inspection Schedule:

- At a minimum, composite cover inspections will be conducted annually, per certification year.
- Additional composite cover inspections will also be conducted at times of severe weather condition events.
- Composite cover inspection events will use this checklist.

APPENDIX D
Site-Wide Inspection Checklist

SITE INSPECTION CHECKLIST

Site Name: 23-01 42nd Road Location: Long Island City, NY Project Number: 170244602

Inspector Name: Luke McCartney Date: 01/22/2018 Weather Conditions: Cloudy, 45-50 degrees Fahrenheit

Reason for Inspection (i.e., routine, severe weather condition, etc.): Post Construction

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

		Y	N	NA	Normal Situation	Remarks
General						
1	What are the current site conditions?	-	-	-	✓	
2	Are all applicable site records (e.g., documentation of construction activity, SMD system maintenance and repair, most current easement, etc.) complete and up to date?	✓			Y	
Environmental Easement						
3	Has site use (restricted residential) remained the same?	✓			Y	
4	Does it appear that all environmental easement restrictions have been followed?			✓	Y	
Impermeable Cap						
5	Are there any indications of a breach in the capping system at the time of this inspection?		✓		N	
6	Are there any cracks in the building slabs?	✓			Y	Minor surficial/negligible cracks
7	Are there any cracks in the building walls?	✓			Y	Minor surficial/negligible cracks
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?		✓		N	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			✓	NA if N to 6/ Y if Y to 6	

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

Additional remarks:

Locations of minor surficial/negligible cracks are provided on Figure A. These cracks appear to only be surficial and do not breach slab or foundation walls.

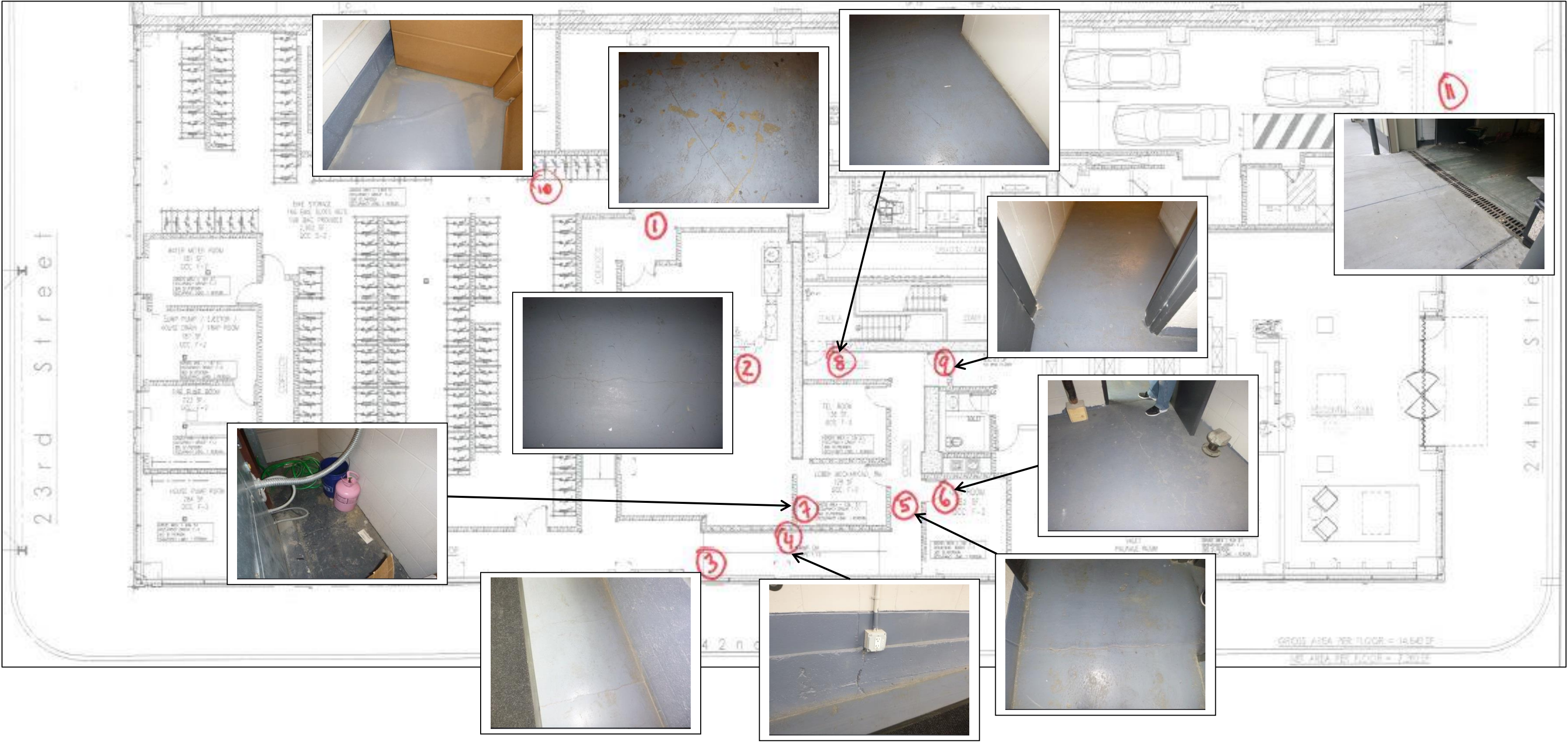
Minimum Inspection Schedule:

- At a minimum, site-wide inspections will be conducted annually, per certification year.
- Additional site-wide inspections will also be conducted at times of severe condition events.
- Site-wide inspection events will use this checklist.

LANGAN

Figure A
Composite Cover Images – 2017 Annual Inspection
23-01 42nd Road
Long Island City, New York
Langan Project #170244601

January 22, 2018



APPENDIX E
ICEC Certification Form

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation

625 Broadway, 11th Floor, Albany, NY 12233-7020

P: (518)402-9543 | F: (518)402-9547

www.dec.ny.gov

1/9/2018

Ned White
QPS 23-10 Development LLC
c/o Property Markets Group
111 Fifth Avenue, 6th Floor
New York, NY 10003

Re: Reminder Notice: Site Management Periodic Review Report and IC/EC Certification Submittal

Site Name: 23-01 42nd Road

Site No.: C241152

Site Address: 23-01 42nd Road
Long Island City, NY 11101

Dear Ned White:

This letter serves as a reminder that sites in active Site Management (SM) require the submittal of a periodic progress report. This report, referred to as the Periodic Review Report (PRR), must document the implementation of, and compliance with, site specific SM requirements. Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* (available online at <http://www.dec.ny.gov/regulations/67386.html>) provides guidance regarding the information that must be included in the PRR. Further, if the site is comprised of multiple parcels, then you as the Certifying Party must arrange to submit one PRR for all parcels that comprise the site. The PRR must be received by the Department no later than **March 21, 2018**. Guidance on the content of a PRR is enclosed.

Site Management is defined in regulation (6 NYCRR 375-1.2(at)) and in Chapter 6 of DER-10. Depending on when the remedial program for your site was completed, SM may be governed by multiple documents (e.g., Operation, Maintenance, and Monitoring Plan; Soil Management Plan) or one comprehensive Site Management Plan.

A Site Management Plan (SMP) may contain one or all of the following elements, as applicable to the site: a plan to maintain institutional controls and/or engineering controls ("IC/EC Plan"); a plan for monitoring the performance and effectiveness of the selected remedy ("Monitoring Plan"); and/or a plan for the operation and maintenance of the selected remedy ("O&M Plan"). Additionally, the technical requirements for SM are stated in the decision document (e.g., Record of Decision) and, in some cases, the legal agreement directing the remediation of the site (e.g., order on consent, voluntary agreement, etc.).

When you submit the PRR (by the due date above), include the enclosed forms documenting that all SM requirements are being met. The Institutional Controls (ICs) portion of the form (Box 6) must be signed by you or your designated representative. The Engineering Controls (ECs) portion of the form (Box 7) must be signed by a Qualified Environmental Professional (QEP). If you cannot certify that all SM requirements are being met, you must submit a Corrective Measures Work Plan that identifies the actions to be taken to restore compliance. The work plan must include a schedule to be approved by the Department. The Periodic Review process will not be considered complete until all necessary corrective measures are completed and all required controls are certified. Instructions for completing the certifications are enclosed.



Department of
Environmental
Conservation

All site-related documents and data, including the PRR, are to be submitted in electronic format to the Department of Environmental Conservation. The Department will not approve the PRR unless all documents and data generated in support of that report have been submitted in accordance with the electronic submissions protocol. In addition, the certification forms are required to be submitted in both paper and electronic formats.

Information on the format of the data submissions can be found at:
<http://www.dec.ny.gov/regulations/2586.html>

The signed certification forms should be sent to Ronnie Lee, Project Manager, at the following address:

New York State Department of Environmental Conservation
Division of Environmental Remediation, BURB
625 Broadway
Albany, NY 12233-7016

Phone number: 518-402-9615. E-mail: ronnie.lee@dec.ny.gov

The contact information above is also provided so that you may notify the project manager about upcoming inspections, or for any other questions or concerns that may arise in regard to the site.

Enclosures

PRR General Guidance
Certification Form Instructions
Certification Forms

cc: w/ enclosures

Ronnie Lee, Project Manager
Jonathan Greco, Section Chief
Jane O'Connell, Hazardous Waste Remediation Engineer, Region 2

Enclosure 1

Certification Instructions

I. Verification of Site Details (Box 1 and Box 2):

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)

1.1.1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party should petition the Department separately to request approval to remove the control.

2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.

3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **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 completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 6 and Box 7):

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.
- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.



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



Site Details

Box 1

Site No. **C241152**

Site Name 23-01 42nd Road

Site Address: 23-01 42nd Road Zip Code: 11101
City/Town: Long Island City
County: Queens
Site Acreage: 0.3

Reporting Period: February 19, 2017 to February 19, 2018

YES NO

1. Is the information above correct?

☒ ☐

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?

☐ ☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐ ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☒ ☐

If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development?

☐ ☒

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?
Restricted-Residential, Commercial, and Industrial

☒ ☐

7. Are all ICs/ECs in place and functioning as designed?

☒ ☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C241152**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**425-1**

QPS 23-10 Development LLC

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Site Management Plan
IC/EC Plan

O&M Plan

The institutional control is in the form of an Environmental Easement for the controlled property that:

- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allows the use and development of the controlled property for restricted residential, commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH; and
- requires compliance with the Department-approved Site Management Plan.

Box 4**Description of Engineering Controls**ParcelEngineering Control**425-1**

Vapor Mitigation
Cover System

The engineering controls include:

1. A cover system consisting of either of the structures such as building, pavement, sidewalks comprising the site development or a soil cover in areas where the upper two feet of exposed surface soil exceeded the applicable Soil Cleanup Objectives (SCOs). Where the soil cover was required it is a minimum of two feet of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for restricted residential use. The soil cover was placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetation layer.
2. Operation of a sub-slab depressurization system to prevent the migration of vapors into the building from the subsurface.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO



2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO



**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C241152

Box 6

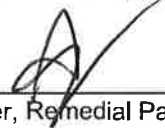
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Ned White at 111 Fifth Avenue, Floor 6, New York, NY 10003,
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.



Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

3/26/18
Date

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Jason Hayes at Langan Engineering, Environmental, Surveying, and Landscape Architecture, D.P.C.
360 West 31st Street, New York, NY 10001
print name print business address

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


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



Stamp
(Required for PE)

Date

8/21/2018

Enclosure 3
Periodic Review Report (PRR) General Guidance

- I. Executive Summary: (1/2-page or less)
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
 - 1. progress made during the reporting period toward meeting the remedial objectives for the site
 - 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - C. Compliance
 - 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
 - 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 - 1. recommend whether any changes to the SMP are needed
 - 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 - 3. recommend whether the requirements for discontinuing site management have been met.
- II. Site Overview (one page or less)
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.
- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.
- IV. IC/EC Plan Compliance Report (if applicable)
 - A. IC/EC Requirements and Compliance
 - 1. Describe each control, its objective, and how performance of the control is evaluated.
 - 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 - 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 - 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
 - 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
- V. Monitoring Plan Compliance Report (if applicable)
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
 - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
 - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated

the ability of each component of the remedy subject to O&M requirements to perform as designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
 - 1. whether all requirements of each plan were met during the reporting period
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.



Work Permit Department of Buildings

Permit Number: 421585038-01-EW-OT

Issued: 01/18/2018

Expires: 06/30/2018

Address: QUEENS

42-20 24TH STREET

Issued to: KEVIN MALONEY

Business: PMG CONSTRUCTION GROUP LL

Contractor No: GC-613447

Description of Work: CONCRETE WORK NOT AUTHORIZED - CONCRETE PLACEMENT,
FORMWORK, STEEL REINFORCING NOT PERMITTED.

ALTERATION TYPE 2 - GEN. CONSTR. CAR LIFT INSTALLATION



Review is requested under Building Code: 2008

SITE FILL: NOT APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

A handwritten signature in black ink, likely belonging to the Borough Commissioner.

Commissioner of Buildings:

A handwritten signature in black ink, likely belonging to the Commissioner of Buildings.

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

01 03/20/2018



Work Permit Department of Buildings

Permit Number: 421585038-02-EW-MH

Issued: 01/18/2018

Expires: 06/30/2018

Address: QUEENS

42-20 24TH STREET

Issued to: KEVIN MALONEY

Business: PMG CONSTRUCTION GROUP LL

Contractor No: GC-613447

Description of Work:

ALTERATION TYPE 2 - MECH/HVAC MECHANICAL AND PLUMBING WORK AS SHOWN ON PLANS FILED HERewith.



Review is requested under Building Code: 2008

SITE FILL: NOT APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

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Commissioner of Buildings:

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01 03/20/2018



Work Permit Department of Buildings

Permit Number: 421585038-02-PL

Issued: 02/06/2018

Expires: 02/06/2019

Address: QUEENS

42-20 24TH STREET

Issued to: FRANK SBEGLIA

Business: COPPER SERVICES, LLC

License No: MP-789

Description of Work:

PLUMBING - ALTERATION TYPE 2 MECHANICAL AND PLUMBING WORK AS SHOWN ON PLANS FILED HEREWITH.



Review is requested under Building Code: 2008

SITE FILL: NOT APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

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Commissioner of Buildings:

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01 03/20/2018



Work Permit Department of Buildings

Permit Number: 421585038-03-EW-OT

Issued: 01/18/2018

Expires: 06/30/2018

Address: QUEENS

42-20 24TH STREET

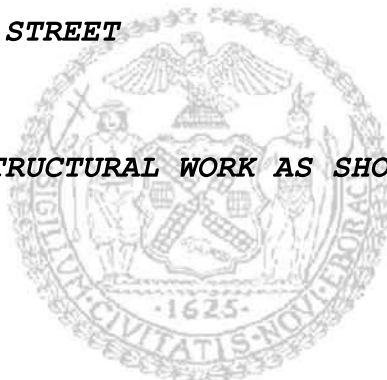
Issued to: KEVIN MALONEY

Business: PMG CONSTRUCTION GROUP LL

Contractor No: GC-613447

Description of Work:

ALTERATION TYPE 2 - STRUCTURAL STRUCTURAL WORK AS SHOWN ON PLANS FILED HEREWITH.



Review is requested under Building Code: 2008

SITE FILL: NOT APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

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Commissioner of Buildings:

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Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

01 03/20/2018



Work Permit Department of Buildings

Permit Number: 421585458-01-EW-SP

Issued: 02/23/2018

Expires: 02/23/2019

Address: QUEENS

42-20 24TH STREET

Issued to: FRANK F SBEGLIA

Business: COPPER SERVICES LLC

License No: FS-1008

Description of Work:

ALTERATION TYPE 2 - SPRINKLER SPRINKLER MODIFICATION FOR CAR LIFT INSTALLATION



Review is requested under Building Code: 2014

SITE FILL: NOT APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

A handwritten signature in black ink, likely belonging to the Borough Commissioner.

Commissioner of Buildings:

A handwritten signature in black ink, likely belonging to the Commissioner of Buildings.

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

01 03/20/2018